

POSTED  
9-6-74

✓  
✓ M.H.F. 200  
C.I. - W.  
11-18-78  
✓

# ACTION

B2A COMMITTEE

DATE

*Appropriate fees  
only taken upon  
shown on the plot plan.*

9-24-74

M.A.P.C.

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

BZA 25-74 - John M. Bowers request  
variance to reduce rear yard set-  
back at northwest corner of St.  
Francis and 11th Street.

Map No. 5548  
 Sec. 16  
 Twp. 27  
 Range 1E

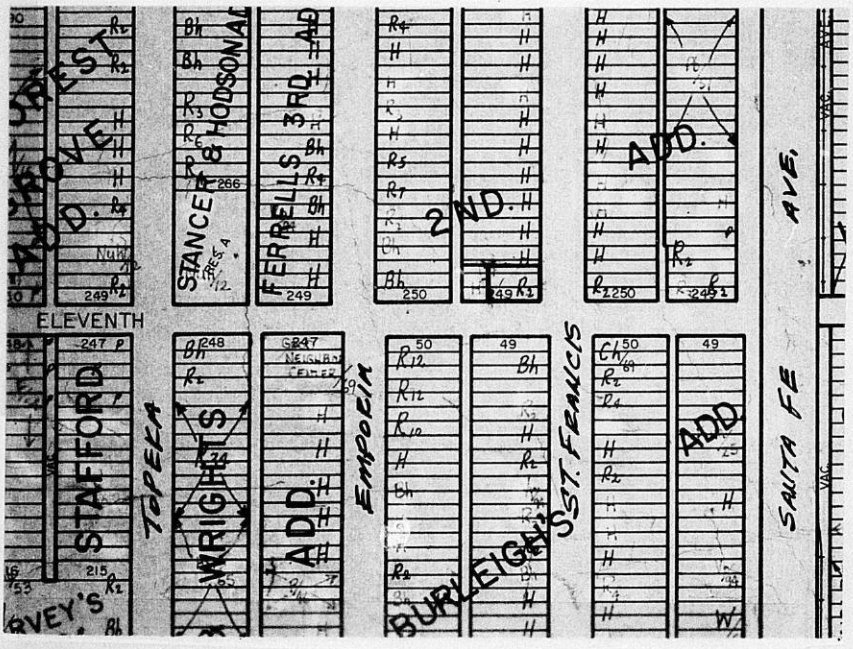
BZA- 25-74  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.13 ( 65 ft. by 90 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East TWO FARM South BOARDING HOUSE  
 West SINGLE FARM North SINGLE FARM
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: TWO FARM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



Need to notify these  
people about the case at  
N. St. Francis & 11th street

↓ Ted Collins, President  
Mid-Town Citizens Association  
1141 N. Market

↓ Georgia Owens  
West Model Cities Council  
1522 N. Jopka

↓ Stan Hendricks  
Dean Smith

BZA 25-74

RESOLUTION NO. BZA 25-74

WHEREAS, John M. Bowers, 1205 North St. Francis, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 15 feet to 8 feet on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

The east 90 feet of Lots 249 and 251 and the south 15 feet of the east 90 feet of Lot 253, on St. Francis Avenue in Ferrell's Second Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of St. Francis and 11th 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 September 24, 1974, 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 subject property is not of sufficient depth to allow for the proposed expansion due to the fact that the rear 50 feet of the platted lots has been previously split off in separate ownership; 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 adjoining property to the west has a 17 foot side yard and that, added to the 8 feet proposed as rear yard on subject property, would provide 25 feet between structures; 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 applicant would be unable to construct an addition to his home that will provide better living conditions for his invalid son; 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 the requested variance is interiorly located; 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 light, air and open space would remain between structures.

Resolution No. BZA 25-74  
Page Two

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 rear yard setback from 15 feet to 8 feet on property zoned the "B" Multiple Family Dwelling District and legally described as:

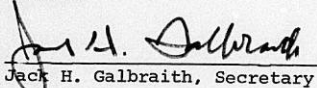
The east 90 feet of Lots 249 and 251 and the south 15 feet of the east 90 feet of Lot 253, on St. Francis Avenue in Ferrell's Second Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of St. Francis and 11th Street.

be approved for only the 22.5 foot portion of the rear yard as proposed on the applicant's plot plan.

ADOPTED AT WICHITA, KANSAS, this 24th day of September, 1974.

  
James Richardson, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

October 4, 1974

John M. Bowers  
1205 North St. Francis  
Wichita, Kansas 67214

Subject: Case No. BZA 25-74  
Request for Variance

Dear Mr. Bowers:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 24, 1974, in connection with your request for a variance to reduce the rear yard setback from 15 ft. to 8 feet, on property zoned the "B" Multiple Family Dwelling District, and generally located on the northwest corner of St. Francis and 11th Street.

This Resolution reflects the official action of the Board to approve 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: Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

September 25, 1974

John M. Bowers  
1205 North St. Francis  
Wichita, Kansas 67214

Subject: Case No. BZA 25-74  
Request for Variance

Dear Mr. Bowers:

At the regular meeting of the Board of Zoning Appeals on September 24, 1974, your request for a variance to reduce the rear yard setback from 15 feet to 8 feet, on property zoned the "B" Multiple Family Dwelling District, and generally located on the northwest corner of St. Francis and 11th Street, was considered.

It was the action of the Board to approve this request for only the 22.5 foot portion of the rear yard as proposed on your plot plan.

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.

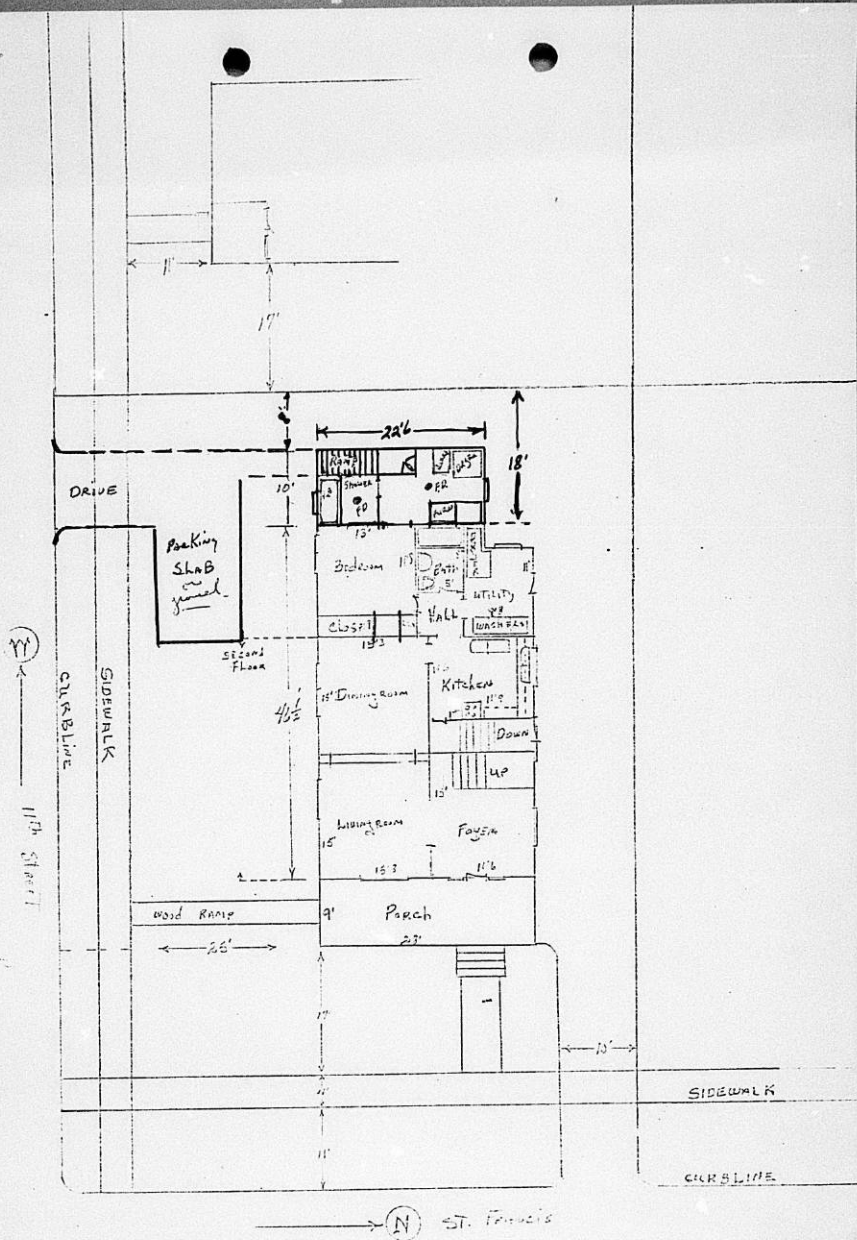
If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:js

cc: Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection



Legal Description -  
 E 90' of LOTS 249-251  
 S. 15' OF EAST 90' OF LOT 253  
 65' x 90'

John Milton Dowe  
 1205 N. ST. FRANCIS  
 Key # B-1101  
 263-2402

SECRETARY'S REPORT

CASE NO. BZA 25-74

APPLICANT: John M. Bowers, 1205 North St. Francis, Wichita, Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 15 feet to 8 feet.

GENERAL LOCATION: Northwest corner of St. Francis and 11th Street.

ZONING: Subject property is zoned the "B" Multiple Family Dwelling District as are all surrounding properties.

LAND USE: Subject property contains a single family residence as do properties to the north, east and west. Property to the south is vacant.

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

Case No. BZA 25-74  
Secretary's Report  
Page Two

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 rear yard setback from 15 feet to 8 feet for the purpose of constructing a 10 x 22½ foot addition to his home. This addition will be utilized as bathroom facilities for an invalid son and will also provide a wheel chair ramp for convenient entrance and exit to and from the home.

The applicant in his statement of justification points out that the existing bathroom facility on the main floor is not of sufficient size to allow for wheelchair entrance and maneuverability. He also states that his son is 98 percent paralyzed and weighs approximately 200 pounds, which makes it extremely difficult for him to be lifted and moved about in the existing facilities.

The applicant has submitted a plot plan which shows the proposed addition being attached to the rear of his home. This addition would extend 10 feet into the existing rear yard, leaving a rear yard of 8 feet. Subject property is located on a corner in an older part of the city. Subject property was originally platted in lots 140 feet in depth, but at some point in time the rear, or west 50 feet was split off in separate ownership and has been developed as a single family residence having frontage on 11th Street. The side yard of that property adjoins the rear yard of subject property.

UNIQUENESS:

It is the opinion of the Secretary that it is difficult to determine if uniqueness exists in this case. However, it may be unique that subject property is not of sufficient depth to allow for the proposed expansion due to the fact that the rear 50 feet of the platted lots has been previously split off in separate ownership.

Case No. BZA 25-74  
Secretary's Report  
Page Three

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance may not adversely affect adjacent property owners inasmuch as the adjoining property to the west has a 17 foot side yard and that, added to the 8 feet proposed as rear yard on subject property, would provide 25 feet between structures.

HARDSHIP:

It is the opinion of the Secretary that the applicant would be burdened with an unnecessary hardship if the variance is not granted inasmuch as the applicant would be unable to construct an addition to his home that will provide better living conditions for his invalid son.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as the request is interiorly located.

SPIRIT AND INTENT:

It is the opinion of the Secretary that if the previous four conditions, necessary to the granting of the variance, can be found to exist the granting of the variance would not be opposed to the spirit and intent of Title 28 (zoning ordinance).

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, it is recommended that the application to reduce the rear yard setback from 15 feet to 8 feet be approved for only the 22½ foot portion of the rear yard as proposed on the applicant's plot plan.

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

September 3, 1974

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 25-74

An application has been filed by John M. Bowers, 1205 North St. Francis, Wichita, Kansas, pursuant to Section 2.12.590.B Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from 15 feet to 8 feet on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

The east 90 feet of Lots 249 and 251 and the south 15 feet of the east 90 feet of Lot 253, on St. Francis Avenue in Ferrell's Second Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of St. Francis and 11th Street.

This application has been assigned Case No. BZA 25-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 24, 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

*21 notices mailed to  
adjoining property owners  
on 9-3-74*

*10 notices mailed to  
maps*

BOARD OF ZONING APPEALS

CASE NO. BZA 25-74

CITY OF WICHITA, KANSAS

FILED 8-22-74

APPLICATION FOR VARIANCE

I. Name of Applicant ✓ John M. Bowers

Mailing Address 1205 North St. Francis <sup>14</sup> Phone 265-5755

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 to change B Zone requirement of fifteen feet (15') for back yard to eight feet (8') back yard to allow an addition ten feet by twenty-two feet, six inches (10'x 22½') to the west side of house.  
for property located at 1205 North St. Francis

and legally described as: E 90' of lots 249-251

S 15' of East 90' of lot 253

(65' x 90')

by and for Ferrell's Third Addn.

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.

John M. Bowers  
Applicant

\_\_\_\_\_  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:05 PM (a.m. - P.M.), 8/22 1974 together with appropriate fee of \$50.00.

Larry Dobson  
Signed

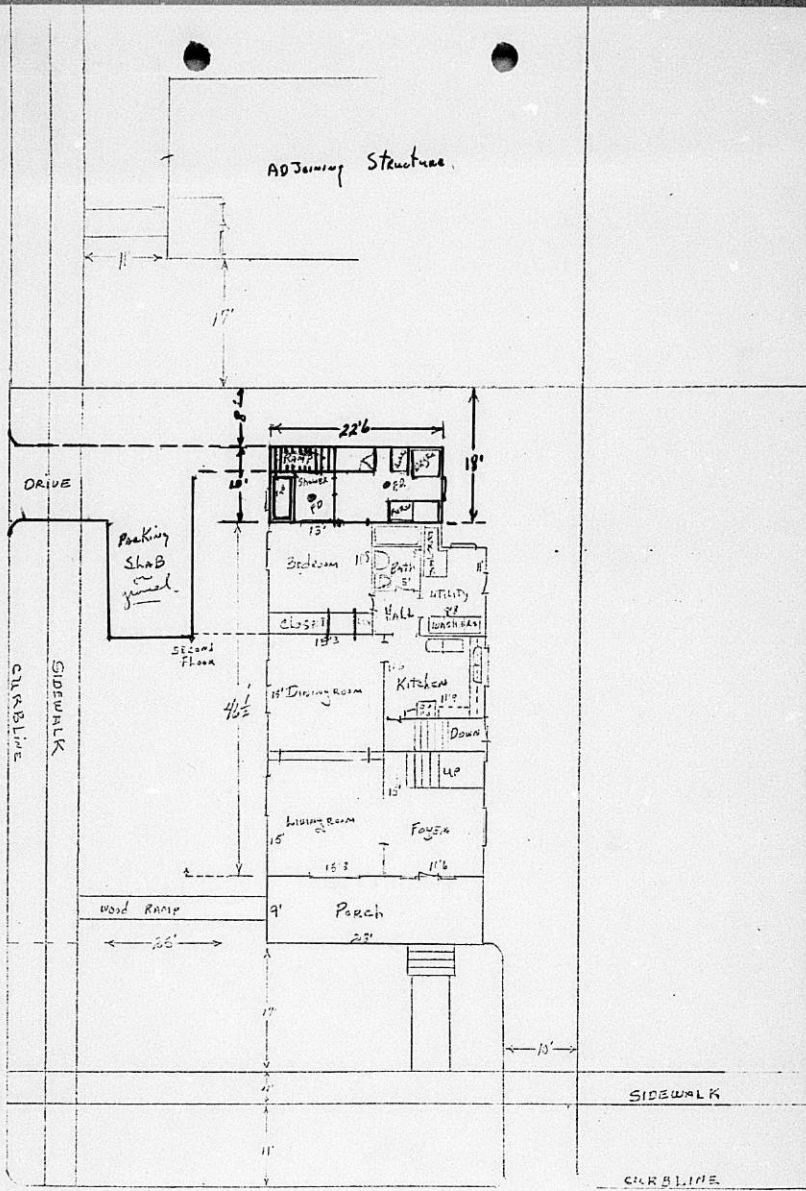
Statement by Applicant  
for Variance

On addition 10' x 22½' to the west side of existing structure is requested to supply bathroom facilities for invalid son, also relocating laundry facilities and furnace room to provide a sleeping room, presently being used as a utility room, which will be close to sons bedroom.

Existing bath room on main floor is not of sufficient size to allow wheel chair entrance and maneuverability.

Son is 19 yrs old and weighs approx 200 lbs and cannot be lifted, as he is 98% paralyzed. A ramp and forking slab is necessary for easier exit from structure. The granting of this variance, to back yard equipment will be used for above stated purposes only and should not cause an adverse effect to neighboring properties, and will be deeply appreciated.

John Milton Bowers



Legal Description -  
 E 90' OF LOTS 249-251  
 S. 15' OF EAST 90' OF LOT 253  
 65' x 90'

John Milton BOWERS  
 1205 No. ST. FRANCIS  
 Key # B-1101  
 263-2402

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
250	Emporia	Ferrell's 2nd Add.	Howard A. MacPherson 319 S. Oliver Wichita, Kansas, 67218
252	"	"	"
S½ 254	"	"	"
N½ of 252	"	"	Willa C. Hawkins 1214 N. Emporia Wichita, Kansas, 67214
256	"	"	"
258	"	"	"
260	"	"	"
262	"	"	"
S 5' 264	"	"	"
N 20' 264	"	"	Roy L. Vickrey & Irene K. Vickrey, 2342 S. Main St. Wichita, Kansas, 67213
266	"	"	"
268	"	"	John W. Steele Address unknown <i>1632 W. Lynn 67207</i>
270	"	"	"
W 50' of 249	St. Francis	"	E. E. Wilkinson & Geneva V. Wilkinson, 1244 N. Emporia Wichita, Kansas, 67214
W 50' 251	"	"	"
W 50' of S. 15' of 253	"	"	"
E 90' 249	"	"	J. Milton Bowers & Lillian E. Bowers, 1205 N. St. Francis Wichita, Kansas, 67214
E 90' 251	"	"	"
E 90' of S. 15' of 253	"	"	"
N 10 253	"	"	T. A. Rowley & Crystle Rowley 1209 N. St. Francis Wichita, Kansas, 67214
255	"	"	"

Continued page 2

Lot	Street	Addition	Property Owner
257	St Francis	Ferrell's 2nd Add.	✓ Alberta Pfannenstiel 1211 N. St. Francis Wichita, Kansas, 67214
259	"	"	"
261	"	"	"
263	"	"	"
265	"	"	X Roy R. Harvey & Mildred M. Harvey, Address unknown
267	"	"	"
269	"	"	✓ Richard H. Jansen & Catherine E. Jansen, 1227 N. St. Francis Wichita, Kansas, 67214
250	"	"	✓ Alice D. Beggs, 1202 N St Francis Wichita, Kansas, 67214
252	"	"	"
254	"	"	✓ Rodolfo Baldersa Guerra & Consuelo Renteria Balderas. Address unknown. 3809 Roseberry 1/2 1210
256	"	"	"
258	"	"	✓ Edward R. Shuart & Mary A. Shuart, 1212 N. St. Francis Wichita, Kansas, 67214
262	"	"	✓ Lilia Rodriguez Tocker & Alfred M. Tocker 932 N. Topeka, Wichita, Kansas, 67214
S15' 264	"	"	"
N 10' 264	"	"	✓ F. & W. Wholesale Supply, Inc. 1245 N. Santa Fe Wichita, Kansas, 67214
266	"	"	"
268	"	"	✓ Lilia Rodriguez Tocker & Alfred M. Tocker 932 N. Topeka Wichita, Kansas, 67214
270	"	"	"
40	Emporia	Burleigh's Add.	✓ The Board of Park Commissioners City Annex Building Wichita, Kansas, 67202
42	"	"	"

Continued page 3

Lot	Street	Addition	Property Owner
44	Emporia	Burleigh's Add.	✓ Thelma Hennessy, 2735 Rivera Wichita, Kansas, 67211
46	"	"	"
48	"	"	"
50	"	"	"
39	St. Francis	"	✓ Rupert Gene Woolard & Dolores F. Woolard, 1149 N St Francis Wichita, Kansas, 67214
41	"	"	"
43	"	"	✓ George Hennessy & Thelma Hennessy, 2735 Rivera Wichita, Kansas, 67211
45	"	"	"
47	"	"	"
49	"	"	"
40	"	"	✓ Irene F. Carenen 332 N. Volutsia Wichita, Kansas, 67214
42	"	"	"
44	"	"	✓ Sarah Estelle Bergen & Isaac W. Bergen, 1154 N. St. Francis Wichita, Kansas, 67214
46	"	"	"
48	"	"	General Conference of Church of God (Seven Days), Address unknown
50	"	"	"

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 The East 90 feet of lots 249, 251 and the South 15 feet of the East 90 feet of Lot 253, on St Francis Avenue, in Ferrell's Second Addition Addition to Wichita, Sedgwick County, Kansas, as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas., on this 23rd day of August, 1974 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Ant John Pappas*  
Vice-President

Order No. 217048

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
323 Watermain	450.00
Application	

Name \_\_\_\_\_

Address \_\_\_\_\_

Type \_\_\_\_\_ Due Date 5/14/74

Comments: \_\_\_\_\_

Date 5/14/74 By \_\_\_\_\_