

CASE NO. BZA 57-85 - Fred Smith re-
quests a variance to reduce the required
side yard setback from 6 feet to not less
than 1.3 feet for the construction of a
carport adjacent to the south property
line on property zoned "A" Two-family

POSTED
10-28-85

ACTION
BZA 57-85 Approved
DATE 1/16/86

5545 0

200'4 Sec 12-12-85

Shel 1-16-86

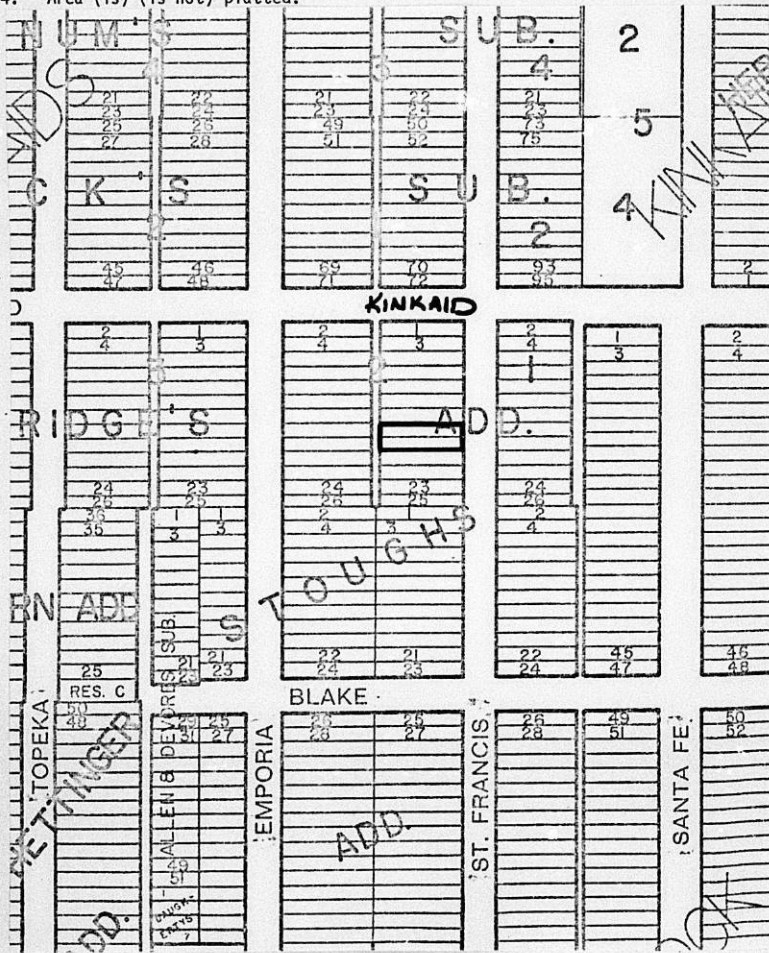
Record

Map No. 5545 C

BZA 57-85
Filed

AREA DATA:

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



SHIMODA
No. 2153C
REGISTERED MAP - LOS ANGELES
COUNTY - CALIFORNIA
LOUIS CH. WILSON, P.E. U. S. A.

December 3, 1985

Fred Smith
2215 South St. Francis
Wichita, Kansas 67211

Re: BZA 57-85 Request for Variance
(2215 South St. Francis)

Dear Mr. Smith:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 26, 1985.

This Resolution reflects the official action of the Board to grant, your request and sets out the conditions of approval. It is forwarded to you for your information and files. As you will note it is necessary to secure the necessary building permit for the construction.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:lw
Encl.

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

RESOLUTION CASE NO. 57-85

WHEREAS, Fred Smith, 2215 South St. Francis, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required side yard setback from 6 feet to not less than 1.3 feet for the construction of a carport adjacent to the south property line on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lots 15 and 17, Block 2, Eldridge's Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of St. Francis and south of Kinkaïd (2215 So. St. Francis).

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 November 26, 1985, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance 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 adjacent home is located a greater distance away than the minimum requirement and a separation of ten feet will be maintained between structures; 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 structure will be open which should prevent any obstruction of air, and it is located to the north of the only adjacent property that would have any direct affect which eliminates the possibility of the structure creating a light obstruction; 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 property is of such a size that the only location for a carport other than the location chosen would result in the removal or relocation of the garage to provide for the cover of two vehicles; 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 reduction of the side yard setback will not interfere with any needed right-of-way or easements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as a separation of ten feet between structures will be maintained, and this will be only slightly less than is intended by the regulations; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

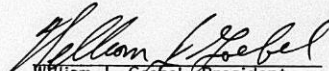
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required side yard setback from 6 feet to not less than 1.3 feet for the construction of a carport adjacent to the south property line on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lots 15 and 17, Block 2, Eldridge's Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of St. Francis and south of Kinkaid (2215 So. St. Francis).


be approved subject to the following conditions:

1. The variance to reduce the required side yard setback from six feet not less than 1.3 feet shall only apply to the existing structures.
2. No enclosure of the carport shall be permitted and the construction shall comply with all requirements of the building code.
3. The applicant shall secure the necessary permit for the construction of the carport.

ADOPTED AT WICHITA, KANSAS, this 26th day of November, 1985.


William J. Gobel, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE November 25, 1985

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 57-85: (West Side of St. Francis
 and South of Kinkaid)

CPO Council "E" considered the captioned case at its November 20th meeting and voted 7-0 to recommend that the variance to reduce the required side yard setback from 6 feet to not less than 1.3 feet for the construction of an open carport adjacent to the south property line be approved.

The applicant was present to describe the request and respond to questions.

The following persons were present and spoke in support of the variance: D.W. and Alice Leckington, 2022 South Topeka, David and Debra Baker, 2214 South St. Francis, and Leona Munn, 525 East Kinkaid.

No one was present to speak in opposition to the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the November 26th meeting.



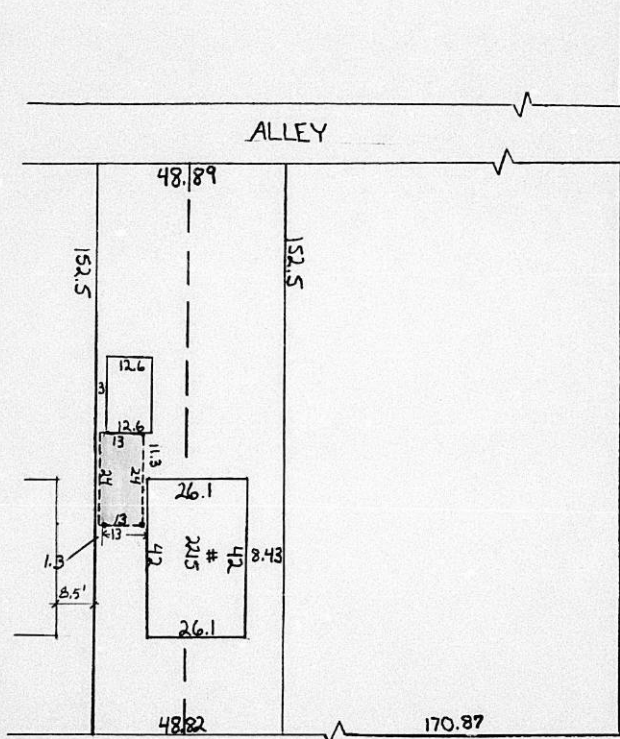
Shirley Mast
Administrative Aide III

SM:dm

Noted:



Stanley J. Scott
CP Coordinator



ST. FRANCIS

BZA 57-85

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

November 4, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 57-85

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Fred Smith, 2215 South St. Francis, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required side yard setback from 6 feet to not less than 1.3 feet for the construction of a carport adjacent to the south property line on property zoned "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 15 and 17, Block 2, Eldridge's Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of St. Francis and south of Kinkaid (2215 So. St. Francis).

This application has been assigned Case No. BZA 57-85. It will be considered by the Board of Zoning Appeals on November 26, 1985 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Glen E. Lytle
Assistant Secretary

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

November 4, 1985

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CASE NO. BZ/ 57-85

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Glen E. Lytle
Assistant Secretary

RE: AGENDA ITEM NO 5

SECRETARY'S REPORT
CASE NO. BZA 57-85

APPLICANT: Fred Smith, 2215 S. St. Francis, Wichita, Kansas.

AGENT: None.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 6 feet to not less than 1.3 feet for the construction of an open carport adjacent to the south property line.

GENERAL LOCATION: On the west side of St. Francis and south of Kinkaid.

ZONING: Subject property is zoned the "A" Two-family Dwelling District as are all adjacent properties.

LAND USE: Subject property is occupied by a one-family dwelling as are the majority of the properties in the area.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to to reduce the required side yard setback from 6 feet to not less than 1.3 feet for the construction of an open carport adjacent to the south property line. The applicant constructed the carport without benefit of a permit and has been cited by Central Inspection for the violation.

It should be noted that there has been a detached garage located at the rear of the house that is located three feet from the side property line. The carport has now been constructed in front of the garage and although not attached to the house the separation is such that the carport and the garage must comply with the same minimum setback requirement as the house, which is six feet. The supports for the carport are located within 1.3 feet of the south property line, on which the roof line projects further into this side yard.

It is difficult to justify a variance of a side yard setback particularly when all the properties in the area are basically the same size of 50 feet in width. However, in this case, it is noted that the adjacent house to the south is 8½ feet from the property line which will leave nearly 10 feet between structures. In addition, the carport is an unenclosed structure that should not interfere with the air to the adjoining property and is located to the north which eliminates any light obstruction by the carport of the adjacent property.

UNIQUENESS:

It is the opinion of the Secretary that this property is located in an area where all properties are of similar size and are rectangular in shape, thus making it extremely difficult to find any uniqueness to the property, but only on the basis that the adjacent home is located a greater distance away than the minimum requirement.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the structure will be open which should prevent any obstruction of air, and it is located to the north of the only adjacent property that would have any direct affect which eliminates the possibility of the structure creating a light obstruction.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the property is of such a size that the only location for a carport other than the location chosen would result in the removal or relocation of the garage to provide for the cover of two vehicles.

PUBLIC INTEREST:

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

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as a separation of ten feet between structures will be maintained, and this will be only slightly less than is intended by the regulations.

RECOMMENDATION:

It is the opinion of the Secretary that it is difficult to find all five conditions to exist, however, should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. The variance to reduce the required side yard setback from six feet not less than 1.3 feet shall only apply to the existing structures.
2. No enclosure of the carport shall be permitted and the construction shall comply with all requirements of the building code.

IMPORTANT MESSAGE

FOR _____

DATE _____ TIME _____ A.M.
P.M.

WHILE YOU WERE AWAY

Sharon K. Sedgwick

OF _____

PHONE No. *265-6927*

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

MESSAGE *BZA 57-65*

SIGNED _____

FORM 000-017

BZA CASE NO. 57-85

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>15</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>20</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>22</u>	TOTAL NOTICES SENT <u>11/5/85</u>

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

November 4, 1985

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If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Glen E. Lytle
Assistant Secretary

BZA 57-85 ENVELOPES

FRED SMITH
IONE C SMITH
2215 S ST FRANCIS
WICHITA KS 67219

JAMES A PEPPER
DIANE PEPPER
3217 CROMWELL DR
WICHITA KS 67204

LEONA MUNN
EVELYN L DONALDSON
525 E KINKAID
WICHITA, KS 67211

FRANK J LEO
BARBARA J LEO
2147 S GLENDALE
WICHITA KS 67218

MARVIN J LOUIS
EDNA A LOUIS
2202 S ST FRANCIS
WICHITA KS 67219

JACK MODERMOTT
7050 MILTON CT
DERBY KS 67037

ROBERT W SMITH
LEOTA L SMITH
2231 S ST FRANCIS
WICHITA KS 67219

W H KITCHEN
C/O NAOMI KITCHEN
941 PORTER
WICHITA KS 67203

DAVID R BAKER
DEBRA S BAKER
2214 S ST FRANCIS
WICHITA KS 67219

LESTER CLEAR JR
DOROTHY C CLEAR
2726 SOUTHEAST DR
WICHITA KS 67216

BARBARA C CORDON
A/K/A BARBARA C (MILLER) CORDON
2208 S EMPORIA
WICHITA KS 67219

MID-CONTINENT BAPTIST CHURCH INC
2201 S EMPORIA
WICHITA KS 67219

GRACIE L JONES
(N/K/A GRACIE L SCOFIELD)
2220 S EMPORIA
WICHITA KS 67219

DAVID E MCGINNIS
ETHEL MCGINNIS
1141 LAURA
WICHITA KS 67211

KENNETH L GUFFEY
GWENDOLYN GUFFEY
1541 S WATER
WICHITA KS 67213

DENNIS P BURNS
DARLEEN M BURNS
429 E CAMPUS
WICHITA KS 67216

ANGEL P LEON
KATHERINE T LEON
2236 S EMPORIA
WICHITA KS 67219

RICHARD V BMLEY
VIOLA BMLEY
2151 W 18TH
WICHITA KS 67214

RAMIRO B JUAREZ
GRACE I JUAREZ
2236 S ST FRANCIS
WICHITA KS 67219

GLEN CARL LAKE
WANDA MARY LAKE
2242 S ST FRANCIS
WICHITA KS 67219

GEORGE D BONNESEN
VERNIE L BONNESEN
2241 S ST FRANCIS
WICHITA KS 67219

BOARD OF ZONING APPEALS

CASE NO. 57-85

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Fred Smith
Mailing Address 2215 St. Francis Phone 264-1219
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required side yard from 6 feet to 1.3 feet.

for property located on the west side of St. Francis and south of Kinkaid.
and legally described as: Lots 15 and 17, Block 2, Eldridge's Addition to Wichita, Sedg. Co., Ks.

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

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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. 39-285); and that the appropriate fee is herewith tendered;
 - 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.
 - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Fred Smith

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:00 (a.m./p.m.), Oct 16, 1985, together with appropriate fee of 200.00.

Signed [Signature]

To whom it may concern:

The variance requested is for the purpose of a carport which has been constructed over the drive way on the south side of our home. The home owner south of us stated that he does not object to the structure and it does compliment the property in question. We are now retired and due to my wife's two back surgeries caused from falling on the ice, I felt a carport would be more safe while getting in, and getting out of the car in bad weather. We never realized the structure would not comply with any City Ordinance, however, there is no way the structure would or could affect the surrounding property except the one previously mentioned. Therefore, granting the variance requested would only better our health, safety, convenience and general welfare.

CLYDE M. BAUGHMAN
FRED J. DOANE
JOHN T. (JACK) REEVES

OFFICE OF
CLYDE M. BAUGHMAN CO.

Civil Engineers & Surveyors
Registered Professional Engineer

2522 EAST KELLOGG
WICHITA 11, KANSAS
DIAL MURRAY 3-7431

State of Kansas)
County of Sedgwick)SS

April 25, 1963

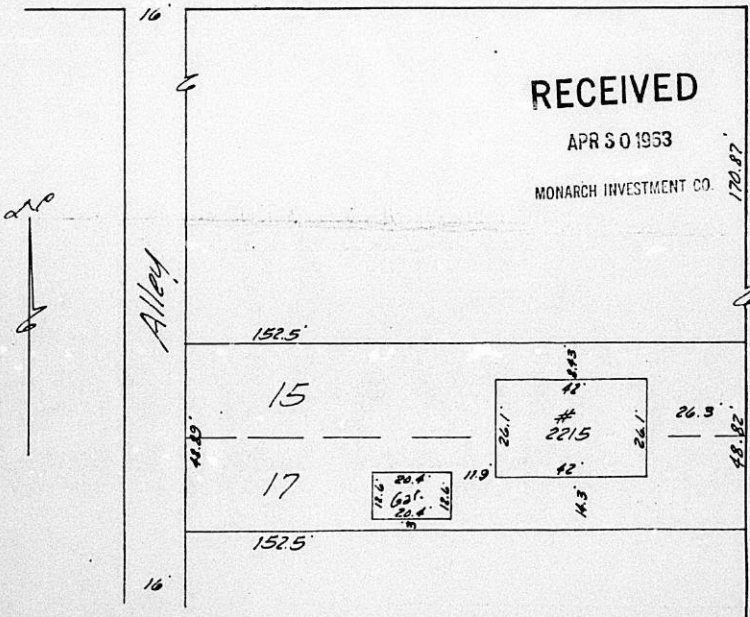
I, Clyde M. Baughman, Surveyor in aforesaid county and state, do hereby certify that I did on this 25th day of April, 1963, survey Lots 15 and 17, Block 2, Eldridge's Addition to Wichita, Kansas.

On said lot is house No. 2215 with a detached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgagee title insurance.

Clyde M. Baughman
Surveyor

Kinkaid Ave.



OWNERSHIP LIST

Lot	Block	Addition	Property Owner
West 52.5' of Lot 1 & 3	Block 2	Eldridge's Addn., on St. Francis	✓ James A. Pepper Diane Pepper 3217 Cromwell Dr. Wichita, KS 67204
East 100' of Lots 1, 3 & 5 exc. the West 52.5' of Lot 5	Block 2	"	✓ Leona Munn Evelyn L. Donaldson 525 E. Kinkaid Wichita, KS 67211
West 52.5' of Lot 5	Block 2	"	Earl Leo Munn Leona Munn 525 E. Kinkaid Wichita, KS 67211
Lots 7 & 9	Block 2	"	✓ Frank J. Leo Barbara J. Leo 2147 S. Glendale Wichita, KS 67218
Lots 11 & 13	Block 2	"	✓ Marvin J. Louis Edna A. Louis 2202 S. St. Francis Wichita, KS 67219
Lots 15 & 17		"	Fred Smith Ione C. Smith 2215 S. St. Francis Wichita, KS 67219
Lots 19, 21 & 23 exc. the South 19' of Lot 23	Block 2	"	✓ Jack McDermott 7050 Milton Ct. Derby, KS 67037
South 19' of Lot 23 & all of Lot 25	Block 2	"	✓ Robert W. Smith Leota L. Smith 2231 S. St. Francis Wichita, KS 67219
Lots 2 & 4	Block 1	"	Marvin J. Louis Edna A. Louis 2202 S. St. Francis Wichita, KS 67219
Lots 6 & 8	Block 1	"	✓ W. H. Kitchen c/o Naomi Kitchen 941 Porter Wichita, KS 67203
Lots 10 & 12	Block 1	"	William H. Kitchen Naomi Kitchen 941 Porter Wichita, KS 67203
Lots 14 & 16	Block 1	"	✓ David R. Baker Debra S. Baker 2214 S. St. Francis Wichita, KS 67219

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 18, 20, 22, 24 & 26	Block 1	Eldridge's Addn., on St. Francis	Robert M. Morgan Address Unknown
Lots 2 & 4	Block 2	Eldridge's Addn., on Emporia	✓ Lester Clear Jr. Dorothy C. Clear 2726 Southeast Dr. Wichita, KS 67216
Lots 6 & 8	Block 2	"	✓ Barbara C. Gordon a/k/a Barbara C. (Miller) Gordon 2208 S. Emporia Wichita, KS 67219
Lots 10, 12 & 14	Block 2	"	✓ Mid-Continent Baptist Church, Inc. 2201 S. Emporia Wichita, KS 67219
Lots 16 & 18	Block 2	"	✓ Gracie L. Jones (n/k/a Gracie L. Scofield) 2220 S. Emporia Wichita, KS 67219
Lots 20 & 22	Block 2	"	✓ David E. McGinnis Ethel McGinnis 1141 Laura Wichita, KS 67211
Lots 24 & 26	Block 2	"	✓ Kenneth L. Guffey Gwendolyn Guffey 1541 S. Water Wichita, KS 67213
North 20' of Lot 2		Stough's Addn., on Emporia	✓ Dennis P. Burns Darleen M. Burns 429 E. Campus Wichita, KS 67216
South 5' of Lot 2 & all Lots 4 & 6 & the North 5' of Lot 8		"	✓ Angel P. Leon Katherine T. Leon 2236 S. Emporia Wichita, KS 67219
South 20' of Lot 8		"	✓ Richard V. Emley Viola Emley 2151 W. 18th Wichita, KS 67214
South 5' of Lot 1 & all of Lot 3 & 5 & the North 5' of Lot 7		"	Robert M. Morgan Address Unknown
Lots 2 & 4 & the North 10' of Lot 6		"	✓ Ramiro B. Juarez Grace I. Juarez 2236 S. St. Francis Wichita, KS 67219

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
South 15' of Lot 6 & all of Lot 8		Stough's Addn., on St. Francis	✓ Glen Carl Lake Wanda Mary Lake 2242 S. St. Francis Wichita, KS 67219
South 20' of Lot 7 & all Lot 9		"	✓ George D. Bonnesen Vernie L. Bonnesen 2241 S. St. Francis Wichita, KS 67219

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lots 15 and 17, Block 2, Eldridge's Addition to Wichita, Kansas, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 10th day of October, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By 
Sr. Vice-President

Order No: 352193
nj

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-021

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 224 Val	\$ 200.00
NAME <i>Fred Smith</i>	
ADDRESS <i>2415 S. ST FRANCIS</i>	
FUND <i>755-40716-003</i>	DUE DATE
COMMENTS	
DATE <i>11-16, 1985</i>	BY <i>[Signature]</i>