

BZA 30-66 - James E. & Mayme Hogan
request exception to permit construction
of a garage in "F" on the west
side of Wabash between 17th & 18th

ASST
5549
P.C.
B.L.

ACTION

DATE 12-21-66
By COMMITTEE Approved

M.A.P.C. _____

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

January 25, 1967

James E. & Mayme Hogan
1826 North Wabash Street
Wichita, Kansas 67214

Dear Mr. and Mrs. Hogan:

Re: Case No. BZA 30-66 - Request
for an Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 27, 1966, in connection with your application for an Exception to permit the construction of a garage on property zoned "F" Heavy Industrial and generally located on the west side of Wabash between 17th and 18th Streets. This Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkj

Attachment

cc: Glen Lytle, Superintendent of Central Inspection
Ralph Eberly, City Clerk

RESOLUTION NO. BZA 30-66

WHEREAS, James E. & Mayme Hogan, 1826 North Wabash Street, Wichita, Kansas, pursuant to Section 2.12.590.3, Code of the City of Wichita, requests an exception as provided in Section 28.04.170.A.3, Code of the City of Wichita, to permit the construction of a garage on property zoned "F" Heavy Industrial, and legally described as follows:

Lots 26 and 28 on Wabash Avenue, in Graham's Addition, Wichita, Sedgwick County, Kansas.
Generally located on the west side of Wabash between 17th and 18th Streets.

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 December 27, 1966, consider said application; 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 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the Board determined that a hardship does exist inasmuch as in this climate a garage is a necessity for the protection of a car; and

WHEREAS, the Board of Zoning Appeals has authority to permit the construction of a garage located in the "F" Heavy Industrial District up to 40% of the existing floor area of the present structure on the site subject to the conditions outlined in Section 28.04.170.A.3, Code of the City of Wichita.

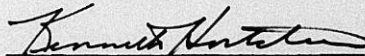
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved for the construction of a garage on property zoned "F" Heavy Industrial and legally described as follows:

Lots 26 and 28, on Wabash Avenue, in Graham's Addition, Wichita, Sedgwick County, Kansas.
Generally located on the west side of Wabash between 17th and 18th Streets.


subject to the following:

1. The garage maintaining all the required setbacks, the garage floor area not exceeding 300 square feet and that the garage shall be accorded the same nonconforming status as the original structure.

ADOPTED AT WICHITA, KANSAS, this 27th day of December, 1966.


Kenneth Hartstein, Vice-Chairman

ATTEST:


Ronald A. Williamson
Assistant Secretary

January 3, 1967

James E. & Mayme Hogan
1826 North Wabash Street
Wichita, Kansas 67214

Dear Mr. and Mrs. Hogan:

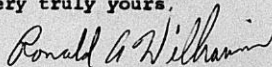
Re: BZA Case No. 30-66 - Request for an
Exception to the Zoning Ordinance to
permit the construction of a garage
on property zoned "F" Heavy Industrial.

At the regular meeting of the Board of Zoning Appeals
on Tuesday, December 27, 1966, your request for an exception
to permit the construction of a garage in an area zoned "F"
Heavy Industrial, and being located on the west side of
Wabash between 17th and 18th Streets, was considered.

It was the action of the Board to approve this request
subject to the garage maintaining all the required setbacks,
the garage floor area not exceeding 300 square feet and that
the garage shall be accorded the same nonconforming status
as the original structure.

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

Very truly yours,



Ronald A. Williamson
Assistant Secretary

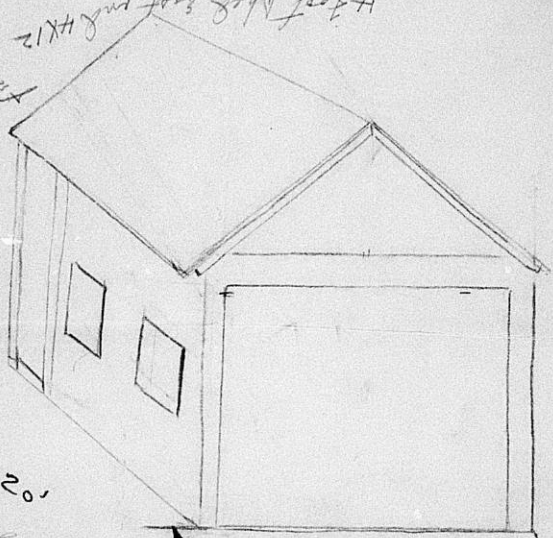
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cc: Glen Lytle, Superintendent of Central Inspection
L. L. Binkley, Maintenance Inspection Supervisor
Ralph Eberly, City Clerk

18 ft
from east end to E. line

4 foot thick east end wall

20'
from front of garage to West 1977



Garage door 12 feet wide

383 inches
PROPERTY
LINE

21 feet
House Line from House

SECRETARY'S REPORT

CASE NO. BZA 30-66

APPLICANT: James E. & Mayme Hogan, 1926 N. Wabash, Wichita, Kansas

REQUEST: Exception to permit the construction of a garage as provided in Section 28.04.170.A.3, Code of the City of Wichita

GENERAL LOCATION: On the east side of Wabash between 17th & 18th Streets

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

LAND USE: Subject property and all surrounding property is single-family

JURISDICTION

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

COMMENTS BY THE SECRETARY

The applicant is requesting an exception in order to build a garage for a residential use on property zoned "F" Heavy Industrial. The applicant began construction of the garage without obtaining a permit and upon the issuance of a cease and desist order, the applicant was informed that an exception application must be approved by the Board of Zoning Appeals prior to any construction, expansion or enlargement taking place.

The Board may approve the request if it first finds that a hardship does in fact exist, however, the enlargement or expansion may only be for a maximum of 40% of the existing floor area of the present structure on the property.

The applicant points out in his statement of justification that he does not have a garage and his car must then set outside through all types of weather. The Secretary is of the opinion that a garage is a necessity in this climate for the protection of the car, and that if the proposed garage can meet all the setback requirements, it can be justified.

Secretary's Report
Case No. BZA 30-66
Page 2

The single-family dwelling on said property consists of approximately 750 square feet, 40% of which is 300 square feet. The garage proposed by the applicant is 12' x 20' or 240 square feet.

RECOMMENDATION

It is the opinion of the Secretary that a hardship does exist inasmuch as the applicant does not have the protection or convenience of a garage. Therefore, it is the recommendation of the Secretary that the exception to permit the applicant to construct a garage be granted subject to the garage maintaining all the required setbacks, the garage floor area not exceeding 300 square feet and that that garage shall be accorded the same nonconforming status as the original structure.

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

December 16, 1966

NOTICE TO ADJACINING PROPERTY OWNERS

Case No. BZA 30-66

An application has been filed by James E. & Mayme Hogan, 1826 North Wabash Street, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, 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 garage on property zoned "F" Heavy Industrial and legally described as follows:

Lots 26 and 28 on Wabash Avenue, in Graham's Addition, Wichita, Sedgwick County, Kansas.
Generally Located on the west side of Wabash between 17th and 18th Streets.

This application has been assigned Case No. BZA 30-66, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 27, 1966, 2:00 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

Sent 12-16-66

4-21-66

Wichita Kansas
to the Board of officials
of Planning.

Dear Sirs, I this to inform
you that I James E Hogan
are very much in need of
a Garage for our car. and
why. Because we feel that
investing \$5,000 in a car. that it
should be protected from
inclement weather when it not
in service. now I have been
late on my job. owing to my
car being damaged to coal weather
and have lost jobs on the
account of ^{it} ~~it~~ ^{not} ~~not~~ ^{being} ~~being~~ ^{able} ~~able~~ ^{to} ~~to~~ ^{start} ~~start~~ ⁱⁿ ~~in~~ ^{time} ~~time~~ ^{to} ~~to~~ ^{get} ~~get~~ ^{to} ~~to~~ ^{work} ~~work~~ ^{on} ~~on~~ ^{time} ~~time~~. So I am
asking you to give these remarks
to

your very Best conetration

yours truly

James E. Hogan 1876 N. W. 60th St
City Wichita Kansas

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. ~~30-66~~ 30-66
FILED 11-21-66

APPLICATION FOR EXCEPTION

I. Name of Applicant James E. Hogan & Moymie
Mailing Address 18 26 n webash st Phone am 78678
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
28.04.170.A.3, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of James E. Hogan and Moymie Hogan
14 on property zoned
S.F., located 18 26 n webash st
Wichita Kansas and legally described as: Plat
addition Sedgwick County
_____, 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.

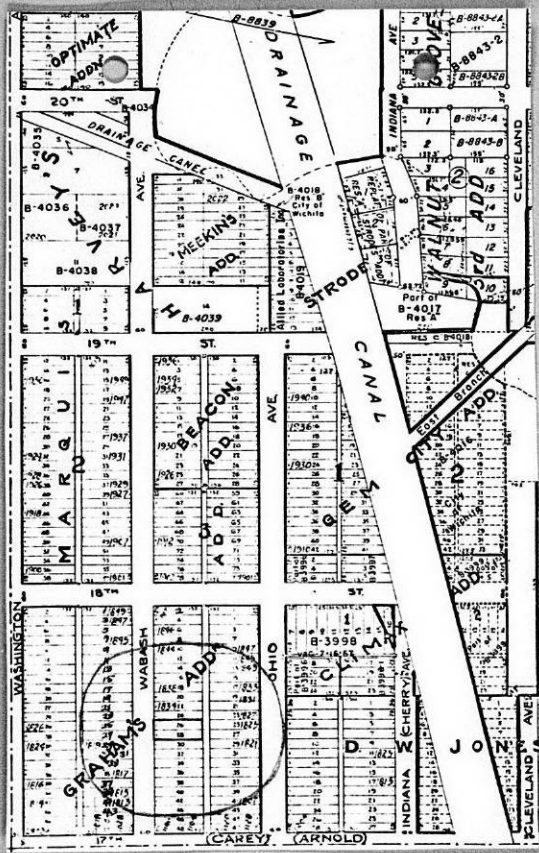
Applicant _____

Authorized Agent _____

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

Signed Conrad G. D.
\$50 check enclosed





STATEMENT OF OWNERSHIP

STATE OF KANSAS)
)
 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:
 Lots 26 & 28, on Wabash Avenue, in Graham's Addition,
 Wichita, Sedgwick County, Kansas.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz:

LOT	STREET	ADDITION	OWNER
<u>GRAHAM'S</u>			
2, 4, 6, 8,	Wabash		✓ Della Fulcher 1846 Wabash
10, 12, 14, 16,	"		✓ A. D. & Ernestine Griffin, ux 1842 Wabash
18, 20,	"		✓ Etta Walker 1838 Wabash <i>not correct</i>
22, 24,	"		✓ Zebedee B. & Bernadine Phillips, ux 1828 Wabash
26, 28,	"		✓ J. E. & Mamie Hogan, ux 1826 Wabash
30, 32,	"		✓ Rogers & Georgia Noble, ux 1822 Wabash


Fidelity
Title
Company.
inc.



LOT	STREET	ADDITION	OWNER
<u>GRAHAM'S</u>			
34, 36, 38, 40,	Wabash		✓ Arnold I. & Lois H. Lambertz, ux 738 Barlow
42, 44, 46,	"		✓ Thomas Shannon 1104 E. 17th St.
1, 3, 5, 7,	Ohio		✓ Brist McConico 1930 Ohio
9, 11,	"		✓ Nelson & Margie Salton, ux 1847 Ohio
13, 15,	"		✓ Gus W. & Flois M. Underwood, ux % Madeline Gunter 914 E. 15th St.
17, & N 9' of 19,	"		✓ John H. Brooks 1833 Ohio
S 16' Lot 19 & N 18' of Lot 21,	"		✓ Robert S. & Luevunia Johnson, ux 1831 Ohio
S 7' Lot 21, all 23 & N 5' of 25,	"		✓ Gertrude Bradley & Jasper W. Johnson 1102 N. Mosley
S 20' Lot 25 & all Lot 27,	"		✓ E. T. Chism 1825 Ohio
29, 31,	"		✓ Ben, Jr. & Delois Martin, ux 811 N. Madison
33, 35,	"		✓ Lewis C. & Bonnie Holloway, ux 1817 Ohio
37, 39,	"		✓ Louis C. & Barnie Joe Holloway, ux 1817 Ohio
41, 43,	"		✓ Jon K. & Lorna June Kardatzke, ux 1301 N. West St.
1, 3,	Wabash		✓ Nolan & Frances Jones, ux 1617 E. 9th St.
5, 7, 9, 11, 13, 15,	"		✓ Eugene & Viola Jackson, ux 1847 Wabash
17, 19, 21, 23, 25, 27,"	"		✓ Della Fulcher 1846 Wabash
29, 31,	"		D Nolan & Frances Jones, ux 1617 E. 9th St.
33, 35, 37, 39,	"		✓ Brist L. & Mary McConico, ux 1815 Wabash
W 29 ft of 41, 43, 45 & 47,	"		✓ Isaiah & Beatrice Collins, ux 1841 N. Estelle
E 103 ft Lot 41 & E 103 ft N 3 ft 43	"		✓ Helen Alford, Willie D. Alford, Amos Alford, Eugene Alford 1524 E. 15th St.
E 103 ft Lots 45, 47, " E 103 ft of S 22 ft Lot 43,	"		✓ Osie & Alice Winn, ux 1022 E. 17th St.

Dated at Wichita, Kansas this 16th day
of November, 1966 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elmer M Farwell OEM
Sec.

Tracer # 78943

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

December 16, 1966

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 30-66

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Jack H. Galbraith
Secretary

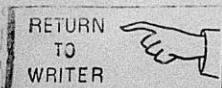
THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS 67202

- No return address
- No return number
- May not be forwardable
- Addressee unknown

1422 MB
Etta Walker

~~1838 Wabash~~

Wichita, Kansas



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
<i>Bga App.</i>	<i>50⁰⁰</i>

Name *James Hogan*

Address *1826 N. Webster*

Type *R-7121* Due Date *11-25-66*

Comments:

Date *11-25-66* BY *B. Howie*