

BZA 20-67 - Nolan Jones requests Ex-ception to permit expansion of a re-sidence in "F" on the west side of Wabash in an area north of 17th St.

Prisosp
6-23-67

ACTION

DATE *7-25-67*
By *Box* COMMITTEE *Approved*

M.A.P.C. _____

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

August 10, 1967

Mr. Paul L. Gray
1220 Union National Bldg.
Wichita, Kansas 67202

Dear Mr. Gray:

Re: Case No. BZA 20-67 - Request for
exception to the Zoning Ordinance
to permit expansion of a residence
in an "F" Heavy Industrial zone

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 25, 1967, in connection with your application for an exception to the Zoning Ordinance to permit expansion of a residence in an "F" Heavy Industrial zone generally located on the west side of Wabash in an area north of 17th Street. This Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkq

Attachment

cc: Ralph Eberly, City Clerk
Glen Lytle, Superintendent of Central Inspection
Nolan Jones, 1819 Wabash, Wichita

RESOLUTION NO. BZA 20-67

WHEREAS, Nolan Jones, 1617 East 9th, Wichita, by Paul L. Gray, 1220 Union National Building, Wichita, Kansas, requests an exception as provided in Section 2.12.590.3, Code of the City of Wichita, to permit the expansion of a residence up to 40% of the existing floor area on property zoned "F" Heavy Industrial and legally described as follows:

Lots 29 and 31, on Wabash Avenue, in Graham's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Wabash north of 17th Street.

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, 1967, 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 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the Board determined that a hardship does exist inasmuch as the applicant is required to move since his present property is to be condemned, and the applicant has a large family for which the existing dwelling is too small and that the applicant is financially unable to purchase a larger dwelling; and

WHEREAS, the Board of Zoning Appeals has authority to permit the expansion of a residence up to 40% of the existing floor area on property zoned "F" Heavy Industrial subject to the conditions outlined in Section 28.04.170.3, 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 approved for expansion of the existing residence up to 40% of the existing floor area on property zoned "F" Heavy Industrial and legally described as follows:

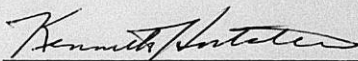
Lots 29 and 31, on Wabash Avenue, in Graham's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Wabash north of 17th Street.

subject to the following:


1. Any additions or enlargements to the dwelling shall maintain all setbacks required by ordinance.
2. The proposed expansion of the dwelling shall not exceed 40% of the existing floor area of the present structure on the site.

3. Whenever the time limit for the non-conforming use status of the original building terminates, the non-conforming use status of the expansion or enlargement shall also terminate.

ADOPTED AT WICHITA, KANSAS, this 25th day of July, 1967.


Kenneth Hartstein, Chairman

ATTEST:


Ronald N. Williamson
Assistant Secretary

July 26, 1967

Mr. Paul L. Gray
1220 Union National Building
Wichita, Kansas 67202

Dear Mr. Gray:

Re: Case No. BZA 20-67 - Request for
exception to the Zoning Ordinance
to permit expansion of a residence
in an "F" Heavy Industrial zone.

At the regular meeting of the Board of Zoning Appeals on July 25, 1967, your request for an exception to permit the expansion of a residence up to 40% of the existing floor area on property zoned "F" Heavy Industrial and located on the west side of Wabash in an area north of 17th Street, was considered.

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

1. Any additions or enlargements to the dwelling shall maintain all setbacks required by ordinance.
2. The proposed expansion of the dwelling shall not exceed 40% of the existing floor area of the present structure on the site.
3. Whenever the time limit for the non-conforming use status of the original building terminates, the non-conforming use status of the expansion or enlargement shall also terminate.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the Chairman and Secretary of the Board have signed it. If you have any questions, please call.

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkj
cc: Ralph Eberly, City Clerk
Glen Lytle, Superintendent of Central Inspection
Nolan Jones, 1819 Wabash, Wichita

SECRETARY'S REPORT

CASE NO. BZA 20-67

APPLICANT: Nolan Jones, 1617 East 9th, Wichita

AGENT: Paul L. Gray, 1220 Union National Building, Wichita, Kansas

REQUEST: Exception pursuant to Section 28.04.170.3, Code of the City of Wichita to permit the expansion of a residence up to 40% of the existing floor area.

GENERAL LOCATION: West side of Wabash in an area north of 17th Street

LAND USE: Subject property and that to the south is single family, to the north is vacant, to the east is single family and machine shop, to the west is a building materials storage yard

ZONING: Subject property and all surrounding zoning is "F" Heavy Industrial

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.3, Code of the City of Wichita. The Board may grant the exception to permit the expansion of the dwelling up to 40% of the existing floor area of the residential structure on the site when a hardship can be found to exist.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to permit a 40% expansion of an existing residential structure located in an "F" Heavy Industrial District. The Board must find that a hardship exists in order to grant the exception to permit the expansion.

The applicant points out in his statement of justification that the residence in which he is presently living is to be condemned for the Canal Route and, therefore, he will be required to move in the very near future. The applicant does own the property in question, however, the residence on the site is too small for the size of his family. The home on subject property has only 576 square feet of existing floor area, and it is also pointed out in his statement that the applicant is not financially able to purchase another piece of property with a larger dwelling.

July 25, 1967

Attached is a copy of the applicant's statement of justification.

It is the opinion of the Secretary that inasmuch as the applicant is required to move since his property is to be condemned, the applicant has a large family for which the existing dwelling is too small and that the applicant is financially unable to purchase a larger dwelling, there is sufficient justification that hardship exists in this application.

The single family dwelling on subject property consists of 576 square feet, 40% of which is 230 square feet.

Recommendation

It is the opinion of the Secretary that a hardship exists for the reasons outlined above and, therefore, it is recommended that the exception to permit the applicant to expand his dwelling be granted subject to the following conditions:

1. Any additions or enlargements to the dwelling shall maintain all setbacks required by ordinance.
2. The proposed expansion of the dwelling shall not exceed 40% of the existing floor area of the present structure on the site.
3. Whenever the time limit for the non-conforming use status of the original building terminates, the non-conforming use status of the expansion or enlargement shall also terminate.

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

July 7, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 20-67

An application has been filed by Nolan Jones, 1617 East 9th, Wichita, by Paul L. Gray, 1220 Union National Building, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting an exception to permit the expansion of a residence up to 40% of the existing floor area on property zoned "F" Heavy Industrial and legally described as follows:

Lots 29 and 31, on Wabash Avenue, in Braham's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Wabash north of 17th Street.

This application has been assigned Case No. BZA 20-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1967, at 1:30 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

APPLICATION FOR EXCEPTION

- I. Name of Applicant Nolan Jones
 Mailing Address 1617 E. 9th Phone AM 5 6954
 Name of Authorized Agent N/A Paul L Gray
 Mailing Address 1320 Hiram National Bldg Phone AM 4-3032
 Relationship of applicant to property is that of OWNER
 (owner, tenant, lessee, other).

- II. Application is made for an exception as provided in Section
28.04.170.3, Code of the City of Wichita, Kansas
 (Zoning Ordinance); to permit the ~~installation or construction~~ ^{Expansion}
 of a residence 40% of existing floor
area on property zoned
"F", located 1819 Wabash west side of
Wabash north of 17th St. and legally described as:
Lots twenty-nine (29) and thirty-one (31) on WABASH AVENUE,
GRAHAM'S ADDITION to the City, in the City of Wichita,
 Sedgewick County, Kansas.
 (Give metes and bounds description below if appropriate).

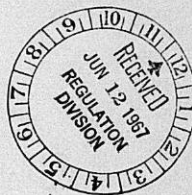
- III. The applicant herein, or his authorized agent:
- Acknowledges receipt of an instruction sheet relating to this application for an exception.
 - Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
 - Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant Nolan Jones
 Authorized Agent PAUL GRAY

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 11:45 (a.m.) - p.m.), June 12, 1967, together with appropriate fee of \$50.00.

Signed John Hiest
 by K. Galloway

PAUL L. GRAY
Attorney at Law
SUITE 1220
UNION NATIONAL BUILDING
BROADWAY AT DOUGLAS
WICHITA, KANSAS 67202



June 9, 1967

To Whom It May Concern:

On behalf of Mr. and Mrs. Nolan Jones of 1857 N. Wabash, Wichita, Kansas, the following statement is made to point up their need for more square feet in living area at 1819 N. Wabash, Wichita, Kansas.

Mr. and Mrs. Jones have five children; two boys, 18 and 17, three girls, 16, 5, and 2, respectively.

The building on 1819 N. Wabash is 16 feet wide and 36 feet long. In order to approximate near adequate living space for seven people, the Jones' would need in the area, at least, 50 feet in length, and 40 feet in width. Such an area would provide the Jones' with approximately three bedrooms, one bath, a livingroom, a kitchen and a small utility area.

The present residence of Mr. and Mrs. Jones is in the area subject to condemnation for the canal route in Wichita. The Jones' expect to be dispossessed at an early date. The price offered by the City Authorities for the home of Mr. and Mrs. Jones has been rejected as being several thousand dollars less than the real value of their home.

It would be insanitary, inhuman and a violation of all codes for decent housing standards in living area for the Jones' to be required to live in the property at 1819 N. Wabash as it is presently constructed and with its living area.

PHONE AM 4-3032

PAUL L. GRAY
Attorney at Law
SUITE 1220
UNION NATIONAL BUILDING
BROADWAY AT DOUGLAS
WICHITA, KANSAS 67202

The Jones' are not financially able to purchase
the property in other areas that would be suitable
and adequate for the housing of their family.

*Request pursuant to section 28.04.17D.3, Code
of City Wichita, Kansas.*

Respectfully yours,

Paul L. Gray
Paul L. Gray

PLG:st

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
S 20' of 25 all of 27	Ohio Street	Graham's Addition	X E. T. Chism Address unknown <i>none found</i>
29 & 31	"	"	✓ Ben Martin Jr. and Delois Martin 811 N. Madison 67214
33 & 35	"	"	✓ Lewis C. Holloway and Bonnie Holloway 1813 Ohio 67214
14 & 16	Wabash Ave.	"	✓ A. D. Griffin and Earnestine Griffin 1842 Wabash 67214
18 & 20	"	"	X Etta Walker Address unknown <i>none found</i>
22 & 24	"	"	✓ Zebedeé B. Phillips and Bernadine Phillips 1828 Wabash 67214
26 & 28	"	"	✓ J. E. Hogan and Mamie Hogan 1826 Wabash 67214
30 & 32	"	"	✓ Rogers Noble and Georgia Noble 1822 Wabash 67214
34, 36, 38 & 40	"	"	✓ Arnold J. Lambertz and Lois V. Lambertz 738 Barlow 67207
42, 44, 46 & 48	"	"	X Thomas Shannon Address unknown <i>none found</i>
13 & 15	"	"	✓ Eugene Jackson and Viola Jackson 1845 Wabash 67214
17, 19, 21 23, 25 & 27	"	"	✓ Della Fulcher 1846 Wabash 67214
29 & 31	"	"	✓ Nolan Jones and Frances Jones 1617 E. 9th St. 67214
33, 35, 37 & 39	"	"	✓ Brist L. McConnico and Mary McConnico 1815 Wabash 67214
E 103' of 41 & E. 103' of N 3' of 43	"	" 1811 Wabash	67214 Helen Alford, 1812 Wabash Willie D. Alford, 1524 E. 15th St., Amos Alford, 1019 Platt and Eugene Alford, Address unknown X <i>none found</i>

Continued page 2

Lot	Street	Addition	Property Owner
E 103' of N 22' of 43 & E. 103' of 45	Wabash Ave.	Graham Addition	Ocie Winn and Alice Winn 1022 E. 17th St. 67214
W 29' of lots 41, 43, 45 & 47	"	"	Isaiah Collins and Beatrice Collins 1841 N. Estelle 67214
14, 16, 18 20, 22 & 24	Washington Ave.	"	R. & A. Maintenance Co., Inc. 1840 N. Washington 67214
26, 28, 30, 32, 34, 36, 38 & N 12½' of 40	"	"	Asphalt Paving, Inc. 1820 N. Mosley 67214
S½ of 40, all 42, 44, 46 & 48	"	"	Charles Jabara and Emmalene Jabara 2325 W. 13th St. 67203

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 the following described property to-wit:

Lots 29 and 31, on Wabash Avenue, in Graham's Addition to the City of 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 June, 1967 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Curtis Simmons
Vice-President

Order No. 144004

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.	Plbk Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
BZA Caption	\$50 ⁰⁰

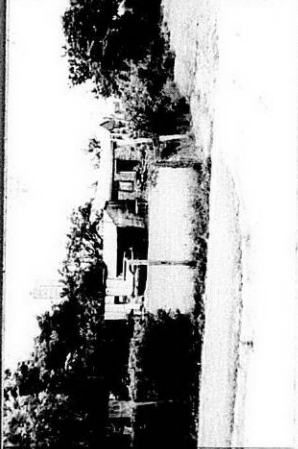
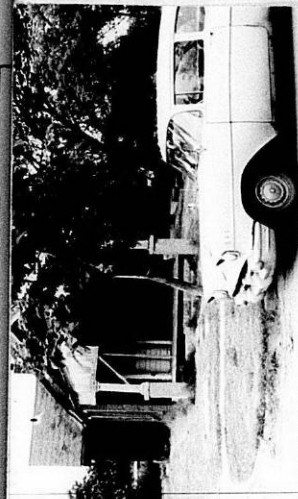
Name: Nolan Jones
Address: 1617 E. 9th
Type: R-71-C Due Date:
Comments:

Date: 6-12-67 By: K. Galloway

Map No. 55
 Sec. _____
 Twp. _____
 Range _____

- AREA DATA:
 1. Acres: _____
 2. Adjoining _____
 3. Land Use: _____
 4. Sketch Pl _____
 5. Present L _____
 6. Area (is) _____

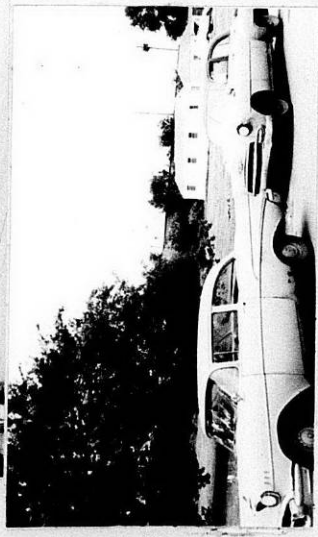
PHOTO DATA:
 Taken by _____



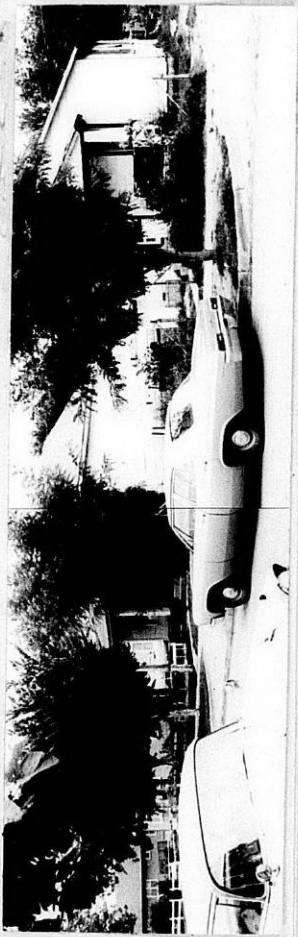
4



3



2



1

002989

Map No. 5549
Sec. _____
Twp. _____
Range _____

BZA 20-67
SCZ- _____
CU- _____
Filed _____

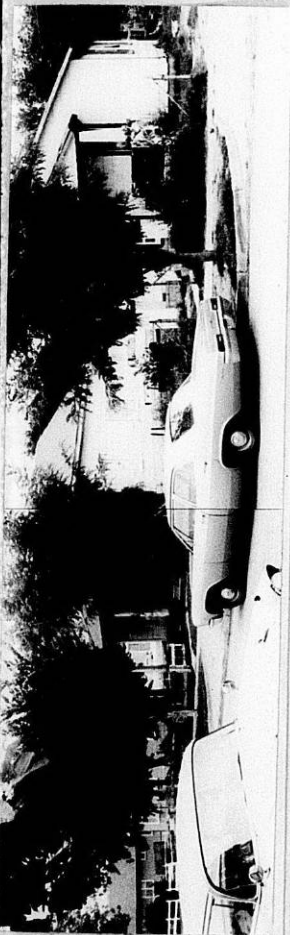
1819 WABASH

AREA DATA:

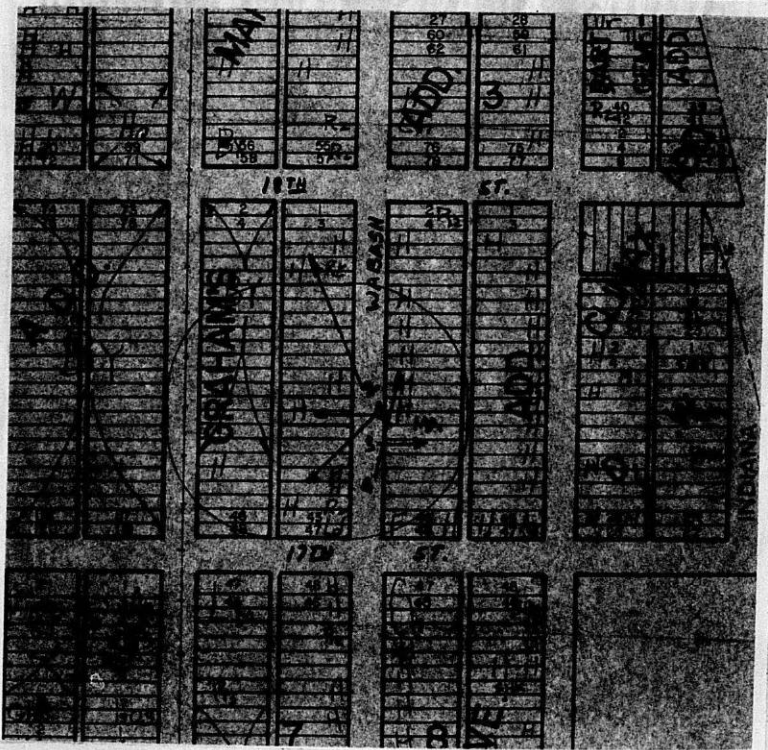
1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East Single family & Machine Shop South Vacant
West Child's supply yard North Single family
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted. _____

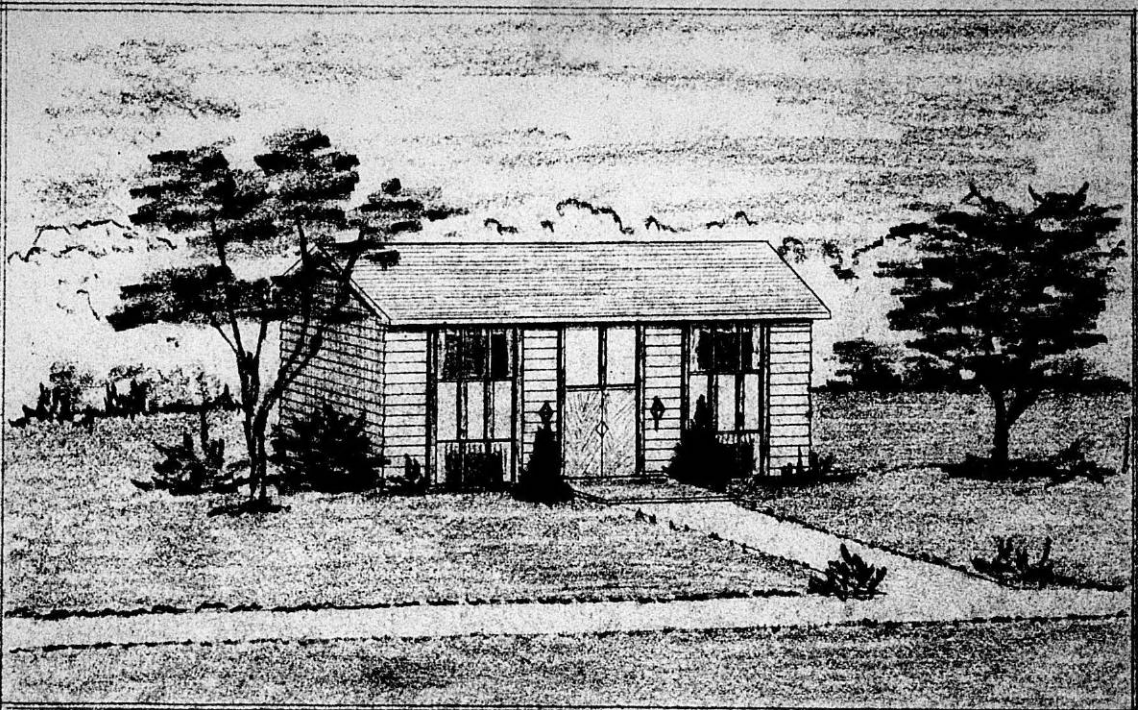
PHOTO DATA:

Taken by _____ Date _____ Time _____

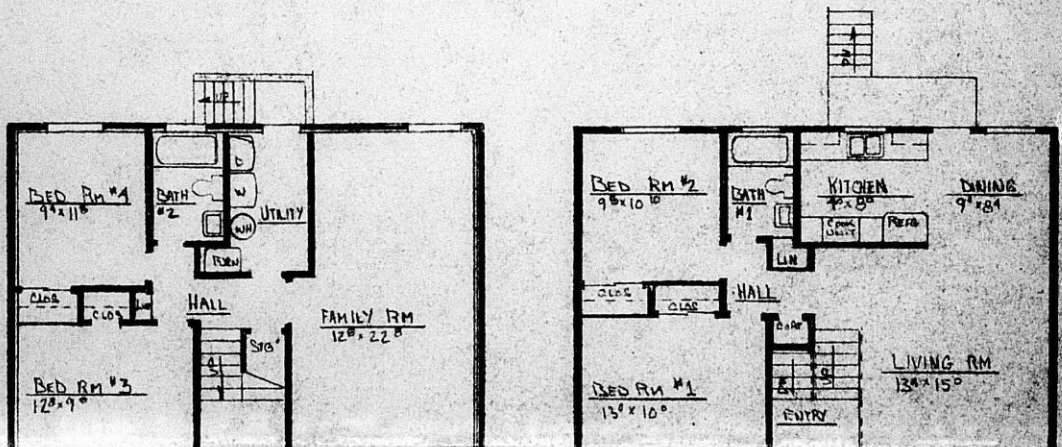


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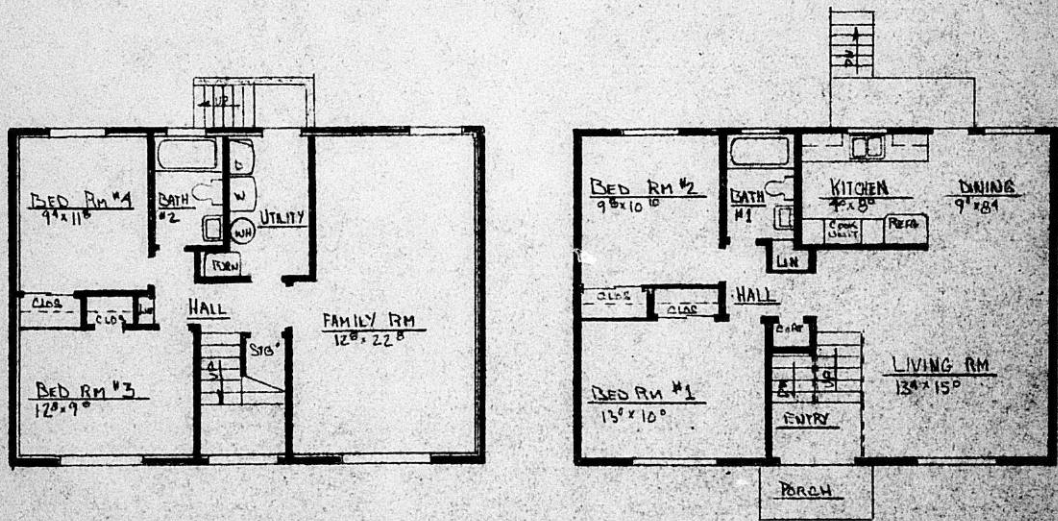


JOHN. H. TASSETT. ARCHITECTURAL DESIGNER, -207 N. PERSHING - WICHITA, KANSAS





JOHN. H. TASSETT. -- ARCHITECTURAL DESIGNER -- 207 N. PERSHING -- WICHITA, KANSAS



SKETCH 1956