

Case No. BZA 25-82 - June A. Clogston  
- requests an exception to permit the  
establishment of a mobile home on a  
temporary basis on property zoned "AA"  
One-family Dwelling District and gen-  
erally located on the southeast corner

*POSTED  
7-9-82*

**ACTION**

*A 25-82*  
**BZA**  
COMMITTEE

DATE

7-27-82

**APPROVED**

~~MAPS~~

~~P.C.C./B.-C.O.C.~~

5451 C

8-11-82

8-11-82

8-12

8-17 KE

200' ASSE

checked

Shoh

Recorded

Map No. 5451  
 Sec. 32  
 Twp. 26  
 Range 1E

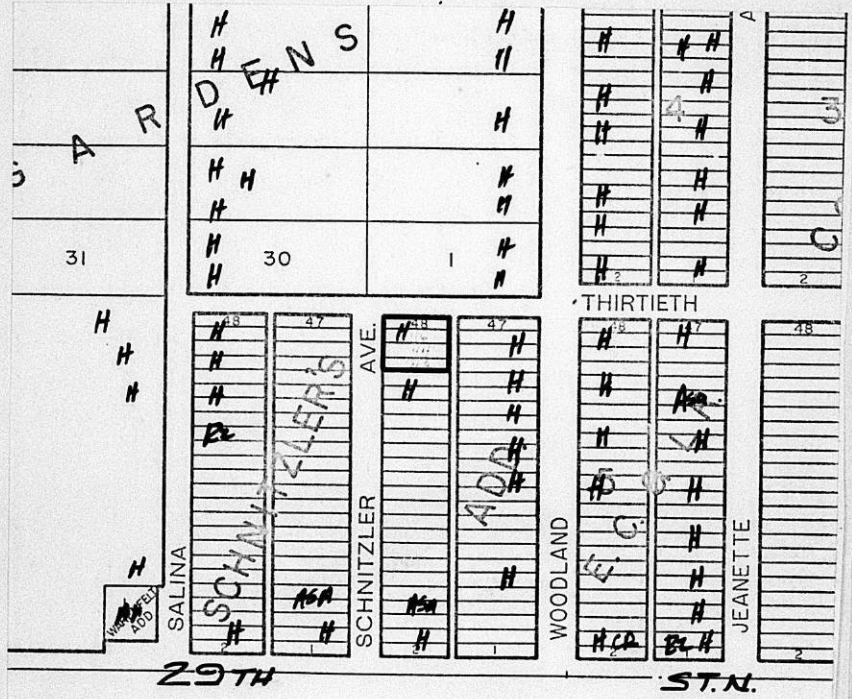
BZA- 25-82  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.29 ( 100 ft. by 129 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East SINGLE FAM South SINGLE FAM  
 West UNDEVELOPED North SINGLE FAM
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 \_\_\_\_\_



**Standard**  
 No. 2153C  
 MASTINGERS BROS.  
 LOS ANGELES, CALIF. 90010  
 MCNEEL, TX-LOCUST GROVE, CA  
 U.S.A.

October 28, 1985

June Clogston  
2395 Somerset Plaza, #614  
Wichita, Kansas 67204

RE: BZA 25-82

Dear Ms. Clogston:

In response to your letter of October 21, 1985, I can understand your dilemma and frustration in your attempt to sell your mobile home and property at 3056 Schnitzler. Unfortunately, the Board of Zoning Appeals is bound by the ordinances adopted by the Board of City Commissioners. In this case, where an exception to the regulations is permitted by the Board of Zoning Appeals, the State Statutes are specific in that conditions established in the ordinance cannot be changed by the Board.

The exception granted by the Board on July 27, 1982 was conditioned to your request for temporary location of the mobile home so that you could be cared for by relatives living adjacent. The Board is not permitted to allow the mobile home to remain on the property on a permanent basis, and has established that it remain only as long as you resided therein. It is unfortunate that your family has not been able to help you maintain the property so that you could remain at 3056 Schnitzler in the mobile home for a longer period of time.

It would appear that the only alternative to your living in the mobile home is to move it to an approved location and rent or lease it to provide some income, or to sell it to someone to be moved off the site.

I hope that this explains the limitations of the Board in your request, and if you have any questions, give Glen Lytle or me a call.

Sincerely,

Jack H. Galbraith  
Secretary to the  
Board of Zoning Appeals

JHG/GEL/lw

cc: Monty Robson, Superintendent of Central Inspection

October 21, 1985

Attention: Mr. Glen E. Lytle

Bear with me, please as I digress in order to position  
The appeal I so desperately need to make.

My husband died of cancer in 1979. My experience since  
is that given age, along with changing monetary values  
planning ahead is perhaps the greatest test of life.

July 27, 1982, the Board of Zoning Appeals granted me  
the request for exemption: Case No. BZA 25-82. I  
followed through with all the recommendations of the  
Board and moved my mobile home to my property at 3056  
Schnitzler.

When I made the appeal, my situation at the Pleasant  
Valley Mobile Home Park was untenable. The lot was a  
drain for the whole park. My home was settling and  
water underneath froze the plumbing and there was no  
relief in sight. My plumbing bills were high.

Although I still have the Psoriasis around my eyes which  
will always cause me difficulty, I was indeed grateful  
to get out of that park. Too, I have certainly enjoyed  
these several years and it is painful to leave the space  
the birds, the flowers and the trees. I am very grateful  
for having these several years of a special peace.

However, it soon became apparent that all is not gold  
that glitters. Clearing the four lots and easement of  
the old chicken houses that were falling in - the outside  
toilet that had been used for forty years or more and  
the condemned house, all at considerable expense. It  
was then necessary to bring in the utilities; also, at  
considerable expense - telephone pole and line - electric  
box, new water line and meter - gas line and 100 feet of  
sewer.

This explanation is in part what I was expected to do  
and needed to do. The expense of which I had not wholly  
taken into account because prices shot up considerably  
even as they are now. The water meter, formerly without  
charge, cost \$300. The financial stress became quite  
apparent. Too, the physical demands for shoveling snow,  
trimming trees ( of which there are many ) and the mowing  
would soon be beyond my strength. The very elements I  
enjoyed so much became more than I could afford or handle.

If you will, please, visualize the area between Amidon and  
North Arkansas along 29th street. It is a black top with  
drainage ditches on both sides. Small businesses and  
residences with numerous vacant lots. 3056 Schnitzler, the  
property we are considering is located one block north off  
29th at 30th where joining easements bring the road to an end.

3056 29th  
MIDTOWN PLANNING  
BUREAU

My mobile home is not conspicuous being at the end of the road, in a secluded area, surrounded by trees. In moving it to the lots I had it positioned facing east instead of facing the normal west front on the road because the back yards of two of the two adjoining properties were facing my west front where from time to time these easements were used as storage for piles of wood, old cars and a van. Directly along the north west of my easement is an old building, with no roof. Some of these problems have now been addressed. The relators say a builder would question having back yards face on the front of any considerable investment.

There is also another disadvantage to selling the lots. There is a drainage that comes down from 29th street, creating excessive moisture at the west and north end of the easement and my lot on the north settling for long periods of time along the north end of the home. The resident across the street has a pump in her basement to relieve this problem.

Early in the year I placed the lots and also the mobile home for sale with a realtor with every confidence one or both would be quickly sold...and again, with another realtor. They both advertised extensively, as I did also. Both realtors who specialize in mobile homes have pressed me to move the home to another lot in the south part of town. I cannot now handle the expense of moving and setting up nor the gamble of a long rental which would of course include services. This based on the fact that since the labor problems, at least three additional mobile home sales lots have opened, south. These have glutted the market with every inducement. One has at least forty. I might add that I had a buyer for the lot with the home. last January, for cash, and others since then.

I have given this review of my experience and as I see the improbability of my selling the lots or the home separately and to stress that I have given my best effort- my strength and money. At my age, 75, it is no longer productive to continue to struggle with the problem. I am in the process of moving to the Social Security retirement residence at 2395 Somerset. It is a good place with sidewalks and dry parking. I would appreciate living here but I am desparate. My social security is \$203.00. With taxes and insurance.

This appeal is for a zoning permit to sell the mobile home and the lots as one package. I am hoping the board may give me a hearing..

Thanking you  
Sincerely  
June Clogston  
2395 Somerset Plaza #614  
Wichita, Kans. 67204

Tel. 832-1029

RECEIVED  
CITY OF WICHITA  
PLANNING DEPARTMENT  
JUN 10 1975

June Clogston  
2395 Somerset #614  
Wichita, Kans. 67204



BOARD OF ZONING APPEALS  
City Hall - tenth floor  
455 North Main Street  
Wichita, Kansas 67202

*Attention: Mr. Lytle*

July 28, 1982

June A. Clogston  
2402 West 29th North, #6  
Wichita, Ks. 67204

Re: Case No. EEA 25-82  
Request for Exception

Dear Ms. Clogston:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 27, 1982.

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

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

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 25-82

WHEREAS, June A. Clogston, 2402 West 29th North, #6, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the location of a mobile home on a temporary basis on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lots 48, 46, 42, 44, F. Schnitzler's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of 30th Street North and Schnitzler (3056 Schnitzler).

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 27, 1982, 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 the location of a mobile home on a temporary basis on property zoned the "AA" One-family Dwelling District subject to the 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 approved to permit the location of a mobile home on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lots 48, 46, 42, 44, F. Schnitzler's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of 30th Street North and Schnitzler (3056 Schnitzler).

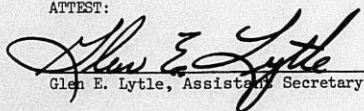
subject to the following conditions:

1. The mobile home may remain on the property only as long as Ms. June A. Clogston resides therein.
2. The applicant shall report annually to Central Inspection to verify condition number 1.
3. The applicant shall secure the necessary permits for location of the mobile home thru the office of Central Inspection.
4. The location of the mobile home shall conform to all setback requirements of the "AA" One-family Dwelling District and also that required by Title 26, the Mobile Home Regulations.

ADOPTED AT WICHITA, KANSAS, this 27th day of July, 1982.

  
Tom Jacob, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

**THE CITY OF WICHITA**

**OFFICE OF** CITIZEN PARTICIPATION

**DATE** July 23



**TO** Glen Lytle, Special Assistant for Zoning

**FROM** Clemencia L. Prieto, Administrative Aide III

**SUBJECT** BZA 25-82 Southwest corner  
of 30th Street North and Schnitzler  
(3056 Schnitzler)

On July 22nd CPD Council "J" considered the captioned case and voted 7-0 to recommend approval of the exception to permit the establishment of a mobile home on a temporary basis.

June A Clogston, applicant, and three relatives were present to speak in support of the exception requested. No one was present to speak in opposition.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at its July 27th meeting.

*Clemencia L. Prieto*  
Clemencia L. Prieto  
Administrative Aide III

CLP:dm

Noted:

*Sarah Gilbert /sm*

Sarah Gilbert  
CP Coordinator

SECRETARY'S REPORT  
CASE NO. BZA 25-82

APPLICANT: June A. Clogston, 2402 West 29th North, #6,  
Wichita, Kansas.

AGENT: None

REQUEST: Exception pursuant to Section 2.12.590.C, Code  
of the City of Wichita to permit the location  
of a mobile home on a temporary basis.

GENERAL LOCATION: On the southeast corner of 30th Street North  
and Schnitzler (3056 Schnitzler).

ZONING: Subject property is occupied by a small home.  
Adjacent properties are all residential or are  
undeveloped.

LAND USE: Subject property is zoned "AA" One-family  
Dwelling District, as are all adjacent properties.

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 applicant is requesting an exception in order to locate a mobile home on the property on a temporary basis. The property has been purchased by the applicant in order to locate in close proximity to her daughter who can provide a certain amount of care and help to her. Her physician has indicated that the present location of her mobile home is possibly attributing to her high blood pressure. Although the present location of her mobile home is approximately one mile from her daughter, the problems with her eyes makes it impossible to drive at the present time.

The applicant indicates that she will clear the property of the substandard structures in order to locate the mobile home on the property. The site is at the north end of the block that is adjacent to 30th Street North that is not open. This should provide a quiet atmosphere not presently attained at her present location in a mobile home park.

RECOMMENDATION:

Should the Board determine that a hardship exists that cannot reasonably be alleviated without the granting of this exception, then the exception should be granted subject to the following conditions:

1. The mobile home may remain on the property only as long as Ms. June A. Clogston resides therein.
2. The applicant shall report annually to Central Inspection to verify condition number 1.
3. The applicant shall secure the necessary permits for location of the mobile home thru the office of Central Inspection.
4. The location of the mobile home shall conform to all setback requirements of the "AA" One-family Dwelling District and also that required by Title 26, the mobile home regulations.

BZA CASE NO. 25-82

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

15 NOTICES SENT TO ADJOINING PROPERTY OWNERS

27 TOTAL NOTICES SENT 7-7-82

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202

July 7, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. EZA 25-82

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by June A. Clogston, 2402 West 29th North, #6, Wichita, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of a mobile home on a temporary basis on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 48, 46, 42, 44 F., Schnitzler's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of 30th Street North and Schnitzler (3056 Schnitzler).

This application has been assigned Case No. EZA 25-82. It will be considered by the Board of Zoning Appeals on July 27, 1982 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, 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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 25-82  
FILED 6-28-82

APPLICATION FOR EXCEPTION

I. Name of Applicant JANE A. OLGASTR  
Mailing Address 3402 W 29th #6 W114 Phone 8321029  
Name of Authorized Agent \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_  
Relationship of applicant to property is that of OWNER  
(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 a mobile home on lots  
48, 46, 42, 44, 3056 Schmitz, Schmitz  
~~with~~ a temporary basis

on property zoned the "AA" One-Family Dwelling District  
the southeast corner of 30th Street and Schmitz  
located at (3056 Schmitz)

and legally described as lots 48, 46, 42, 44, F. Schmitz's Addition  
to the City of Wichita, Sedgwick County, Kansas

\_\_\_\_\_, 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. 36-596); 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 JANE OLGASTR

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

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:30 ~~to~~ to (p.m.), June 28, 1982, together with appropriate fee of 75.00.

Signed H. Lytle

315 N. HILLSIDE

ROLLAND K. ENOCH, M. D.

WICHITA, KANSAS 67214

PH 681-0423

NAME June Clogston

ADDRESS \_\_\_\_\_ DATE 6/23/62

*Rx* Because of the unusual amount of noise causing sleeplessness at night, I feel this is aggravating Mrs Clogston high blood pressure

REFILL \_\_\_\_\_ TIMES

DISPENSE AS WRITTEN

M. D.

DEA No. \_\_\_\_\_

BRAND EXCHANGE PERMISSIBLE

M. D.

RIGG PHARMACY - FAST AND FRIENDLY SERVICE

TO WHOM IT MAY CONCERN

This is an application for exemption, that is for temporary hardship. The property is located off 29th street north at 3056 Schnitzler ( a block long street which ends with 20th street, which does not go through) The lots No. 48, 46, 44, 42, on the East side and on the North end of the block. These lots join my family on the South. Charles H. Jones, 3044 Schnitzler, 8385079.

The property became available when the family of Hazel Secoy were able to buy into an apartment complex in the Parklane area near where they live. It was necessary for them to close the sale at this time to retain their option and for me to make the purchase while the property was available.

The possibility of a carehome in my future and in such an event, the tremendous expense, makes this investment to be near my family, at least at some time, is a comfort to me. From where I now live, one mile and one mile back may not seem far but it could become time and energy consuming for my daughter who has two teen-age boys and a six year old daughter, all going to different schools. She is constantly driving just to care for their needs.

I am making this appeal, certainly in my own best interests which are many: the security I would feel; the close supportive influence; the freedom one feels to walk out in their own yard; the restful enviroment away from the inner court traffic here, early and late with all the exhaust fumes emmitted just outside my bedroom window. I am also concerned and have consideration for those who have taken so much of their time and energies im lovingly caring for my husband in his bout with cancer and with my needs since that time, April 1979.

Since then I have had one serious fall injuring my liver and my back and another fall breaking my wrist. Doctors have described the condition in my eyes as very serious requiring artificial tears as psorsis is spreading into the area of my eyelids. This condition will only get worse as the medication necessary to control the spread is too strong to use in the area of the eyes. The doctor advised me not to use my new glasses for four months to avoid the temptation for eye strain. I know that soon, driving will be a real problem.

Having high blood pressure the agitation here in the court only adds to my condition. The residents are mostly young hardworking and hard playing people, in and out early and late. More so on the week-ends. I am located close to where they enter or exit. Where noise and exhaust fumes go together. This may seem like a small thing but for one who takes medication to sleep and is awakened, sleep is even harder to find. When one finally falls asleep the early risers are up and going.

Another problem that I bought into here is water. The whole south end of the drive drained onto my carport and then on under my trailer, I have had it leveled two times this year. Getting out of my car, stepping out on cement blocks is frightening and dangerous for me. I have had an estimate to alleviate this low drainage problem by a raised resurfacing would be \$400.

I took care of my sister and mother in their long illness and my husband. These experiences cause me to reflect on my own needs at this late date of 72 years.

The sacrifice to me of this investment and the further expense of such a move is evidence of the strong feeling that I need to make this move. It would

give me the needed time to readjust to the new while I am physically and  
hopefully mentally able to do so.

Thank you kindly for your consideration

Very sincerely,

*June A. Clogston*

June Clogston  
2402 West 29th North #6 67204

BZA 25-82

OWNERSHIP LIST

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 42, 44, 46, and 48	Schnitzler	F. Schnitzler's Addition	William A. Secoy Hazel R. Secoy 3056 Schnitzler 67204
Lots 34, 36, 38 and 40	"	"	Charles H. Jones June Beth Jones 3044 Schnitzler 67204
Lots 26, 28, 30, and 32	"	"	Alice L. Danby Betty U. Townsend 924 West 29th St. North 67204
Lot 25, 27, 29, 31, 33, 35, 37, 39, 41	"	"	Otis E. Dearing Ruth Ann Dearing 942 West 29th Street North 67204
Lots 43, 45 and 47	"	"	Hazel J. Nuessen 3158 North Charles 67204
Lot 25	Timmaymayer now Woodland	"	Robert L. Behrns Patsy L. Behrns 3011 Woodland Ave. 67204
Lots 27 and 29	"	"	Twila Reynolds 3032 Woodland 67204
Lots 31, 33, and 35	"	"	Frank J. Kent Golda Kent 3017 Woodland 67204
Lots 37, 39, 41, 43, 45 and 47	"	"	Marie O'Neil 3019 Woodland 67204

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
The North half of Lot 1		Timmermeyer Gardens	Stanley David Snyder ✓ Thelma Jane Snyder 3109 Woodland 67204
The South half of Lot 1		"	Lee A. Gardner ✓ Sharon E. Gardner 3103 Woodland 67204
The South half of Lot 2		"	Charles M. Tillotson ✓ Fayth Tillotson 3119 Woodland 67204
The South half of Lot 29		"	Fred W. Lewis Althea M. Lewis ✓ 3116 Salina 67204 <del>Gwendolyn E. Mullins</del> <del>Address Unknown</del>
The North half of Lot 30		"	<del>Vern C. Graves (dec.)</del> ✓ Irene M. Graves 3108 Salina Ave. 67204
The South half of Lot 30		"	✓ Eldon Perry McIlvain Doris R. McIlvain 3102 Salina 67204

Page 3

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lots 42, 44, 46 and 48, on  
Schnitzler, F. Schnitzler's  
Addition to the City of  
Wichita, Kansas, Sedgwick  
County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 23rd day of June, 1982 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

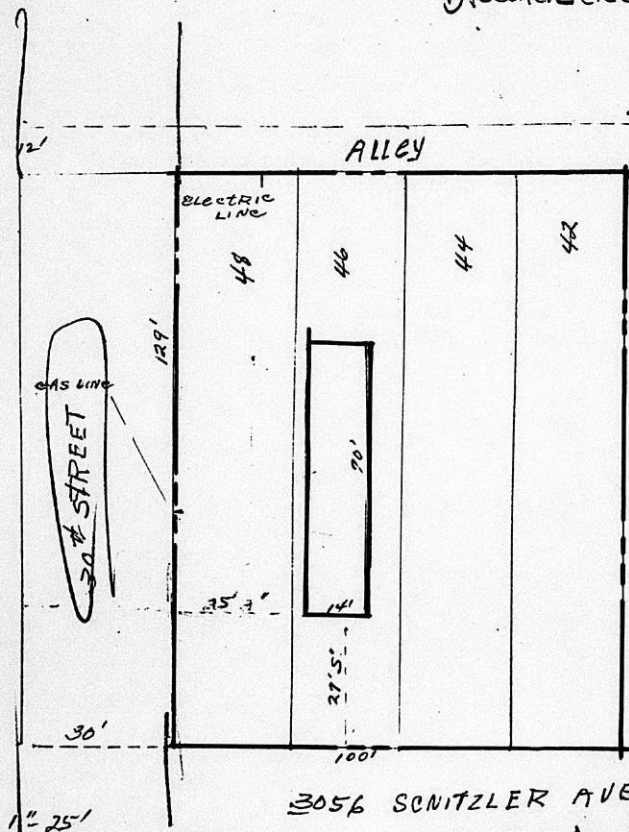
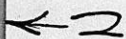
By

*Mary Gable*  
Vice-President

Order No: 310331  
ap

VACANT LOTS

DAUGHTER LIVES HOUSE SOUTH



3056 SCITZLER AVE AA zoning  
BZA 25-82

**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 4021      PAYMENT NOTICE  
City of Wichita

	Code Bks	Copies
Bldg.      Use of Str.		
Elec      Elev. Insp.	Hse Moving	Lic.
Mech      Boiler Insp.	Pav. Cuts	Cert.
Plbg      Exam Fees	Sewer	Elev.
Signs      Plan Rev. (P.W.)	Cement	M.S.P.
Planning		

DESCRIPTION	AMOUNT

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

FUND \_\_\_\_\_ DUE DATE \_\_\_\_\_

COMMENTS \_\_\_\_\_

DATE \_\_\_\_\_ BY \_\_\_\_\_