

Case No. BZA 41-78 - Frank R.
Smith requests exception to
permit establishment of a
mobile home on property
located at 500 W. 34th St. N.

BZA
41-78

ACTION

COMMITTEE approved DATE 11-28-78

M.A.P.C. _____

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

POSTED
10-19-78
MAYOR
E.I.V.
2-11-79
2-5-79

Case No. BZA 41-78 - Frank R. Smith requests exception to permit establishment of a mobile home on property located at 500 W. 34th St. N.

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

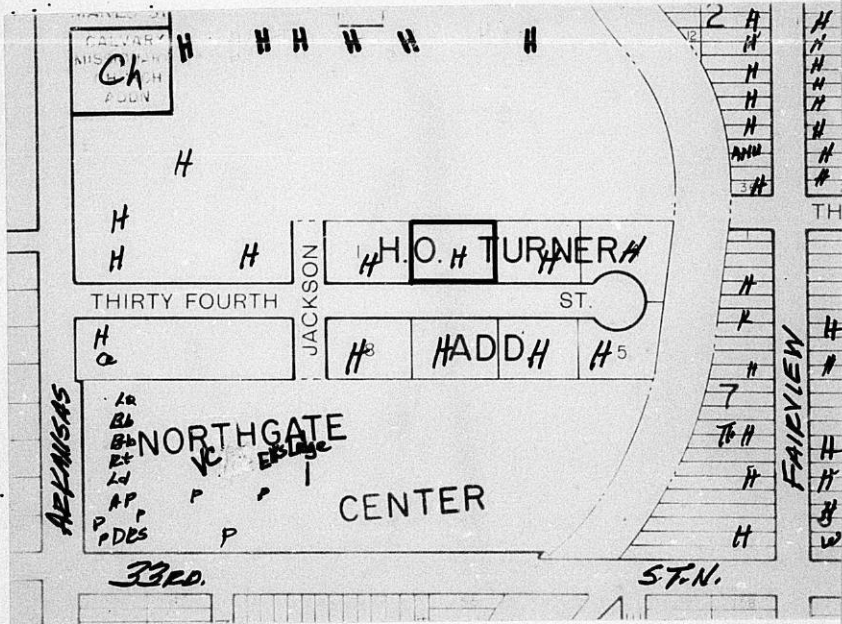
BZA- 41-78
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.37 (110 ft. by 150 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: _____
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



Shimada
 No. 2153C
 HASTINGS, MIN. LOS ANGELES
 LOGAN OH. - McREGOR, TX U. S. A.

1-28-82

Frank R. Smith advised this date
that his mother still occupies the
MH on this site.

JK

December 12, 1978

Frank R. Smith
500 W. 34th Street North
Wichita, Kansas 67204

Re: Case No. BEA 41-78
Request for Exception

Dear Mr. Smith:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 28, 1978, in connection with your request for an exception to permit the establishment of a mobile home on property zoned the "AA" One Family Dwelling District, generally located on the north side of 34th Street in an area east of Arkansas (500 West 34th Street North).

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

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

Sincerely,


Larry Dobson
Assistant Secretary

LD:bbc
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

RESOLUTION NO. BZA 41-78

WHEREAS, Frank R. Smith, 500 W. 34th Street North, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a mobile home on property zoned the "AA" One Family Dwelling District and legally described as follows:

Lot 2, H. O. Turner Addition. Generally located on the north side of 34th Street in an area east of Arkansas (500 West 34th Street North).

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 28, 1978 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, after public hearing of this application, determined that a hardship does exist inasmuch as the applicant's elderly mother is in need of limited care which can best be provided by her residing in a mobile home on subject property; and

WHEREAS, the Board of Zoning Appeals has authority to permit a mobile home, on property zoned the "AA" Single Family Dwelling District subject to conditions outlined in Title 26, 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 installation of a mobile home, on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

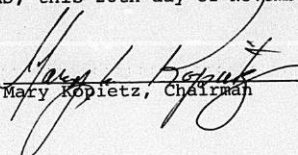
Lot 2, H. O. Turner Addition. Generally located on the north side of 34th Street in an area east of Arkansas (500 West 34th Street North).

subject to the following conditions:

1. The mobile home may remain on the property as long as it is occupied by the applicant's mother. When the mother no longer occupies the mobile home, it shall be removed from the property.
2. The applicant shall report annually, during the first week of January, to the Central Inspection Division, as to whether or not the mobile home is still occupied by his mother.
3. The location of the mobile home shall conform to all height and setback requirements of the "AA" Single Family Dwelling District and the requirements of Title 26 of the City Code.

Resolution No. BZA 41-78
Page Two

ADOPTED AT WICHITA, KANSAS, this 28th day of November, 1978.


Mary Kopletz, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE November 20, 1978

TO Larry Dobson, Secretariat to the BZA
FROM Sarah Gilbert, CPO Administrative Aide

SUBJECT BZA 41-78 (NORTH SIDE OF 34TH ST.,
EAST OF ARKANSAS)

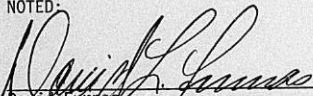
The applicant and one neighbor attended the November 16 meeting of CPO Area "J" Council. The neighbor was concerned that approval of the exception would encourage other property owners to place mobile homes on their lots. After the zoning and exception restrictions were explained, he withdrew his opposition.

The Council voted 6-0 to recommend that the application for exception to permit a mobile home be approved.

Please advise the BZA of the Council's recommendation when the case is considered on November 28.


Sarah Gilbert
CPO Administrative Aide

SG:m1
cc John Smith, Chairperson
NOTED:


David L. Barnes
Citizen Participation Coordinator



November 30, 1978

Frank R. Smith
500 West 34th Street North
Wichita, Kansas 67204

Re: Case No. BEA 41-78
Request for Exception

Dear Mr. Smith:

At the regular meeting of the Board of Zoning Appeals on Tuesday, November 28, 1978, your request for an exception to permit the establishment of a mobile home on property zoned the "AA" Single Family Dwelling District, and generally located on the north side of 34th Street North in an area east of Arkansas (500 West 34th Street North), was considered.

It was the action of the Board to approve the request subject to the following conditions:

1. The mobile home may remain on the property as long as it is occupied by the applicant's mother. When the mother no longer occupies the mobile home, it shall be removed from the property.
2. The applicant shall report annually, during the first week of January, to the Central Inspection Division, as to whether or not the mobile home is still occupied by his mother.
3. The location of the mobile home shall conform to all height and setback requirements of the "AA" Single Family Dwelling District and the requirements of Title 26 of the City Code.

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.

November 30, 1978
Frank R. Smith
Re: BEA 41-78

If you have any questions, please call our office.

Sincerely yours,

Larry Dobson
Assistant Secretary

LD:bbs

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 41-78

APPLICANT: Frank R. Smith, 500 W. 34th St. North, Wichita, Kansas

AGENT: Same

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a mobile home.

GENERAL LOCATION: North side of 34th Street North in an area east Arkansas (500 West 34th Street North).

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

LAND USE: Subject property and all surrounding properties are developed with single family residences.

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 23.04.182.3 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the placement of a mobile home on his property which is zoned the "AA" Single Family Dwelling District.

The Board of Zoning Appeals has the authority to permit as an exception, the placement of a mobile home on any property in any district on a temporary basis, provided that the applicant can show due cause that a hardship exists and that this hardship cannot reasonably be alleviated without the granting of the permit.

The applicant states that his 81 year old mother has recently been forced, due to health problems, to sell her home in Missouri and is presently living with him and his family (wife and son) in their two bedroom home at 500 W. 34th Street North. Because of the mother's age and health problems she needs someone close by to look after and take care of her, but due to the small size of the applicant's home he proposes to locate a mobile home on his property for his mother to live in. A site plan submitted with the application shows that this could be accomplished with observance of the proper setback requirements.

Case No. BZA 41-78
November 28, 1978
Page 2

RECOMMENDATION:

If the Board determines that there is a hardship in this case and that the hardship cannot reasonably be alleviated without the granting of this exception, the following conditions are suggested as conditions of approval:

1. The mobile home may remain on the property as long as it is occupied by the applicant's mother. When the mother no longer occupies the mobile home, it shall be removed from the property.
2. The applicant shall report annually, during the first week of January, to the Central Inspection Division, as to whether or not the mobile home is still occupied by his mother.
3. The location of the mobile home shall conform to all height and setback requirements of the "AA" Single Family Dwelling District and the requirements of Title 26 of the City Code.

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

November 3, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 41-78

An application has been filed by Frank R. Smith, 500 West 34th Street North, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a mobile home on property zoned the "AA" One Family Dwelling District and legally described as follows:

Lot 2, M. C. Turner Addition. Generally located on the north side of 34th Street in an area east of Arkansas (500 West 34th Street North).

This application has been assigned Case No. BZA 41-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 28, 1978, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, 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.

Jack H. Galbraith
Secretary

Case No. BZA 41-78

1 notice sent to applicant
10 notices sent to MAPC
1 notice sent to CPO
16 notices sent to adjoining property owners
—
28 total notices sent 11-3-78

BOARD OF ZONING APPEALS

CASE NO.

41-78

CITY OF WICHITA, KANSAS

FILED

APPLICATION FOR EXCEPTION

I. Name of Applicant FRANK R SMITH **D**

Mailing Address 500 West 34th St. North Phone 838-5624

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 property zoned

AA, located 500 WEST 34TH ST NORTH
WICHITA, KS. and legally described as: LOT 2
TURNER ADDITION

_____ 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. 24-606); 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 Frank R Smith

Authorized Agent _____

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 2:00 (a.m. P.M.), 10-3, 1978, together with appropriate fee of \$50.00

N. side of 34th St. in
an area E. of Arkansas
(500 W. 34th St North)

subj. to receiving ownership
list

Signed Larry Johnson

Johnson

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, within a 200 foot radius of and including the following described property, viz:

Lot Two (2), H. O. TURNER ADDITION, Sedgwick County, Kansas.

NOTE: Addresses are furnished as a service only and are not certified.

Description	Owner/Owners Address
H. O. TURNER ADDITION	
Lot One (1)	Charles A. Potter & Feryl L. Potter 526 W. 34th North 67204
Lot Two (2)	<i>Applicant</i> Frank Roy Smith & Jane Anne Smith 500 W. 34th North 67204
Lot Three (3)	Wesley Hubert Rubenich & Sharon L. Rubenich 426 W. 34th North 67204
Lot Four (4)	Junior Dean Capps & Alice M. Capps 412 W. 34th North 67204
Lot Five (5)	Administrator of Veterans Affairs 5500 East Kellogg 67218
Lot Six (6)	Archie Dwayne Sayers & Linda L. Sayers 425 W. 34th North 67204
Lot Seven (7)	Robert Hernandez & Yolanda Hernandez 501 W. 34th North 67204
Lot Eight (8)	Harold R. Cochenour & Helen J. Cochenour 525 W. 34th North 67204
Beginning 907 feet North & 683.5' East of the Southwest corner of Northeast Quarter 32-26-1E thence East 84 feet; thence South 143.8 feet thence West 84 feet thence North to point of beginning.	Leonard L. Lehman 4905 E. Harry 67218
A tract East of a line 767.4 feet East of the West line of the Northeast Quarter of the North 3 3/4 Acres of the South 20.4 Acres in the Southwest Quarter of the Northeast Quarter to the center of Chisholm Creek	Hugh H. Butcher & Edith E. Butcher 425 Manlo Drive 67204

Description

Owner/Owners Address

Beginning 907 feet North & 599.54 feet East of the Southwest corner of the Northeast Quarter 32-26-1E thence East 84 feet thence South 143.85 feet thence West 84 feet thence North to the point of beginning

*Retained
value*

L. Lemoy Lehman
515 Manlo Drive 67204

Beginning 907 feet North & 515.4 feet East of the Southwest corner of the Northeast Quarter of 32-26-1E thence East 84 feet thence South 143.8 feet thence West 84 feet thence North to the point of beginning

Agee Garrett
517 Manlo Drive 67204

Beginning 907 feet North & 431.5 feet East of the Southwest corner of the Northeast Quarter thence East 84 feet thence South 143.5 feet thence West 84 feet thence North to the point of beginning

Robert L. Phelps &
Gora F. Phelps
519 Manlo Drive 67204

The East 3 Acres of the North 3 3/4 Acres of the South 20.4 Acres of the Southwest Quarter of the Northeast Quarter lying West of Chisholm Creek all in 32-26-1E

Thelma Othea Ewing &
William Harold Ewing
3500 Arkansas 67204

NORTHGATE CENTER ADDITION

Lot One (1) except the West 445 feet

Colby B. Sandlain
1500 Fairfield Lane 67219

The West 445 feet of Lot One (1)

Dedrick C. Koch
Rt. 1 Benton, Ks. 67017

Helen B. Vincent
202 North Rock Road 67207

Dated this 15th day of August 1978, 7:55 A.M.

GUARANTEE TITLE CO., INC.

Truman Bryce
Truman Bryce



September 28, 1978

Board of Zoning Appeals
City of Wichita, Kansas

TO WHOM IT MAY CONCERN:

I am requesting a variance under Code of the City of Wichita, Mobile Home Section, as described by Section 28.04.183 Para 3.1 and 3.2, in order to place a mobile home on my property at 500 West 34th St. North in the city of Wichita, Kansas for my mother to live in.

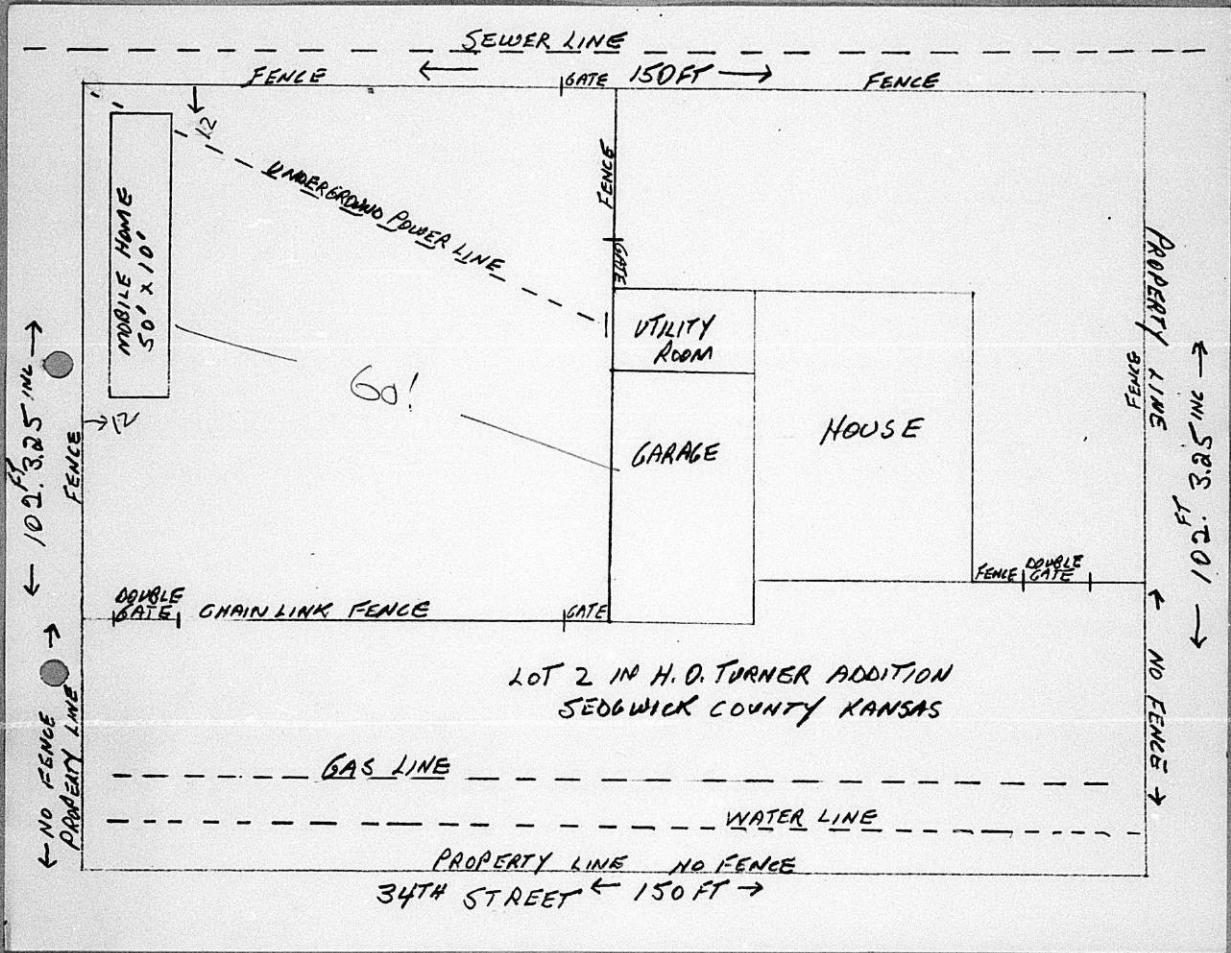
She has been forced, due to health problems, to sell her home in Missouri and is at the present time living with me and my family (wife and son) in our home which is a small two bedroom home, at 500 W 34th North. She is 81 years of age and needs someone close by to look after and take care of her. She has always had her own home and like everyone, has certain furniture and possessions which she values highly.

I would like very much for her to be able to have a place of her own close by me, as she has no other children, and since I have such a large lot and plenty of yard room, I think placing a mobile home next to my own home would be the most feasible solution.

I understand, of course, that this would only be for so long as she would be occupying the mobile home and that I would have to dispose of the mobile home after which time she ceases to occupy it.

Respectfully submitted,

Frank R. Smith
Frank R. Smith
500 West 34th St. North
Wichita, Kansas 67204
Tel. No. 838-5624



LOT 2 IN H. O. TURNER ADDITION
SEDDWICK COUNTY KANSAS

FORM 22-021

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION		AMOUNT
82A Excavate		250.00
Asphalt		
NAME Frank R Smith		
ADDRESS 222 W 24th St North		
FUND	DUE DATE	
	11-1-71	
COMMENTS		
DATE 10-3-71	BY	