

POSTED  
10-25-74  
✓ M.A.P.C.  
✓ C.I.  
11-5-74  
[Signature]

ACTION

BZA COMMITTEE Approach DATE 11-26-74

M.A.P.C. \_\_\_\_\_

R.C.C./B. CO. C. \_\_\_\_\_

BZA 30-74 - Leon Rickman requests variance of rear yard setback for north side of Alcott in an area between Hood & Salina.

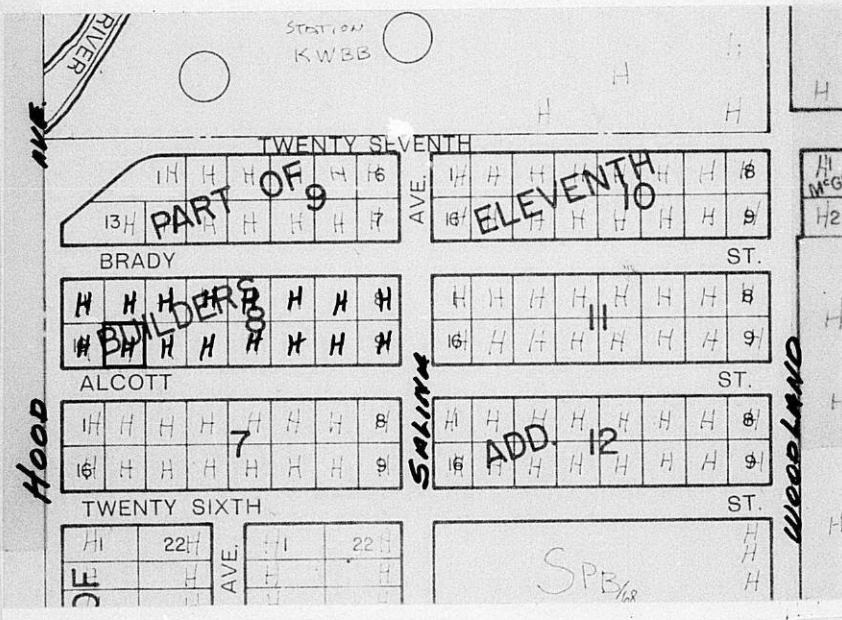
BZA 49-64

Map No. 5450  
Sec. 5  
Twp. 27  
Range 1E

BZA- 30-74  
SCZ- \_\_\_\_\_  
CU- \_\_\_\_\_  
Filed \_\_\_\_\_

- AREA DATA:
1. Acres: 0.13 ( 76 ft. by 80 ft.)
  2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
  3. Land Use: East SINGLE FAM South SINGLE FAM  
West SINGLE FAM 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 \_\_\_\_\_



RESOLUTION NO. BZA 30-74

WHEREAS, Leon and Dorothy Rickman, 1414 Alcott, Wichita, Kansas request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 20 feet to 16 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 15, Block 8, Builders 11th Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Alcott in an area between Hood and Salina.

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 November 26, 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 the lot would be considered shallow as compared with the average single family zoned lots in the city and also, if the existing house had been originally constructed with only the required 25 foot front yard setback, the proposed porch could be built without violating the rear yard setback; 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 sufficient open space for the passage of air and light would still exist; 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 could build a screened-in porch and not violate the zoning ordinance, but this type of porch would not provide the insulation for the home; 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 this request 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 the previous four conditions have been found to exist; and

Case No. BZA 30-74

Page Two

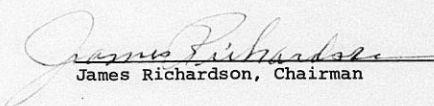
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

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 20 feet to 16 feet on property zoned the "AA" Single Family Dwelling District and legally described as:

Lot 15, Block 8, Builders 11th Addition to  
Wichita, Sedgwick County, Kansas. Generally  
located on the north side of Alcott in an area  
between Hood and Salina.

be approved for only the 18-foot portion of the rear yard as shown on the applicant's plot plan.

ADOPTED AT WICHITA, KANSAS, this 26th day of  
November, 1974.

  
James Richardson, Chairman

ATTEST:

  
Larry Dobson, Assistant Secretary

December 3, 1974

Leon and Dorothy Rickman  
1414 Alcott  
Wichita, Kansas 67204

Subject: Case No. BZA 30-74  
Request for Variance

Dear Mr. and Mrs. Rickman:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 26, 1974, in connection with your request for a variance to reduce the required rear yard setback from 20 feet to 16 feet on property zoned the "AA" Single Family Dwelling District and generally located on the north side of Alcott in an area between Hood and Salina.

This Resolution reflects the official action of the Board to approve your request.

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

Sincerely,

Larry Dobson  
Assistant Secretary

LD:js  
Encl.

cc: Robert Feldner, Supt. of Central Inspection  
Don Gisick, Acting City Clerk  
Joe Donnelly, Central Inspection

November 27, 1974

Leon and Dorothy Rickman  
1414 Alcott  
Wichita, Kansas 67204

Subject: Case No. BZA 30-74  
Request for Variance

Dear Mr. and Mrs. Rickman:

At the regular meeting of the Board of Zoning Appeals on November 26, 1974, your request for a variance to reduce the required rear yard setback from 20 feet to 16 feet on property zoned the "AA" Single Family Dwelling District and generally located on the north side of Alcott in an area between Hood and Salina, was considered.

It was the action of the Board to approve this request for only the 18-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

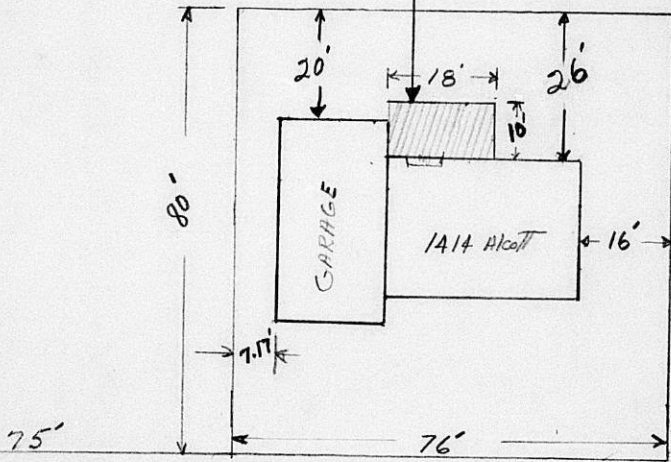
cc: Robert Feldner, Superintendent of Central Inspection  
Don Gisick, Acting City Clerk  
Joe Donnelly, Central Inspection

Leon &/or Dorothy E. Rickman

PROPOSED ADDITION

10'x18' ENCLOSED PATIO (STORM WINDOWS) N.

Hood AVE.



SCALE

1" = 20 FEET

DESCRIPTION

LOT 15 - Block 8 BUILDERS 17<sup>th</sup> ADDITION

Alcott STREET

Sheet 4

SECRETARY'S REPORT  
Case No. 88A 30-74

APPLICANT: Leon & Dorothy Rickman, 1414 Alcott, 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 20 feet to 16 feet.

GENERAL LOCATION: North side of Alcott in an area between Hood and Salina.

ZONING: Subject property and all surrounding properties are zoned the "AA" Single Family Dwelling District.

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

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

Secretary's Report  
Case No. BZA 30-74  
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 reduction of the required rear yard setback from 20 feet to 16 feet for the purpose of attaching an enclosed porch to the rear (north) of the existing single family dwelling.

The applicant has submitted a plot plan which shows an 18-foot wide by 10-foot deep enclosed porch as proposed to be attached to his house. Subject property is 70 feet wide by 80 feet deep. The main house was originally constructed on the lot so as to maintain a 29-foot front yard setback, as opposed to the required 25-foot and a 26-foot rear yard setback as opposed to the required 20-foot. A garage was later added to the west end of the house and was constructed to the limits of the required setback lines. The proposed porch would encroach four feet into the required rear yard. It should be noted that an open, unenclosed porch may project into a required rear yard for a distance not exceeding five feet.

In his statement of justification, the applicant explains that he presently has no porch or overhanging shelter on the back of his home. There is a sliding double glass door that opens to his rear yard, which would be enclosed by the proposed addition. The addition would serve as insulation for the house during the cold winter months and provide an attractive, comfortable place to enjoy the outdoors during pleasant weather. It is assumed some type of storm window/screener combination would be utilized to enclose the porch.

UNIQUENESS

It is the opinion of the Secretary that uniqueness may exist inasmuch as the lot would be considered shallow as compared with the average single family zoned lots in the city and also, if the existing house had been originally constructed with only the required 25 foot front yard setback, the proposed porch could be built without violating the rear yard setback.

Secretary's Report  
Case No. BZA 30-74  
Page Three

ADJACENT PROPERTY

It is the opinion of the Secretary that it is difficult to determine whether the granting of the variance would have an adverse effect on adjacent property owners.

HARDSHIP

It is the opinion of the Secretary that it is difficult to determine that the granting of this variance would constitute undue hardship upon the applicant, but that hardship may exist inasmuch as the applicant could build a screened-in porch and not violate the zoning ordinance, but this type of porch would not provide the insulation for the home.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as this 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 26 (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 request to reduce the rear yard setback from 20 feet to 16 feet be approved for only the 18-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

November 5, 1974

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 30-74

An application has been filed by Leon and Dorothy Rickman, 1414 Alcott, 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 20 feet to 16 feet on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

Lot 15, Block 8, Builders 11th Addition to  
Wichita, Sedgwick County, Kansas. Generally  
located on the north side of Alcott in an area  
between Hood and Salina.

This application has been assigned Case No. BZA 30-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 26, 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

*26 Notices to Property Owners  
10 notices to maps mailed  
on above date.*

Hood & Alcott  
shallow lot (80')

---

original front yard setback  
was greater than  
required (7')

---

not financially feasible  
to build only six feet.

5450

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

Map 5450  
Generally located  
CASE NO. BZA-30-74  
FILED 10-16-74

APPLICATION FOR VARIANCE

I. Name of Applicant Leon &/or Dorothy E. Rickman  
Mailing Address 1414 Alcott Phone 838-4609  
Name of Authorized Agent N/A  
Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_  
Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other)

II. The variance requested is to allow applicant approximately four (4)  
(to vary rear yard setback from 20 feet to 16 feet)  
feet additional footage than allowed by Zoning Ordinance to add an enclosed  
patio on back or north side of house.

for property located 1414 Alcott, Wichita, Kansas 67204

and legally described as: Lot 15, Block 8, Builder's 11th Addition  
to Wichita, Kansas (Generally located on the north  
side of Alcott in an area between Hood's Salina  
in the City of Wichita; and which is presently zoned AA.

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
  - 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;
  - 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.
  - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Leon Rickman / Dorothy E. Rickman  
Applicant

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

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:30 (a.m. - p.m.), October 16 1974 together with appropriate fee of \$50.00.

T9-402

Larry Robson  
Signed

Item 3

Justification for Variance Requested:

The building requested will in no way adversely affect the rights of adjacent property owners or residents. It will be attractive in appearance, will not contain anything that will affect the public health, safety, or general welfare such as a storage or utility-type detached building which is allowed closer to property line.

The strict application of the provisions of Title 28 of which variance is requested constitutes unnecessary hardship on applicant property owner who wants to add more attractive, liveable and protective space to his home. There is no porch or overhanging shelter on the back (north) side of the house to protect owner from rain, snow, ice or wind. Ice and snow accumulate at back door. The porch or enclosed patio will be glassed in but will have ample shading at night to prevent lights from annoying neighbors -- more so than some outdoor yard lights. Addition will help serve as insulation for the house on cold north side and provide attractive, comfortable place to enjoy the outdoors during pleasant weather.

This in no way affects adversely the intent of the Title 28 Code.

Leon &/or Dorothy E. Rickman  
1414 Alcott

Item 3

Justification for Variance Requested:

The building requested will in no way adversely affect the rights of adjacent property owners or residents. It will be attractive in appearance, will not contain anything that will affect the public health, safety, or general welfare such as a storage or utility-type detached building which is allowed closer to property line.

The strict application of the provisions of Title 28 of which variance is requested constitutes unnecessary hardship on applicant property owner who wants to add more attractive, liveable and protective space to his home. There is no porch or overhanging shelter on the back (north) side of the house to protect owner from rain, snow, ice or wind. Ice and snow accumulate at back door. The porch or enclosed patio will be glassed in but will have ample shading at night to prevent lights from annoying neighbors -- more so than some outdoor yard lights. Addition will help serve as insulation for the house on cold north side and provide attractive, comfortable place to enjoy the outdoors during pleasant weather.

This in no way affects adversely the intent of the Title 28 code.

Leon &/or Dorothy E. Rickman  
1414 Alcott

## STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
 SEDGWICK COUNTY )

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

All the owners within 200' of Lot 15, Block 8, Builders 11th Addition to Wichita, Sedgwick County, Kansas

  
 Fidelity  
 Title  
 Company,  
 Inc.

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

<u>LOT NUMBER &amp; BLK.</u>	<u>ADDITION</u>	<u>OWNERS &amp; ADDRESSES</u>
Lot 32 and S 1/2 Lot 33, Blk 6	Builders 11th Add.	Jesse F. & Margaret L. Addis 2711 Hood Ave Wichita, Ks 67204
N 51' of Lot 33, Block 6	Builders 11th Add.	Waldo C. & Liliana E. Santandar, 2717 Hood Ave Wichita, Ks. 67204
Lot 34, Block 6	Builders 11th Add.	Donald R. & Jean M. Hackett 2721 Hood Wichita, Ks. 67204
Lot 35, Block 6	Builders 11th Add.	John J. Lytle and Melba A. 2727 Hood Wichita, Ks. 67204
Lot 36, Block 6	Builders 11th Add.	Milburn O. & Marcel Quattle- baum 2733 Hood Wichita, Ks. 67204
Lot 37, Block 6	Builders 11th Add.	Jack R. & Alice L. Robertson 2739 Hood Wichita, Ks. 67204



<u>LOT NUMBER &amp; BLK.</u>	<u>ADDITION</u>	<u>OWNERS &amp; ADDRESSES</u>
Lot 1, Block 7	Builders 11th Add.	Ruth Joan Johnson ✓ 1419 Alcott Wichita, Ks. 67204
Lot 2, Block 7	Builders 11th Add.	W.A & Vera F. Heidebrecht ✓ 553 N. Estelle Wichita, Ks. 67214
Lot 3, Block 7,	Builders 11th Add.	Neil C. & Lillian L. × Wedgewood No Address Found
Lot 4, Block 7	Builders 11th Add.	D.L. & Pauline H. Grimes × No Address Found
Lot 5, Block 7	Builders 11th Add.	Administrator of Veterans ✓ Affairs 5500 E. Kellogg /Wichita, Ks. 67207
Lot 13, Block 7	Builders 11th Add.	Jesse J. & Gloria Lopez ✓ 1402 W. 26th St. North Wichita, Ks. 67204
Lot 14, Block 7	Builders 11th Add.	Ivan & Florence Sifford ✓ 1408 W. 26th St. North Wichita, Ks. 67204
Lot 15, Block 7	Builders 11th Add.	Benito S. & Lupe M. Larez ✓ 1414 W. 26th St. North Wichita, Ks. 67204
Lot 16, Block 7,	Builders 11th Add.	Eva Laurine Nelson ✓ 1420 W. 26th St. North Wichita, Ks. 67204
Lot 1, Block 8	Builders 11th Add.	✓ Irene L. Rather 1419 Brady Wichita, Ks. 67204
Lot 2, Block 8	Builders 11th Add.	✓ Marvin E. Clary 1413 Brady Wichita, Ks. 67204
Lot 3, Block 8	Builders 11th Add.	James H. & Marquerite C. ✓ Warriner 1407 Brady Wichita, Ks. 67204
Lot 4, Block 8	Builders 11th Add.	✓ Lynn E. & Eva Mae Showalter 1401 Brady Wichita, Ks. 67204
Lot 5, Block 8	Builders 11th Add.	✓ Ralph L. & Jaynelle Minter 4402 W. 17th St. Wichita, Ks. 67212
Lot 12, Block 8	Builders 11th Add.	✓ Chester W. & Carolyn J. Perry 1349 Lewellan Ave. Wichita, Ks. 67203



<u>LOT NUMBER &amp; BLK.</u>	<u>ADDITION</u>	<u>OWNERS &amp; ADDRESSES</u>
Lot 13, Block 8	Builders 11th Add.	✓ David L. & Deborah D. White 1402 Alcott Wichita, Ks. 67204
Lot 14, Block 8	Builders 11th Add.	✓ Jerry L. & Judith K. Leep 1408 Alcott Wichita, Ks. 67204
Lot 15, Block 8	Builders 11th Add.	✓ Leon & Dorothy L. Rickman 1414 Alcott Wichita, Ks. 67204
Lot 16, Block 8	Builders 11th Add.	✓ Eugene G. & Mildred Fey 1420 Alcott Wichita, Ks. 67204
Lot 11, Block 9	Builders 11th Add.	✓ Edgar & Marie A. Bieker 1402 Brady Wichita, Ks. 67204
Lot 12, Block 9	Builders 11th Add.	✓ Augustine M. Sanchez 1408 Brady Wichita, Ks. 67204
Lot 13, Block 9	Builders 11th Add.	✓ Carl W. & Ellin J. Underwood 915 Country Acres Wichita, Ks. 67212



Dated this 14th day of October, 1974 @ 7 o'clock A.M.

Fidelity Title Co., Inc.

By Gary J. Newcome  
ait VP

Tracer No. 26120



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		50.00

DESCRIPTION AMOUNT

2372 application

Name

Miss Kichan

Address

1414 Abbot

Type

20457103

Due Date

Comments:

Date

10-16-74

By

Gene Smith