

BZA 53-64 - Lester L. & Mildred S.
Puterbaugh request an Exception to
permit a house trailer on property
on NS Cromwell & N of 38th St. No.

R.C.C.B. CO. C.

000289

ACTION

COMMITTEE

B3A

13-22-64

M.A.P.C.

B.C.C./B. C.O. C.

BZA 53-64 - Lester L. & Mildred S. Puterbaugh request an Exception to permit a house trailer on property on NS Cromwell & N of 38th St., No.

January 5, 1965

Mr. and Mrs. Lester L. Puterbaugh
3945 Cromwell Drive
Wichita, Kansas

Dear Mr. and Mrs. Puterbaugh:

Re: BEA 53-64

On December 24, 1964, we advised you that the Board of Zoning Appeals had approved subject application for an Exception to permit a house trailer for domestic purposes to remain on property generally located on the north side of Cromwell and north of 38th Street North.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before **JANUARY 4, 1965**. The City Clerk has advised that no appeal was filed on or before that date, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Jack H. Galbraith
Secretary

JHB:JWH:ber

Attachment

cc: E. L. Malone, Attorney
621 West Central

Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O . B Z A 5 3 - 6 4

WHEREAS, Lester L. and Mildred S. Puterbaugh, 3945 Cromwell Drive, Wichita, Kansas, by E. L. Malone, Attorney, 621 West Central, Wichita, Kansas, requests an Exception, as provided in Section 28.04.180.A.17 of the Code of the City of Wichita, Kansas, to allow a mobile home to be located on property legally described as follows:

Lot 1, Block "C", Sullivan's Dam Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located on the north side of Cromwell in an area north of 38th Street North; and

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, in regular meeting, consider said application on the 22nd day of December, 1964; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an Exception under the provisions of Section 2.12.590, Code of the City of Wichita; and

WHEREAS, the property is zoned "A" Two Family Dwelling District; and

WHEREAS, Section 28.04.190.A.17, Code of the City of Wichita, authorizes the Board of Zoning Appeals to permit a mobile home on any property in any district, except the "AA" One Family Dwelling District, subject to such use being on a temporary basis and that hardship exists which cannot be alleviated without the granting of this exception, providing the location of the mobile home shall conform to all lot area, height and setback requirements of the district in which located, and shall comply with all off-street parking requirements; and

WHEREAS, the Board considered the reasons submitted by the applicant in support of the finding of hardship, and found that a hardship existed due to the fact that the applicant would have no place to live until his house is constructed if the permit were denied.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the Superintendent of Central Inspection be authorized and directed to issue a permit for a mobile home on property legally described as:

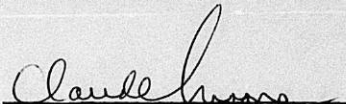
Lot 1, Block "C", Sullivan's Dam Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located on the north side of Cromwell in an area north of 38th Street North, subject to the following:

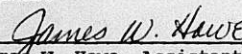
1. Lester and Mildred Puterbaugh shall be allowed to keep the mobile home now located on Lot 1, Block C, Sullivan's Dam Addition (3945 Cromwell Drive), on the property for a period of five years. However, in the event the house is constructed on this property prior to the termination of the five-year period, the mobile home shall be removed from the lot.

2. The location of the mobile home on the lot shall conform to all of the lot area, height and setback requirements of the "A" Two Family Dwelling district.

ADOPTED AT WICHITA, KANSAS, this 22nd day of December, 1964.


Claude Moore, Vice Chairman

ATTEST:


James W. Howe, Assistant Secretary

December 24, 1964

Mr. and Mrs. Lester L. Puterbaugh
3945 Crowwell Drive
Wichita, Kansas

Dear Mr. and Mrs. Puterbaugh:

Re: BZA 53-64

This is to advise you that at its regular meeting of December 22, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to permit a house trailer for domestic purposes to remain on property generally located on the north side of Crowwell and north of 38th Street North.

It was the decision of the Board to approve this request subject to the following:

1. Lester and Mildred Puterbaugh shall be allowed to keep the mobile home now located on Lot 1, Block C, Sullivan's Dam Addition (3945 Crowwell Drive) on the property for a period of five years. However, in the event the house is constructed on this property prior to the termination of the five-year period, the mobile home shall be removed from the lot.
2. The location of the mobile home on the lot shall conform to all of the lot area, height and setback requirements of the "A" Two Family zoning district.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before January 4, 1965.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before January 4, 1965, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:jmm

cc: E. L. Malone, Attorney
621 West Central

Robert G. Finch
City Clerk

Glen Lytle, Superintendent
of Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 53-64

APPLICANT: Lester and Mildred Puterbaugh, 3945 Cromwell Drive

AGENT: E. L. Malone, 621 West Central

GENERAL LOCATION: North side of Cromwell Drive and north of 38th Street North

REQUEST: Exception pursuant to Section 28.04.180 of the Code of the City of Wichita, to permit an existing mobile home to remain on property zoned "A" Two Family.

LAND USE: Existing - Covered basement and trailer
North - Flood Control
East - Vacant
South - Single family
West - Flood Control

ZONING: Existing - "A" - Two Family dwelling
North - "AA"- Single family
East - "AA"- Single family
South - "AA"- Single family
West - "AA" - Single family

JURISDICTION:

The Board of Zoning Appeals has jurisdiction to consider the request under the provisions outlined under Section 28.04.182.3 of the Code of the City of Wichita. Before the exception may be granted, the Board must find that a hardship exists which cannot be alleviated without the granting of this permit.

HISTORY:

This particular property was originally zoned "AA" single family and since the Board of Zoning Appeals does not have the authority to grant exceptions and permit mobile homes to be located in the "AA" district, the applicant applied for a change of zoning to "A" Two family (Z-0581.) On October 5, 1964, the Planning Commission recommended approval and on November 3, 1964, the City Commission approved the requested change in zoning. It should also be noted that the applicant had to request the change of zoning and the exception since the mobile home was placed on the property in violation of the zoning ordinance.

The applicant has requested that he be allowed to keep the mobile home on the property until he has had sufficient time to construct his home. The Secretary is of the opinion that the applicant would be burdened with an unnecessary hardship if he were required to remove his mobile home from the property prior to the time his house is constructed.

Recommendation

Based upon the foregoing review of this application, it is the recommendation of the Secretary that the exception be approved, subject to the following conditions:

1. Lester and Mildred Puterbaugh shall be allowed to keep the mobile home now located on Lot 1, Block C, Sullivan's Dam Addition (3945 Cromwell Drive) on the property for a period of five years. However, in the event the house is constructed on this property prior to the termination of the five year period, the mobile home shall be removed from the lot.
2. The location of the mobile home on the lot shall conform to all of the lot area, height and setback requirements of the "A" Two family zoning district.

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AGENT: E. L. Malone, 621 West Central

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Page 2 - Case No. BZA 53-64
December 22, 1964

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Based upon the foregoing review of this application, it is the recommendation of the Secretary that the exception be approved, subject to the following conditions:

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2. The location of the mobile home on the lot shall conform to all of the lot area, height and setback requirements of the "A" Two family zoning district.

12 NOTICES MAILED DECEMBER 3, 1964 FOR MEETING DECEMBER 22, 1964

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

December 3, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 53-64

An application has been filed by Lester L. and Mildred S. Puterbaugh, 3945 Cromwell Drive, Wichita, Kansas, by E. L. Malone, Attorney, 621 West Central, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an Exception as provided in Section 28.04.180, Code of the City of Wichita, to permit the installation of a house trailer for domestic purposes on property zoned "A" Two Family Dwelling District, and legally described as follows:

Lot 1, Block C, Sullivan's Dam Addition, in the City of Wichita, Sedgwick County, Kansas, and generally located on the north side of Cromwell Drive and in an area north of 38th Street North.

This application has been assigned Case No. BZA 53-64, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 22, 1964, at 2 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

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

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December 3, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

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Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

3A 53-64
CASE NO. 2-0589
FILED Dec 9, 1964

APPLICATION FOR EXCEPTION

I. Name of Applicant Lester L. Mitchell & Puttbaugh
Mailing Address 3945 Cromwell Drive Phone TE 81368
Name of Authorized Agent E. L. Malone
Mailing Address 621 West Central Phone AM 54248
Relationship of applicant to property is that of owner
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
2804:180, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation ~~or construction~~
of a house trailer for domestic purposes
on property zoned
A, located 3945 Cromwell Drive
Wichita, Kansas and legally described as:
Lot 1, Block "C", Sullivan's Home Addition,
Sedgwick Co, Kansas, in the City of Wichita.
(Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant Lester L. Puttbaugh
Authorized Agent E. L. Malone

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 11:00 (a.m.) - p.m.), 12-3, 1964, together with appropriate fee of \$50.00.

Signed Jack Galbreich (ms)

STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS)
)
SEDGWICK COUNTY)

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

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

Property lying within a radius of 200 ft
of: Lot 1, Block C, in Sullivan's Dam Addition,
Wichita, Kansas.

Fidelity,
Title
Company,
Inc.

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

Lot 1, exo Wldy OCA 39338, Blk C, Sullivan's Dam Addition.

✓ William K. & Iva Fern Carter, ux ✓
2944 N. Charles

Lot 2, exo Wldy OCA 39338, Blk C, Sullivan's Dam Addition.

✓ W. A. & Golda L. Pribbenow, ux ✓
3831 Crowell

Lot 3, exo Wldy OCA 39338, Blk C, Sullivan's Dam Addition.

✓ W. A. & Mattie Wade, ux ✓
3925 Crowell

Lot 7, Blk B, Sullivan's Dam Addition.

✓ Richard Palone, Jr. & Josephine Palone, ux ✓
744 W. 38th St. North

Lot 8, Blk B, Sullivan's Dam Addition.

✓ Richard Palone, Jr. & Josephine Palone, ux ✓
744 W. 38th St. North

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Lot 9, Blk B, Sullivan's Dam Addition.

B. K. M. Corporation, Inc. ✓
208 N. Broadway

Lot 19, exs Widay OCA 39338, Blk A, Sullivan's Dam Addition.

Harry L. Phillips ✓
719 West 38th St. North

Lot 20, exs Widay OCA 39338, Blk A, Sullivan's Dam Addition.

Ethel Leota Conner ✓
811 West 38th St. North

Beg 177.82 ft South of NE cor SE $\frac{1}{2}$ SW $\frac{1}{2}$ Sec 29, Twp 26, R 1 E; th South 156 ft; West 900 ft to river; North 156 ft; East 963 ft to beg., exs Widay OCA 39338.

John Ray & Ethel L. Sireky, ux ✓
3901 N. Arkansas.

Beg 511.83 ft South of NE cor SE $\frac{1}{2}$ SW $\frac{1}{2}$ of Sec 29, Twp 26, R 1 East; th South 76.16 ft; West 601.3 ft to RCM; NELY to a pt 511.83 ft South of North line of SE $\frac{1}{2}$ SW $\frac{1}{2}$; th East 508.45 ft to beg.

Myron J. & Marie E. Smith, ux ✓
3019 N. Arkansas
1919 Windsor

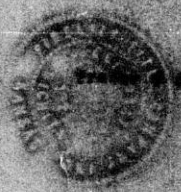
Beg 609.99 ft South of NE cor SE $\frac{1}{2}$ SW $\frac{1}{2}$ of Sec 29, Twp 26, R 1 East; th South 147.91 ft; West to RCM; North 149.91 ft; East to beg.

Kenneth Hague ✓
3845 N. Arkansas

Dated at Wichita, Kansas, this 16th day of September, 1964, at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

BY _____ Sec: _____ CHM



FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hee. Mvr.	Hee. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>Light fixture operation 50.00</i>	

<i>Light fixture operation 50.00</i>	
--------------------------------------	--

Name *Pat M. ...*

Address *421 West ...*

Type *R-712* Due Date

Comments:

Date *12-3-64* By *M. ...*