

Case No. BZA 43-85 - Odie M. Thomason,  
2517 Woodland, Wichita, Kansas, requests  
a variance to reduce the required front  
yard setback from 25' to not less  
than 3' for the construction of a carport  
on property zoned R-1A.

POSTED  
6-26-85  
682

# ACTION

B.Z.A. ~~43-85~~ DENIED 4-D 7-23-85  
DATE

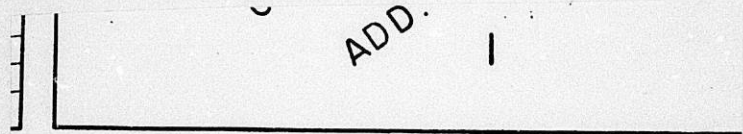
Case No. BZA 43-85 - Odie M. Thomason,  
2511 Woodland, Wichita, Kansas, requests  
a variance to reduce the required front  
yard setback from 25' to not less  
than 3' for the construction of a carport  
on property zoned R-1.

Map No. 5450C

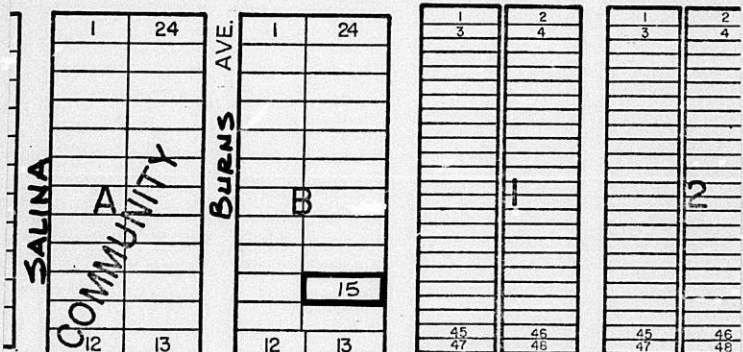
BZA 43-85  
Filed \_\_\_\_\_

AREA DATA:

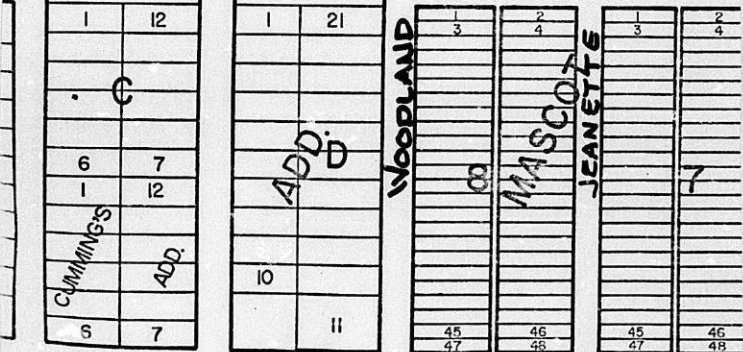
1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E AA S AA W AA N AA
3. Land Use: East I-F South I-F  
West I-F North I-F
4. Area (is) (~~is not~~) platted.



**TWENTY FIFTH**



**TWENTY FOURTH**



**Spaulding**  
 ENGINEERS, ARCHITECTS, PLANNERS  
 No. 2153C  
 LOS ANGELES, CHICAGO, LOGAN, OH  
 HOUSTON, TX, OAKCREST GROVE, GA  
 USA



8-19-87

Don't know what  
happened to this court  
case but I asked C.I.D.  
if the carpet had ever  
been removed. They  
made a field check  
and reported NO carpet  
at 2511 Woodland.

L.O.

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: December 11, 1985

TO: Board of Zoning Appeals  
FROM: Glen E. Lytle, Assistant Secretary, Board of Zoning Appeals  
SUBJECT: BZA 43-85 - Request for Variance

Attached is a copy of a summons furnished this office on December 10, 1985 for your information. I will try to keep you advised of any progress in resolving this matter.

Should the Law Department need any information from any members of the Board, I am sure they will contact you.



Glen E. Lytle  
Assistant Secretary

GE! /lw

Attachment

cc: Michael E. Lindebak, Acting Director of Planning  
Monty Robson, Superintendent of Central Inspection

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: December 11, 1985

TO: Board of Zoning Appeals

FROM: Glen E. Lytle, Assistant Secretary, Board of Zoning Appeals

SUBJECT: BZA 43-85 - Request for Variance

Attached is a copy of a summons furnished this office on December 10, 1985 for your information. I will try to keep you advised of any progress in resolving this matter.

Should the Law Department need any information from any members of the Board, I am sure they will contact you.

Glen E. Lytle  
Assistant Secretary

GEL/lw

Attachment

cc: Michael E. Lindebak, Acting Director of Planning  
Monty Robson, Superintendent of Central Inspection

**SUMMONS FOR SERVICE WITHIN STATE AND RETURN** Form No. 1

In The Eighteenth Judicial District  
District Court, Sedgwick County, Kansas  
Civil Department

ODIE M. THOMASON

Plaintiff(s)

VS.

<sup>10<sup>th</sup></sup> Board of Zoning - City of Wichita  
City of Wichita

Defendant',

PURSUANT TO CHAPTER 61 OF  
KANSAS STATUTES ANNOTATED

**85L 10227**  
Case No.

**SUMMONS**

To the above-named defendant:s

You are hereby notified that an action commenced against you will be on the Court's docket at 9:30 A.M. on the \_\_\_\_\_ day of December, 1985 Division No. \_\_\_\_\_ floor. Should you either fail to appear before this court, personally or by counsel, at said time, or prior to said time file with this court a pleading in response to the petition which is herewith served upon you, judgment by default will be taken against you for the relief demanded in the petition. Any pleading filed with this court must also be served on the plaintiff or his attorney, whose name and address appears below, prior to the above time should you fail to appear at such time, and your responsive pleading may state as a counterclaim any related claim which you may have against the plaintiff.

To the Sheriff (Marshal) of Sedgwick County, Kansas:

2 This summons must be served by December, 1985, and your return made within \_\_\_\_\_ days thereafter.

Dated: December 4, 1985, 19 \_\_\_\_\_.

Clerk of the District Court of Sedgwick County, Kansas

By Sarah M. Norman, Deputy



RECEIVED  
SHERIFF'S OFFICE  
DEC 5 1 44 PM '85  
DISTRICT COURT  
SEDCWICK COUNTY, KANSAS

**RETURN ON SERVICE OF SUMMONS**

I hereby certify that I have served this summons:

(1) (Personal Service.) By delivering a copy of said summons and a copy of the petition to each of the following defendants on the dates indicated:

\_\_\_\_\_, 19 \_\_\_\_\_, 19 \_\_\_\_\_  
\_\_\_\_\_, 19 \_\_\_\_\_, 19 \_\_\_\_\_

(2) (Residence Service.) By leaving a copy of said summons and a copy of the petition at the usual place of residence of each of the following defendants on the dates indicated:

\_\_\_\_\_, 19 \_\_\_\_\_, 19 \_\_\_\_\_  
\_\_\_\_\_, 19 \_\_\_\_\_, 19 \_\_\_\_\_

(3) (No Service.) The following defendants were not found in this county: \_\_\_\_\_

(4) (Corporate Service) Date Served \_\_\_\_\_ Position \_\_\_\_\_  
Who Served \_\_\_\_\_

**PLAINTIFF'S ATTORNEY** (Name and Address):

Robert E. Blase  
2302 North Hood  
Wichita, Kansas 67204  
tel (316) 838-7733

Dated: \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_, Sheriff (Marshal)

By: \_\_\_\_\_ Deputy

IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT - SEDGWICK COUNTY, KANSAS

ODIE M. THOMASON )  
Plaintiff )  
vs )  
BOARD OF ZONING ,CITY OF WICHITA )  
and CITY OF WICHITA )  
Defendants )

Case No. ....  
**85L10227**

PETITION

Comes now the plaintiff and for her cause of action against the above named defendants alleges and states:

1. That she is a resident of the City of Wichita, Sedgwick County, Kansas, with her residence at 2511 Woodland.
2. That the Defendants have offices in the City Hall at 455 North Main Street in Wichita, Kansas, and are the operating facility for this city.
3. Plaintiff states that she has been refused a right to maintain a carport on her property, at the front of her home on the basis of "protecting the front yards of the of the residential neighborhood from structures such as carports --- " when in fact they had a petition showing that all of the residents on the city block in which the plaintiff resides had agreed that said carport was not objectionable, and did not interfere with their enjoyment of their property rights.
4. That the entire east side, or that portion lying across the street from plaintiff's property is a city park, with no residences, and is used as a soccer and baseball field.
5. That plaintiff was not aware that a permit was necessary in order to build a carport, and had said carport practically completed when advised that it was in violation of a City Ordinance.
6. That plaintiff did everything that she was required to do by the Zoning Board of the City of Wichita, and procured the consent of all of the property owners surrounding her in the block in question and was denied a right to keep the carport on her property.
7. That plaintiff should be permitted a variance in the Zoning Ordinance involved, and permitted to maintain the carport on her property as situated, and that the defendants should be prevented from interfering with the same.

WHEREFORE PLAINTIFF prays for judgment against the defendants and each of them enjoining them from requiring her to remove the carport

from her residence at 2511 Woodland, Wichita, Kansas, for an order granting her a variance from the present Ordinance of the defendants, and for such other and further relief as to the Court may seem just and equitable.

ROBERT E. BLASE  
2302 North Hood  
Wichita, Kansas 67204  
Tel. (316) 838-7733  
Attorney for Plaintiff

Certificate of Clerk of the District Court. The above is a true and correct copy of the original instrument filed on the 4 day of Dec., 19 58, and recorded in this Court of the Eighteenth Judicial District, Sedgewick County, Kansas. Dated this 4 day of Dec., 19 58.  
Clerk of the District Court.  
By Spah M. Norman





August 22, 1985

Ms. Odie M. Thompson  
2511 Woodland  
Wichita, Kansas 67204

Dear Ms. Thompson:

This will acknowledge your July 24, 1985, letter to the City Commission concerning your request for a variance.

In reviewing the matter, I am advised that if you wish to appeal the decision of the Board of Zoning Appeals, you must do so through the district court. The City Commission cannot overrule the Board of Zoning Appeals.

I regret that we cannot be of more assistance.

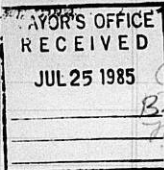
Sincerely,

Robert C. Brown  
Mayor

RCB:hal

✓ bcc: Mike Lindebak  
Director of Planning (Interim)

✓ Glen  
re: appeal process  
District  
Court is  
only appeal -  
AC cannot  
overrule



July 24, 1985

City Commissioners. I was advised  
By my attorney to ask for a Review  
My Request for Variance with  
Denial July 23 By Zone appeal  
Board.

They say I have to have 25 ft set  
back. I wonder if any one had  
the time to come to 2500 & 2400  
Block on Woodland to measure  
the set back. I measured 2507-  
20 ft set back. 2501 9 ft set back  
2445 8 1/2 ft set back some on  
to 23rd St so from me.  
Dugout on 246 Woodland 6 ft.  
I don't think we need the zone  
for Zone appeal board.  
if Mr Glen Little and Mr Jack  
Goldsmith say no that the way  
it goes Mr Goldsmith could  
drive out and see the corner  
Corner my drive is probably 4 ft  
passed through at the house.

from me.

I think this should be review  
my car cant HARM any one  
and I need this car - I HAVE  
NO PLACE FOR MY CAR.

I Live ACROSS FROM Shule  
Park no house there two  
ball fields - I have Paul  
Belle hitting my car more  
times than one. Breaking windows  
in the car to home.

I wish some one would drive  
around the area to see things that  
look horrible my car looks  
nice & cant hurt any one  
I would appreciate your  
attention on this. Enclosure  
is Commt from adjoining  
Jurisprty address. Thank you  
Odie M. Thompson

ODIE M THOMPSON  
2511 Woodland 67204

Board of zoning appeals:

In regards to, Edie Thomason  
at 2511 Woodland, having a  
car port built in front of her  
house, I do not have any  
objections, as it does not block  
my view and it does not  
degrade the value of the  
property as it looks very nice.  
She should be allowed to keep it.

Joy Asher  
2517 Woodland

July 23-1985

Mr Ray B Sams Jr and Ollie  
Sams 3307 Woodland do not  
object to the carport being constructed  
at 3311 Woodland.

To whom it may concern i have no  
Objection of this front being 25  
feet they are good neighbour and  
friend of mine

from Otis L, crowley  
2531 woodland

wichita, kansas 67204

*Otis L. crowley*

7-20-85

I Mrs. Parish writing this letter in  
the behalf of Odie M. (Thomason) Edwards.

My husband and I do not feel that  
the carport she wants built is blocking  
the view of the street. If you are talking  
about blocking the view of the street, I can  
tell you on my street, at the end my block,  
the way their drive way is built, if  
there two cars or two pickups in either  
case parked at the same time in the drive  
when you come up to the STOP sign, you  
have to creep out in the street to see if  
there a car coming from the West going  
East.

I know, I ~~had~~ had to do it alot of times.  
Now, that what I call dangerous.

We believe Odie carport would  
beautify the neighborhood.

Thank you.

Florence Parish

July 23, 1985

Board of zoning appeals

The tower over the drive at 25<sup>th</sup> //  
Woodland can't hurt anyone or block the  
View. It looks nice. don't upset us  
in anyway.

Mrs. Joe Mackey

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

July 3, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 43-85

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 Odie M. Thomason, 2511 Woodland, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required front yard set-back from 25 feet to not less than 3 feet for the construction of a car-port on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 15, Block B, Community Addition to Wichita,  
Sedgwick County, Kansas. Generally located on  
the west side of Woodland and south of 25th Street  
(2511 Woodland).

This application has been assigned Case BZA 43-85. It will be considered by the Board of Zoning Appeals on July 23, 1985 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 variance, 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

SECRETARY'S REPORT  
CASE NO. BZA 43-85

APPLICANT: Odie M. Thomason, 2511 Woodland, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to not less than 3 feet for the construction of a carport.

GENERAL LOCATION: On the west side of Woodland and south of 25th Street (2511 Woodland).

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are adjacent properties.

LAND USE: Subject property is developed as a one-family dwelling as are all adjacent 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 conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required 25 foot front yard setback to be reduced to not less than 3 feet for the construction of a carport approximately 18 feet by 24 feet in size. The carport was basically constructed without benefit of any building permit and the construction was stopped by Central Inspection for being in violation of the setback in the "AA" One-family Dwelling District.

It is the Secretary's opinion that this property is no different than thousands of other lots in the residential districts inasmuch as it is rectangular in size and does not have a sufficient side yard to provide access for the construction of a garage or carport in the rear yard. It should also be noted that the property at one time had a garage that has been converted to living space that has taken away the shelter needed to protect a car.

The applicant has indicated that the structure is far better appearing than many other structures that are permitted to remain. Unfortunately this is not one of the conditions required to be found to exist before a variance can be granted. If this variance is justified strictly on appearance, then it would be impossible to deny other requests for similar construction on other properties that would be vehemently opposed by adjoining property owners.

The Board may find that under certain conditions such construction is desirable for a property owner, however, to justify all five conditions in this case would be extremely difficult, particularly as it relates to uniqueness to the property and to hardship.

UNIQUENESS:

It is the opinion of the Secretary that this property is not unique inasmuch as the property is rectangular in shape as are thousands of other properties in the "AA" One-family District that are required to comply with the same 25 foot front setback.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will adversely affect the rights of adjacent property owners inasmuch as the structure will project into the front yard a distance exceeding the normal setback of nearly 22 feet more than the other structures in the block.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance does not constitute an unnecessary hardship upon the applicant inasmuch as the structure was constructed without benefit of a permit in violation of the ordinance.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the structure will not interfere with any right-of-way or easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the ordinance is specific in the requirement of protecting the front yards of the residential neighborhoods from structures such as carports projecting more than just a few feet in front of other structures.

RECOMMENDATION:

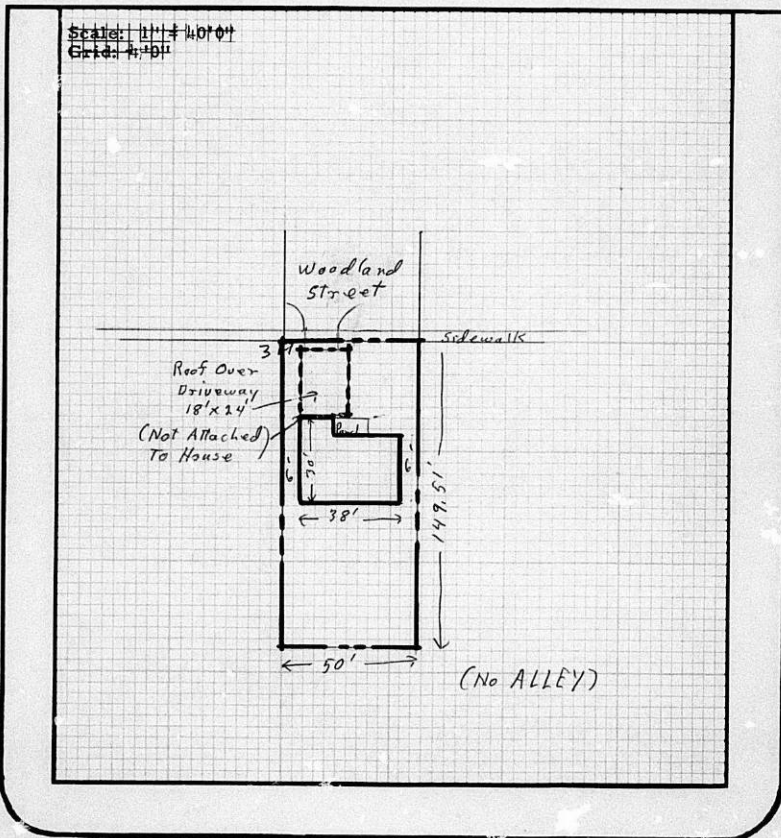
It is the Secretary's opinion that all five conditions necessary to the granting of a variance cannot be found to exist and the variance request should be denied.

-----

RESIDENTIAL PLOT PLAN

ADDRESS: 2511 Woodland PERMIT NO. \_\_\_\_\_

LOT(S): 15 BLK. B OF COMMUNITY ZONING "AA"



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Signed: \_\_\_\_\_  
(Applicant)

White Copy - File

Yellow Copy - Applicant

Pink Copy - Hold

Form No. 225-345 (11-83)

Mrs. Odle M. Thomason  
2511 Woodland  
Wichita, Ks. 67204

Re: BZA Case No. 43-85  
Request for Exception

Dear Mrs. Thomason:

Attached hereto is a copy of the resolution setting forth the official action taken by the Board of Zoning Appeals on July 23, 1985 to deny your request for a variance of the front yard setback. Since you were in attendance, I am sure you are aware that the Board had sympathy for your request, but could not find the five conditions necessary to the granting of the variance to exist.

A copy of this resolution is being furnished to Central Inspection for their follow-up to secure compliance with the provisions of the zoning ordinance for which you were previously cited. I would assume that the only method of compliance would be to remove the construction that was started without a permit.

If you have any questions on this matter, please give me a call.

Sincerely,

Glen E. Lytle  
Assistant Secretary

cc: Monty Robson, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 43-85

WHEREAS, Odie M. Thomason, 2511 Woodland, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to not less than 3 feet for the construction of a carport on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 15, Block B, Community Addition to Wichita,  
Sedgwick County, Kansas. Generally located on  
the west side of Woodland and south of 25th Street  
(2511 Woodland).

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 23, 1985, 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 does not arise from such condition which is unique to the property in question and is not ordinarily found in the same zone or district; and has been created by an action or actions of the property owner or the applicant inasmuch as the property is of the same size and shape as are thousands of other properties in the "AA" One-family Dwelling District and the applicant had started construction without benefit of a permit; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will adversely affect the rights of adjacent property owners or residents inasmuch as the structure will project into almost the entire front yard setback exceeding that permitted by other properties in the block; 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 not constitute unnecessary hardship upon the property owners represented in the application inasmuch as the structure was constructed without benefit of a permit in violation of the ordinance; 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 the structure will not interfere with any right-of-way or easements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the ordinance is specific in the requirement of protecting the front yards of the residential neighborhoods from structures such as carports projecting more than just a few feet in front of other structures; and

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 have not 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 front yard setback from 25 feet to not less than 3 feet for the construction of a carport on property zoned the "AA" One-family Dwelling District and legally described as follows:

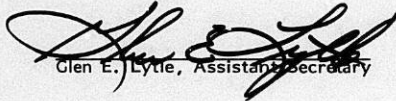
Lot 15, Block B, Community Addition to Wichita,  
Sedgwick County, Kansas. Generally located on  
the west side of Woodland and south of 25th Street  
(2511 Woodland).

be denied.

ADOPTED AT WICHITA, KANSAS, this 23rd day of July, 1985.

  
William J. Goebel, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

# AGENDA ITEM NO. 8

## SECRETARY'S REPORT CASE NO. BZA 43-85

APPLICANT: Odie M. Thomason, 2511 Woodland, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to not less than 3 feet for the construction of a carport.

GENERAL LOCATION: On the west side of Woodland and south of 25th Street (2511 Woodland).

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are adjacent properties.

LAND USE: Subject property is developed as a one-family dwelling as are all adjacent 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 conditions as required by the State Statutes are found to exist.

### COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required 25 foot front yard setback to be reduced to not less than 3 feet for the construction of a carport approximately 18 feet by 24 feet in size. The carport was basically constructed without benefit of any building permit and the construction was stopped by Central Inspection for being in violation of the setback in the "AA" One-family Dwelling District.

It is the Secretary's opinion that this property is no different than thousands of other lots in the residential districts inasmuch as it is rectangular in size and does not have a sufficient side yard to provide access for the construction of a garage or carport in the rear yard. It should also be noted that the property at one time had a garage that has been converted to living space that has taken away the shelter needed to protect a car.

The applicant has indicated that the structure is far better appearing than many other structures that are permitted to remain. Unfortunately this is not one of the conditions required to be found to exist before a variance can be granted. If this variance is justified strictly on appearance, then it would be impossible to deny other requests for similar construction on other properties that would be vehemently opposed by adjoining property owners.

The Board may find that under certain conditions such construction is desirable for a property owner, however, to justify all five conditions in this case would be extremely difficult, particularly as it relates to uniqueness to the property and to hardship.

### UNIQUENESS:

It is the opinion of the Secretary that this property is not unique inasmuch as the property is rectangular in shape as are thousands of other properties in the "AA" One-family District that are required to comply with the same 25 foot front setback.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will adversely affect the rights of adjacent property owners inasmuch as the structure will project into the front yard a distance exceeding the normal setback of nearly 22 feet more than the other structures in the block.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance does not constitute an unnecessary hardship upon the applicant inasmuch as the structure was constructed without benefit of a permit in violation of the ordinance.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the structure will not interfere with any right-of-way or easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the ordinance is specific in the requirement of protecting the front yards of the residential neighborhoods from structures such as carports projecting more than just a few feet in front of other structures.

RECOMMENDATION:

It is the Secretary's opinion that all five conditions necessary to the granting of a variance cannot be found to exist and the variance request should be denied.

-----

BZA CASE NO. 43-85

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>19</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>21</u>	TOTAL NOTICES SENT <u>7-3-85</u>

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

July 3, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 43-85

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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

CASE NO. 43-85

CITY OF WICHITA, KANSAS

FILED 6-21-85

APPLICATION FOR VARIANCE

I. Name of Applicant ODIE M THOMASON

Mailing Address 2511 Woodland Phone 832-9768

Name of Authorized Agent \_\_\_\_\_

Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_

Relationship of applicant to property is that of OWNER  
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the front yard setback from 25 feet to not less than 3 feet.

\_\_\_\_\_ on the west side of Woodland and South of 25<sup>th</sup> Street.  
for property located (2511 Woodland)

and legally described as: LOT 15, BLOCK B;

COMMUNITY ADDITION TO WICHITA.

SEDGWICK COUNTY, KANSAS.

In the City of Wichita; and which is presently zoned AA.

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 he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Odie M Thomason

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

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4.00 (a.m.p.m.), JUNE 21, 1985, together with appropriate fee of 7.00.

Signed [Signature]

6-21-85

### BOARD OF ZONING APPEALS

I ~~CAN~~ BELIEVE THAT BUILDING A COVER OVER MY DRIVEWAY SHOULD CAUSE A PROBLEM.  
I NEED THE COVER OVER MY DRIVE. ITS A NICE COVER WITH RAIL IRON POST. DOESNT BLOCK MY VIEW FROM ANY DIRECTION AND I NEED THIS FOR MY CAR AND MY OWN SAFETY I HAVE FALLEN ON THE SNOW AND ICE SEVERAL TIMES GETTING OUT OF MY CAR.

THE BALL PARK IS ACROSS THE ST. FROM MY PROPERTY - I HAVE HAD THE BACK GLASS BROKEN OUT BY FOUL BALLS - DIFFERENT TIMES - OTHER TIMES DENTS & BRUDES AND I CANT DO ANY THING ABOUT IT.

MY NEIGHBORS ARENT UP SET IN ANY WAY - IF THIS COVER BOTHERED ANY ONE I WOULD NOT WANT. - LOOKS NICE AND THIS WILL UP GRADE MY PROPERTY -

I NEED MY DRIVEWAY COVER

I CANT GET TO MY BACK YARD TO BUILD - NO ALLY - AND WANT BE OUR HOUSES ARE ABOUT 6 FT. BETWEEN WITH A FENCE - I HAVE ABOUT 3 FT. TO WORK WITH. MY DRIVEWAY COVER LOOKS BETTER THAN NUMBERS

OF BUILDING THAT ARE AS CLOSE  
TO THE SIDE WALK AS MY POST.

I THINK I SHOULD BE ALLOWED

MY DRIVEWAY COVER FOR

MY OWN SAFETY AND PROTECTION

OF MY CAR. I SAVED FOR MONTHS  
TO GET MONEY TO DO. I HAD 1000.00  
IN SAVINGS. I SPENT ALL ON MATERIAL.

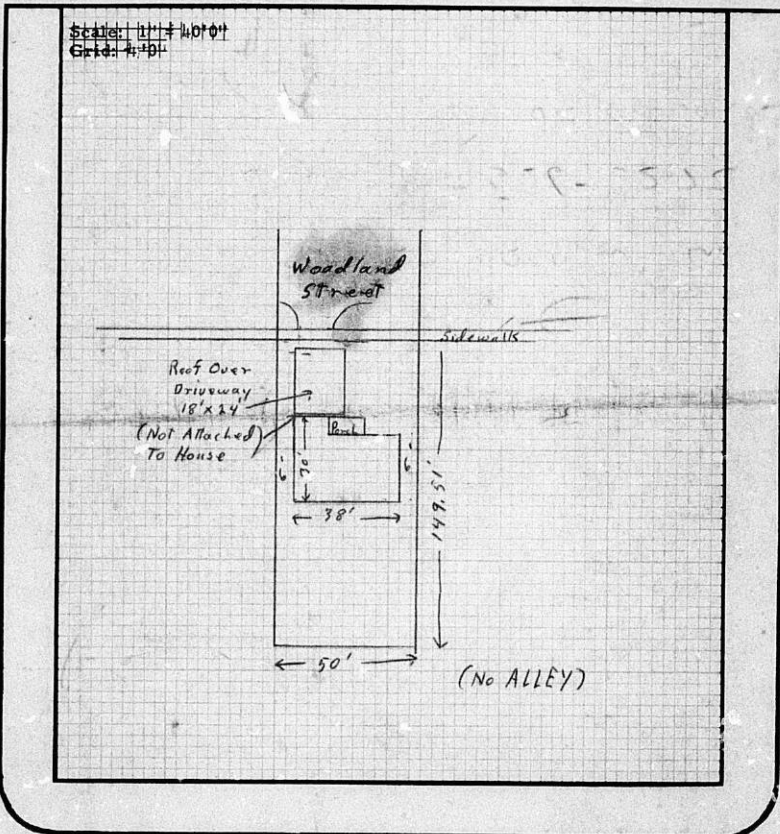
Enclousd are photo of Car.

Dai M Thomasan

RESIDENTIAL PLOT PLAN

ADDRESS: 2511 Woodland PERMIT NO. \_\_\_\_\_

LOT(S): 15 -BLK. B OF COMMUNITY ZONING "AA"



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Signed: \_\_\_\_\_  
(Applicant)

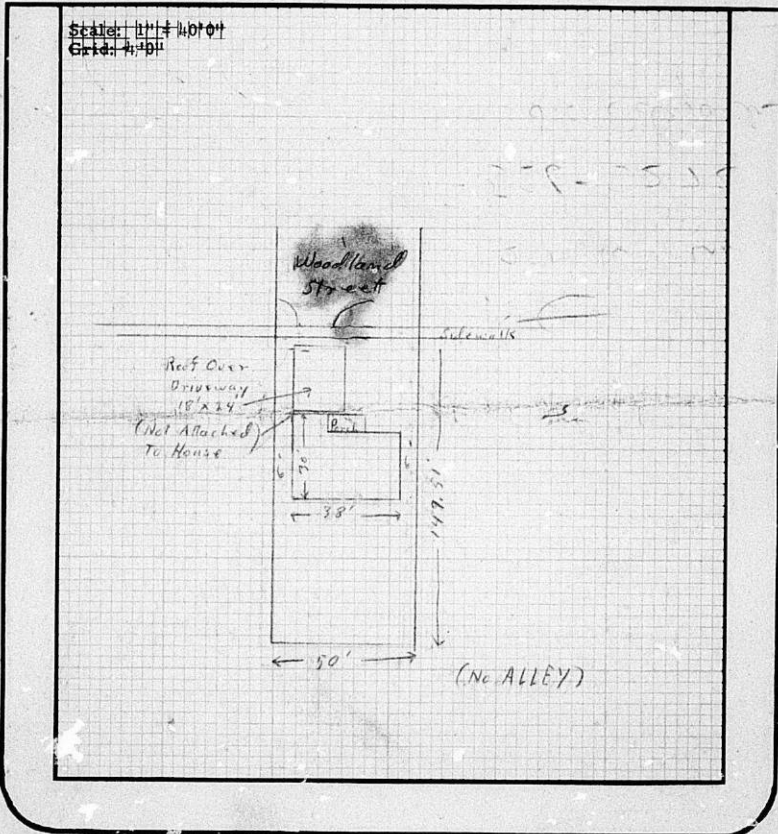
White Copy - File      Yellow Copy - Applicant      Pink Copy - Hold

RESIDENTIAL PLOT PLAN

ADDRESS: 2511 Woodland

PERMIT NO. 1

LOT(S): 15 BLK. B OF COMMUNITY ZONING "AA"



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Signed: \_\_\_\_\_  
(Applicant)

White Copy - File

Yellow Copy - Applicant

Pink Copy - Hold

Form No. 225-345 (11-83)

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 13	Block A	Community Addition	✓ Victor C. Stantz Therese Julie Juliene Stantz 2501 Burns Wichita, KS 67204
Lot 14	Block A	"	✓ Carl W. Underwood Ellin J. Underwood 915 Country Acres Wichita, KS 67212
Lot 15	Block A	"	✓ Jack Marvin Page Beatrice Roberta Page 2511 Burns Wichita, KS 67204
Lot 16	Block A	"	✓ Carl W. Underwood Ellin J. Underwood 915 Country Acres Wichita, KS 67204
Lot 17	Block A	"	✓ Carl W. Underwood Ellin J. Underwood 915 Country Acres Wichita, KS 67204
Lot 6	Block B	"	✓ Gary Chavez 2538 Burns Wichita, KS 67204
Lot 7	Block B	"	✓ Leon I. Leddon Clara Virginia Leddon 2532 Burns Wichita, KS 67204
Lot 8	Block B	"	J. E. Alexander <u>Address Unknown</u>
Lot 9	Block B	"	✓ Wilbur L. Arnn Lena Faye Arnn 2518 Burns Wichita, KS 67204
Lot 10	Block B	"	✓ Carl W. Underwood Ellen J. Underwood aka Ellin J. Underwood 915 Country Acres Wichita, KS 67212
Lot 11	Block B	"	✓ Billy Marion Simmons Frances Simmons 2508 Burns Wichita, KS 67204
Lot 12	Block B	"	✓ Joe Dean Mackey Iva Lois Mackey 2502 Burns Wichita, KS 67204

Lot	Block	Addition	Property Owner
Lot 13	Block B	Community Addition	Leon Andra Route 1 Colwich, KS 67030  and Mark Andra <u>Address Unknown</u>
Lot 14	Block B	"	Ray Benjamin Sams Ollie Sams 2597 Woodland Wichita, KS 67204
Lot 15	Block B	"	D Odie Mae Thomason 2511 Woodland Wichita, KS 67204
Lot 16	Block B	"	Corwin W. Asher Joy O. Asher 2517 Woodland Wichita, KS 67204
Lots 17 and 18	Block B	"	Otis Lee Crowley Dollie M. Crowley 2531 Woodland Wichita, KS 67204  and Don L. Crowley 2564 N. Minneapolis Wichita, KS 67219
Lot 19	Block B	"	Builder's, Inc. 1530 S. Oliver Wichita, KS 67218
Lot 1	Block D	"	Fayburn Wayne Parish Florence M. Parish 2458 Burns Wichita, KS 67204
Lot 2	Block D	"	Daryl Shipman Inez Shipman 2448 Burns Wichita, KS 67204
Lots 20 and 21	Block D	"	Ruby <del>Marie</del> Dvorak Charles Lewis Dvorak <u>Address Unknown</u>
Lots 23, 25, 27, 29, 31 and 33	Block 1	Mascot Addition	Board of Park Commissioners 455 N. Main Wichita, KS 67202  <i>back slip</i>

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 35 - 45, inclusive	Block 1	Mascot Addition	Board of Park Commissioners 455 N. Main Wichita, KS 67202
Lot 47	Block 1	"	Board of Park Commissioners 455 N. Main Wichita, KS 67202
Lots 1 and 3	Block 8	"	Leonard R. Frederick 3233 Arkansas Wichita, KS 67204
			Interest in Property:  Dale T. Burris 325 Winterset Wichita, KS 67209

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:

Lot 15, Block B, Community Addition to  
Wichita, 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 13th day of June, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE  
COMPANY, INC.

By

*Mary Lable*  
Sr. Vice-President

Order No.: 347418  
dk

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

July 3, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 43-85

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 Odie M. Thomason, 2511 Woodland, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required front yard setback from 25 feet to not less than 3 feet for the construction of a carport on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 15, Block B, Community Addition to Wichita,  
Sedgwick County, Kansas. Generally located on  
the west side of Woodland and south of 25th Street  
(2511 Woodland).

This application has been assigned Case BZA 43-85. It will be considered by the Board of Zoning Appeals on July 23, 1985 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 variance, 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

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

FORM 2 21

PAYMENT NOTICE  
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
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
City of Wichita	\$ 75.00
NAME	John M. Thompson
ADDRESS	2511 W. Island
FUND	125-46700-00
COMMENTS	
DATE	June 21, 1955
BY	[Signature]