

Joe Sec 11-8-83
Checked 11-29
Set 12-1
Record 12-6

Case No. BZA 49-83 - Loretta K. Williams - requests variances to (1) reduce the front yard setback from 24+ feet to 15 feet; and (2) reduce the side yard setback from 5' to 4' on property zoned the "B" Multiple-

PASTED
9-6-83
G.S.L.

ACTION

B.Z.A. 49-83 Revised #1 9-27-83
DATE
Approved #2

Joe's Sec 11-8-83
Checked 11-29
S.R. 12-1
Record 12-6

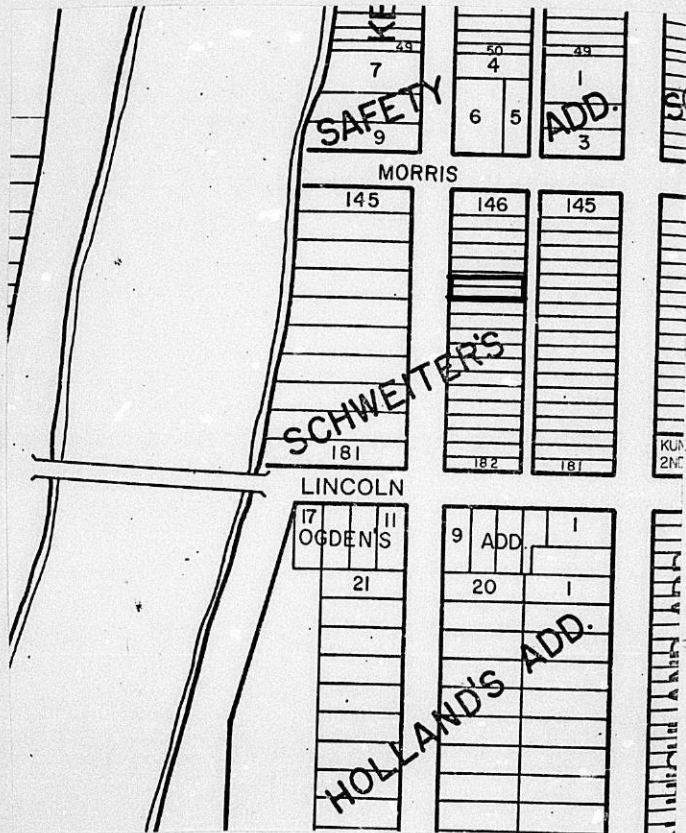
Case No. BZA 49-83 - Loretta K. Williams - requests variances to (1) reduce the front yard setback from 24 feet to 15 feet; and (2) reduce the side yard setback from 5' to 4' on property zoned the "B" Multiple-

Map No. 5446

BZA 49-83
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E B S' B W B N B
3. Land Use: East Res South Res
West Res North Res.
4. Area (is) (~~is not~~) platted.



Smith
No. 2-153C
WARTNER, INC.
LOS ANGELES, CALIFORNIA
MEMBER OF THE "LUCIFER GROUP" IN
U.S.A.

IMPORTANT MESSAGE

FOR Alex
DATE 9/23/53 TIME 1:00 ^{AM} ~~P.M.~~

WHILE YOU WERE AWAY
Wilbur Short

OF _____
PHONE No. 4463

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE Including written notice on 7/16 to Waco
re: Coyote violation

SIGNED Jesse

November 2, 1983

Loretta K. Williams
1116 South Waco
Wichita, Ks. 67213

Re: BZA 49-83 - Requests for Variances

Dear Ms. Williams:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 27, 1983.

This Resolution reflects the official action of the Board to deny your request for a variance to reduce the required front yard from 24 feet to 15 feet. Your request for a variance to reduce the side yard setback from 5 feet to 4 feet was approved and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 49-83

WHEREAS, Loretta K. Williams, 1116 South Waco, Wichita, Kansas, requests variances as provided in Section 2.12.590.B, Code of the City of Wichita, to (1) reduce the required front yard setback from 24 feet to 15 feet; and (2) reduce the side yard setback from 5 feet to 4 feet on property zoned the "RB" Four-family Dwelling District and legally described as follows:

The south 20 feet of Lot 156 and all of Lot 158, Schweiter's Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Waco between Morris Street and Lincoln (1116 South Waco).

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 September 27, 1983, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance to reduce the required front yard setback from 24 feet to 15 feet 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 not unique to the property in question and which is not ordinarily found in the same zone or district; and is being created by an action or actions of the property owner or the applicant inasmuch as the applicant desires to construct additions in violation of the setback; 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 additions would be constructed to the west and could interfere with the view of the neighbor; 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 owner represented in the application inasmuch as the property is of sufficient size to add to the east in compliance with the regulations; 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 additions will not interfere with any easements or public right-of-way; 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 setback is specific and is dictated by the adjacent properties; 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 has 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 from 24 feet to 15 feet, be denied; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance to reduce the side yard setback from 5 feet to 4 feet 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 existing garage is located in conformance to the regulations for a detached accessory structure but when converted to living space it will be one foot closer to the property line than required; 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 the dwelling to the north is located a distance approximately 24 feet from the structure that is being converted; 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 owners represented in the application inasmuch as the applicant would be required to move the north wall of the existing garage one foot in order to comply with the regulation; 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 additions 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 not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as adequate separation will be maintained between the two structures to provide light and air to each property; 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 has been found to exist.

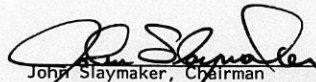
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required side yard from 5 feet to 4 feet on property zoned the "RB" Four-family Dwelling District and legally described as:

The south 20 feet of Lot 156 and all of Lot 158, Schweiter's Addition to Wichita, Sedgewick County, Kansas. Generally located on the east side of Waco between Morris Street and Lincoln (1116 South Waco).

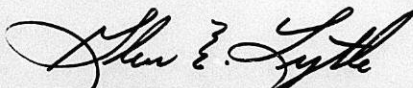
be approved subject to the following conditions:

1. Any conversion of the existing structure shall be subject to compliance with the minimum requirements of the building code.
2. The reduction of the side yard from 5' to 4' shall only be for the existing structure.
3. Prior to the release of the Resolution authorizing the issuance of any building permits for any expansion of the dwelling, the applicant shall remove the carport as required by Central Inspection.

ADOPTED AT WICHITA, KANSAS, this 27th day of September, 1983.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

September 30, 1983

Loretta K. Williams
1116 South Waco
Wichita, Ks. 67213

Re: BZA 49-83 - Requests for Variances

Dear Ms. Williams:

At the regular meeting of the Board of Zoning Appeals on September 27, 1983, your requests for variances were considered. It was the action of the Board to deny your request for a variance to reduce the required front yard from 24 feet to 15 feet. Your request for a variance to reduce the side yard setback from 5 feet to 4 feet was approved subject to the following conditions:

1. Any conversion of the existing structure shall be subject to compliance with the minimum requirements of the building code.
2. The reduction of the side yard from 5' to 4' shall only be for the existing structure.
3. Prior to the release of the Resolution authorizing the issuance of any building permits for any expansion of the dwelling, the applicant shall remove the carport as required by Central Inspection.

As you will note, the release of the resolution authorizing the issuance of any permits on the property is subject to the removal of the carport that has been constructed without benefit of permit adjacent to the south property line. It is my understanding that you have been notified by Central Inspection of this violation.

Page 2

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad
cc Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE September 20, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT BZA 49-83: East Side of Waco Between
Morris Street and Lincoln (1116 S. Waco)

On Monday, September 19, 1983, CPD Neighborhood Council Area "L" considered the captioned request for zoning variances to 1) reduce the front yard setback from 24 to 15 feet; and 2) reduce the side yard setback from 5 feet to 4 feet on property zoned "B" Multiple-Family Dwelling District. After discussion, the Council voted 6-1 to recommend denial of both requested variances.

The applicant was not present. No area residents or property owners were present. Council members were provided the notice to property owners, a map of the area, and MAPD staff comments.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 49-83 is considered on Tuesday, September 27th.



Stan Scott
Administrative Aide III

RECEIVED

SEP 21 1983
METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 49-83

APPLICANT: Loretta K. Williams, 1116 South Waco, Wichita, Kansas.

AGENT: None

REQUEST: Variances pursuant to Section 2.12.590.B, Code of the City of Wichita, to (1) reduce the required front yard setback from 24' to 15'; and (2) reduce the required side yard setback from 5' to 4'.

GENERAL LOCATION: On the east side of Waco between Lincoln and Morris (1116 South Waco).

ZONING: Subject property is zoned the "B" Multiple-family Dwelling District, as are all adjacent properties.

LAND USE: Subject property is a one-family dwelling. Adjacent properties also appear to be one-family dwellings.

JURISDICTION:

The Board has jurisdiction to consider the variances requested under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the requests when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting two separate variances in order to add to the existing dwelling at the front and to the rear, converting the existing detached garage to habitable space. The present dwelling structure is basically in line with the dwellings on either side which determines the required front yard setback on the applicant's property to be 24 feet +. The existing detached garage is located a distance 4 feet from the north property line. As a detached accessory structure it is in compliance with the required 3 foot setback, but when being converted to a part of the main use, the setback requirement becomes 5 feet. It is proposed by the applicant to convert the existing garage to a kitchen and connect the two structures with a new addition. Central Inspection has advised that in order to convert the detached garage it will be necessary to bring the structure into compliance with the minimum standards of the building code, including new footings and foundations to a depth of not less than two feet.

It should also be noted that the applicant has added a carport along the south side of the dwelling that extends to the property line. This carport has been constructed without benefit of a building permit and is not only in violation of the required setback of 5 feet, Central Inspection advises it does not comply with the minimum requirements of the building code. It is my understanding that a notice has been issued for the removal of the carport.

In response to the first variance request to reduce the front yard setback from 24' to 15', the following is submitted for the Board's consideration:

UNIQUENESS:

It is the opinion of the Secretary that this property is not unique inasmuch as there are numerous existing dwellings in the city that are constructed between two conforming structures that determine the required setback to be greater than the minimum generally accepted for the zoning district.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested could adversely affect the rights of adjacent property owners inasmuch as the applicant proposes to construct two additions to the front that will project 8 feet closer to the front property line than the dwellings on each side of the property.

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 property is of sufficient size that additions can be added to the rear that would not be restricted by the front setback requirement, and any hardship that is created would be due to the applicant's proposal to add to the dwelling in a direction not permitted by the regulations.

PUBLIC INTEREST:

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

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 zoning ordinance requirement is specific and furthermore, the normal setback of any residential district is not to be less than 20'.

RECOMMENDATION:

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

In response to the second variance request to reduce the north side yard from 5' to 4', the following is submitted for the Board's consideration:

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the detached garage is located four feet from the north property line and this structure can be converted to habitable space in conformance with the building codes and the reduction of the side yard is minimal.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the dwelling to the north is located a distance approximately 24' from a structure that is already existing that is to be converted.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be required to move the north wall of the existing garage one foot in order to comply with the regulation.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the proposed additions 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 not be opposed to the general spirit and intent of the zoning ordinance inasmuch as adequate separation will be maintained between the two structures to provide light and air to each.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. Any conversion of the existing structure shall be subject to compliance with the minimum requirements of the building code.
 2. The reduction of the side yard from 5' to 4' shall only be for the existing structure.
 3. Prior to the release of the Resolution authorizing the issuance of any building permits for any expansion of the dwelling, the applicant shall remove the carport as required by Central Inspection.
-

BZA CASE NO. 49-83

1 NOTICES SENT TO APPLICANT/AGENT

- *Legal Adv.*
NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

20 NOTICES SENT TO ADJOINING PROPERTY OWNERS

22 TOTAL NOTICES SENT 9-7-83

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

September 7, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 49-83

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 Loretta K. Williams, 1116 South Waco, Wichita, Kansas, requesting variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting variances to (1) reduce the front yard setback from 24+ to 15 feet; and (2) reduce the side yard setback from 5 feet to 4 feet on property zoned "B" Multiple-family Dwelling District. A legal description of the applicant's property is as follows:

The south 20 feet of Lot 156 and all of Lot 158, Schweiter's Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Waco between Morris Street and Lincoln (1116 South Waco).

This application has been assigned Case No. BZA 49-83. It will be considered by the Board of Zoning Appeals on September 27, 1983 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 variances, 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

BOARD OF ZONING APPEALS

CASE NO. 49-83

CITY OF WICHITA, KANSAS

FILED 8-29-83

APPLICATION FOR VARIANCE

I. Name of Applicant LORETTA K. WILLIAMS
 Mailing Address 1116 S. WACO Phone 267-7843
 Name of Authorized Agent None
 Mailing Address _____ Phone _____

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

II. The variances requested are (1) to reduce the front yard setback from 24 feet to 15 feet; and (2) to reduce the side yard setback from 5 feet to 4 feet.

for property located on the east side of Waco between Morris and Lincoln (1116 So. Waco)
 and The south 20 feet of Lot 156 and 158, Schwerter's addition to Wichita, Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned B.

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 Loretta K. Williams

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 5:10 ~~4:00~~ p.m., Aug 29, 1983 together with appropriate fee of 150.00.

Signed SL Lytle

Leotta Williams

- (1.) My home is disproportionately small in relation to most of the homes in the area. I want to extend the front of my house by a distance of 3 feet. This proposed addition, similar to others in the neighborhood, would bring the front of my house even with fronts of both adjacent home structures. Its unique because there is a distance of 25' 9" from my house to the N. house and 17' 4" from my house to the S. house.
- (2.) I don't believe that this addition will infringe on the rights of my neighbors. My N. neighbor sits only on his back porch. My S. neighbor never is out back or front.
- (3.) I can afford to do this. I believe I can secure a loan, and conform to all city codes.

Loetta Williams

(4.) This addition is similar to others in the neighborhood. So I don't believe it would offend anyone. In fact I'm sure it would only beautify the block & make my good neighbors happier.

(5.)

Practically all windows

(This total addition is going to be totally passive solar.)

Please!

DESCRIPTIONS

RECORD OWNERS

Lots 172 and 174 on Waco, SCHWEITER'S ADDITION,

✓ Virgil L. Haney
1138 South Waco
Wichita, Kansas 67213

Lot 145 on Waco, SCHWEITER'S ADDITION,

✓ Lawrence R. Sidles
1103 South Waco
Wichita, Kansas 67213

Lot 149 on Waco, SCHWEITER'S ADDITION,

✓ Claud L. & Alma A. Dormer
1111 South Waco
Wichita, Kansas 67213

Lot 153 on Waco, SCHWEITER'S ADDITION,

✓ D Claud L. & Alma A. Dormer
1111 South Waco
Wichita, Kansas 67213

Lot 159 on Waco, SCHWEITER'S ADDITION,

✓ Robert T. & Elsie J. Tanner
1117 South Waco
Wichita, Kansas 67213



Lot 161 on Waco, SCHWEITER'S ADDITION,

✓ *Robt's Rhonda Allen* Hazel M. Gann and Mary Sue Williams
1121 South Waco
Wichita, Kansas 67213

Lot 165 on Waco, SCHWEITER'S ADDITION,

✓ *Women* Walter C. Hickman
1127 South Waco
Wichita, Kansas 67213

Lot 169 on Waco, SCHWEITER'S ADDITION,

✓ Frank W. & Ila Mildred True
1131 South Waco
Wichita, Kansas 67213

Lot 173 on Waco, SCHWEITER'S ADDITION,

✓ Jim E. & Barbara Y. Whitfield
ADDRESS UNKNOWN

Lot 145 on Wichita, SCHWEITER'S ADDITION,

✓ John, Jr. & Miriam Dean Fulzenloger
1101 South Wichita
Wichita, Kansas 67213

Lots 147 and 149 on Wichita, SCHWEITER'S ADDITION,

✓ Frances D. Boen
1107 South Wichita
Wichita, Kansas 67213

Lots 151 and 153 on Wichita, SCHWEITER'S ADDITION,

✓ Bert C. & Clara M. Hess
1111 South Wichita
Wichita, Kansas 67213

Lots 155 and 157 on Wichita, SCHWEITER'S ADDITION,

✓ Joan C. Faust
1005 North Market
Wichita, Kansas 67214 ✓

Lots 159 and 161 on Wichita, SCHWEITER'S ADDITION,

✓ Sam E. & Marjorie L. Wacker
ADDRESS UNKNOWN *1121 S. Wichita*

Fidelity  **Title**
COMPANY, INC.

Tucker Behind WS

DESCRIPTIONS

Lots 163 and 165 on Wichita, SCHWEITER'S
ADDITION,

Lots 167 and 169 on Wichita, SCHWEITER'S
ADDITION,

Lots 171 and 173 on Wichita, SCHWEITER'S
ADDITION,

RECORD OWNERS

✓ Clarence D. & Verian
Nadine Duggan
1125 South Wichita
Wichita, Kansas 67213

✓ Mary Jane Anderson
1131 South Wichita
Wichita, Kansas 67213

✓ Bernd E. Frazier
1133 South Wichita
Wichita, Kansas 67213

Dated at Wichita, Kansas, this 22nd day of August, 1983 at 7:00 AM

FIDELITY TITLE CO., INC.

Medina L. Suttler

By

Assistant Secretary



Tracer No. 61576



MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 25-21 PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
Cont: P.C.A. 4/4/41	\$ 150.00

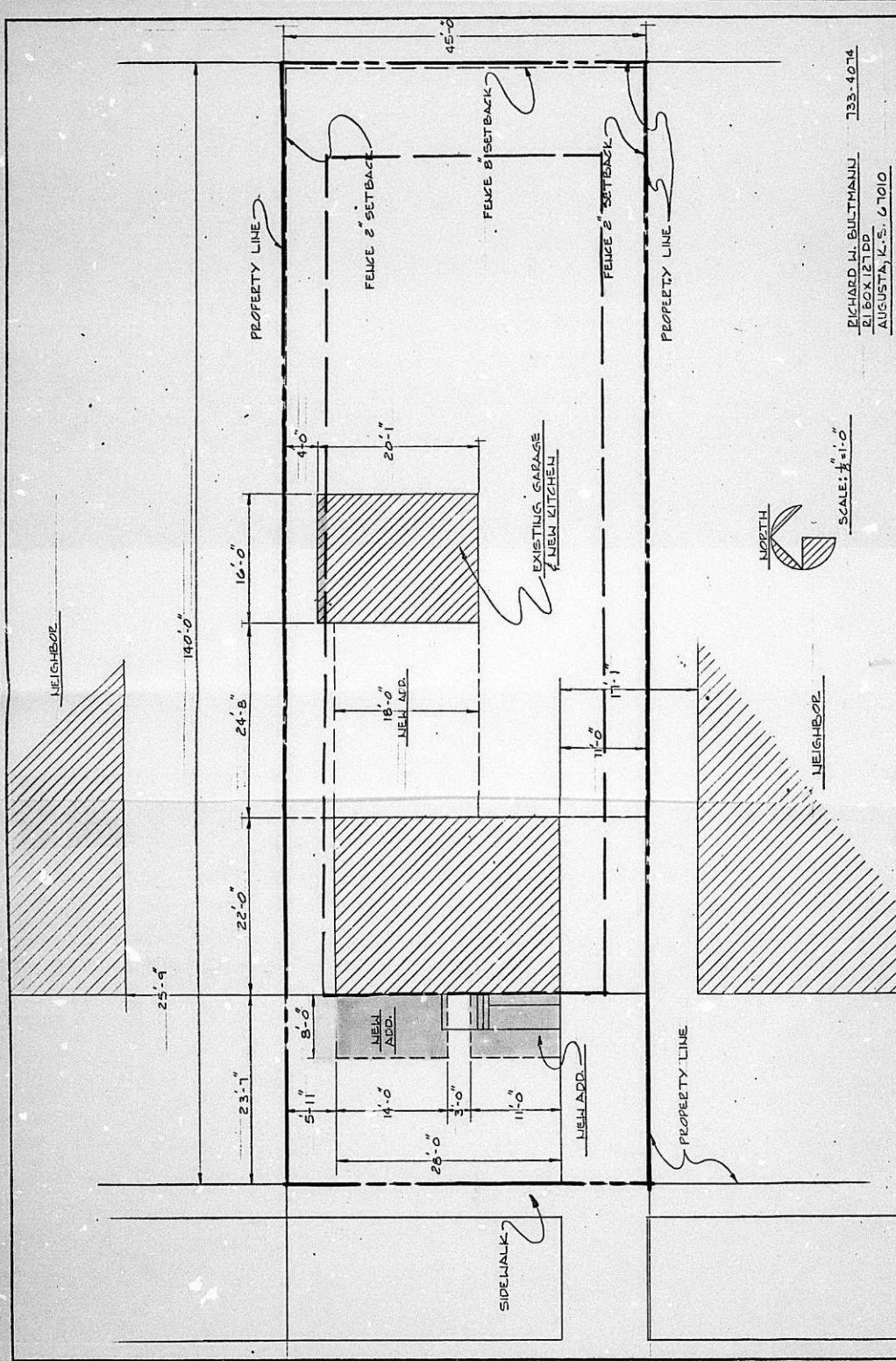
NAME Loretta K. Williams

ADDRESS 1116 So. W. 40

FUND 245-46071-00 DUE DATE

COMMENTS

DATE Aug 29 1973 BY S. Lytle

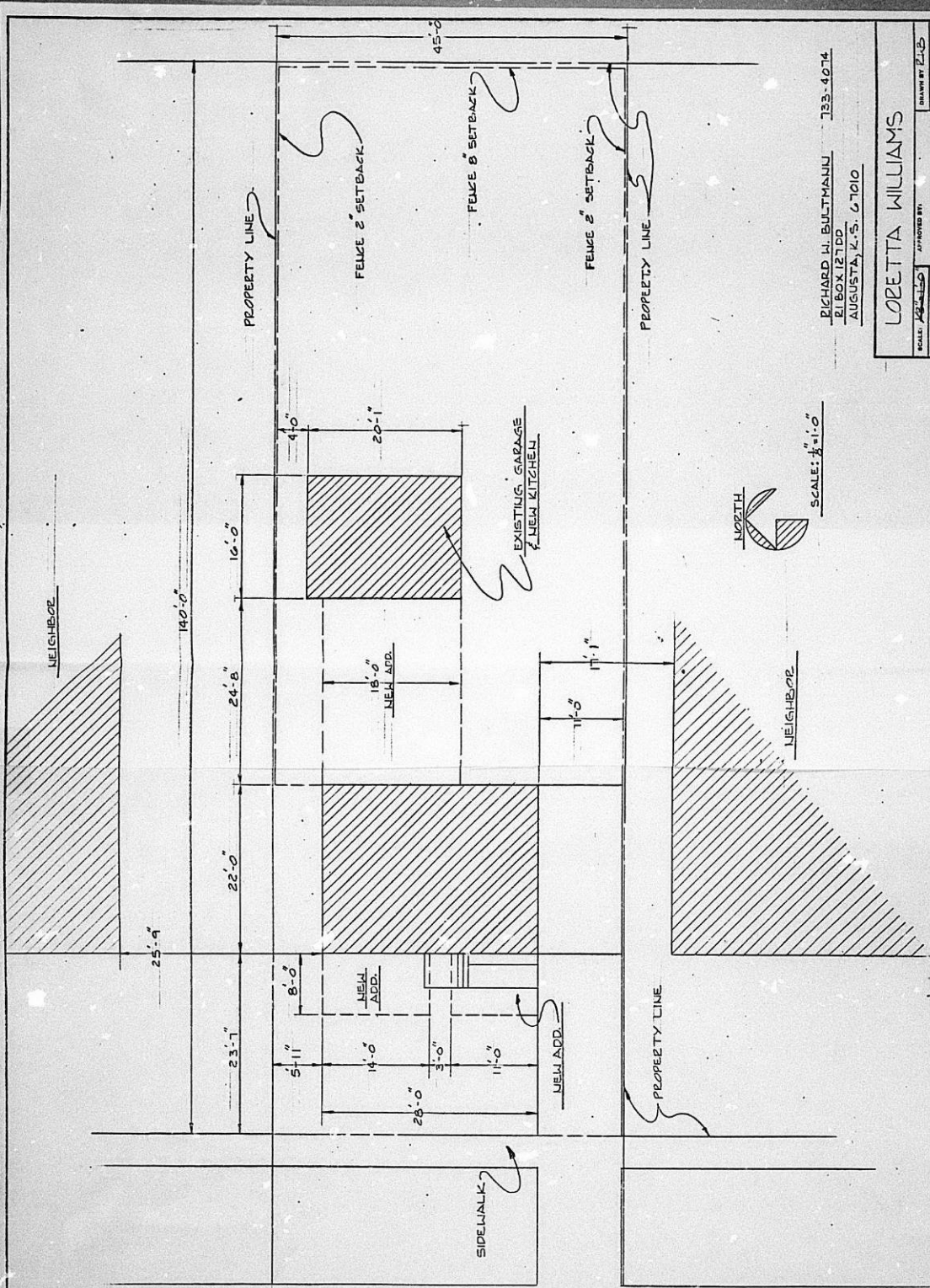


SCALE: 1/8" = 1'-0"

RICHARD W. BULTMAN
 ELI BOXLITTO
 AUGUSTA, K.S. 67010

133-4074

SCALE: 1/8" = 1'-0"	APPROVED BY:
DATE: 2-20-83	DRAWN BY: E.S.
LORETTA WILLIAMS	
1116 SO. WACO (NIGHT, K.S.)	
DRAWING NUMBER	



RICHARD H. BULTMANN 133-4074
 81 BOX 12100
 AUGUSTA, G.S. 67010

LORETTA WILLIAMS

SCALE: 1/8" = 1'-0"	DATE: 8-30-53	APPROVED BY:	DRAWN BY: P.L.B.
		REVIEWED:	
1116 SO. WACO (NIGHTMARE S.S.)			DRAWING NUMBER:

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 2