

Case No. BZA 54-79 - Joe Henry
requests variance to reduce the
side yard setback from 6' to 3'4"
on the west side of Meridian bet.
Douglas and First St. (147 N.

ACTION

BZA
54-79

COMMITTEE

APPROVED

DATE

10-23-79

POSTED
10-1-79

M.A.P.C.

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

✓ 200' MAPD 10-31-79
✓ 200' CI 10-31-79
RECORDED

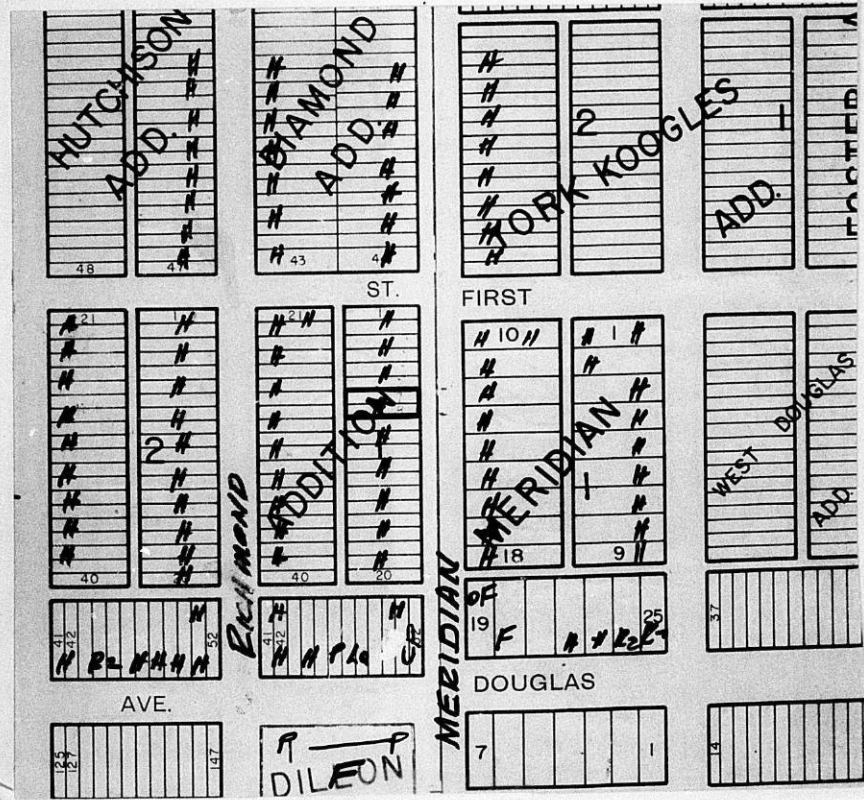
Case No. BZA 54-79 - Joe Henry
requests variance to reduce the
side yard setback from 6' to 3'4"
on the west side of Meridian bet.
Douglas and First St. (147 N.)

Map No. 5347
5247
 Sec. 24
 Twp. 27
 Range 1W

BZA- 54-79
 SCZ- _____
 CU- _____
 Filed _____

REA DATA:
 Acres: 0.16 (50 ft. by 140 ft.)
 Adjoining Zoning: E A S A W A N A
 Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
 Sketch Plan Land Use is for: _____
 Present Land Use if for: _____
 Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



SHIMMERS
 No. 2153C
 HASTINGS, SAN LOS ANGELES
 LOGAN, OH - MARIETTA, TX U. S. A.

November 6, 1979

Joe Henry
147 N. Meridian
Wichita, Kansas 67203

Re: Case No. BEA 54-79
Request for Variance

Dear Mr. Henry:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 23, 1979, in connection with your request for a variance to reduce the side yard setback from 6' to 3'4" on property zoned "A" Two Family Dwelling and generally located on the west side of Meridian between Douglas and First Street.

This Resolution reflects the official action of the Board to approve this request, 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:bbc
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk
Evelyn Henry, 3302 S. Mt.Carmel, Wichita, Ks. 67217

RESOLUTION NO. BZA 54-79

WHEREAS, Joe Henry, 147 N. Meridian, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the side yard setback from 6 feet to 3 feet 4 inches adjacent to the south property line on property zoned the "A" Two Family Dwelling District and legally described as follows:

Lots 7 and 8, Block 1, Academy Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Meridian between Douglas and First Street (147 N. Meridian).

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 October 23, 1979, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the existing house is located in an older part of town in which nonconforming setbacks are not uncommon due to construction of the buildings prior to existing setback requirements; 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 same feeling of open space will be maintained that presently exists; 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 existing structure has been nonconforming for years and the applicant desires to expand the facility so as to provide better living conditions for his family; 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 inasmuch as the variance request is interiorly located; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the same setbacks will be maintained that presently exist; 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.

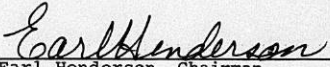
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the side yard setback from 6 feet to 3 feet 4 inches adjacent to the south property line on property zoned the "A" Two Family Dwelling District and legally described as:

Lots 7 and 8, Block 1, Academy Park
Addition to Wichita, Sedgwick County,
Kansas. Generally located on the
west side of Meridian between Douglas
and First Street (147 N. Meridian)

be approved subject to the following condition:

1. Approval shall be for only that portion adjacent to the existing and proposed addition as shown on the applicant's submitted plot plan.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October,
1979.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

October 24, 1979

Joe Henry
147 N. Meridian
Wichita, Kansas 67203

Re: Case No. BZA 54-79
Request for Variance

Dear Mr. Henry:

At the regular meeting of the Board of Zoning Appeals on Tuesday, October 23, 1979, your request for a variance to reduce the side yard setback from 6 feet to 3 feet 4 inches, on property zoned the "A" Two Family Dwelling District, and generally located on the west side of Meridian between Douglas and First Street was considered.

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

1. Approval shall be for only that portion adjacent to the existing and proposed addition as shown on the applicant's submitted plot plan.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:bhc

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk
Evelyn Henry, 3302 S. Mt. Carmel, Wichita, Ks. 67217

SECRETARY'S REPORT
CASE NO. BZA 54-79

APPLICANT: Joe Henry, 147 N. Meridian, Wichita, Kansas

AGENT: Evelyn Henry, 3302 S. Mt. Carmel, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the side yard setback from 6 feet to 3 feet 4 inches adjacent to the south property line.

GENERAL LOCATION: West side of Meridian between Douglas and First Street (147 N. Meridian).

ZONING: Subject property is zoned "A" Two Family as are those properties to the north, south, east and west.

LAND USE: Subject property is occupied by a Single Family residence as are those properties to the north, south, east and west.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and

Case No. BZA 54-79
BZA AGENDA
10-23-79
Page 2

5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required side yard setback on the south from 6 feet to 3 feet 4 inches. The existing residence which is nonconforming because of the side yard setback requirement, is in an older part of town and was constructed prior to the existing setback requirements.

Subject property is presently occupied by a single family residence and the applicant desires to add an addition onto the rear. The applicant points out in his statement of justification that he is requesting this variance to eliminate a 2 foot 8 inch offset which would cause loss of window space, square footage and detract from the general appearance of the completed structure.

UNIQUENESS:

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the existing house is located in an older part of town in which nonconforming setbacks are not uncommon due to construction of the buildings prior to existing setback requirements.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would not have an adverse affect on adjacent property owners or residents inasmuch as the same feeling of open space will be maintained that presently exists.

HARDSHIP:

It is the opinion of the Secretary that the applicant would be burdened with an unnecessary hardship if the variance is not granted inasmuch as the existing structure has been nonconforming for years and the applicant desires to expand the facility so as to provide better living conditions for his family.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not affect the public interest inasmuch as the variance request is interiorly located.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance would not be opposed to the spirit and intent of

Case No. BZA 54-79
BZA AGENDA
10-23-79
Page 3

Title 28 (zoning ordinance) inasmuch as the same setbacks will be maintained that presently exist.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, it is recommended that the application to reduce the side yard setback from 6 feet to 3 feet 4 inches adjacent to the south property line be approved for only that portion adjacent to the existing and proposed addition as shown on the applicant's submitted plot plan.

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE October 19, 1979

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, CPO Administrative Aide

SUBJECT BZA 54-79 (West side of Meridian,
between Douglas and First Street -
147 North Meridian)

At their meeting of October 18, CPO Council "0" considered the captioned case. The Council reviewed the case with the applicant and benefitted from information provided in the MAPD Staff Report. There was no one present to speak in opposition to the request.

The Council voted 3-0 (one abstention) to recommend approval of the variance to reduce the side yard setback from six feet to three feet, four inches at the captioned location.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the October 23 meeting.

Shirley Mast
Shirley Mast
CPO Administrative Aide

SM:lw

NOTED:

Sarah Gilbert/saw
Sarah Gilbert
Assistant CP Coordinator

RECEIVED

OCT 19 1979

METROPOLITAN PLANNING

ROUTE

BZA CASE NO. 54-79

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

22 NOTICES SENT TO ADJOINING PROPERTY OWNERS

35 TOTAL NOTICES SENT 10-3-79

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

October 3, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 54-79

An application has been filed by Joe Henry, 147 N. Meridian, Wichita, Kansas, pursuant to Section 2.12.500.B, Code of the City of Wichita, requesting a variance to reduce the side yard setback from 6 feet to 3 feet $\frac{1}{4}$ inches, on property zoned the "A" Two Family Dwelling District and legally described as follows:

Lots 7 and 8, Block 1, Academy Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Meridian between Douglas and First Street (147 N. Meridian).

This application has been assigned case No. BZA 54-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 23, 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

APPLICATION FOR VARIANCE

I. Name of Applicant JOE HENRY ✓
 Mailing Address 147 N. MERIDIAN 03 Phone 942-9591
 Name of Authorized Agent Evelyn Henry
 Mailing Address 3302 S. Mt. Carmel 1 Phone 943-5865

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

II. The variance requested is change the sidewalk setback from 6' to 3'-4"
the house is on 3'-4" from
property line. Have to come straight off house for
room addition or I will lease 2 back windows
on the west side of meridian between Douglas
for property located at 147 N. Meridian in Lots 7 and 8
and First Street (147 N. Meridian)
BLK 1 of Academy Park

*use legal
for zoning*

and legally described as: Lots 7 and 8 block 1
Academy Park Addition Wichita Kansas
ONE HOUSE AND TWO CAR GARAGE
 in the City of Wichita; and which is presently zoned A.

- 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 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.

Joe Henry
Applicant
Evelyn Henry
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 9:00 (a.m. - p.m.), SEPT. 24 1979 together with appropriate fee of \$50.00.

Allen Lytle
Signed

Wichita, Sept. 27, 1979

Merida and Joe Henry
147 N. Meridian
Wichita, Kan. 67203

The owners of lot 7 & 8, block 1, Academy Park addition: Merida and Joe Henry are requesting a variance clearing on their property at 147 N. Meridian.

The request asks that the six-foot easement be lifted from their prospective addition to their property. The house was built approximately forty years previously when the building code allowed a 3' 4" easement. They request to put the addition directly onto the back of their home in line with the frame that is now standing. They feel that this is a reasonable request, as setting the addition in the extra 2' 8" would cause them a loss of window space, square footage and general appearance of the completed structure; not even to mention the extra involved in the recapturing of the roof.

Their feelings are that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare or intent of title 28 be opposed.

Thank you,

Sincerely,

Merida Henry
Joe Henry

Joe Henry

OWNERSHIP LIST

Lot	Addition	Property Owner
lot 10, Block 1	Meridian Park Addition	Victor N. Sakran Address Unknown
lot 11, Block 1	Same	Eugene Kenneth Moffitt & Marie A 146 North Meridian 67203
lot 12, Block 1	Same	David Stanley Jammes and Carole Jammes 142 North Meridian 67203
lot 13, Block 1	Same	Flossie Marie Moore 140 North Meridian 67203
south 2 feet lot 13 all lot 14, Blk 1	Same	Wanetia McNaught 136 North Meridian 67203
lot 15, Block 1	Same	Harry A. Peebles & Phyllis 132 N. Meridian 67203
lot 16, Block 1	Same	Lawrence Jacob Gerlach and Joyce Etta Gerlach 126 North Meridian 67203
lots 1 and 2 Block 1	Academy Park Addition	Art J. Veach and Betty L. 159 North Meridian 67203
lots 3 and 4 Block 1	Same	Richard E. Wallace & Melinda A. 155 N. Meridian 67203
lots 5 and 6, Block 1	Same	Velma L. Standley 151 North Meridian 67203
lots 7 and 8 Block 1	Same	Thomas J. Henry & Evelyn C. 147 North Meridian 67203
lots 9 and 10 Block 1	Same	Leopard R. Weilert 143 North Meridian 67203
lots 11 and 12 Block 1	Same	Bill G. Williams & Betty L. 3316 Cessna 67210
lots 13 and 14 Block 1	Same	Lewis E. Dunn and Bessie 133 North Meridian 67203
lots 15 and 16 Block 1	Same	Patricia M. Fortune 129 N. Meridian 67203

Lot	Addition	Property Owner
lots 21 and 22 Block 1	Academy Park Addition	Winifred Simon & Sandra Simon 162 North Richmond 67203
lots 23 and 24 Block 1	Same	Claude O. Humble & Myrtle L. 3916 East Roseberry Drive 67210
lots 25 and 26 Block 1	Same	Grace A. Snell 154 North Richmond 67203
lots 27 and 28 Block 1	Same	Doris J. George 1335 Murray 67212
lots 29 and 30 Block 1	Same	Iona D. Wells & Gladys Lee 144 North Richmond 67203
lots 31 and 32 Block 1	Same	Karen S. Hendrix 136 North Richmond 67203
lots 33 and 34 Block 1	Same	Al J. Schuckman & Caroline H. 134 North Richmond 67203
lots 35 and 36 Block 1	Same	W. J. Schwarz & Dorothy 124 North Richmond 67203

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: [Lots 7 and 8,
Block 1, Academy Park Addition to
Wichita, Sedgwick County, Kansas]

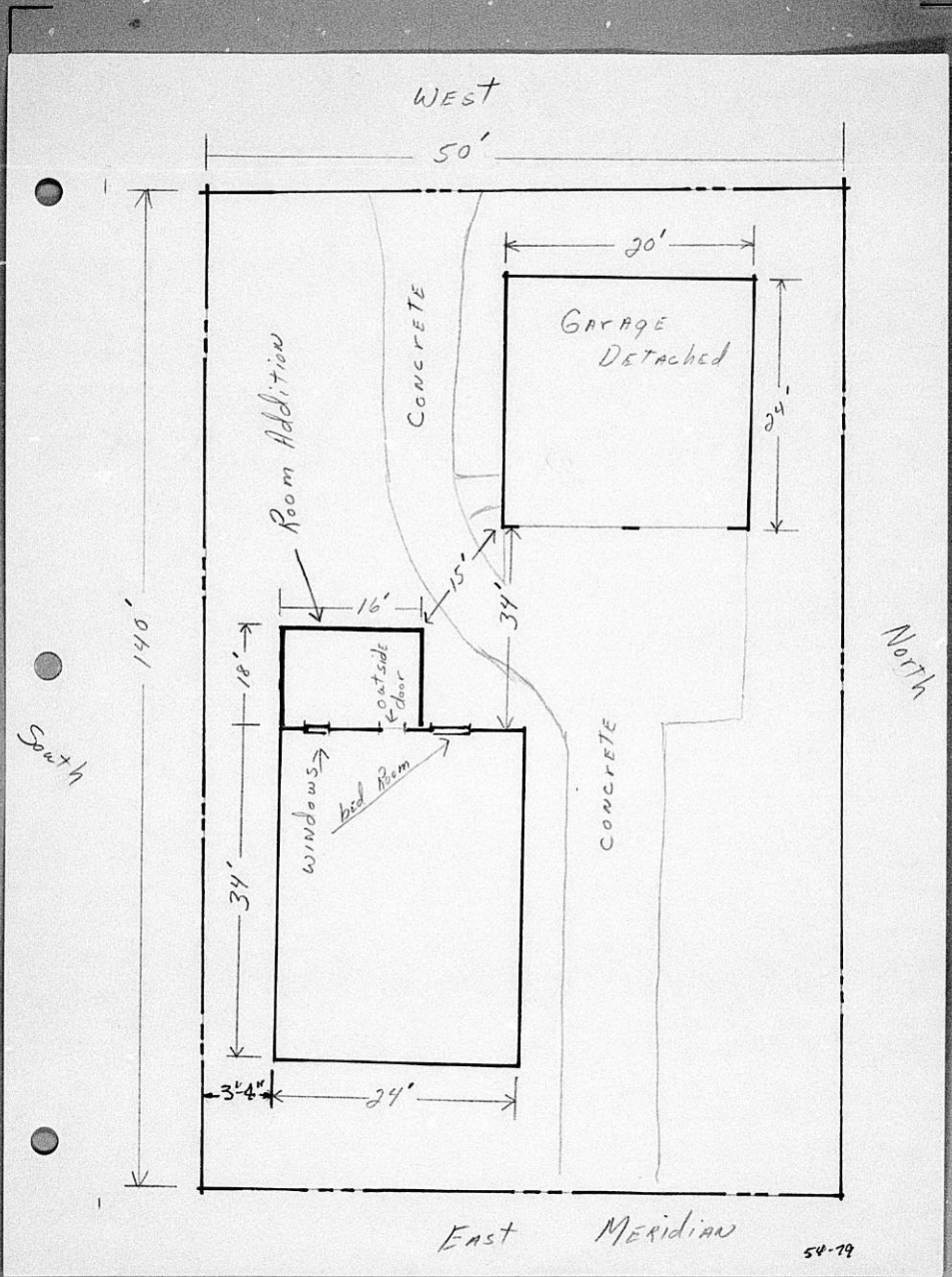
as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 14th day of September, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By *Curtis O. Simmons*

Vice President

Order No. 281180
wh



SURVEYS FOR
CITY LOTS
BUSINESS PROPERTIES
FARMS
OIL WELLS
SUBDIVISIONS

OFFICE OF
CLYDE M. BAUGHMAN
Civil Engineer and Surveyor
REGISTERED PROFESSIONAL ENGINEER
OFFICE PHONE 2-5292
139 1/2 N. TOPEKA

TOPOGRAPHICAL MAPPING
DRAINAGE
CITY PLATS AND MAPS
CITY PLAT BOOK

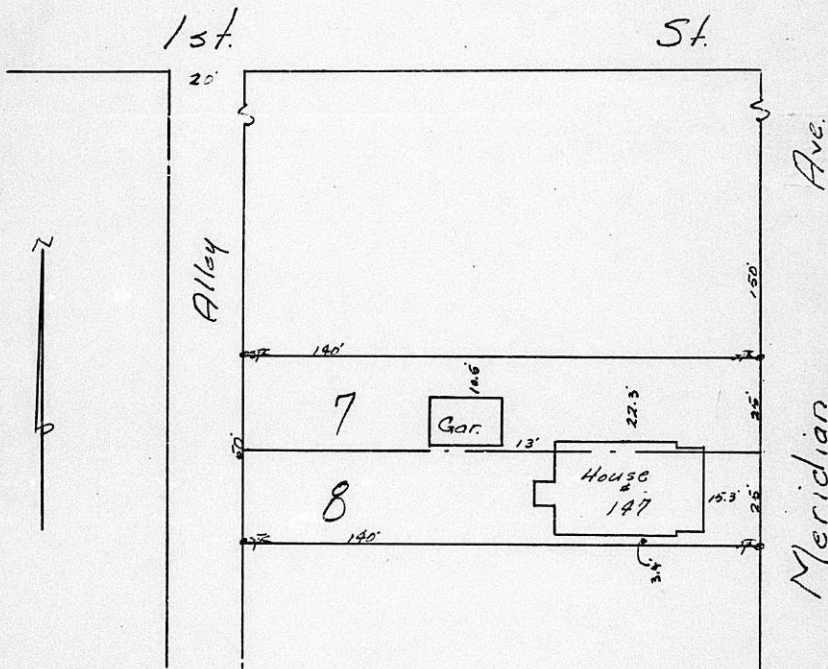
March 15, 1948
WICHITA (2), KANSAS

State of Kansas)
County of Sedgwick) SS

I, Clyde M. Baughman, Surveyor in and for said county certify that I did on this 15th day of March, 1948 survey lots 7 and 8, block 1, Academy Park Addition to Wichita, Kansas. On said lots are house No. 147 and a garage which are in the name of Alfred Wallace and Norma Arlene Crain and are in the clear of all boundary lines. There are no encroachments on said lots by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey.

Clyde M. Baughman
Surveyor



No. 86130

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FOR 9-021 PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
City P&A Service	\$ 50.00

NAME Joe Hendon

ADDRESS 149 No. Main St

FUND 11-00-000-0001 - DUE DATE 03-000-000

COMMENTS

DATE 11/24/77 BY [Signature]