

BZA 6-74 - Merrill Johnson request
Variance to reduce side yard set-
back from 6 feet to ~~4~~ feet for
~~corner~~ ^{adjacent} at corner of Maple and
Fern.

W.A.P.S.
B.C.C./B. CO. G.

B3a Denied

4-1-74

POSTED
3-14-74
11

ACTION

B3a COMMITTEE *meeting deferred 3-26-74*
due to lack of quorum 4-1-74
DATE
M.A.P.C. _____
B.C.C./B. CO. C. _____

B3a Denied 4-1-74

BZA 6-74 - Merrill Johnson request
Variance to reduce side yard set-
back from 6 feet to 5 feet for
corner of Maple and
Fern.

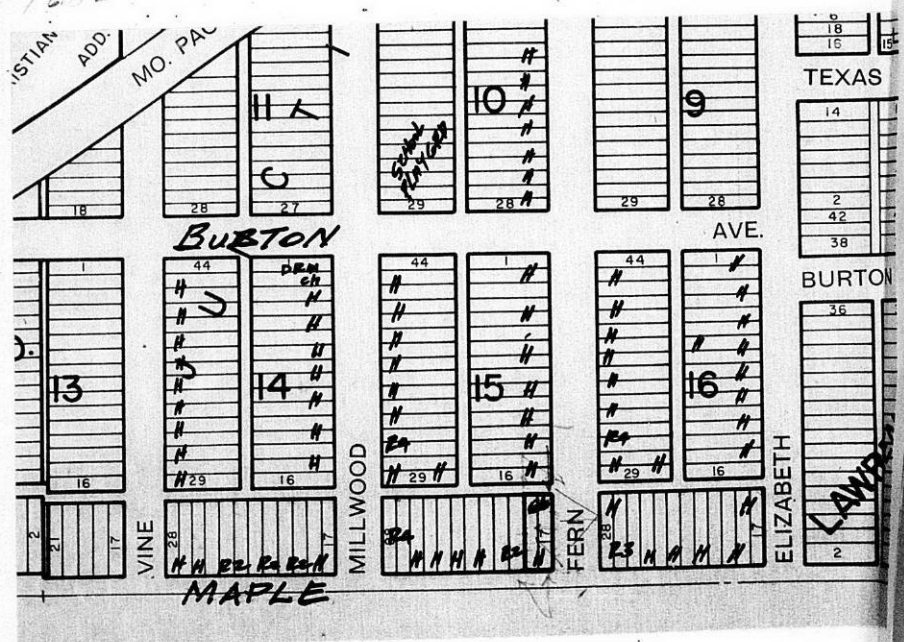
3-26-74

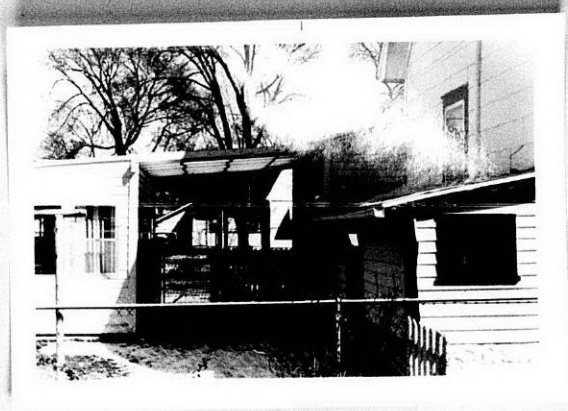
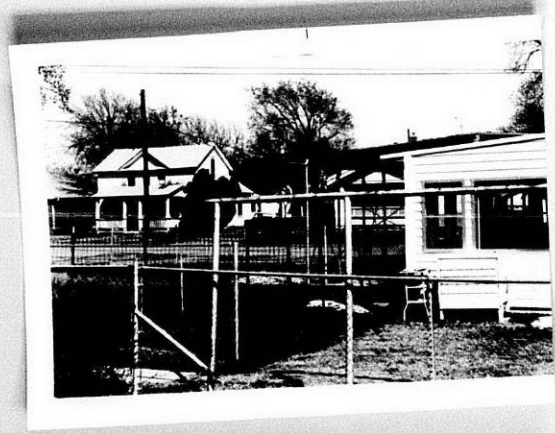
Map No. 5347
Sec. 19
Twp. 27
Range 1E

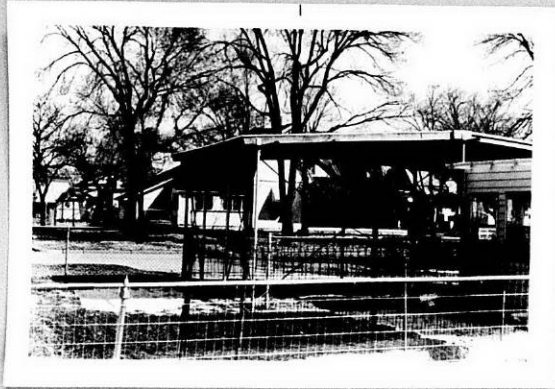
BZA- 6-74
SCZ- _____
CU- _____
Filed _____

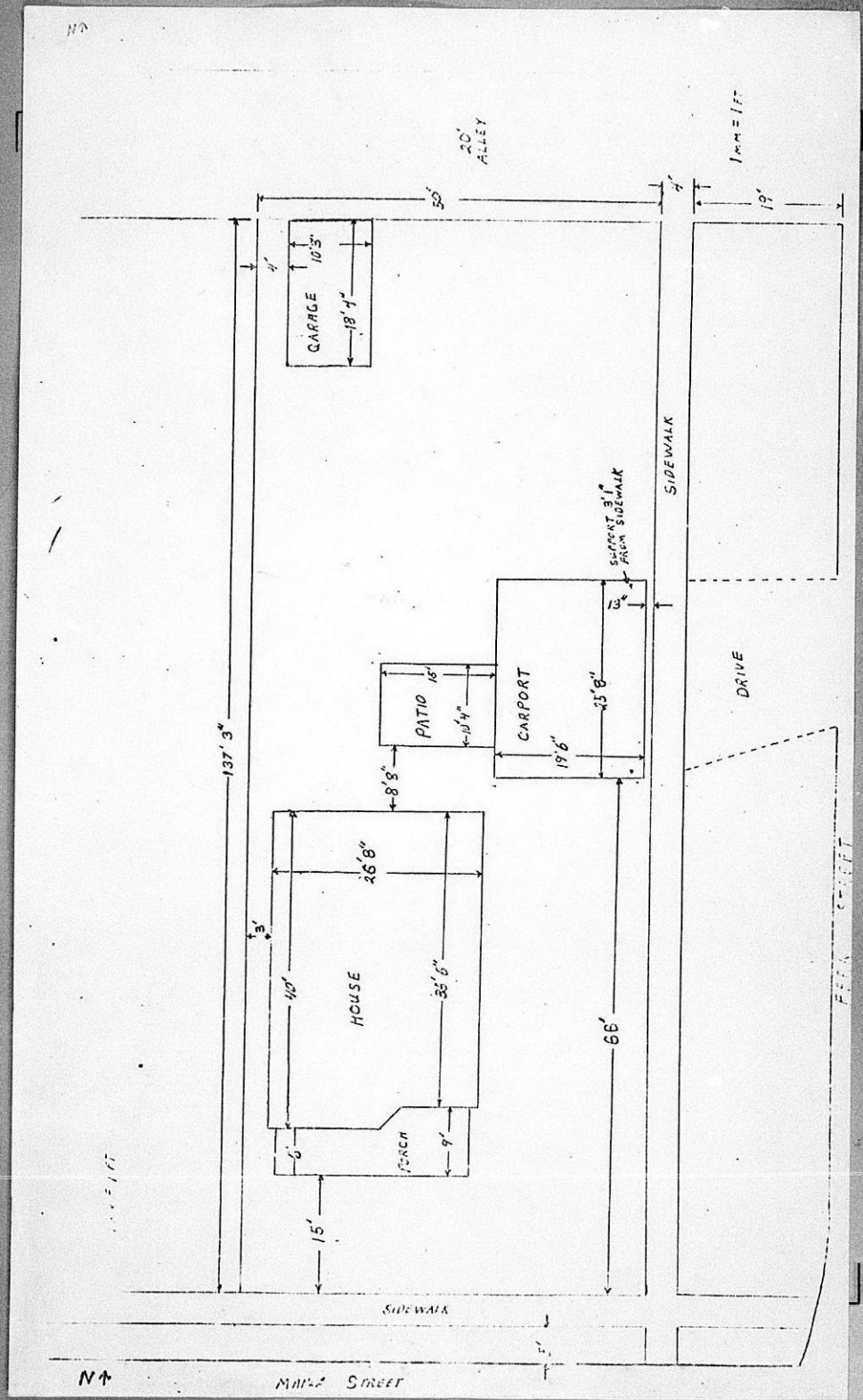
AREA DATA:
1. Acres: 0.15 (50 ft. by 135 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FARM South SINGLE FARM
West SINGLE & TWO FARM North SINGLE FARM
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: SINGLE FARM GEN. BUSINESS
6. Area (is) (is not) platted. _____

PHOTO DATA:
Taken by [Signature] Date 3-21-74 Time 3:25









RESOLUTION NO. BZA 6-74

WHEREAS, Merrill and Lela Johnson, 1602 Maple, Wichita, Kansas 67213, by Olin Wagner, 425 Beacon Building, Wichita, Kansas, 67202, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback adjacent to the east property line from six feet to three feet, on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lots 17 and 18, Block 15, Junction Town Company Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Fern and Maple.

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 April 1, 1974, 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 does not arise from such condition which is unique to the property in question, and was in fact created by the actions of the applicant; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for variance will have an adverse effect on adjacent property owners inasmuch as the zoning ordinance requires a six foot side yard setback for all structures adjacent to a public street in "RB" zoning, and the carport, including the overhang, encroaches approximately five feet into the setback area; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will not constitute unnecessary hardship upon the property owner represented in the application inasmuch as there is adequate space to place the carport on the described property in conformance with side yard setback requirements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired would have an adverse effect on the public health, safety, or general welfare inasmuch as the carport overhangs to within approximately one foot of the sidewalk and extends approximately five feet into the six foot side yard setback normally maintained adjacent to a public street to provide open space; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as all structures located adjacent to a street are required to observe the six foot side yard setback; and

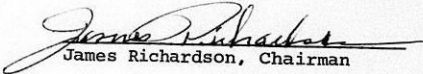
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has not been found to exist;

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required side yard setback adjacent to the east property line from six feet to three feet, on property zoned the "RB" Four Family Dwelling District, and legally described as:

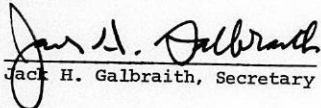
Lots 17 and 18, Block 15, Junction Town Company Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Fern and Maple.

be denied.

ADOPTED AT WICHITA, KANSAS, this 1st day of April, 1974.


James Richardson, Chairman

ATTEST:


Jack H. Galbraith, Secretary

April 24, 1974

Mr. Olin Wagner
425 Beacon Building
Wichita, Kansas 67202

Re: Case No. BZA 6-74 -
Request for Variance

Dear Mr. Wagner:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 1, 1974, in connection with your request for a variance to reduce the required side yard setback adjacent to the east property line from six feet to three feet on property zoned the "RB" Four Family Dwelling District, and generally located on the northwest corner of Fern and Maple.

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:js
Encl.

cc: Merrill and Lela Johnson, 1602 Maple, 67213
Ralph Eberly, City Clerk
Robert Feldner, Supt. of Central Inspection
Joe Donnelly, Central Inspection

April 1, 1974

Mr. Olin Wagner
425 Beacon Building
Wichita, Kansas 67202

Re: Case No. BEA 6-74 -
Request for a Variance

Dear Mr. Wagner:

At the deferred meeting of the Board of Zoning Appeals on April 1, 1974, your request for a variance to reduce the required side yard setback adjacent to the east property line from six feet to three feet on property zoned the "RB" Four Family Dwelling District and generally located on the northwest corner of Fern and Maple was considered.

It was the action of the Board to deny this request.

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,

Martha McMurry
Assistant Secretary
Board of Zoning Appeals

MM:js

cc: Merrill and Lola Johnson, 1602 Maple, 67213
Robert Schrader, 1621 Maple, 67213
Fred Linde, Grievance Officer
Ralph Eberly, City Clerk
Robert Feldner, Supt. of Central Inspection
Joe Donnelly, Central Inspection

March 26, 1974

Mr. Merrill T. Johnson
1602 Maple
Wichita, Kansas 67213

Dear Mr. Johnson:

Re: Case No. BZA 6-74 -
Request for a Variance

Due to lack of a quorum the regular meeting of the Board of Zoning Appeals which was scheduled for March 26, 1974, was deferred to Monday, April 1, 1974. The meeting will be held in Room 401 City Building Annex, 104 South Main Street, at 1:30 p.m.

At that time the above captioned case will be considered by the Board. If you have any questions concerning this matter, please call.

Sincerely,

Martha McMurry
Assistant Secretary
Board of Zoning Appeals'

MM:js

cc: Olin Wagner
425 Beacon Bldg.
Wichita, Kansas 67202

ORLIN L. WAGNER
ATTORNEY AT LAW
425 BEACON BUILDING
WICHITA, KANSAS 67202
AMHERST 4-9321 AREA CODE 316

March 6, 1974

Mr. Jack H. Galbraith
Board of Zoning Appeals
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

Re: Application of Merrill T. and Lela D.
Johnson

Dear Jack:

This letter is to advise that Mr. Johnson and I will appear
in the above entitled matter for oral argument.

Very truly yours,



Orlin L. Wagner

OLW/g



ORLIN L. WAGNER
ATTORNEY AT LAW
425 BEACON BUILDING
WICHITA, KANSAS 67202



Mr. Jack H. Galbraith
Board of Zoning Appeals
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

March 5, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

An application has been filed by Merrill T. and Lela D. Johnson, 1602 Maple, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required side yard setback adjacent to the east property line from 6 feet to 3 feet on property zoned the "RB" Four Family Dwelling District and legally described as follows:

Lots 17 and 18, Block 15, Junction Town Company
Addition to Wichita, Sedgwick County, Kansas.
Generally located at the northwest corner of
Fern and Maple.

This application has been assigned Case No. BZA 6-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 26, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting when this matter will be considered.

If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith
Secretary

*I have no objection to this or
no complaint. Its all right with me*

*Sadie Benefield
1524 Maple*



BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202



March 5, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

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If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith
Secretary

Mar. 14 - '74

*We have no complaints on this location nor
about the Johnson's for they are very good neighbors.*

*Mrs. Cressie Kerber
Mr. L. Zerbee
237 South Fern*

March 8, 1974

Geo. Drake % Robert Schrader
1621 Maple
Wichita, Kansas 67213

Board of Zoning Appeals
Room 402 City Building Annex
104 South Main
Wichita, Kansas 67202

Atten: Jack H. Galbraith

This letter is in answer to your letter of notification on case number BZA 6-74, Merrill T. and Iela D. Johnson.

I do not feel the variance of the property line would be advisable, since the structure they have build is now on the sidewalk, also if they enclose this structure, I believe it would be dangerous to traffic at the corner of Fern & Maple.

Also, we are wondering about the garage they moved to the north west corner of the yard, it is right on the alley.

I do believe they of all people should have gotten a permit to build, since they both work for the law enforcement department.

Very truly yours,

Robert Schrader

Robert Schrader



SECRETARY'S REPORT

CEPF NO. BBA 6-74

APPLICANT: Merrill T. and Lela E. Johnson, 1602 Maple, Wichita, Kansas, 67213

AGENT: Orlin L. Wagner, 425 Beacon Building, Wichita, Kansas 67202

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 east property line from six feet to three feet.

GENERAL LOCATION: Northwest corner of Fern and Maple.

ZONING: Subject property is zoned the "RB" Four Family Dwelling District, as are all surrounding properties.

LAND USE: Subject property is occupied by a single family residence as are those to the north, east and west with a multiple family dwelling to the south.

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 26 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

Secretary's Report

BZA No. 6-74

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 to reduce the required side yard setback from six (6) feet to three (3) feet to permit construction (which has already taken place) of a carport. The carport has structural supports within three feet of the east property line (west right-of-way line of Fern) and the roof overhangs two feet into the three foot side yard. In his statement of justification the applicant states that prior to constructing the carport he had a telephone conversation with the Central Inspection Division and was advised that a three foot side yard setback was proper. It should be pointed out that Central Inspection did not view the applicant's plans since a building permit was not obtained by the applicant prior to construction.

Section 28.04.060.C, Code of the City of Wichita, provides that "accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district, however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line." The carport on subject property was constructed adjacent to Fern Street, rather than adjoining an interior lot line, and it is not located more than one-half of the depth of the lot behind the front property line. Thus, the carport would have to observe the six foot side yard setback required of main structures in the "RB" zoning district.

The applicant also states that he believes a three foot setback to be proper for the reason that his property was a lot of record prior to October 21, 1928. This is in reference to Section 28.04.060 (2.2), Code of the City of Wichita, which allows a three foot side yard setback on lots of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of four feet or less and held under a distinct ownership from adjoining lots. However, the property in question consists of two adjoining twenty-five foot lots, and therefore does not come under this provision.

Secretary's Report
BZA No. 6-74
Page 3

In viewing this property from the field, there appeared to be adequate space to have accommodated this structure and have access to Fern Street or the alley along the rear property line without violating the side yard setback. It was also noted that the area which is indicated as a patio on the plot plan is actually an enclosed structure.

Uniqueness:

It is the opinion of the Secretary that uniqueness does not exist because the variance requested does not arise from a condition which is unique to the property in question since the condition was in fact created by the actions of the applicant.

Adjacent Property:

It is the opinion of the Secretary that it is difficult to determine whether or not the granting of the variance would adversely affect adjacent properties inasmuch as the carport is located on a corner lot; however, the zoning ordinance requires a six foot side yard setback for all structures adjacent to a public street in "RS" zoning, and the carport, including the overhang, encroaches approximately five feet into the setback area.

Hardship:

It is the opinion of the Secretary that no hardship exists inasmuch as there is adequate space to place the carport on the property in conformance with side yard setback requirements.

Public Interest:

It is the opinion of the Secretary that the variance desired could adversely affect the public welfare inasmuch as the carport overhangs to within approximately one foot of the sidewalk and extends approximately five feet into the six foot side yard setback normally maintained adjacent to a public street to provide open space.

Secretary's Report
BZA No. 6-74
Page 4

Spirit and Intent

It is the opinion of the Secretary that the granting of this variance would be opposed to the general spirit and intent of Title 28 (zoning ordinance) inasmuch as while the ordinance contains special provisions for lesser side yard setbacks for accessory structures located adjacent to interior lot lines, all structures located adjacent to a street are required to observe the six foot side yard setback.

RECOMMENDATION

It is the recommendation of the Secretary that since all five of the conditions necessary for the granting of the variance cannot be found to exist the application be denied.

BOARD OF ZONING APPEALS

CASE NO. 6-74

CITY OF WICHITA, KANSAS

FILED 2-14-74

APPLICATION FOR VARIANCE

I. Name of Applicant Merrill T. & Lela D. Johnson

Mailing Address 1602 Maple Phone _____

Name of Authorized Agent Orlin L. Wagner

425 Beacon Building,
Mailing Address Wichita, Kansas 67202 Phone 264-9321

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

II. The variance requested is to allow 3' side set back for existing Carport
for property located at 1602 Maple, Wichita, Kansas 67213.

for property located _____

and legally described as: Lots 17 and 18, in Block 15, in
JUNCTION TOWN COMPANY ADDITION to Wichita, Sedgwick County, Kansas.

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

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.

Merrill T. Johnson
Applicant - Merrill T. Johnson

Orlin L. Wagner
Authorized Agent and Attorney

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 3:00 ~~to m.~~ - p.m.), February 14 1974 together with appropriate fee of \$50.00.

T9-402

Martha McHenry
Signed

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

March 5, 1974

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This application has been assigned Case No. BZA 6-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 26, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting when this matter will be considered.

If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith
Secretary

29 Notices to Adjoining Property Owners mailed 3-5-74
10 Notices mailed to map c

STATEMENT SUPPORTING VARIANCE REQUESTED


Applicant respectfully shows to the Board of Zoning Appeals, of the City of Wichita, that the property subject to this request for variance is Zoned RB; that the side of said property is on Side Street Fern, Wichita, Kansas; that Applicant prior to constructing Carport of 450 square feet made telephone conversation to City Inspector's office and was advised that a 3' set back was proper permitting an over-hang of 1' from the property line.

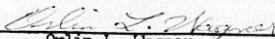
Following this advice, Applicant built the Carport, and subsequently on or about December 28, 1973, Applicant was advised by Central Inspection Division, Department of Public Works, of the City of Wichita, that said Carport was constructed in violation of Ordinance 27-660, Sec. 28.04.040 (A-9) and has been directed to remove the Carport, which would require substantial loss, damage and expense to Applicant.

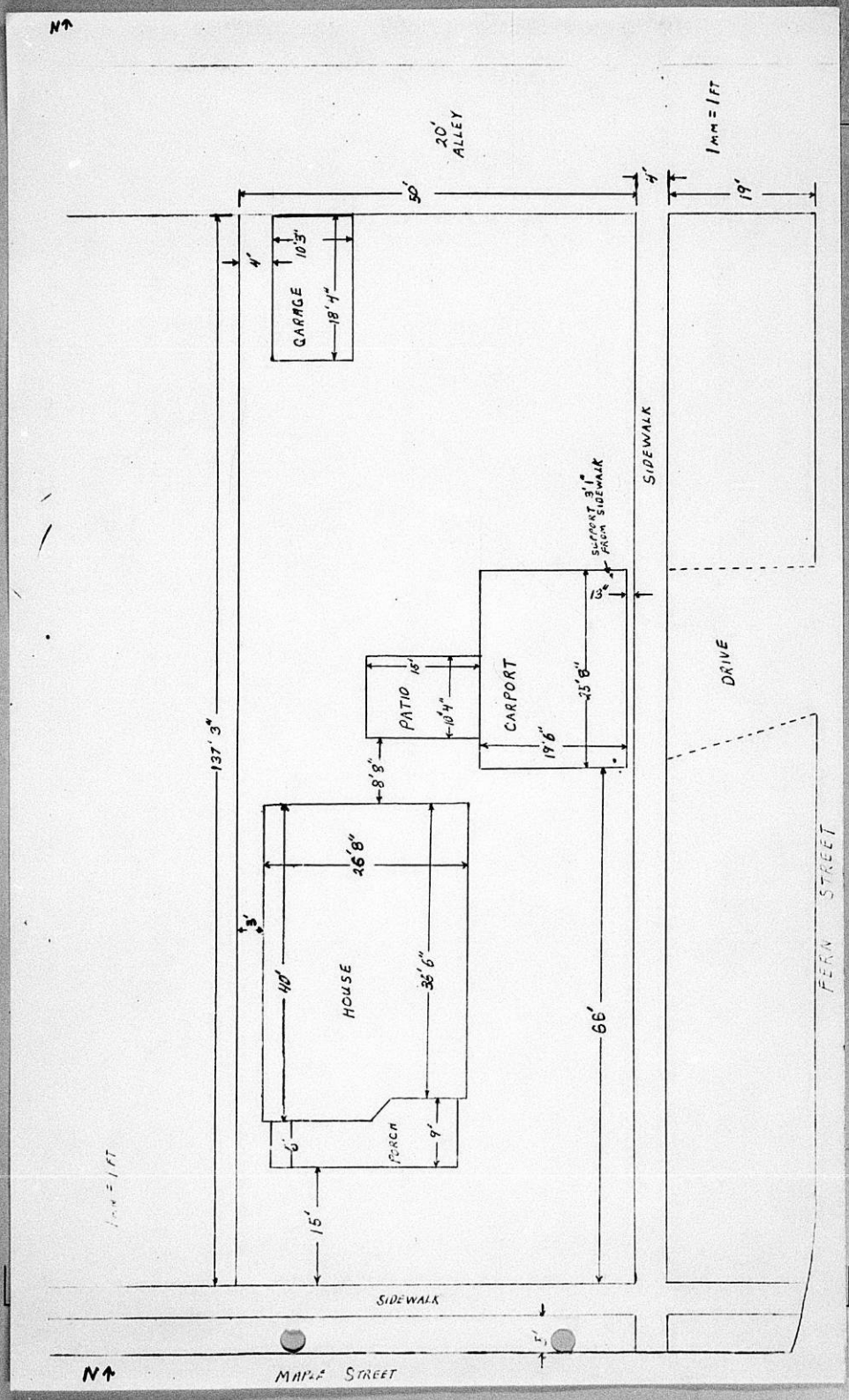
That said Ordinance Citation was incorrect, in that it related to Double AA Zoning and subject property is in fact RB Zoning under Sec. 28.04.060. That upon investigation by Applicant's Agent and Attorney at Law, there seems to be a difference of opinion between members of the City Inspection Division. That pursuant to 28.04.060 (2.2 and 2.4) reasonably indicates, Applicant believes, that a 3' set back is proper for the reason that the Plat of Junction Town Company Addition was made in 1886, and prior to October 21, 1928. That there is no adjacent property to the rear of Applicant's property by reason of 20' dedicated alley.

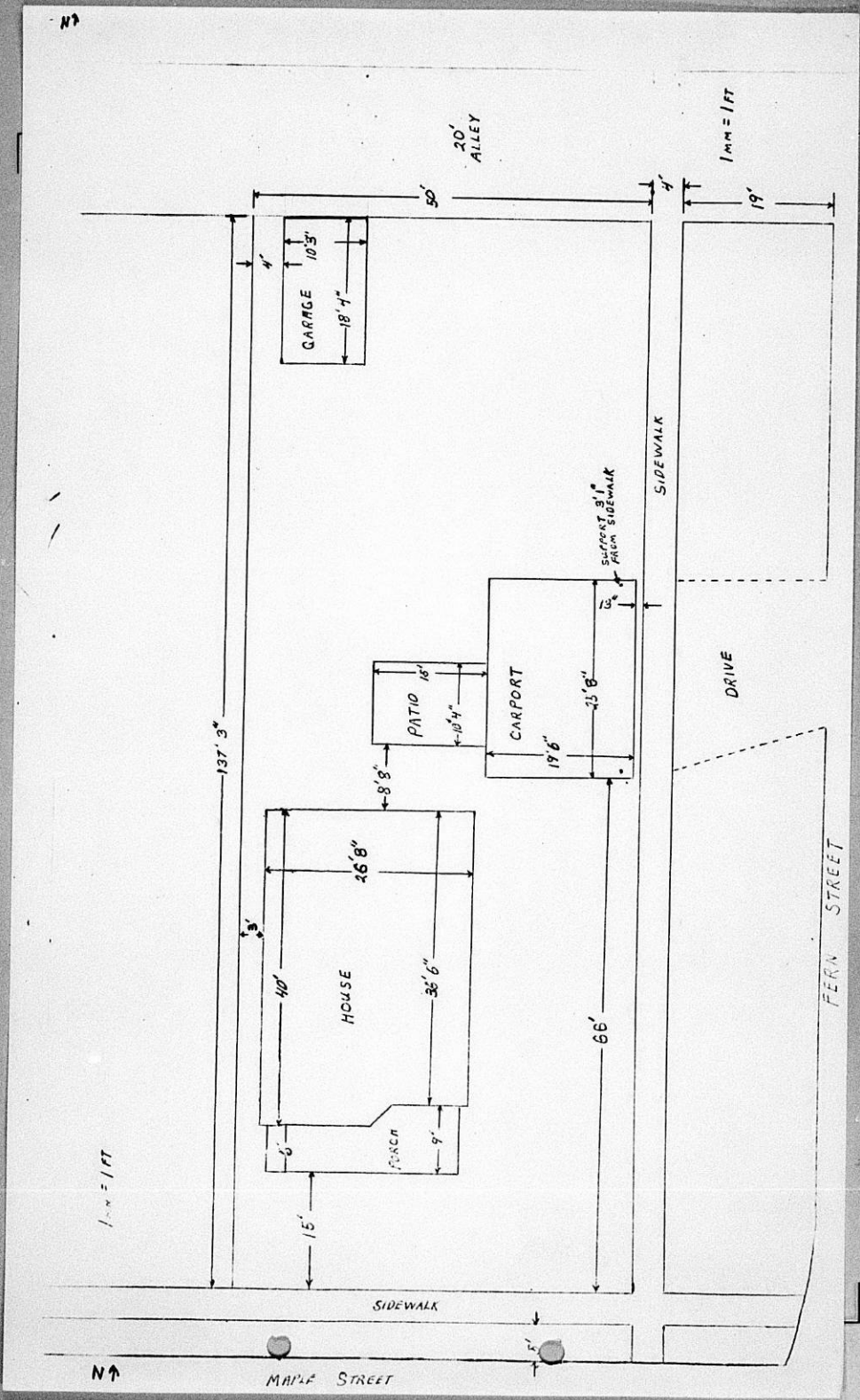
WHEREFORE, Applicant respectfully requests that Zoning Variance be permitted since:

- (a) The Variance requested arises from such condition which is unique to the property in question.
- (b) The granting of a permit for variance will not adversely affect the rights of adjacent property owners or residents.
- (c) That if the variance requested is not permitted Applicant will experience unnecessary hardship and expense to remove a permanent structure existing.
- (d) The variance will not adversely affect any public health, safety, morals, convenience, prosperity, or general welfare, of any other persons; and
- (e) The granting of the variance will not oppose the general spirit and intent of the Zoning Ordinance of the City of Wichita.


Merrill T. Johnson, Applicant


Orlin L. Wagner,
Attorney for Applicant.





CERTIFICATE OF OWNERSHIP

LAWYERS TITLE INSURANCE CORPORATION, hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, within a 200 foot radius of and including the following described property, viz:

Lots 17 and 18, Block 15, in Junction
Town Company Addition to Wichita,
Sedgwick County, Kansas.

DESCRIPTION	OWNER/OWNERS/ADDRESS	
<u>Junction Town Company Addition</u>		
<u>Block 15</u>		
Lot 9	✓ Clarence L. & Doris Munden 209 S. Fern	67213
Lots 10 & 11	✓ Vernon & Pauline Swearingen 225 S. Fern	67213
Lots 12 & 13	✓ Homer A. Swearingen 229 S. Fern	67213
Lot 14 & N 13' of Lot 15	✓ Lawrence & Anna B. Seiwert 319 N. Edwards	67213
Lot 15 (Exc N 13') & all of Lot 16	✓ M. L. & Cressie Gerber 237 S. Fern	67213
Lots 17 & 18	✓ Merrill T. & Lela D. Johnson 1602 Maple St.	67213
Lots 19 & 20	<i>Returned 3-8-74</i> ✓ Thomas H. M. & Josephine G. Tabin 1650 N. Meridian	67203
Lots 21 & 22	✓ LaVerne R. Bernhart 1618 Maple ✓ Malvern W. Crawford 624 Hiram	67213 67213
Lots 23 & 24	Odelia J. Konecny	
Lots 25 & 26	<i>Duplicate</i> Laverne R. & Lorene Bernhart 1618 Maple	67213
Lot 29 & S $\frac{1}{2}$ of Lot 30	✓ Joseph J. Bergkamp, Jr. 232 S. Millwood	67213
N $\frac{1}{2}$ of Lot 30 & all of Lot 31	* Katherine M. Hauptmann, Leora Izabel Zeller, & Emil Anthony Hauptmann 230 S. Millwood	67213
Lots 32 & 33	✓ Lawrence & Anna Huse 226 S. Millwood	67213
Lots 34 & 35	✓ Catholic Diocese of Wichita 424 N. Broadway	67202
<u>Block 16</u>		
Lots 23 & 24	✓ Sadie Benefield 1524 Maple	67213

Junction Town Company Addition

Block 16 Cont'd

Lots 25-26-27-28 (Exc N 50')	✓ Contracting Unlimited, Inc. 658 S. Mission	67207
Lots 25-26-27-28 (S 87½')	✓ Darrell L. & Jeanette L. Hill 1526 Maple	67213
Lots 29 & 30	<i>Maple St</i> ✓ LaVerne K. & Lorene F. Bernhart 1618 Maple	67213
Lots 31 & 32	<i>Maple St</i> ✓ Eleanor M. Diehl 149 S. Edwards	67213
Lots 33 & 34	✓ Charles J & Eleanor M. Diehl Life Estate in Joanne M. Diehl 149 S. Edwards	67213
Lot 35	✓ Edward T. Neville 9625 Maple	67209

University Place Addition

Fern Avenue

Lots 2-4-6-8 (E 95')	✓ Edward S. & Marie E. McKinney 620 N. Doris	67212
Lots 2-4-6-8 (W 55')	✓ Charles A. & Carolyn J. Loop 1465 Lieunett	67203
Lot 12 (N½)	✓ Grace F. Silknitter Calkins & Dennis Calkins 411 S. Fern	67213
Lot 12 (S½)	✓ Edna M. Williams & Florence M. Williams 427 S. Fern	67213

Coop's Subdivision of Lots in
University Place Addition

Maple Street

N 100' of W 4' of Lot 18 & N 100' of Lots 20-22-24-26	✓ George R. & Ora K. Greene 1531 Maple	67213
Lot 18 (E 17' exc S 30')	✓ Mary Lou Legleiter 1521 Maple	67213
S 30' of Lots 18-20-22-24-26	✓ Vincent W. & Betty J. Bean 406 S. Fern	67213
Lots 40 & 42 & E 6' of Lot 44	✓ Kunkle Investment Corp. 1203 S. Broadway	67211
W 15' of Lot 44, exc S 25'; Lot 46 exc S 25' and E 14' of Lot 48 exc S 25'	✓ George D. & Edith L. Drake c/o Robt Schrader 1621 Maple	67213
N 75' of W 7' of Lot 48	✓ Floyd B. & Wilma E. Tingle 157 S. Tyler Road	67209

Dated this 11th day of February, 1974 at 7:00 o'clock A. M.

LAWYERS TITLE INSURANCE CORPORATION

No. 276

By

Donald R. Hawkins
Title Officer

82A
6-74

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

NOT DELIVERABLE TO ADDRESSEE
NO FORWARDING CHARGE ON FILE
INDIAN HILLS



Thomas H. M. & Josephine G. Tabing
1650 N. Meridian
Wichita, KS 67203



March 28-1974

Board of Zoning Appeals

104 So. Main

Wichita Ks.

Gentlemen:

An application has been filed by Merrill S. and Lela Johnson of 1602 Maple requesting a variance to reduce the required side yard set back adjacent to the east property line from 6 feet to 3 feet.

I live at 244 South Teon No 50 ft lots 25-26-27-28 Block 16 1st town Coadd, Lawrence; I did not receive a letter from the board of zoning. My home is directly across the street

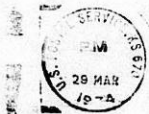
from the Johnson property. I have no objection at all to the carport that has been constructed on his property.

At one time there was an old stone building on this property and only 1 foot from the sidewalk and there were no objections to that, since Mr. and Mrs. Johnson have had that building razed they have improved the property as per deed.

The assigned case is No BZA-674-

Sincerely
Mabel M. Schwabke

Mr. M. Schwabke
244 So Teon
Wichita Ks
67213



Board of Zoning Appeals
Room 402 City Bldg Annex
104 South Main St.
Wichita Kansas

67202

Board of Zoning Appeals

Gentlemen:

I received the letter concerning the Fern and Maple Streets Northwest corner carport. Merrill T. Johnson property. Since he has spent so much money to improve that corner from a sham I have no objections to what he has put up for car protection. My apartment women (4) say the same. What really needs attention is this horrible green house about 212 or 214 So Fern that's a eye sore also the alley house across on east side about 236 So Fern. Both are causing a termite problem and roaches. Lets accept improvement rather than give him a bad time. The old store was only a few inches from the sidewalk that he tore down and it set there for Years and years without the city doing a thing. Lets make a few exceptions.

Case NO. B ZA 6-74

~~XXXXXXXXXXXX~~

Mother owns the stone house 226 and she can't see why he should be bothered.



Mrs. Chas. Diehl
(Eleanor)
owner of 4-plex
228-30-32-34

FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION AMOUNT

PAV CUTS 11500

Name

Address

Type Due Date

Comments:

Date 2-14-4 By