

Sorted
12-26-78

C.I. - 4/21/79
MAY 4-30-79

ACTION

DATE Approved 1-23-79

BZA COMMITTEE

9-78 M.A.P.C.

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

Case No. BZA 56-78 - Roger Bender requests variance to reduce north side yard setback from 6' to 4'; rear yard setback from 20' to 8' on property zoned "AA" Single Family generally

2522

Map No. 5747
 Sec. 23
 Twp. 27
 Range 1E

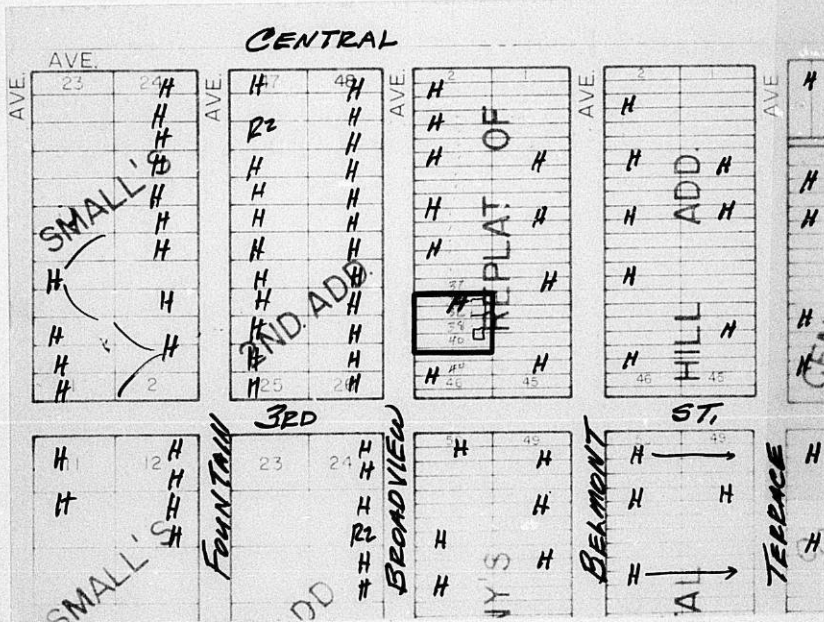
BZA- 56-78
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.35 (109 ft. by 140 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



Sinald
 No. 2153C
 HASTINGS, SAN LOE ANGELES
 LOGAN, OH · MADRID, TX U. S. A.

check
 all staff
 comment
 info
 information
 map

remarks: Send Clyde Wendelken
Amidon Home
1005 N. Zinsdorf
a copy of the BZA agenda and staff report
for these BZA 56-78

For Clerk's Use Only

SUBPOENA duces tecum

The State of Kansas }
Sedgwick County } Case Number 80C 276
THE STATE OF KANSAS

TO: Jack Galbraith
Metropolitan Planning Commission
10th Floor - City Building
Wichita, Kansas

Please bring any files and/or records in your possession regarding
Building Permit #D39998 or Board of Zoning Appeals Resolutions
No. BZA 56-78

RECEIVED
10th JUDICIAL DISTRICT
FEB 27 7 21 AM '80
SHERIFF'S OFFICE
SEDGWICK COUNTY
WICHITA, KANSAS

Witness Fee Attached

WE COMMAND YOU to be and appear in your own proper person before the Judge of Division No. 2, of the District Court of the County of Sedgwick, at the Court House in Wichita, County of Sedgwick, on the 28th day of February, 1980, at 9:00 o'clock A.M., of that day, then and there to testify on behalf of the Defendants in a certain controversy now pending and undetermined in said court, wherein William Nicholson is plaintiff and Roger Bender defendant, and this do you in nowise omit under the penalty of the law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office in Wichita, this 26th day of February, A. D. 1980.

(SEAL)



DOROTHY I. VAN ARSDALE
Clerk

Richard V. Foote Atty. for Defendant

Dorothy I. Van Arsdale
Deputy Clerk.

SHERIFF'S RETURN

Received this writ _____, 19____. Served the same by delivering a certified copy to each person named personally, at the times following, to-wit:

| | | | |
|-------|--------|-------|--------|
| _____ | 19____ | _____ | 19____ |
| _____ | 19____ | _____ | 19____ |
| _____ | 19____ | _____ | 19____ |
| _____ | 19____ | _____ | 19____ |

Served the same by leaving a copy thereof at the usual place of residence, at the times following, to-wit:

| | | | |
|-------|--------|-------|--------|
| _____ | 19____ | _____ | 19____ |
| _____ | 19____ | _____ | 19____ |
| _____ | 19____ | _____ | 19____ |

The following persons not found in Sedgwick County:

| | | | |
|-------|--------|-------|--------|
| _____ | 19____ | _____ | 19____ |
| _____ | 19____ | _____ | 19____ |

| | |
|-------------------------|-------|
| Serving first person \$ | _____ |
| Serving _____ copies | _____ |
| Not found | _____ |
| Mileage _____ at | _____ |
| TOTAL.....\$ | _____ |

SHERIFF

DEPUTY

For Clerk's Use Only

SUBPOENA DUCES TECUM

RECEIVED
18TH JUDICIAL DISTRICT

The State of Kansas }
Sedgwick County } stc

FEB 13 7 16 AM '80
Case Number 80C276

THE STATE OF KANSAS to:

RECEIVED

Jack Galbraith
Secretary, Board of Zoning Appeals

SHERIFF'S DEPARTMENT
SEDGWICK COUNTY, KAN.

10th Floor City Building
Wichita, Kansas

Please bring with you the following:

1. Official case file of Board of Zoning Appeals Case No. BZA 56-78
2. Tape recording of meeting of January 23, 1979, in said case
3. Minutes of said meeting and resolution pertaining to BZA 56-78
4. Subdivision Regulations
5. Any document or writing of Board of Zoning Appeals pertaining to application, request, permission, approval, grant or denial of lot split on property commonly known as 414 N. Broadway and which property was subject to BZA 56-78.

No Wit. In Attached

WE COMMAND YOU to be and appear in your own proper person before the Judge of Division No. 2, of the District Court of the County of Sedgwick, at the Court House in Wichita, County of Sedgwick, on the 28th day of February, 1980, or as soon thereafter as requested by counsel, at 9:00 o'clock a.m. of that day, then and there to testify on behalf of the plaintiffs in a certain controversy now pending and undetermined in said court, wherein William Nicholson et al is plaintiff and Roger Bender et al defendant, and this do you in nowise omit under the penalty of the law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office in Wichita, this 11th day of February, A. D. 19 80.

(SEAL)
MARTIN, PRINGLE, FAIR, DAVIS & OLIVER



DOROTHY I. VAN ARSDALE
Clerk

By *James A. Walker* Atty. for plaintiffs
James A. Walker

Dorothy I. Van Arsdale
Deputy Clerk.

SHERIFF'S RETURN

Received this writ _____, 19____. Served the same by delivering a certified copy to each person named personally, at the times following, to-wit:

| | | | |
|-------|----|-------|----|
| _____ | 19 | _____ | 19 |
| _____ | 19 | _____ | 19 |
| _____ | 19 | _____ | 19 |
| _____ | 19 | _____ | 19 |

Served the same by leaving a copy thereof at the usual place of residence, at the times following, to-wit:

| | | | |
|-------|----|-------|----|
| _____ | 19 | _____ | 19 |
| _____ | 19 | _____ | 19 |
| _____ | 19 | _____ | 19 |

The following persons not found in Sedgwick County:

| | | | |
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| _____ | 19 | _____ | 19 |
| _____ | 19 | _____ | 19 |

| | |
|-------------------------|-------|
| Serving first person \$ | _____ |
| Serving _____ copies | _____ |
| Not found | _____ |
| Mileage _____ at 9c | _____ |
| TOTAL.....\$ | _____ |

SHERIFF

DEPUTY

SUBPOENA DUCES TECUM

The State of Kansas }
 Sedgwick County } *etc* Case Number. 80C276

THE STATE OF KANSAS to:
 Jack Galbraith
 Secretary, Board of Zoning Appeals
 10th Floor City Building
 Wichita, Kansas

Please bring with you the following:

1. Official case file of Board of Zoning Appeals Case No. BZA 56-78
2. Tape recording of meeting of January 23, 1979, in said case
3. Minutes of said meeting and resolution pertaining to BZA 56-78
4. Subdivision Regulations
5. Any document or writing of Board of Zoning Appeals pertaining to application, request, permission, approval, grant or denial of lot split on property commonly known as 414 N. Broadway and which property was subject to BZA 56-78.

No Writ Is Attached

WE COMMAND YOU to be and appear in your own proper person before the Judge of Division No. 2, of the District Court of the County of Sedgwick, at the Court House in Wichita, County of Sedgwick, on the 28th day of February, 1980, or as soon thereafter as requested by order at 9:00 o'clock A.M. of that day, then and there to testify on behalf of the plaintiffs in a certain controversy now pending and undetermined in said court, wherein William Nicholson et al is plaintiff and Roger Bender et al defendant, and this do you in nowise omit under the penalty of the law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office in Wichita, this 11th day of February, A. D. 1980.



DOROTHY I. VAN ARSDALE
 Clerk

(SEAL)
 MARTIN, PRINGLE, FAIR, DAVIS & OLIVER

By James A. Walker Atty. for plaintiffs
 James A. Walker

Patricia Hunter
 Deputy Clerk.

SHERIFF'S RETURN

Received this writ _____, 19____. Served the same by delivering a certified copy to each person named personally, at the times following, to-wit:

| | | | |
|-------|--------|-------|--------|
| _____ | 19____ | _____ | 19____ |
| _____ | 19____ | _____ | 19____ |
| _____ | 19____ | _____ | 19____ |
| _____ | 19____ | _____ | 19____ |

Served the same by leaving a copy thereof at the usual place of residence, at the times following, to-wit:

| | | | |
|-------|--------|-------|--------|
| _____ | 19____ | _____ | 19____ |
| _____ | 19____ | _____ | 19____ |
| _____ | 19____ | _____ | 19____ |

The following persons not found in Sedgwick County:

| | | | |
|-------|--------|-------|--------|
| _____ | 19____ | _____ | 19____ |
| _____ | 19____ | _____ | 19____ |

| | | |
|-------------------------|-------|---------|
| Serving first person \$ | _____ | |
| Serving _____ copies | _____ | |
| Not found | _____ | SHERIFF |
| Mileage _____ at 9c | _____ | DEPUTY |
| TOTAL.....\$ | _____ | |

February 5, 1979

Roger Bender
247 N. Market
Wichita, Kansas 67202

Re: Case No. BZA 56-78
Request for Variance

Dear Mr. Bender:

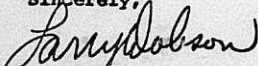
Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 23, 1979, in connection with your request for a variance to reduce the north side yard setback from 6 foot to 4 foot and the rear yard setback from 20 foot to 8 foot, on property zoned the "A1" Single Family Dwelling District and generally located on the east side of Broadview in an area north of Third Street.

This Resolution reflects the official action of the Board to approve your request and sets out the condition of approval.

It is forwarded to you for your information and files.

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

Sincerely,



Larry Jobson
Assistant Secretary

LD:bbc
Enclosure

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

January 24, 1979

Roger Bender
247 N. Market
Wichita, Kansas 67202

Re: Case No. BZA 56-78
Request for Variance

Dear Mr. Bender:

At the regular meeting of the Board of Zoning Appeals on Tuesday, January 23, 1979, your request for a variance to reduce the north side yard setback from 6 foot to 4 foot and the rear yard setback from 20 foot to 8 foot, on property zoned the "AA" Single Family Dwelling District and generally located on the east side of Broadview in an area north of Third Street was considered.

Upon clarification of the exact location of the existing structure, it was the action of the Board to approve a variance to three (3) feet for the north side yard and eight (8) feet for the rear property line subject to the following condition:

1. The north side yard setback shall be reduced to three (3) feet for the existing structure only, and the rear yard setback shall be reduced to (8) feet for both the existing structure and any new structure.

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.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:bbc

January 24, 1979
Mr. Roger Bender
BZA 56-78

cc: Fred Hanley, 439 N. Belmont 67208
Mr. & Mrs. Howard K. Pierce, 424 N. Broadview 67208
Clyde Wendelken, Wendelken, Cline & Crockett,
1005 N. Market 67214
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

WENDELKEN, CLINE & CROCKETT
ATTORNEYS AT LAW

CLYDE WENDELKEN
CHARLES M. CLINE
DAVID G. CROCKETT
DAVID A. DRIPP
LESLIE F. HULNICK
HOWARD N. MENAKER

SUITE 405, BROWN BUILDING
WICHITA, KANSAS 67203
(316) 263-7596

EAST SIDE FINANCIAL CENTER
7701 E. KELLOGG
WICHITA, KANSAS 67207
(316) 684-8114

January 22, 1979

REPLY TO
The Amidon House
1005 North Market
Wichita, Ks. 67214

Mr. Jack H. Galbraith
Board of Zoning Appeals
City Hall
455 North Main
Wichita, Kansas 67202

Re: Case No. BZA 56-78, docketed for January 23, 1979

Dear Mr. Galbraith:

As you know, this office represents Mr. and Mrs. Howard K. Pierce of 424 North Broadview, Wichita, in this case in which Roger D. Bender is the applicant for a limited variance.

This is written for the file and to document the position of the Pierces. As the adjacent property owners of the property to the north of Mr. Bender's and as people primarily effected by the request, their position is:

1. The setback can be varied from 6 feet to approximately 3 feet along their south, east-west property line for the distance of about 27 feet 3 inches and immediately north of the captioned carriage house,
2. This in no manner should be taken as indication of a willingness to extend any variance west of the north west corner of the existing carriage house,



Mr. Jack H. Galbraith
January 22, 1979
Page Two

3. Neither should this willingness be considered as acquiescence to a zoning change from the existing "AA" Single Family Dwelling status in the immediate area, and
4. The exigencies of this particular request prompt this approval.

It is our understanding Mr. Bender intends to remodel and restore the carriage house as a dwelling for his family, construct an unattached garage to the south of the carriage house and install a drive which will not be offensive to the Pierces to the north.

Thank you as usual.

Yours truly,

WENDELKEN, CLINE, CROCKETT & HULNICK



Clyde Wendelken

CW:csw

cc: Mr. and Mrs. Howard K. Pierce
Mr. Roger D. Bender

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE January 19, 1979

TO Jack Galbraith, Secretary, Board of Zoning Appeals

FROM Evelyn Pittman, Assistant CPO Coordinator

SUBJECT Case No. BZA 56-78,
Broadview and Third Street

At their regular meeting on January 15, 1979, CPO Council G considered the captioned case. The Council reviewed the case with the applicant Roger Bender and benefitted from information provided in your staff report. In presenting the case, the applicant noted the discrepancy in the variance needed for the north side yard setback - 6 to 3 feet rather than 6 to 4 feet as advertised.

The Council voted 9-0 to recommend granting a 3 feet variance for the north side yard and 8 feet variance for the rear yard only. Granting the variance to permit residential use of the existing structure would enhance the neighborhood, they reason. In addition, no opposition for nearby homeowners was expressed.

Your assistance in providing this recommendation to the Board when this case is considered on January 23, 1979 will be appreciated.


Evelyn Pittman
Assistant CPO Coordinator

EP:a1





bender P.A.
BENDER ASSOCIATES, P.A.

January 12, 1979

Mr. Jack Galbraith
Planning Department
455 N. Main
Wichita, Kansas 67202

Dear Jack:

I chatted with John Dekker today, and he said that if the property owner to the North was notified of the discrepancy from 4' (as advertized) to 3', and was not in objection to that change, and was in agreement to the variance that I'm requesting, then the case can be heard on the 23rd of January.

Per your telephone call just now, and your staff's prepared statement, your thoughts on this matter concur with my discussion with John Dekker.

I will be prepared to furnish exact dimensions at the hearing.

Thank you for your cooperation in this matter, and I apologize for the mistake.

Cordially,

Roger D. Bender
Architect

RDB/eh

cc: John Dekker-City Attorney

ARCHITECTURE • INTERIORS • PLANNING
247 N. MARKET WICHITA, KANSAS 67202 (316) 264-4371

SECRETARY'S REPORT
CASE NO. BZA 56-78

APPLICANT: Roger Bender, 247 N. Market, Wichita, Kansas

AGENT: N/A

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback, adjacent to the north property line, from 6 feet to 4 feet; and to reduce the required rear yard setback from 20 feet to 8 feet.

GENERAL LOCATION: East side of Broadview in an area north of Third Street.

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

LAND USE: Subject property contains a carriage house. All surrounding properties are developed with single family residences.

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
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 north side yard setback and the rear yard setback to permit the remodeling of an existing carriage house for use as his personal residence.

The carriage house is shown as being located in the north-east corner of subject property, four feet from the north property line and eight feet from the east property line. The structure has been so located since its construction in 1917. The applicant is contracting to purchase subject property, which until now has been held under one ownership with property to the east. The sell-off creates a rear, or east, property line eight feet from this structure, as opposed to the twenty feet required for a rear yard setback. The required side yard setback for a residence in this "AA" zoning district is six feet.

The applicant emphasizes that the outside dimensions of the carriage house will not be altered, but rather the interior will be remodeled and a detached garage will be constructed south of the existing structure. The proposed garage is also shown as maintaining an eight foot rear yard. It should be noted that a detached garage may be located as close as five feet to the rear property line, but if attached to the main residential structure, it must also comply with the twenty foot setback, or obtain a variance from same.

It should be pointed out that a question has been raised as to the exact location of the structure from the north property line. We have been advised that the fence on the property to the north is not on the property line, but rather, is one foot on the property to the north. If that is the case, a variance is needed from 6 to 3 feet rather than 6 to 4 feet as advertised. In raising this issue with the Law Department, their opinion is that since the only property affected by a variance of the side yard setback is the property owner to the north, and inasmuch as that property owner is aware of the request and knows the location of the structure, the Board has the authority to approve the variance for a lesser area than advertised. The applicant should be prepared, however, to provide the Board with the exact dimension of the structure from the north property line.

Residency in the carriage house was established originally by servants and more recently by the property owner on occasion. It is not known if this structure has ever been rented as a residence.

Vehicular access to the carriage house has always been from Belmont Avenue to the east. The applicant proposes a new curb opening to Broadview for the purpose of providing access to this property. Due to the location of this structure deep on the lot there are no nearby adjacent structures on adjoining properties. The nearest structure would be over thirty feet away on the property to the north.

UNIQUENESS:

It is the opinion of the Secretary that this may be an unique situation inasmuch as this structure has been located here for over sixty years and would not be expanded to increase any nonconformity of setbacks.

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 or residents inasmuch as the conversion of this structure to a separate single family residence will be done without expansion of the existing structure and should be an improvement to the neighborhood.

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 a permit for remodeling of this structure for a residence could not be obtained under separate ownership from the original parcel.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the public interest inasmuch as these variances are located adjacent to interior lot lines.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the nonconforming structure is not being enlarged and will be used as a permanent resident, conforming to all other requirements.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary to the granting of a variance can be found to exist and it is therefore recommended that the variance be granted subject to the following condition:

1. The north side yard setback and the rear yard setback shall be reduced to ___ and eight feet respectively for the existing structure only.

BZA CASE NO. 56-78

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

22 NOTICES SENT TO ADJOINING PROPERTY OWNERS

36 TOTAL NOTICES SENT 1-2-79

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

January 3, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 56-78

An application has been filed by Roger Bender, 247 North Market, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the north side yard setback from 6 foot to 4 foot and the rear yard setback from 20 foot to 8 foot, on property zoned the "AA" Single Family Dwelling District, and legally described as:

Lots 34, 36, 38, 40 and 42, except South 16 feet of lot 42 on Broadview in Hagney's Replat of Capital Hill Addition, Sedgwick County, Kansas. Generally located on the east side of Broadview in an area north of Third Street.

This application has been assigned case No. BZA 56-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 23, 1979, 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

BOARD OF ZONING APPEAL

CASE NO. 56-78

CITY OF WICHITA, KANSAS

FILED 12-18-78

APPLICATION FOR VARIANCE

I. Name of Applicant Roger Bender

Mailing Address 247 North Market (67202) Phone 264-4371

Name of Authorized Agent same as above N/A

Mailing Address same as above N/A Phone N/A

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

II. The variance requested is 4 foot side yard and 8 foot rear yard

due to existing structure location. ^{North} Side yard setback from
6' to 4' ; Rear Yard setback from 20' to 8'

for property located Carriage house behind house @ 401 No. Belmont

No address has been assigned yet

and legally described as: lots 34, 36, 38, 40 and 42,

except South 16 feet of lot 42 on Broadview in Hagney's

Replat of Capital Hill Addition

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. 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.

Roger O. Bender
Applicant

Authorized Agent

*E. side of
Broadview in
area N. of Third St.*

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning
Appeals 4:05 (a.m. ~~(p.m.)~~), 12-18 19 78
together with appropriate fee of \$50.00.

Larry Dobson
Signed

bender p.a.
BENDER ASSOCIATES, P.A.

DECEMBER 12, 1978

Members:
Board of Zoning Appeals
First Floor, City Hall
455 North Main
Wichita, Kansas 67202

It is my desire to purchase the Carriage House and lot (109 x 137) located behind the house at 401 North Belmont.

My intent is to remodel the Carriage House and add a garage, to use as my personal residence. The Carriage House already has three (3) existing bedrooms, a living room, bath and kitchen on the second floor. The main level has a large garage area, stairs and two additional rooms. There is a full basement under the house with an outside entrance and numerous large windows for plenty of light.


The location of the Carriage House to the lot (see plot plan) is very close to the north and east property lines. It has been located that way since 1917 when it was built. I am not attaching any living areas or additions to the existing house. The garage will be detached. There are no easements of record on the plat.

Residency for this structure has been established through the years; at first by the servants and more recently by the owner from time to time.

In making this my residence, I will be entering the lot from Broadview (west) and will have a Broadview street address. I have also located (on the plot plan) the existing houses adjacent to the lot. The Carriage House sits very deep on the lot and is not close to any other structure.

I respectfully request that the four foot side yard on the north and the eight foot rear yard on the east be granted a variance so that I may use this structure for a residence.

Cordially,


Roger D. Bender
Architect

RDB/eh

ARCHITECTURE • INTERIORS • PLANNING
247 N. MARKET WICHITA, KANSAS 67202 (316) 264-4371

OWNERSHIP LIST

| Lot | Addition | Property Owner |
|---|----------------------|--|
| lot 25, Fountain | Small's 2nd Addition | ✓ George S. Shrewsbury Luise B. Shrewsbury 402 N. Fountain 67208 |
| lot 27, Fountain | Same | ✓ David K. Warbinton and Vickie Warbinton 406 N. Fountain 67208 |
| lot 29, Fountain | Same | ✓ Barbara C. Bernstorf 408 N. Fountain 67208 |
| lot 31, Fountain | Same | <i>no listing</i> Dolly Gideon Address Unknown |
| lot 33, Fountain | Same | ✓ Dixie L. Hand 422 N. Fountain 67208 |
| lot 26, S½ 2 nd Broadview | Same | ✓ Carl F. Johnson and Lucy M. Johnson 401 N. Broadview 67208 |
| N 25' lot 28 S 25' lot 30 Broadview | Same | ✓ Michael W. Gilbreath and Jary K. See Gilbreath 409 N. Broadview 67208 |
| N 25' lot 30 S 25' lot 32 Broadview | Same | ✓ Richard Thomas Taylor and Dianne M. Taylor 415 N. Broadview 67208 |
| N 25' lot 32 all 34, Broadview | Same | ✓ James L. Hungerford and Kristin K. Hungerford 425 N. Broadview 67208 |
| lot 36, Broadview | Same | ✓ John H. Brewer and Carolyn A. Brewer 427 N. Broadview 67208 |
| lot 38, Broadview | Same | ✓ George R. Stover and Carolyn M. Stover 431 N. Broadview 67208 |
| lot 40, Broadview | Same | ✓ Charlotte Kinsley and Maxine and Janet Kinsley Virginia Miller 437 N. Broadview 67208 |

| Lot | Addition | Property Owner |
|--|--|--|
| N 50' lot 24 Broadview | Small's Addition | Glen W. Brammer and Alice E. Brammer 351 N. Broadview 67208 |
| lot 18, Broadview | Hagny's Replat of Capital Hill Addition | Terry J. Cox & H. Kay Cox 436 N. Broadview 67208 |
| lot 20,22,24 Broadview | Same | David D. Stapleton and Frances Kay Stapleton 1015 S. Bleckley Drive 67218 |
| 26,28,30,32 Broadview | Same | Howard K. Pierce and Mildred Pierce 424 N. Broadview 67208 |
| West 83.09 feet lots 34 and 36, lot 38 except North 6.75 feet of East 54 ft, all lot 40, and North 9 ft lot 42, on Broadview, Hagny's Replat of Capital Hill Addition | | Wendell O. Houser and Mary L. Houser 401 N. Belmont 67208 |
| East 54 feet of the North 56.75 feet of lots 34,36 and 38 on Broadview Avenue, in Hagny's Replat of Capital Hill Addition | | Same |
| South 16 feet lot 42 all 44,46,48 Broadview | Hagny's Replat of Capital Hill Addition | Francis R. Aksamit and Rebecca E. Aksamit 404 N. Broadview 67208 |
| lots 50,52,54 Broadview | Same | Mark H. Adams and Jeanette C. Adams 345 N. Belmont 67208 |
| 17,19,21,23 Belmont | Same | Sandra J. Hanley 439 N. Belmont 67208 |
| 25,27,29,31 Belmont | Same | J. M. Walsh and Anna 425 N. Belmont 67208 |
| 33,35,37,39 41,43,45,47 Belmont | Same | Wendell O. Houser and Mary L. Houser 401 N. Belmont 67208 |
| 49,51 Belmont | Same | Mark H. Adams and Jeanette C. Adams 345 N. Belmont 67208 |
| 30,32, Belmont | Same | Odis E. Shoaf Jr. and Martha L. Shoaf 426 N. Belmont 67208 |
| 34,36,38,40 42,44, Belmont | Same | John E. Coultis and Ruth E. Coultis 400 N. Belmont 67208 |

repeat
repeat

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

A 200 foot radius of Lots 34, 36
38, 40 and 42, except the South 16
feet of lot 42, on Broadview, Hagny's
Replat of Capital Hill 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 5th day of December, 1978 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Hable

Vice President

Order No. 271702
wh

FORM 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 |
|---|-----------------------|
| BZA Variance Application | \$500 |
| NAME <i>Renee Bender</i> | |
| ADDRESS <i>247 N. Market</i> | |
| FUND <i>112-03-000-4-71-102-000-000</i> | DUPLICATE |
| COMMENTS | |
| DATE <i>12/1/78</i> | BY <i>(Signature)</i> |

MICROFILMED
FROM THE BEST
AVAILABLE COPY

February 5, 1979

Roger Bender
247 N. Market
Wichita, Kansas 67202

Re: Case No. BZA 56-78
Request for Variance

Dear Mr. Bender:

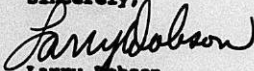
Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 23, 1979, in connection with your request for a variance to reduce the north side yard setback from 6 foot to 4 foot and the rear yard setback from 20 foot to 8 foot, on property zoned the "AA" Single Family Dwelling District and generally located on the east side of Broadview in an area north of Third Street.

This Resolution reflects the official action of the Board to approve your request and sets out the condition of approval.

It is forwarded to you for your information and files.

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

Sincerely,



Larry Johnson
Assistant Secretary

LD:bbc
Enclosure

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

RESOLUTION NO. BZA 56-78

WHEREAS, Roger Bender, 247 N. Market, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the north side yard setback from 6 foot to 4 foot and the rear yard setback from 20 foot to 8 foot, on property zoned the "AA" Single Family Dwelling District, and legally described as:

Lots 34, 36, 38, 40 and 42, except South 16 feet of lot 42 on Broadview in Hagney's Replat of Capital Hill Addition, Sedgwick County, Kansas. Generally located on the east side of Broadview in an area north of Third Street.

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 January 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, upon clarification of the exact location of an existing structure upon the property, the board's legal counsel has determined that the Board has the jurisdiction to consider a variance of the north side yard setback to three feet instead of four feet as advertised; 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 this structure has been located here for over sixty years and would not be expanded to increase any nonconformity of setbacks; 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 conversion of this structure to a separate single family residence will be done without expansion of the existing structure and should be an improvement to the neighborhood; 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 a permit for remodeling of this structure for a residence could not be obtained under separate ownership from the original parcel; 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 these variances are located adjacent to interior lot lines; 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 nonconforming structure is not being enlarged and will be used as a permanent residence, conforming to all other requirements; and

RESOLUTION NO. BZA 56-78
PAGE TWO

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 a variance to reduce the north side yard setback from 6 foot to 3 foot and the rear yard setback from 20 foot to 8 foot, on property zoned the "AA" Single Family Dwelling District, and legally described as:

Lots 34, 36, 38, 40 and 42, except South 16 feet of lot 42 on Broadview in Hagney's Replat of Capital Hill Addition, Sedgwick County, Kansas. Generally located on the east side of Broadview in an area north of Third Street

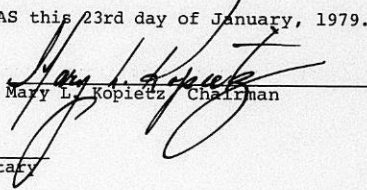
be approved subject to the following condition:

1. The North side yard setback shall be reduced to three (3) feet for the existing structure only, and the rear yard setback shall be reduced to eight (8) feet for both the existing structure and any new structure.

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

ATTEST


Larry Dobson, Assistant Secretary


Mary L. Kopietz, Chairman

January 24, 1979

Roger Bender
247 N. Market
Wichita, Kansas 67202

Re: Case No. BZA 56-78
Request for Variance

Dear Mr. Bender:

At the regular meeting of the Board of Zoning Appeals on Tuesday, January 23, 1979, your request for a variance to reduce the north side yard setback from 6 foot to 4 foot and the rear yard setback from 20 foot to 8 foot, on property zoned the "AA" Single Family Dwelling District and generally located on the east side of Broadview in an area north of Third Street was considered.

Upon clarification of the exact location of the existing structure, it was the action of the Board to approve a variance to three (3) feet for the north side yard and eight (8) feet for the rear property line subject to the following condition:

1. The north side yard setback shall be reduced to three (3) feet for the existing structure only, and the rear yard setback shall be reduced to (8) feet for both the existing structure and any new structure.

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.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:bbc

January 24, 1979
Mr. Roger Bender
BZA 56-78

cc: Fred Hanley, 439 N. Belmont 67208
Mr. & Mrs. Howard K. Pierce, 424 N. Broadview 67208
Clyde Wendelken, Wendelken, Cline & Crockett,
1005 N. Market 67214
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE January 19, 1979

TO Jack Galbraith, Secretary, Board of Zoning Appeals

FROM Evelyn Pittman, Assistant CPO Coordinator

SUBJECT Case No. BZA 56-78,
Broadview and Third Street

At their regular meeting on January 15, 1979, CPO Council G considered the captioned case. The Council reviewed the case with the applicant Roger Bender and benefitted from information provided in your staff report. In presenting the case, the applicant noted the discrepancy in the variance needed for the north side yard setback - 6 to 3 feet rather than 6 to 4 feet as advertised.

The Council voted 9-0 to recommend granting a 3 feet variance for the north side yard and 8 feet variance for the rear yard only. Granting the variance to permit residential use of the existing structure would enhance the neighborhood, they reason. In addition, no opposition for nearby homeowners was expressed.

Your assistance in providing this recommendation to the Board when this case is considered on January 23, 1979 will be appreciated.

Evelyn Pittman
Evelyn Pittman
Assistant CPO Coordinator

EP:a1





bender p.a.
BENDER ASSOCIATES, P.A.

January 12, 1979

Mr. Jack Galbraith
Planning Department
455 N. Main
Wichita, Kansas 67202

Dear Jack:

I chatted with John Dekker today, and he said that if the property owner to the North was notified of the discrepancy from 4' (as advertized) to 3', and was not in objection to that change, and was in agreement to the variance that I'm requesting, then the case can be heard on the 23rd of January.

Per your telephone call just now, and your staff's prepared statement, your thoughts on this matter concur with my discussion with John Dekker.

I will be prepared to furnished exact dimensions at the hearing.

Thank you for your cooperation in this matter, and I apologize for the mistake.

Cordially,

Roger D. Bender
Architect

RDB/eh

cc: John Dekker-City Attorney

ARCHITECTURE • INTERIORS • PLANNING
247 N. MARKET WICHITA, KANSAS 67202 (316) 264-4371

SECRETARY'S REPORT
CASE NO. BZA 56-78

APPLICANT: Roger Bender, 247 N. Market, Wichita, Kansas

AGENT: N/A

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback, adjacent to the north property line, from 6 feet to 4 feet; and to reduce the required rear yard setback from 20 feet to 8 feet.

GENERAL LOCATION: East side of Broadview in an area north of Third Street.

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

LAND USE: Subject property contains a carriage house. All surrounding properties are developed with single family residences.

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
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 north side yard setback and the rear yard setback to permit the remodeling of an existing carriage house for use as his personal residence.

The carriage house is shown as being located in the northeast corner of subject property, four feet from the north property line and eight feet from the east property line. The structure has been so located since its construction in 1917. The applicant is contracting to purchase subject property, which until now has been held under one ownership with property to the east. The sell-off creates a rear, or east, property line eight feet from this structure, as opposed to the twenty feet required for a rear yard setback. The required side yard setback for a residence in this "AA" zoning district is six feet.

The applicant emphasizes that the outside dimensions of the carriage house will not be altered, but rather the interior will be remodeled and a detached garage will be constructed south of the existing structure. The proposed garage is also shown as maintaining an eight foot rear yard. It should be noted that a detached garage may be located as close as five feet to the rear property line, but if attached to the main residential structure, it must also comply with the twenty foot setback, or obtain a variance from same.

It should be pointed out that a question has been raised as to the exact location of the structure from the north property line. We have been advised that the fence on the property to the north is not on the property line, but rather, is one foot on the property to the north. If that is the case, a variance is needed from 6 to 3 feet rather than 6 to 4 feet as advertised. In raising this issue with the Law Department, their opinion is that since the only property affected by a variance of the side yard setback is the property owner to the north, and inasmuch as that property owner is aware of the request and knows the location of the structure, the Board has the authority to approve the variance for a lesser area than advertised. The applicant should be prepared, however, to provide the Board with the exact dimension of the structure from the north property line.

Residency in the carriage house was established originally by servants and more recently by the property owner on occasion. It is not known if this structure has ever been rented as a residence.

Vehicular access to the carriage house has always been from Belmont Avenue to the east. The applicant proposes a new curb opening to Broadview for the purpose of providing access to this property. Due to the location of this structure deep on the lot there are no nearby adjacent structures on adjoining properties. The nearest structure would be over thirty feet away on the property to the north.

UNIQUENESS:

It is the opinion of the Secretary that this may be an unique situation inasmuch as this structure has been located here for over sixty years and would not be expanded to increase any nonconformity of setbacks.

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 or residents inasmuch as the conversion of this structure to a separate single family residence will be done without expansion of the existing structure and should be an improvement to the neighborhood.

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 a permit for remodeling of this structure for a residence could not be obtained under separate ownership from the original parcel.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the public interest inasmuch as these variances are located adjacent to interior lot lines.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the nonconforming structure is not being enlarged and will be used as a permanent resident, conforming to all other requirements.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary to the granting of a variance can be found to exist and it is therefore recommended that the variance be granted subject to the following condition:

1. The north side yard setback and the rear yard setback shall be reduced to and eight feet respectively for the existing structure only.

15

WENDELKEN, CLINE & CROCKETT
ATTORNEYS AT LAW

CLYDE WENDELKEN
CHARLES M. CLINE
DAVID G. CROCKETT
DAVID A. GRIPP
LEBLIE F. HULNICK
HOWARD N. MENAKER

SUITE 405, BROWN BUILDING
WICHITA, KANSAS 67202
(316) 263-7596

EAST WIDE FINANCIAL CENTER
7701 E. KELLSDEN
WICHITA, KANSAS 67207
(316) 684-5114

January 22, 1979

REPLY TO
The Amidon House
1005 North Market
Wichita, Ks. 67214

Mr. Jack H. Galbraith
Board of Zoning Appeals
City Hall
455 North Main
Wichita, Kansas 67202

Re: Case No. BZA 56-78, docketed for January 23, 1979

Dear Mr. Galbraith:

As you know, this office represents Mr. and Mrs. Howard K. Pierce of 424 North Broadview, Wichita, in this case in which Roger D. Bender is the applicant for a limited variance.

This is written for the file and to document the position of the Pierces. As the adjacent property owners of the property to the north of Mr. Bender's and as people primarily effected by the request, their position is:

1. The setback can be varied from 6 feet to approximately 3 feet along their south, east-west property line for the distance of about 27 feet 3 inches and immediately north of the captioned carriage house,
2. This in no manner should be taken as indication of a willingness to extend any variance west of the north west corner of the existing carriage house,



Mr. Jack H. Galbraith
January 22, 1979
Page Two

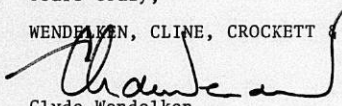
3. Neither should this willingness be considered as acquiescence to a zoning change from the existing "AA" Single Family Dwelling status in the immediate area, and
4. The exigencies of this particular request prompt this approval.

It is our understanding Mr. Bender intends to remodel and restore the carriage house as a dwelling for his family, construct an unattached garage to the south of the carriage house and install a drive which will not be offensive to the Pierces to the north.

Thank you as usual.

Yours truly,

WENDELKEN, CLINE, CROCKETT & HULNICK



Clyde Wendelken

CW:csw

cc: Mr. and Mrs. Howard K. Pierce
Mr. Roger D. Bender

BZA CASE NO. 56-78

| | |
|-----------|---|
| <u>1</u> | NOTICES SENT TO APPLICANT/AGENT |
| <u>10</u> | NOTICES SENT TO MAPC |
| <u>1</u> | NOTICES SENT TO CPO |
| <u>22</u> | NOTICES SENT TO ADJOINING PROPERTY OWNERS |
| <u>36</u> | TOTAL NOTICES SENT <u>1-2-79</u> |

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

January 3, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 56-78

An application has been filed by Roger Bender, 247 North Market, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the north side yard setback from 6 foot to 4 foot and the rear yard setback from 20 foot to 8 foot, on property zoned the "AA" Single Family Dwelling District, and legally described as:

Lots 34, 36, 38, 40 and 42, except South 16 feet of lot 42 on Broadview in Hagney's Replat of Capital Hill Addition, Sedgwick County, Kansas. Generally located on the east side of Broadview in an area north of Third Street.

This application has been assigned case No. BZA 56-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 23, 1979, 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

bender P.A.
BENDER ASSOCIATES, P.A.

DECEMBER 12, 1978

Members:
Board of Zoning Appeals
First Floor, City Hall
455 North Main
Wichita, Kansas 67202

It is my desire to purchase the Carriage House and lot (109 x 137) located behind the house at 401 North Belmont.

My intent is to remodel the Carriage House and add a garage, to use as my personal residence. The Carriage House already has three (3) existing bedrooms, a living room, bath and kitchen on the second floor. The main level has a large garage area, stairs and two additional rooms. There is a full basement under the house with an outside entrance and numerous large windows for plenty of light.


The location of the Carriage House to the lot (see plot plan) is very close to the north and east property lines. It has been located that way since 1917 when it was built. I am not attaching any living areas or additions to the existing house. The garage will be detached. There are no easements of record on the plat.

Residency for this structure has been established through the years; at first by the servants and more recently by the owner from time to time.

In making this my residence, I will be entering the lot from Broadview (west) and will have a Broadview street address. I have also located (on the plot plan) the existing houses adjacent to the lot. The Carriage House sits very deep on the lot and is not close to any other structure.

I respectfully request that the four foot side yard on the north and the eight foot rear yard on the east be granted a variance so that I may use this structure for a residence.

Cordially,


Roger D. Bender
Architect

RDB/eh

ARCHITECTURE • INTERIORS • PLANNING
247 N. MARKET WICHITA, KANSAS 67202 (316) 264-4371

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 56-78
FILED 12-18-78

APPLICATION FOR VARIANCE

I. Name of Applicant Roger Bender ✓

Mailing Address 247 North Market (67202) Phone 264-4371

Name of Authorized Agent same as above N/A

Mailing Address same as above N/A Phone N/A

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

II. The variance requested is 4 foot side yard and 8 foot rear yard
due to existing structure location. ^{North} Side yard setback from
6' to 4' ; Rear Yard setback from 20' to 8'

for property located Carriage house behind house @ 401 No. Belmont

No address has been assigned yet

and legally described as: lots 34, 36, 38, 40 and 42,

except South 16 feet of lot 42 on Broadview in Hagney's

Replat of Capital Hill Addition

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. 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.

Roger D Bender
Applicant

Authorized Agent

*E. side of
Broadview in
area N. of Third St.*

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:05 (a.m. ~~(p.m.)~~), 12-18 19 78
together with appropriate fee of \$50.00.

Larry Johnson
Signed

OWNERSHIP LIST

| Lot | Addition | Property Owner |
|---|----------------------|--|
| lot 25, Fountain | Small's 2nd Addition | ✓ George S. Shrewsbury Luise B. Shrewsbury 402 N. Fountain 67208 |
| lot 27, Fountain | Same | ✓ David K. Warbinton and Vickie Warbinton 406 N. Fountain 67208 |
| lot 29, Fountain | Same | ✓ Barbara C. Bernstorff 408 N. Fountain 67208 |
| lot 31, Fountain | Same | <i>no listing</i> Dolly Gideon Address Unknown |
| lot 33, Fountain | Same | ✓ Dixie L. Hand 422 N. Fountain 67208 |
| lot 26, S $\frac{1}{2}$ 28 Broadview | Same | ✓ Carl F. Johnson and Lucy M. Johnson 401 N. Broadview 67208 |
| N 25' lot 28 S 25' lot 30 Broadview | Same | ✓ Michael W. Gilbreath and Jary K. See Gilbreath 409 N. Broadview 67208 |
| N 25' lot 30 S 25' lot 32 Broadview | Same | ✓ Richard Thomas Taylor and Dianne M. Taylor 415 N. Broadview 67208 |
| N 25' lot 32 all 34, Broadview | Same | ✓ James L. Hungerford and Kristin K. Hungerford 425 N. Broadview 67208 |
| lot 36, Broadview | Same | ✓ John H. Brewer and Carolyn A. Brewer 427 N. Broadview 67208 |
| lot 38, Broadview | Same | ✓ George R. Stover and Carolyn M. Stover 431 N. Broadview 67208 |
| lot 40, Broadview | Same | ✓ Charlotte Kinsley and Maxine and Janet Kinsley Virginia Miller 437 N. Broadview 67208 |

| Lot | Addition | Property Owner |
|--|--|--|
| N 50' lot 24 Broadview | Small's Addition | Glen W. Brammer and Alice E. Brammer 351 N. Broadview 67208 |
| lot 18, Broadview | Hagny's Replat of Capital Hill Addition | Terry J. Cox & H. Kay Cox 436 N. Broadview 67208 |
| lot 20,22,24 Broadview | Same | David D. Stapleton and Frances Kay Stapleton 1015 S. Bleckley Drive 67218 |
| 26,28,30,32 Broadview | Same | Howard K. Pierce and Mildred Pierce 424 N. Broadview 67208 |
| West 83.09 feet lots 34 and 36, lot 38 except North 6.75 feet of East 54 ft, all lot 40, and North 9 ft lot 42, on Broadview, Hagny's Replat of Capital Hill Addition | | Wendell O. Houser and Mary L. Houser 401 N. Belmont 67208 |
| East 54 feet of the North 56.75 feet of lots 34,36 and 38 on Broadview Avenue, in Hagny's Replat of Capital Hill Addition | | Same |
| South 16 feet lot 42 all 44,46,48 Broadview | Hagny's Replat of Capital Hill Addition | Francis R. Aksamit and Rebecca E. Aksamit 404 N. Broadview 67208 |
| lots 50,52,54 Broadview | Same | Mark H. Adams and Jeanette C. Adams 345 N. Belmont 67208 |
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| 25,27,29,31 Belmont | Same | J. M. Walsh and Anna 425 N. Belmont 67208 |
| 33,35,37,39 41,43,45,47 Belmont | Same | Wendell O. Houser and Mary L. Houser 401 N. Belmont 67208 |
| 49,51 Belmont | Same | Mark H. Adams and Jeanette C. Adams 345 N. Belmont 67208 |
| 30,32, Belmont | Same | Odis E. Shoaf Jr. and Martha L. Shoaf 426 N. Belmont 67208 |
| 34,36,38,40 42,44, Belmont | Same | John E. Coultis and Ruth E. Coultis 400 N. Belmont 67208 |

repeat
repeat

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

A 200 foot radius of Lots 34, 36
38, 40 and 42, except the South 16
feet of lot 42, on Broadview, Hagny's
Replat of Capital Hill 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 5th day of
December, 1978 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Noble

Vice President

Order No. 271702
wh

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 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 |
|--------------------------------|-----------------------------|
| BZA Variance Application | \$50.00 |
| NAME <i>Roger Bender</i> | |
| ADDRESS <i>247 N. Market</i> | |
| FUND <i>110-000-000-44-71-</i> | EXP-DATE <i>003-000-000</i> |
| COMMENTS | |
| DATE <i>12/19/78</i> | BY <i>rel</i> |

*

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

Roll # 2