

BZA 20-69 - Walter Minnick requests variance to reduce the req'd minimum lot area from 6000 sq.ft. to 5460, reduce the req'd fr. yd. setback on the east from 25 ft. to 22 ft. and reduce

POSTED
8-14-69

ACTION

COMMITTEE Approves DATE 9-23-69
M.A.P.C. _____
B.C.C./B. CO. C. _____

POSTED
C ZML
P ZML
9/23/69

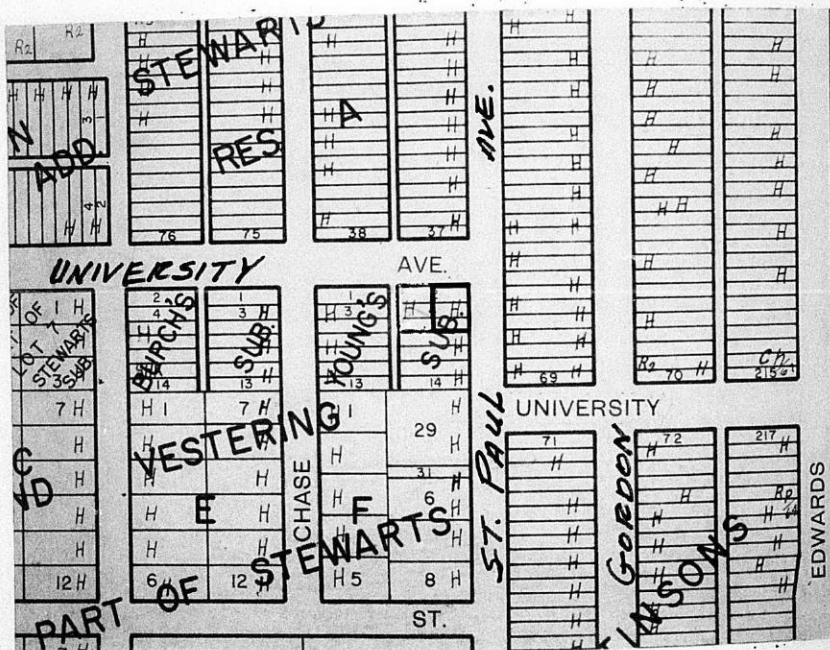
346

Map No. 5246
Sec. 25
Twp. 27
Range 1W

BZA 20-69
SCZ- _____
CU- _____
Filed _____

- AREA DATA:
1. Acres: 0.12 (65 ft. by 95 ft.)
 2. Adjoining Zoning: E AA S AA W AA N AA
 3. Land Use: East SINGLE FAM South SINGLE FAM
West SINGLE FAM North SINGLE FAM
 4. Sketch Plan Land Use is for: RESIDENTIAL
 5. Present Land Use is for: SINGLE FAM
 6. Area (is) (is not) platted.

PHOTO DATA:
Taken by _____ Date _____ Time _____



RESOLUTION NO. BZA 20-69

WHEREAS, Walter J. Minnick, Jr., 3017 University, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required minimum lot area from 6,000 square feet to 5,460 square feet; AND to reduce the front yard setback on the east from 25 feet to 22 feet; AND to reduce the rear yard setback on the west from 20 feet to 6 feet, on property zoned "AA" Single-family, and legally described as:

The East 65 feet of Lots 2, 4, and 6, Young's Subdivision of Lot 27, Stewart's Subdivision in NE $\frac{1}{4}$ of Section 25, Township 27, Range 1 East, in the City of Wichita, Sedgwick County, Kansas, (generally located on the southwest corner of University and St. Paul), 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, at the meeting of September 23, 1969, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for variances 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 variances arise 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 is somewhat of a unique situation as the existing house is located in an older part of town in which nonconforming lot areas and setbacks are not uncommon due to construction of the buildings prior to existing requirements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variances will not adversely affect the rights of adjacent property owners or residents inasmuch as the proposed addition will be approximately 22 feet from the south property line and approximately 31 feet from the west property line, and will not extend nearer to either street than the existing facility; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28, of which variances are requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as the existing structure has been nonconforming for years and the applicant desires only to expand the facility so as to provide better living conditions for his family; and

WHEREAS, the Board of Zoning Appeals has found that the variances desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as the addition to the existing structure will not reduce the vision triangle at the intersection which presently exists; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variances desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance) in that the same setbacks and lot area will be maintained that presently exists; 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;

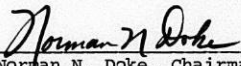
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the request for variance of the minimum lot area; to reduce the front yard setback on the east, and to reduce the rear yard setback on the west, on property zoned "AA" Single-family, and legally described as:

The East 65 feet of Lots 2, 4, and 6, Young's Subdivision of Lot 27, Stewart's Subdivision in the NE $\frac{1}{4}$ of Section 25, Township 27, Range 1 East, in the City of Wichita, Sedgwick County, Kansas (generally located on the southwest corner of University and St. Paul),

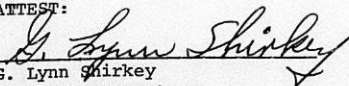
be approved as follows:

1. A variance be granted to reduce the required lot area from 6,000 square feet to 5,460 square feet;
2. A variance be granted to reduce the rear yard setback from 20 feet to 6 feet for only that portion presently in violation; and
3. A variance be granted to reduce the front yard setback from 25 feet to 22 feet, except for the north 20 feet and the south 15 feet.

ADOPTED AT WICHITA, KANSAS, this 23rd day of September, 1969.


Norman N. Doke, Chairman

ATTEST:


G. Lynn Shirkey
Assistant Secretary

October 6, 1969

Mr. Walter J. Minnick, Jr.
3017 University
Wichita, Kansas 67213

Dear Mr. Minnick:

Re: Case NO, BZA 20-69
Request for variances

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 23, 1969, in connection with your request for variances of the lot area, and front and rear yard setbacks, on property zoned "AA" Single-family and generally located at the southwest corner of University and St. Paul.

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

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

Sincerely,

G. Lynn Shirkey
Assistant Secretary

GLS:ber
Enclosure

cc: Robert Feldner, Superintendent
of Central Inspection

Ralph Eberly
City Clerk

September 24, 1969

Mr. Walter J. Minnick, Jr.
3017 University
Wichita, Kansas 67213

Dear Mr. Minnick:

Subject: Case No. BZA 20-69 -
Request for variances

At the regular meeting of the Board of Zoning Appeals on September 23, 1969, your request for variance of the lot area, front yard setback and rear yard setback on property located at the southwest corner of University and St. Paul was considered. It was the action of the Board to approve your requests as follows:

Variance granted to reduce the required lot area from 6,000 square feet to 5,460 square feet;

variance granted to reduce the required rear yard setback from 20 feet to 6 feet for only that portion presently in violation; and

variance granted to reduce the front yard setback from 25 feet to 22 feet, except for the north 20 feet and the south 15 feet.

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 Assistant Secretary have been obtained.

If you have any questions, please call our office.

Sincerely,

G. Lynn Shirkey
G. Lynn Shirkey
Assistant Secretary

GLS:br

cc: Robert Feldner, Superintendent of Central Inspection

Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 20-69

APPLICANT: Walter J. Minnick, Jr., 3017 University

REQUEST: Variance to reduce the required minimum lot area from 6,000 square feet to 5,460 square feet, and to reduce the front yard setback on the east from 25 feet to 22 feet, and to reduce the rear yard setback on the west from 20 feet to 6 feet.

GENERAL LOCATION: Southwest corner of University and St. Paul

LAND USE: Subject property is occupied by a single-family residence as are all surrounding properties.

ZONING: Subject property is zoned "AA" single-family as are those properties to the north, south, east and west.

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 variance of the minimum lot area required for single-family residences constructed in the "AA" zone from 6,000 square feet to 5,460 square feet. He is also requesting

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Case No. BZA 20-69
September 23, 1969

a variance of the front yard setback on the east from 25 feet to 22 feet, and the required rear yard on the west from 20 feet to 6 feet. The existing residence, which is nonconforming because of the lot area and front and rear yard requirements, is in an older part of town and was constructed prior to the existing lot area and setback requirements.

The applicant, in his statement of justification, points out that he is requesting these variances in order to add an additional bedroom to the existing structure which is insufficient in size and inadequate for his family. It should be noted that the plot plan submitted with the application indicates the addition will be built onto the south side of the existing house and will leave approximately 23 feet of open space between it and the south property line.

UNIQUENESS

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the existing house is located in an older part of town in which nonconforming lot areas and setbacks are not uncommon due to construction of the buildings prior to existing requirements.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not have an adverse affect on the adjacent property owners or residents inasmuch as the proposed addition will be approximately 22 feet from the south property line and approximately 31 feet from the west property line, and will not extend nearer to either street than the existing facility.

HARDSHIP

It is the opinion of the Secretary that the applicant would be burdened with an unnecessary hardship if the variances are not granted inasmuch as the existing structure has been nonconforming for years and the applicant desires only to expand the facility so as to provide better living conditions for his family.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variances would not affect the public interest inasmuch as the addition to the existing structure will not reduce the vision triangle at the intersection which presently exists.

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September 23, 1969

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of these variances would not be opposed to the general spirit and intent of Title 28 (zoning ordinance) in that the same setbacks and lot area will be maintained that presently exists.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary for the granting of the variances can be found to exist and, therefore, it is recommended that the variance be granted to reduce the required lot area from 6,000 square feet to 5,460 square feet, and that the variance to reduce the rear yard setback from 20 feet to 6 feet be granted for only that portion presently in violation, and further, that the variance to reduce the front yard setback from 25 feet to 22 feet be granted, except for the north 20 feet and the south 15 feet.

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

September 3, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 20-69

An application has been filed by Walter J. Minnick, Jr., 3017 University, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required minimum lot area from 6000 square feet to 5460 square feet, reduce the required front yard setback on the east from 25 feet to 22 feet and reduce the required rear yard setback on the west from 20 feet to 6 feet, on property zoned "AA" Single Family and legally described as follows:

The East 65 feet of Lots 2, 4, and 6, Young's Subdivision of Lot 27, Stewart's Subdivision in NE $\frac{1}{4}$ Sec. 25, Twp. 27, R 1 East, City of Wichita, Kansas. Generally located on the southwest corner of University and St. Paul.

This application has been assigned Case No. BZA 20-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 23, 1969, 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

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. BZA 20-69
FILED 8-13-69

APPLICATION FOR VARIANCE

I. Name of Applicant Walter J. Minnick Jr
Mailing Address 3017 University Phone 274-31929
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other)

II. The variance requested is to add on a
to reduce the required minimum lot area from 6000 square feet
to 5460 square feet, reduce the required front yard setback on
the east from 25 feet to 22 feet and reduce the required rear
yard setback on the west from 20 feet to 6 feet.

for property located lot 3017 University
SW Corner of University and St Paul Ave.

*Use legal
from zoning
list*

and legally described as: East 65 ft of lots 2-4-6
St Paul Ave Young Subdivision
in the City of Wichita; and which is presently zoned "AA".

(Give metes and bounds description below if appropriate):

- 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 appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
 - d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Walter J. Minnick Jr
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals
10:30 (a.m. - p.m.), 8-13, 1969, together with
appropriate fee of \$50.00.

Jack H. Hollerath
Signed so

August 12, 1969

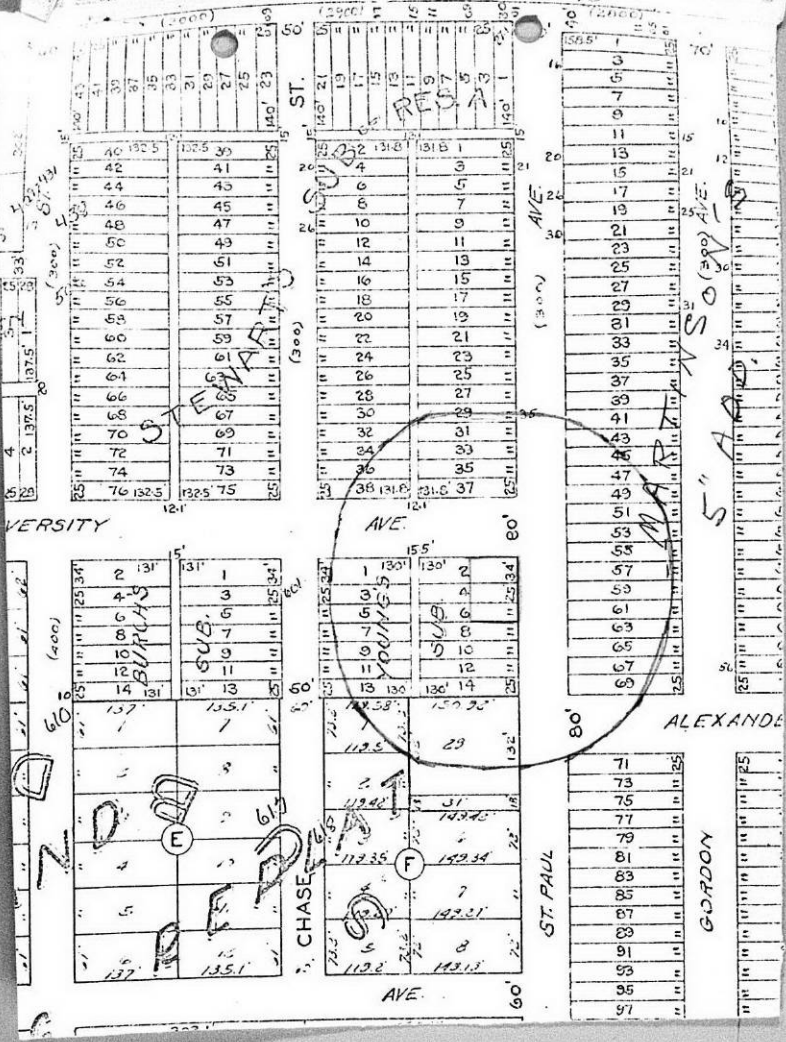
Dear Lois,

The variance requested arises from the condition of owning 5,460 sq ft of property instead of the 6,000 sq ft required.

The granting of the permit will not affect any property owner in any direction. If the permit is not granted it will continue to create the present problem of too many people⁽⁵⁾ in the present two bedroom dwelling.

Granting the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare of any neighbors.

I thank you
Walter J. Minnick Jr.



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 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:

The East 65 ft of Lots 2, 4 & 6, Young's Subdivision of Lot 27, Stewart's Subdivision in NE $\frac{1}{4}$ Sec. 25, Twp. 27, R 1 East. City of Wichita, Kansas.

use for legal


 Fidelity
 Title
 Company,
 inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

LOT	STREET	ADDITION	OWNER
2, 4, 6, (E 65')	St. Paul	<u>YOUNG'S SUB.</u>	Walter J. Minnick, Jr. Evelyn P. Minnick, ux 3017 University Ave. 67213
2, 4, 6, (W 65')	" "		✓ Jack R. & Audrey A. Shank, ux 3021 University Ave. 67213
8 & 10,	" "		✓ George H. & Dortha Jewell, ux 609 S. St. Paul 67213
12 & 14,	" "		✓ Clyde E. & Anna L. Trego, ux 615 S. St. Paul 67213
1, 3, 5,	Chase		✓ Edward O. & Ruby L. Zimmerman 602 Chase St. 67213 ux
7 & 9,	"		✓ William M. & Maxine V. Yates, 604 Chase St. 67213 ux
11 & 13,	"		✓ DeHaven B. Elrod, Jr. Phyllis C. Elrod, ux 608 Chase St. 67213
-			
41 & 43,	Gordon	<u>MARTINSON'S 5th</u>	Doyle & Hazel Crider, ux 519 S. Gordon 67213
45 & 47, exc E 77.8'	"		✓ Clarence P. & Lucille Grett, 524 S. St. Paul 67213 ux
45 & 47, (E 77.8')	"		✗ Clinton R. & Nellie M. Shinn, No Address Available ux



LOT	STREET	ADDITION	OWNER
49, 51 & 53,	Gordon	<u>MARTINSON'S 5th</u>	✓ F. W. Herbert 532 S. St. Paul 67213
55 & 57, exc E 77.7'	"		Alfred Henry Dick ✓ Margaret Ann Dick, ux 540 S. St. Paul 67213
55 & 57 (E 77.7')	"		✓ Lewis Edward Dunn Bessie Mae Dunn, ux 133 N. Meridian 67203
59 & 61, exc E 77.7'	"		✓ Leon Z. & Beulah F. White, 1537 Payne 67203 ux
59 & 61 (E 77.7')	"		✓ Dewey D. & Laura S. Newby, ux 325 S. Arapaho 67209
63 & 65, exc W 55'	"		✓ Charlotte R. Folger 547 S. Gordon 67213
63, 65, 67, 69, (W 55')	"		✓ Maxine & Edgar S. McGuin, vir 1520 W. 13th St. 67203
67 & 69, exc W 55'	"		✓ George E. & Dorothy Whitley, 555 S. Gordon 67213 ux
71 & 73,	"		✓ R. H. Banbury Briggs Hotel, Pratt, Ks.
30 & 32,	Chase	<u>STEWART'S SUB RES A,</u>	✓ Leola M. Johnson, sgle. 929 Beech Ave. 67206
34, 36, 38,	"		✓ Mary E. Goodvin Wanda S. White 524 S. Chase 67213
27 & 29,	St. Paul		Wayne E. Nichols ✓ Margaret Maxine Nichols, ux 541 S. Rait St., Topeka, Ks. 66616
31 & 33,	"	"	✓ Chester I. & Maudie Davis, 4545 S. Walnut 67217 ux
35 & 37,	"	"	✓ Roy M. & Dorothy R. Buller 339 S. St. Paul 67213 ux
1	Blk F	<u>PATE & VESTERING REPLT</u>	✓ Richard R. Esterline Donna J. Esterline, ux 610 Chase 67213
2	Blk F		✓ Kenneth H. Chandler Mina Pearl Chandler, ux 614 Chase 67213
N 50' of Lot 29, St. Paul Ave.,		<u>Stewart's Sub.</u>	✓ Roy & Ethel Mathews, ux 621 S. St. Paul 67213
N 50' of S 82' Lot 29,	"	"	✓ William H. & Virginia Davis 629 S. St. Paul 67213

Dated at Wichita, Kansas this 8th day of
August, 1969 at 7:00 A. M.

By Elvie M. Farrell Sec. OEM

Form 223-221

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

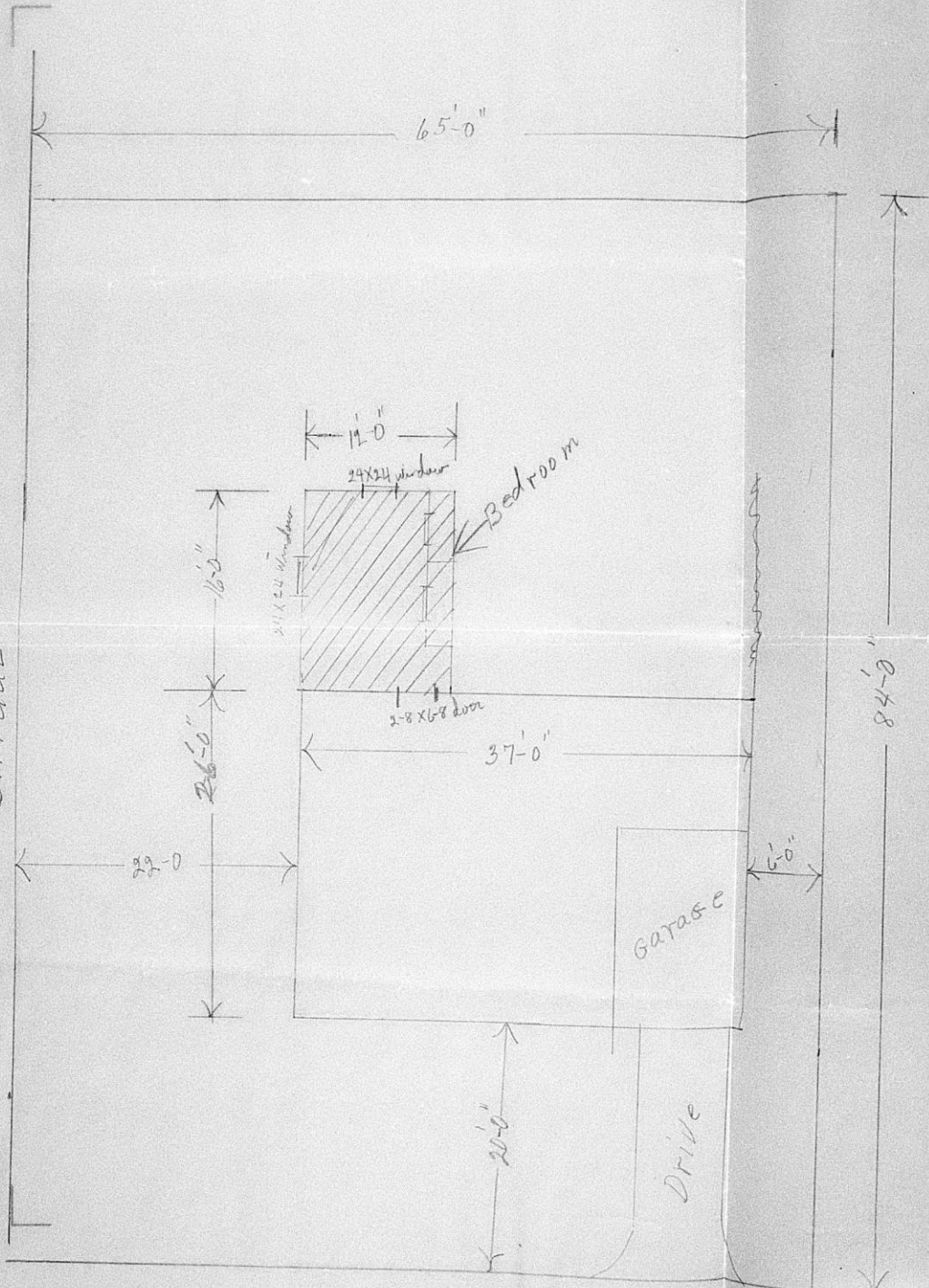
Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>BZA Application</i>	<i>50.00</i>

Name *Halter J. Minick Jr*
Address *3017 University*
Type *R-71-C* Due Date *8-13-69*
Comments:

Date *8-13-69* By *mjp*

St. Paul



65'-0"

84'-0"

12'-0"

24x24 window

Bedroom

16'-0"

24x24 window

2-8x6-8 door

37'-0"

26'-0"

29'-0"

Garage

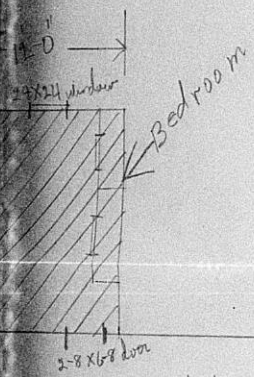
6'-0"

20'-0"

Drive

3017 University

65'-0"



37'-0"

84'-0"

W. J. Minnick
3017 University

Builder
Victor B. Pierce
5402 N. Charles

Garage

6'-0"

Drive

20'-0"

3017 University