

M.A.P.C.

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

BZA 27-63 - Edward M. Paxton requests
Exception for const. of 2-car garage
& enlargement of living rm. on W side
of Wellington P. in an area N of 28th

ACTION

Bye COMMITTEE *App.* _____ DATE *7-24-63*

M.A.P.C. _____

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

BZA 27-63 7. Approved by Region requires
Exception for const. of 2-car garage
& enlargement of living rm. on W side
of Wellington P. in an area N of 28th

October 14, 1963

Mr. Edward M. Paxton
2929 Wellington Place
Wichita, Kansas

Dear Mr. Paxton:

Subject: BZA 27-63

On October 2, 1963, we advised you that the Board of Zoning Appeals had approved your request for an exception to permit expansion of the floor area of an existing building to a maximum of 40% of the floor area of the existing building, subject to certain conditions as shown on the attached resolution. The Board voted to not take jurisdiction of your request for a variance of the expansion permitted. This concerned property generally located on the west side of Wellington Place in an area north of 28th Street North, and legally described as:

The south 5 feet of Lot 37, all of Lots 39 through 41 and the north 5 feet of Lot 43 and the south 20 feet of Lot 43, Block D, Montrose Park, in the City of Wichita.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before October 11, 1963. The City Clerk has advised that no appeal was filed on or before that date, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Robert A. Lakin
Secretary

RAL:JWH:ber
Attachment

cc: Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O . 2 7 - 6 3

WHEREAS, Edward M. Paxton, 2929 Wellington Place, Wichita, Kansas, has requested the granting of an Exception to permit construction of a double garage and an enlargement of the living room, as provided in Section 28.04.170.A.3 of the Code of the City of Wichita; and in addition, requested a Variance as provided in Section 2.12.590.2, Code of the City of Wichita to vary the limitation of a 40% maximum expansion from 40% to 70%; and

WHEREAS, this application relates to property legally described as

The south 5 feet of Lot 37, all of Lots 39 through 41, and north 5 feet of Lot 43 and south 20 feet of Lot 43, Block D, Montrose Park, in the City of Wichita, Sedgwick County, Kansas,

generally located on the west side of Wellington Place in an area north of 28th Street North; and

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the meeting of September 24, 1963, was recessed to October 1, 1963; and

WHEREAS, new written notices were mailed to all interested parties prior to said recessed meeting; and

WHEREAS, the Board of Zoning Appeals did, in a recessed meeting consider said application on the 1st day of October, 1963; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590, Code of the City of Wichita; and

WHEREAS, the property is zoned "F" Heavy Industrial; and

WHEREAS, the Board of Zoning Appeals has authority to permit expansion of a nonconforming single family home in the "F" Heavy Industrial district, provided such expansion does not exceed a maximum of 40% of the floor area of the existing structure; and

WHEREAS, the Board has determined that a hardship exists in that the applicants need a garage to accommodate and protect their two automobiles from rain, hail, dust and various other elements which they would be exposed to if left unprotected; and

WHEREAS, the Board of Zoning Appeals has determined that it has no authority or jurisdiction to consider the variance requested in that it was the determination of the Board that its authority was limited to allowing variances to such things as height, setback, lot area, lot width and similar requirements in the various zoning districts and it was a further determination of the Board that it did not have the authority to make variances to the exception provisions of the Zoning Ordinance, since the conditions under which these exceptions may be granted are spelled

out specifically in the Ordinance, and further provided that such request to vary the percentage of expansion specified in the zoning ordinance, if granted, would violate the intent of that provision of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the request for an Exception to allow expansion of the dwelling house to a maximum of 40% of the floor area of the existing house, located on the above described real property, is hereby approved, and the Superintendent of Central Inspection is hereby authorized to issue the appropriate permit, subject to the following:

1. The addition to the living room and attached garage shall be constructed in accordance with the standards and specifications as outlined by the Superintendent of Central Inspection, provided that the proposed addition to the living room and the proposed attached garage shall not include more than 40% (275 square feet) of the floor area of the existing house (688 square feet).
2. Construction shall be completed within 24 months.
3. All construction shall be in conformance to the area, height and setback provisions of the "B" Multiple Family dwelling district.

BE IT FURTHER RESOLVED by the Board of Zoning Appeals that it not take jurisdiction so far as this application relates to the request for a variance.

ADOPTED at Wichita, Kansas, this 1st day of October, 1963.



E. B. Law, Chairman

ATTEST:



R. A. Lakin, Secretary

Board of Zoning Appeals

October 8, 1963

Robert G. Finch, City Clerk

Robert A. Lakin, Secretary

BZA 27-63

Attached is a copy of BZA Resolution No. 27-63, covering action taken by the Board of Zoning Appeals on the above case.

This case was heard on October 1, 1963, and an appeal may be filed in your office on or before October 11, 1963.

If an appeal is filed, please advise.

Robert A. Lakin
Secretary

RAL:ber

Attachment

SECRETARY'S REPORT

BZA CASE NO. 27-63

GENERAL DESCRIPTION

The property represented in this case is generally located on the west side of Wellington Place between 28th and 29th Streets North.

The property in question is presently zoned "F" Heavy Industrial. The property to the north, south and west is "F" Heavy Industrial zoning and to the east is "AA" Single Family.

The property in question is currently occupied by a single family house; the surrounding property is in single family use with the exception of a machine shop to the north and to the south.

REQUEST

The request is for an exception to allow expansion of a non-conforming residential dwelling, as provided in Section 28.04.170.A.3 of the Code of the City of Wichita. There is also a request for a variance as provided in Section 2.12.590.2, Code of the City of Wichita to vary the 40% maximum expansion requirement from 40% to 70%.

The variance is within the jurisdiction of the Board of Zoning Appeals to grant, providing all four of the following conditions are found to exist:

1. The variance desired arises from such condition which is unique and not ordinarily found in the same zoning district.
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

3. Strict application of the enforcement provisions of the zoning ordinance would constitute an unnecessary hardship on the property owners represented in the appeal.
4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

COMMENTS BY THE SECRETARY

As set out in Section 28.04.170.A.3, of the Zoning Ordinance, any nonconforming residential building in the industrial districts may be expanded up to a maximum of 40% of the floor area of the existing building, provided that the expansion will be accorded the same nonconforming use status as that enjoyed by the existing building.

As the applicant explains in his statement of justification, the 40% maximum expansion as set out in the zoning ordinance, based upon the floor area of the existing structure, would not even allow him sufficient square footage to construct an adequate garage. Consequently, the only way he can make the addition to the living room, and still build an attached garage, is to ask for a variance of up to 70% for expansion purposes. As shown on the plot plan, the applicant intends to add on to the existing living room and then attach his garage to the south side of the living room. He also shows an alternate plan he intends to use if the exception is granted and the variance is not granted. If the variance is not granted and an exception is granted, he intends to build an attached one car garage.

HISTORY

In March of 1960, when this area was still in the county, there was an application (SC2-0082) filed by Mr. Lavern Nance requesting

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BZA Case No. 27-63

that approximately 75% of this particular block be rezoned from "R-1" suburban Residential to "F" Heavy Industrial. The reason for the zone change was that Mr. Nance operated a machine shop, the use of which was allowed only in the "F" zoning district. According to the files, and as indicated in the statement of justification, the applicants were evidently agreeable to this particular change in zoning.

Approximately one month after the zoning was changed in this particular block, the Planning Commission initiated a zone change (E-0084) from "R-1" to "F" for the balance of the block not included in Mr. Nance's application. The reason for the request was to make the area compatible with zoning recommended in Case No. E-0032, which was the application made by Mr. Nance.

Subsequent to the rezoning of this particular block, this area was annexed to the City of Wichita and since annexation has no effect upon zoning, the block remained in the "F" zoning district when annexed.

In 1962, there was an amendment to the zoning ordinance which set up the "exclusive industrial zoning district", comprised of both the "E" and "F" districts. This particular amendment excluded from the "E" and "F" districts all those uses first permitted in the "AA", "A", "RB" and "B" districts which includes, among other things, all resi-

are suffering a hardship because they are not allowed to expand their home.

In viewing the zoning map of this particular area, one thing in particular becomes very apparent; this particular lot, although zoned "F" is completely surrounded by "AA" Single family zoning. In view of the general development in the area (with the exception of the Nance Machine Company), the type of platting, street systems, type of utilities being installed, it is possible that the change in zoning was not completely justified and the proper solution is residential zoning for the entire area. This particular area would seem proper for median density residential development for the nearby North End Industrial District.

CONSIDERATION OF THE VARIANCE - PART I

UNIQUENESS

The applicants are of the contention that this particular situation is unique in view of the fact that the block on which they live is completely surrounded by residential zoning.

It is the opinion of the Secretary that elsewhere that would be a rather unusual arrangement of zoning and platting, although this is found somewhat frequently in Wichita. In this particular area, however, it does tend to make this particular situation unique.

ADJACENT PROPERTY

It is the opinion of the Secretary that since the occupants have such a large lot that there is sufficient room to build a garage and an addition to the living room and still leave ample open space. Further, the proposed addition would enhance the appearance of exist-

ing structures and of the surrounding neighborhood.

HARDSHIP

The applicant suggests that hardship exists in that the existing house has only one bedroom; consequently when company comes the living room has to serve as the second bedroom. They also point out that the existing living room is too small for comfort and when it serves as a bedroom is doubly uncomfortable. Therefore, if the living room could be enlarged it would add greatly to the comfort of the home.

The applicants are of the feeling that a further hardship would exist if they are not allowed to build a garage in that their car and truck has been extensively damaged three times in the past by hail storms. The garage is also needed for storage space for such things as a lawn mower, garden tractor, etc. These items are currently being stored in a very old run down building on the rear of the property, and the applicants have suggested that if they are allowed to build a garage, this building would be torn down which would add appreciably to the looks of the property.

The Secretary is of the opinion that the reasons submitted by the applicant for hardship seem to be related more to "convenience", particularly as applied to the living room. From the reasons stated, it would seem that an additional bedroom is more of the problem than an expanded living room. Many areas throughout town do not have garages so consequently to find hardship in this situation is somewhat difficult.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect the public interest.

CONSIDERATION OF THE EXCEPTION - PART II

The exception being applied for in this case gives the Board of Zoning Appeals the authority to allow any nonconforming residential building in the "E" and "F" zoning districts to expand up to a maximum of 40% of the floor area of existing building, provided that hardship can be found to exist.

It is the opinion of the Secretary that, based on the same reasons discussed re the variance, that it is debatable whether hardship can be found to exist.

CONDITIONS IN EVENT OF APPROVAL

It is doubtful if the applicant has met the third requirement (hardship) which must be present before the Board can grant the requested variance and which requirement must also be found to exist before the Board can grant the requested exception. If the Board, agrees with the Secretary, then the application for both the variance and exception should be denied in that an adequate showing under the terms of the ordinance has not been made. However, if the Board feels that the reasons given by the applicant in his presentation before the Board are sufficient, or that the general criteria being used for definitions are too strict, then the application should be approved subject to the following conditions and requirements:

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BZA Case No. 27-63

1. The addition to the living room and attached garage shall be constructed in accordance with the standards and specifications as outlined by the Superintendent of Central Inspection, provided that the proposed addition to the living room and the proposed attached garage shall not include more than 70% (481 square feet) of the floor area of the existing house (688 square feet).
2. Construction shall be completed within 24 months.
3. All construction shall be in conformance to the area, height and setback provisions of the "B" Multiple Family dwelling district.

Attachments

- #1 - Statement of Justification
- #2 - Plot Plan
- #3 - Variance voting sheet

COPY

September 2, 1963

Gentlemen:

Since early this year I've been trying to get a building permit to enlarge the living room of our home and build an attached 2 car garage. But because my property is located in heavy industrial zoning I've been unable to get one. But its just this one block that's zoned heavy industrial. All around me is still in residential zoning.

To start with, our house is small, our living room is small and we have only one bedroom. When we have company the living room has to serve as our second bedroom. The living room is too small for comfort as a living room, so when it has to serve as a bedroom also it's doubly uncomfortable. If it could be enlarged it would certainly be conducive to more comfortable living.

I need a 2 car garage for my car and my pickup. The hot sun has almost ruined the paint on my car and in wintertime it's the ice and snow. We live on a sand street and we can never keep a car clean. It does very little good to wash them. The dust settles on them before we're hardly through washing them. In 1954 I had a car almost ruined by hailstones at this same address. In 1957 I had another car badly damaged by hail and again this year my car and pickup were both damaged by a storm earlier this year. I go to work early of a morning and in wintertime I have to allow an extra 30 minutes or so for my pickup to warm up and to scrape the ice and snow off the glasses and windshield so I can see to drive.

In 1953 when I bought this property it was in the county with residential zoning. In 1958 or 1959 due to the efforts of one man who owned a machine shop in this block, the zoning was changed to heavy industrial. I didn't object to the zoning change because the man is a friend of mind and I had no idea at that time that the zoning change would ever cause me any undue hardship.

I knew when I bought the property that it would need considerable improvements. I also bought it with the idea of making this our home.

In 1955 I received a back injury which required surgery and it was over 8 months before I could ever go back to work and since my salary was our source of income I was deeply in debt. So it was 1961 before I could make any improvements at all. At that time I did what was most necessary to be done first. At that time I had no trouble getting a building permit, even though we were zoned heavy industrial we were still in the county. In 1962 we were annexed into the city.

In June of this year I further improved this property by hooking onto the city water and city sewer as soon as it was available to me.

Thank you
/s Edward M. Paxton"

BZA Case No. 27-63
Attachment #1

BZA ACTION

Motion made by	Seconded by	Action
		Jurisdiction
		FINDINGS OF FACT 1. Variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
		2. Granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
		3. Strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
		4. Variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
		Determination (Approve or Deny)

October 2, 1963

Mr. Edward M. Paxton
2929 Wellington Place
Wichita, Kansas

Dear Mr. Paxton:

Subject: BZA 27-63

This is to advise you that at its regular meeting of October 1, 1963, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to permit construction of a double garage and enlargement of the living room, and also considered your request for a variance to permit such enlargement to be more than 40% of the original floor space in the dwelling. This concerns property legally described as:

The south 5 feet of Lot 37, all of Lots 39 through 41 and the north 5 feet of Lot 43 and the south 20 feet of Lot 43, Block D, Montrose Park, in the City of Wichita,

generally located on the west side of Wellington Place in an area north of 28th Street North.

It was the action of the Board of Zoning Appeals to approve the request for an exception to permit expansion of the floor area of an existing building up to a maximum of 40% of the floor area of the existing building, subject to the following:

1. The addition to the living room and attached garage shall be constructed in accordance with the standards and specifications as outlined by the Superintendent of Central Inspection, provided that the proposed addition to the living room and the proposed attached garage shall not include more than 40% (275 square feet) of the floor area of the existing house (688 square feet).

Page 2 - Mr. Edward M. Paxton
October 2, 1963

2. Construction shall be completed within 24 months.
3. All construction shall be in conformance to the area, height and setback provisions of the "B" Multiple Family dwelling district.

It was the action of the Board of Zoning Appeals to not take jurisdiction on the request for a variance which would permit expansion of more than 40% of the floor area of the existing dwelling. The Board did agree, however, that the matter of possible rezoning of the block in which subject property is located, or portions of such block, should be referred to the Planning Commission for consideration.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before October 11, 1963.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before October 11, 1963, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Robert A. Lakin
Secretary

RAL:JWH:ber

cc: Robert G. Finch
City Clerk

Glen Lytle, Superintendent
of Central Inspection

BZA Case No. 27-63

NOTICES MAILED SEPTEMBER 24, 1963 for
RE-SCHEDULING FOR MEETING OF OCTOBER 1, 1963

Edward M. Paxton
2929 Wellington Place

Walter Palmer, III
1809 North Topeka

John A. Suller
102 West 28th Street North

Walter W. White
Corene M. White
El Rancho Motel
4510 South Broadway

Carolyn Kauffman
136 South Pershing

Winfred F. Powell
Clara Elvira Powell
2924 Wellington Place

Roy Holloway
Laveta Holloway
1505 Woodrow

Clark D. Smith
Clara Jo Ann Smith
2904 Wellington Place

Howard E. Thompson
Patricia J. Thompson
2902 Wellington Place

LaVern L. Nance
Marvell M. Nance
300 West 42nd Street North

May Morris
136 South Pershing

Lucille Mary Endres
2931 Wellington Place

Edward M. Paxton
Elsie Paxton
2929 Wellington Place

H. A. West
Bessie L. West
2926 Fairview

Fred Kosek
Kathleen Kasek
2310 48th Avenue
San Francisco 16, California

Mary B. Dukes
2844 Wellington Place

J. E. Alexander
352 North Broadway

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

RE-SCHEDULING OF CASE NO. 27-63

NOTICE TO ADJOINING PROPERTY OWNERS

An application has been filed by Edward M. Paxton, 2929 Wellington Place, Wichita, Kansas, requesting an EXCEPTION, as provided in Section 28.04.170.A.3, Code of the City of Wichita, to permit the installation or construction of a double garage, and enlargement of the living room, and VARIANCE as provided in Section 2.12.590.2, Code of the City of Wichita, because the 40% allowable expansion on the above Exception request will not be an adequate amount of square footage to construct what the applicant needs, all related to property zoned "F" and legally described as:

South 5 feet of Lot 37, all of Lots 39 through 41, and North 5 feet of Lot 43 and south 20 feet of Lot 43, Block D, Montrose Park, in the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Wellington Place in an area north of 28th Street North.

This application was originally scheduled for hearing on Tuesday, September 24, 1963, but inasmuch as no meeting was held because of lack of a quorum of the members of the Board being present, it has been re-scheduled for Tuesday, October 1, 1963, at 2 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.

Robert A. Lakin
Secretary

BZA CASE NO. 27-63

NOTICES MAILED SEPTEMBER 5, 1963
MEETING - September 24, 1963

Edward M. Paxton
2929 Wellington Place

Walter Palmer, III
1809 North Topeka

John A. Suller
102 West 28th Street North

Walter W. White
Corene M. White
El Rancho Motel
4510 South Broadway

Carolyn Kauffman
136 South Pershing

Winfred F. Powell
Clara Elvira Powell
2924 Wellington Place

Roy Holloway
Laveta Holloway
1505 Woodrow

Clark D. Smith
Clara Jo Ann Smith
2904 Wellington Place

Howard E. Thompson
Patricia J. Thompson
2902 Wellington Place

LaVern L. Nance
Marvell M. Nance
300 West 42nd Street North

May Morris
136 South Pershing

Lucille Mary Endres
2931 Wellington Place

Edward M. Paxton
Elsie Paxton
2929 Wellington Place

H. A. West
Bessie L. West
2926 Fairview

Fred Kosek
Kathleen Kasek
2310 48th Avenue
San Francisco 16, California

Mary B. Dukes
2844 Wellington Place

J. E. Alexander
352 North Broadway

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

September 5, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 27-63

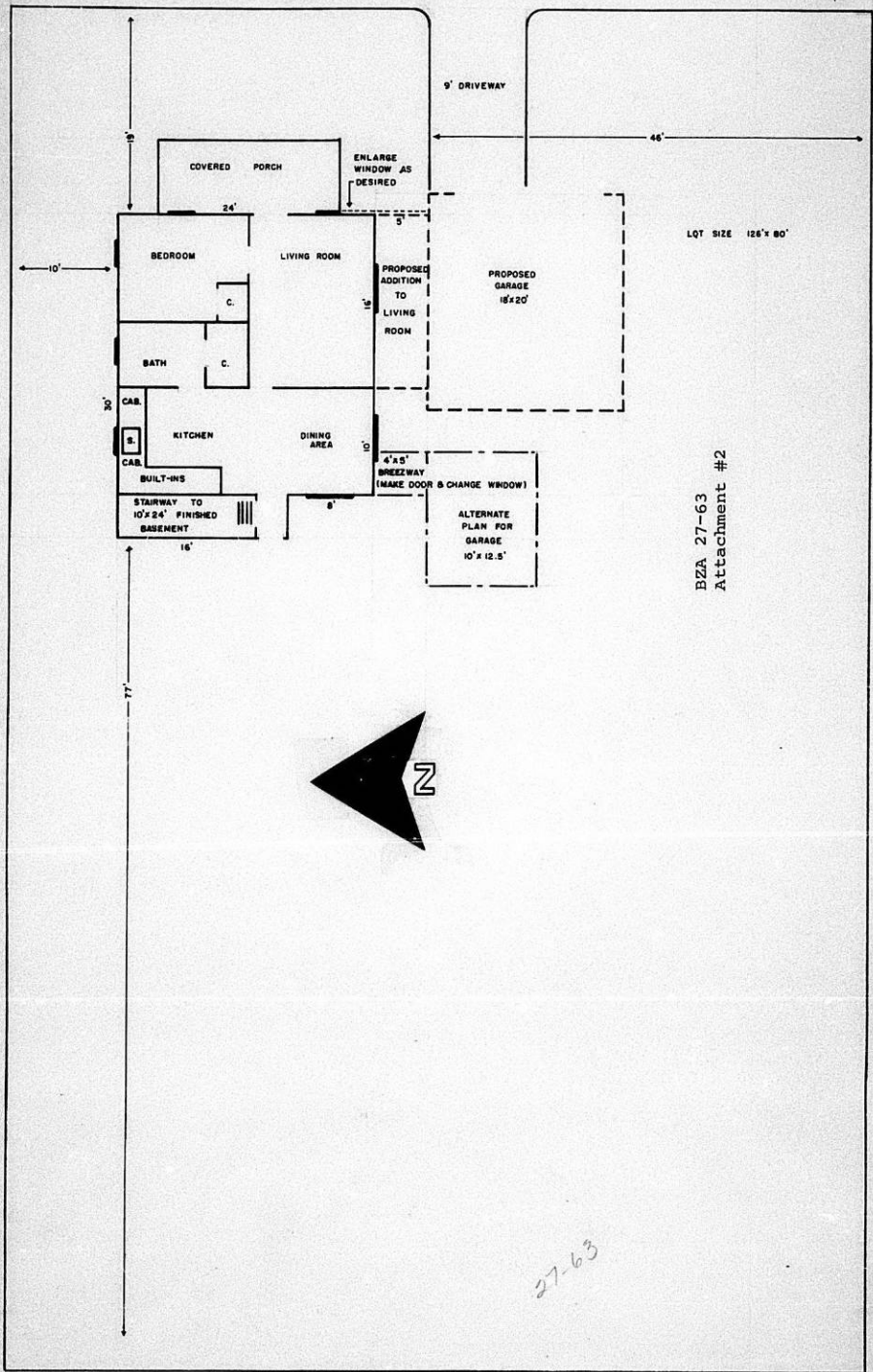
An application has been filed by Edward M. Paxton, 2929 Wellington Place, Wichita, Kansas, requesting an Exception, as provided in Section 28.04.170.A.3, Code of the City of Wichita, to permit the installation or construction of a double garage, and enlargement of the living room, and Variance as provided in Section 2.12.590.2, Code of the City of Wichita, because the 40% allowable expansion on the above Exception request will not be an adequate amount of square footage to construct what the applicant needs, all related to property zoned "F" and legally described as:

South 5 feet of Lot 37, all of Lots 39 through 41, and North 5 feet of Lot 43 and south 20 feet of Lot 43, Block D, Montrose Park, in the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Wellington Place in an area north of 28th Street North.

This application has been assigned Case No. BZA 27-63. A hearing will be held by the Board of Zoning Appeals on Tuesday, September 24, 1963, at 2 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.

Robert A. Lakin
Secretary

WELLINGTON PLACE



BZA 27-63
Attachment #2

27-63

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. NAME OF APPLICANT Edward M. Paxton
MAILING ADDRESS 2929 Wellington Place - Wichita PHONE TE8-3521
NAME OF AUTHORIZED AGENT Same
MAILING ADDRESS Same 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
28.04.170.A.3, CODE OF THE CITY OF WICHITA, KANSAS (ZONING
ORDINANCE); TO PERMIT THE INSTALLATION OR CONSTRUCTION OF Double
Garage + Enlarging Living Room ON PROPERTY ZONED Heavy Ind., LOCATED AT
2929 Wellington Place AND LEGALLY DESCRIBED AS:
5.5 FT. LOT 37 - All Lots 39-41 + N. 5 FT. Lot 43 + S. 20 FT. Lot 43
Block D Montrose Park IN THE CITY OF WICHITA.
(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE)

- III. THE APPLICANT HEREIN, OR HIS AUTHORIZED AGENT:
- A. ACKNOWLEDGES RECEIPT OF AN INSTRUCTION SHEET RELATING TO THIS APPLICATION FOR AN EXCEPTION.
 - B. AGREES TO CONFORM TO ALL REQUIREMENTS OF THE APPROPRIATE SECTION OF THE ZONING ORDINANCE IF THIS APPLICATION IS APPROVED;
 - C. 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.

Edward M. Paxton
APPLICANT

Same
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.

? Same fee as 16-63
[Signature]

SIGNED

September 2, 1963

Gentlemen -

Since early this year I've been trying to get a building permit to enlarge the living room of our home & build an attached 2 car garage. But because my property is located in heavy industrial zoning I've been unable to get one. But it's just this one block that's zoned heavy industrial. All around me is still in residential zoning.

To start with our house is small, our living room is small & we have only one bedroom. When we have company the living room has to serve as our second bedroom. The living room is too small for comfort as a living room, so when it has to serve as a bedroom also it's doubly uncomfortable. If it could be enlarged it would certainly be conducive to more comfortable living.

I need a 2 car garage for my car & my pickup. The hot sun has almost ruined the paint on my car & in wintertime it's the ice & snow. We live on a sand street & we can never keep a car clean. It does very little good to wash them. The dust settles on them before we're hardly through washing them. In 1954 I had a car almost ruined by

hailstones at this same address. In 1957 I had another car badly damaged by hail & again this year my car & pickup were both damaged by a storm earlier this year. I go to work early of a morning & in winter-time I have to allow an extra 30 minutes or so for my pickup to warm up & to scrape the ice & snow off the glasses & windshield so I can see to drive.

In 1953 when I bought this property it was in the county with residential zoning. In 1958 or 1959 due to the efforts of one man who owned a machine shop in this block the zoning was changed to heavy industrial. I didn't object to the zoning change because the man is a friend of mine & I had no idea at that time that the zoning change would ever cause me any undue hardship.

I knew when I bought the property that it would need considerable improvements. I also bought it with the idea of making this our home.

In 1955 I received a back injury which required surgery & it was over 8 months before I could ever go back to work & since my salary was our source of income I was deeply in debt. So it was

III

1961 before I could make any improvements at all. At that time I did what was most necessary to be done first. At that time I had no trouble getting a building permit. Even though we were zoned heavy industrial we were still in the county. In 1962 we were annexed into the city.

In June of this year I further improved this property by hooking onto the city water & city sewer as soon as it was available to me.

Thank you
Edward W. Pappas,

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR VARIANCE

I. NAME OF APPLICANT Edward M. Paxton
MAILING ADDRESS 2929 Wellington Place - Wichita PHONE TE 8-3521
NAME OF AUTHORIZED AGENT same
MAILING ADDRESS _____ PHONE _____
RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF OWNER
(OWNER, TENANT, LESSEE, OTHER)

II. THE VARIANCE REQUESTED IS 20% - Because the 40% allowable on the exception will not give me enough square feet to build what I need.
FOR PROPERTY LOCATED AT 2929 Wellington Place
AND LEGALLY DESCRIBED AS: S. 5 Ft. Lot 37 All lots 39-41 + N. 5 Ft. Lot 43 + S. 20 Ft. Lot 43 Block D Montrose Park
IN THE CITY OF WICHITA; AND WHICH IS PRESENTLY ZONED Heavy Ind.
(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.

Edward M. Paxton
APPLICANT

same
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

September 2, 1963

Gentlemen -

In asking for this variance I knew of nothing especially unique about my property with the exception that it's located in heavy industrial zoning, but it isn't this whole area, it's just this one block. While all around me is still in residential zoning. The zoning wasn't of my choosing, however I didn't object to the change, because at that time I had no idea it would ever cause me any undue hardship.

If I am not allowed to build or enlarge on property that I bought & paid for, I cannot help but feel that my rights & privileges as an individual citizen are being abused & infringed upon.

When I bought this property in 1953 I had no idea that the time would ever come when I could not build or enlarge upon it if I so desired.

Because our house is small & we have only the one bedroom, when we have company our living room doubles as a

second bedroom. As a living room it's too small for comfort, but when it serves as a bedroom also it's doubly uncomfortable. It would add greatly to the comfort of the home if the living room could be enlarged.

I both want & need a 2 car garage to keep my vehicles in, a car & a pickup. The paint on my car is almost ruined from setting out in the weather & the dust & dirt from the street in front of our house. In summertime it's the hot sun & storms & in wintertime it's ice & snow. In 1954 I had a car almost ruined by hailstones while sitting here in my driveway. In 1957 I had another car badly damaged by hail & again this year both my car & pickup were damaged by a storm we had earlier this year. It does very little good to wash them as the dust & dirt from the street along with the dew at night keeps them covered with dirt. Also I use my pickup to go back & forth to work. I usually leave early in the morning & in wintertime I have to allow an extra 30 minutes or so for it to warm up so I can scrape the

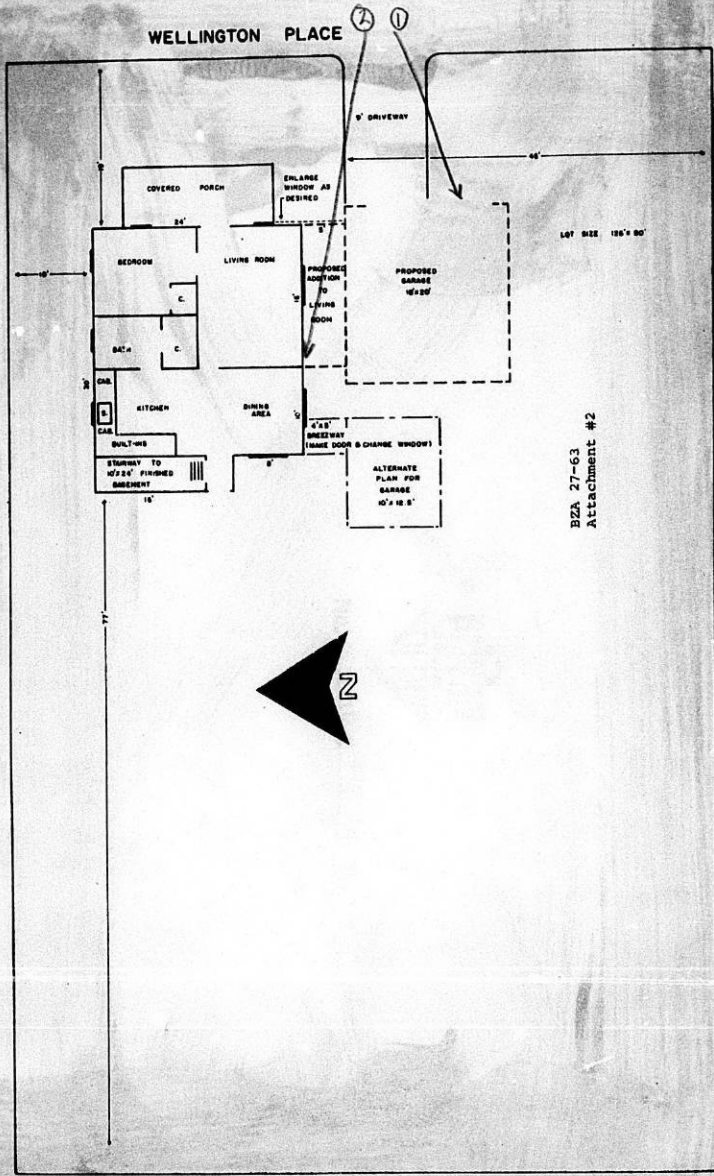
IT-

ice & snow off the glasses & windshield
so I can see to drive.

In asking for this variance I fail
to see where it could possibly detract
or adversely affect my neighbors or
my surroundings in any way.

Thank you,
Edward M. Payton

WELLINGTON PLACE



BZA 27-63
Attachment #2