

Case No. BZA 41-76 MELVILLE M
& PATRICIA JOHNSON request
variance to erect a canopy over
proposed circle drive extending
10' into a 30' setback, general
located in an area between 32nd

POSTED
11-2-76
[Signature]

ACTION

BZA # 41-76 COMMITTEE *Strike from agenda & closed*

DATE

11-23-76

M.A.P.C. _____

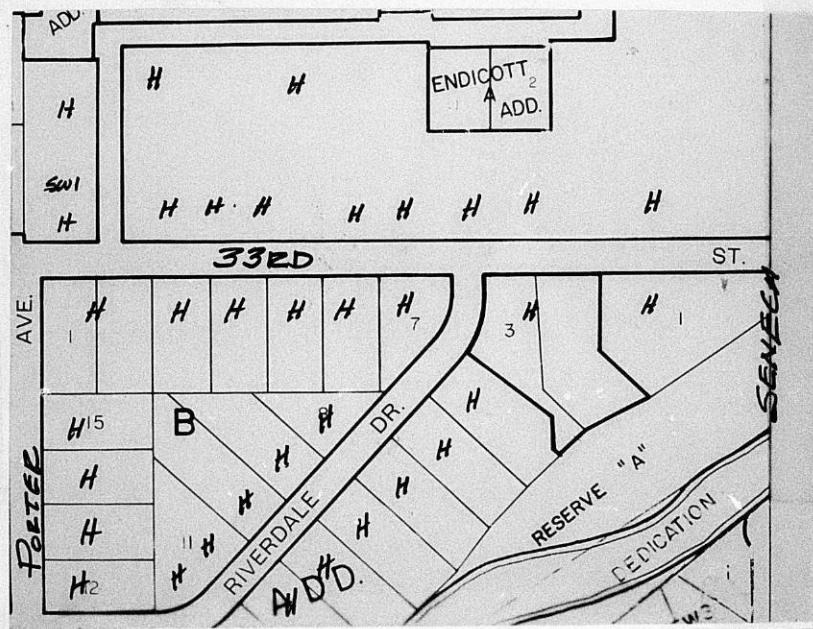
B.C.C./B. CO. C. _____

Map No. 5351
 Sec. 31
 TWP. 26
 Range 1E

BZA- 41-76
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
1. Acres: 1.4 (200 (IRREGULAR) ft. by 310 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM South RIVER
 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 _____



No. 2-153C
 Smead
 HASTINGS, IN. LOS ANGELES
 LOGAN, OH. MADISON, TX U.S.A.

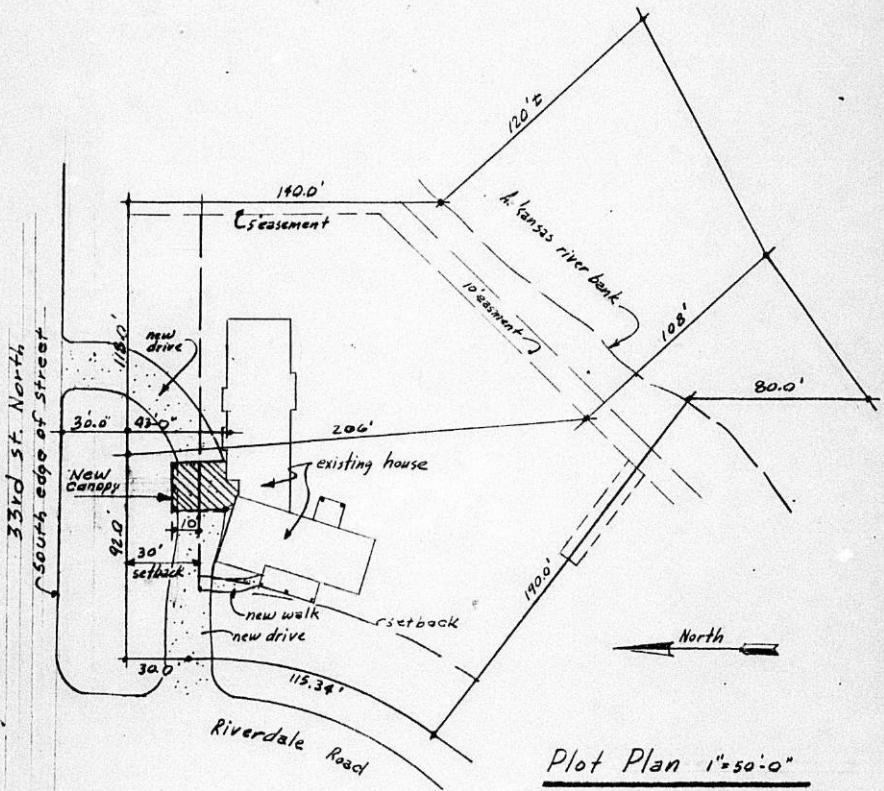
Residential Plot Plan

Address 3382 Riverdale Road

Permit No. _____

Lot(s) 2 and 3 Blk. A of _____

Zoning: _____



Plot Plan 1"=50'-0"

1 of 4

Signed Robert Polay City
(Applicant)

BZA 41-76

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Tenth Floor, City Hall
455 N. Main Street

November 23, 1976

Mr. John R. Blair
301 N. Market
Wichita, Kansas 67202

Re: Request for Variance
Case No. BZA 41-76

Dear Mr. Blair:

Your application for a variance to reduce the required front yard setback from 25 feet to 20 feet on property zoned the "AA" Single Family Dwelling District, and generally located at the southeast corner of 33rd Street North and Riverdale Drive was scheduled to be considered by the Board of Zoning Appeals at its meeting of November 23, 1976.

Inasmuch as a permit was recently obtained to accomplish your desired goal, it was the action of the Board to strike this item from its agenda and instruct the staff to close the case.

This will inform you that the case is now considered closed. If you have any questions concerning this matter, please call.

Sincerely,



Larry Dobson
Assistant Secretary

LD:BH

cc: Melville M. Johnson and Patricia Johnson, 3382 Riverdale Rd.
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

SECRETARY'S REPORT
CASE NO. BZA 41-76

APPLICANT: Melville M. Johnson and Patricia Johnson, 3382 Riverdale Rd., Wichita, Kansas.

AGENT: John R. Blair, 301 N. Market, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 20 feet.

GENERAL LOCATION: Southeast corner of 33rd Street North and Riverdale Drive.

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

LAND USE: Subject property is developed as a single family residence as are properties to the east, west, and north. South is the Arkansas River.

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).

SECRETARY'S REPORT
CASE NO. BEA 41-76
Page 2

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required front yard setback from 25 feet to 20 feet for the purpose of constructing a supported canopy, attached to the house and extended over a proposed circle driveway.

Subject property is a corner lot located at the southeast corner of 33rd Street North and Riverdale Drive. Thirty foot front yard setbacks were established on both frontages at the time this property was platted. The applicant is now in the process of vacating the platted setback for a portion of the frontage on 33rd Street where the canopy is proposed to be constructed. When the platted setback is vacated then a normal 25 foot setback would be required in its place. The proposed canopy would be built to within 20 foot of the north property line, extending 5 feet into the required setback. After discussing this situation with the office of Central Inspection, the applicant's agent thought they would need a variance of the setback in order to obtain a building permit.

As we made our review of this case, we questioned the office of Central Inspection as to the applicability of Section 28.04.188.3 of the City Code to this particular situation, specifically relating to canopies being permitted to project into a required front yard for up to five feet and open unenclosed porches up to 8 feet. Representatives of Central Inspection agreed that this provision would apply to this situation and informed us that as soon as the platted setback was vacated they could issue a permit for the canopy to be placed within 20 feet of the north property line as proposed. We informed the applicant of our finding and he confirmed this with the office of Central Inspection.

The ordinance effectuating the vacation of the platted setback should be published on November 19, 1976, so in all probability we will be able to report at the Board's meeting that the applicants have already been issued their building permit. In that event the Board's action would be to strike this matter from the agenda and instruct staff to close the case.

Johnson

LLOYD K. PARRISH JR.

120 NORTH MARKET - SUITE 201 • WICHITA, KANSAS 67202
OFFICE 263-8726 RESIDENCE 838-6044

November 5, 1976

Wichita - Sedgwick County
Board of Zoning Appeals
Tenth Floor
455 North Main
Wichita, Kansas 67202

Attn: Mr. Jack H. Galbraith, Secretary

Re: Case No. BZA 41-76
Melville M. and Patricia
Johnson
3382 Riverdale Road

Gentlemen:

Please be advised that my wife and I have absolutely no objections to the planned exterior remodeling of their house. The manner in which they are planning their remodeling will be a great asset to this neighborhood.

The Johnson's have done a very good job in informing their neighbors of their plans and the reason for this request for variance. If there is anything I can do to help in this matter, please feel free to contact me at any time.

Very truly yours,

Lloyd K Parrish Jr

Lloyd K. Parrish, Jr.
3362 Riverdale

LKP:sos

cc: Mr. & Mrs. Bud Johnson



16 notices sent to agent, applicant and adjacent property owners
10 notices sent to MAPC members
1 notice sent to Dave Furnas, CPO Coordinator
27 notices sent on BZA 41-76, 10-29-76

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

November 1, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 41-76

An application has been filed by Melville M. Johnson and Patricia Johnson, 3382 Riverdale Road, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 25 feet to 20 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lots 2 and 3, Block A, Riverdale Addition,
Sedgwick County, Kansas. Generally located
at the southeast corner of 33rd Street North
and Riverdale Drive.

This application has been assigned Case No. BZA 41-76, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 23, 1976, 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 APPEALS

CASE NO. _____

5351

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Melville M. Johnson and Patricia Johnson,
husband and wife.

Mailing Address 3382 Riverdale Rd. Phone 838-9345
Wichita, Ks. 67204

Name of Authorized Agent John R. Blair

Mailing Address 301 North Market Phone 263-7536
Wichita, KS. 67202

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

II. The variance requested is to erect an open, unenclosed canopy over
a proposed circle drive that extends 10 ft. into a 30 ft. setback
which would be 5 ft. into the ordinance 25 ft. setback for AA zoning

for property located 3382 Riverdale Road, Wichita, Kansas,

and legally described as: Lot 3, Block A, Riverdale Addition,
Wichita, Sedgwick County, Kansas,

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.

Melville M. Johnson and
Patricia Johnson, husband and wife
Applicant

By John R. Blair
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning
Appeals 4:45 (a.m. - p.m.), 10/26 19 76
together with appropriate fee of \$50.00.

T9-402

Larry Dolson
Signed

L-12
5337
9/10/52
12/10/52

STATEMENT JUSTIFYING REQUIREMENT NO. 3
OF INSTRUCTIONS TO APPLICANT FOR
APPLICATION FOR VARIANCE BEFORE THE
BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

We request that this application for variance be approved due to the fact that this variance request arises from a condition unique to the property in question. These lots are of substantial size and the applicant also owns Lot 2, Block A, Riverdale Addition, which is directly East of this property and then the next lot East is a vacant lot and the only lot that exists between the applicant's property and the river. Thirty-third Street North deadends at the river at that point. This requested variance is at least 118 feet West of the property to the East and is at least 45 feet East of Riverdale Road in the other direction.

This is unique to the property in question because it has come about due to the fact that the house on Lot 3 has been connected to the building that was on Lot 2 and made one structure. These two lots allow ample room for the proposed circle drive of which this canopy would serve.

The granting of this permit for variance will not adversely affect the rights of adjacent property owners or residents and in fact, allowing this renovation will upgrade the appearance of this property and the neighborhood and be an asset to adjacent property owners. All adjacent property owners have been personally contacted and are in favor of this variance.

A strict application of the provision of Title 28 will constitute unnecessary hardship upon the applicant in his attempt to make the two large lots and the existing improvements on them attractive and properly tied together and the property will be more serviceable with the circular drive.

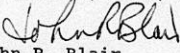
The variance will certainly not adversely affect the public health, safety, etc. as the distance from the corner where Riverdale Road and 33rd Street North intersect to this canopy is at least 45 feet, and it is over 118 feet to the next property owner (a vacant lot used for recreational purposes) to the East, and the canopy will be an open, unenclosed structure with two

12 x 12 posts extending to the ground for support. There is no structure existing on the lot to the East between this property and the river, and the canopy will not create a sight hazard for traffic traveling on either of the two streets that might be involved.

Granting of the variance desired will not be opposed to the spirit and general intent of Title 28 in this case, AA zoning, as it is not a structure that will cause any problems in the way of safety, sight, odor, morals, or general welfare.

Respectfully submitted,

BLAIR, MATLACK, ROGG, FOOTE & SCOTT, P.A.


By John R. Blair
Attorney for Applicant

JRB:ch

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

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

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

All the record owners within 200 feet of:

Lots 2 and 3, Block A, RIVERDALE ADDITION, Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

TRACT DESCRIPTIONOWNER & ADDRESS

<p>That part of Lot 1, in Block A, and of Reserve A, in Block A, in RIVERDALE ADDITION, Sedgwick County, Kansas, described as follows, to-wit: The point of beginning is located as follows: From the NW corner of Lot 3, in Block A, in said Riverdale Addition, measure East along the North line of Block A, 206.3 feet; thence South at an angle of 90° a distance of 140 feet; thence SEly at a deflection angle to the left of 39° 41', a distance of 120 feet to the South line of Lot 1, Block A, in said Addition; thence NEly along the South line of Lot 1, a distance of 85 feet to the point of beginning of subject property; thence from said point of beginning in a SEly direction to a point in the South line of Reserve A which is 100 feet SWly from the SE corner of Reserve A, in Block A; thence NEly 100 feet to the SE corner of said Reserve A;</p> <p>(continued)</p>	<p>Richard L. Racette 3734 Arkansas Wichita, Kansas 67204</p>
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 COMPANY, INC.

TRACT DESCRIPTION

OWNER & ADDRESS

thence North along the East line of Reserve A and Lot 1 of Block A, 343.5 feet to the NE corner of Lot 1, Block A; thence West along the North line of said Lot 1 to a point 306.3 feet East of the NW corner of Lot 3, in said Block A; thence South at an angle of 90° a distance of 140 feet; thence SEly 65 feet, more or less, to the point of beginning,

Part of Lots 1 & 2, Block A, in RIVERDALE ADDITION, Sedgwick County, Kansas, beginning at the Northwest corner of Lot 1, Block A, said point being 206.3 feet East of the Northwest corner of Lot 3, Block A, in said Addition; thence South with an angle of 90 degrees with the North line of Lot 1, a distance of 140 feet; thence with a deflection angle to the left of 39 degrees 41 minutes a distance of 120 feet more or less to the Southerly line of Lot 1; thence Northeasterly along the Southerly line of Lot 1, a distance of 85 feet; thence Northwesterly to a point 140 feet South and 100 feet East of the point of beginning; thence North 140 feet; thence West 100 feet to the point of beginning.

Kenneth N. & Billie Frederick
1125 West 33rd Street North
Wichita, Kansas 67204



Lots 2 and 3, in Block A, in RIVERDALE ADDITION, Sedgwick County, Kansas, except the East 3.7 feet of Lot 2; and that part of Reserve A, in Block A, in Riverdale Addition, Sedgwick County, Kansas, described as follows: Beginning at a point on the established bank of the Little Arkansas River, 70 feet Northeast of the intersection of the property line dividing Lot 4 and Lot 5, in Block A, Riverdale Addition and the established bank line of the Little Arkansas River; thence Southeasterly parallel to and 70 feet from the extended property line dividing Lot 4 and 5, in Block A, Riverdale Addition to a point of intersection with the Southeast line of Reserve A, thence Northeasterly along the Southeast line of Reserve A, 100 feet; thence Northwesterly to a point where the property line dividing Lot 1 and 2, Block A, Riverdale Addition intersects the established bank line of the Little Arkansas River; thence Southwesterly along the established bank line of the Little Arkansas River to the point of beginning.

Melville M. & Patricia Johnson
3382 Riverdale Road
Wichita, Kansas 67204

Lot 4, Block A, and part of Reserve A, adjoining on the rear, RIVERDALE ADDITION

Everett & Edith Hardison
3372 Riverdale Road
Wichita, Kansas 67204



LEGAL DESCRIPTION

OWNER & ADDRESS

Lot 5, Block A, & part of Reserve A, adjoining on the rear, RIVERDALE ADDITION

✓ Lloyd K. Parrish, Jr.
3362 Riverdale Road
Wichita, Kansas 67204

Lot 6, Block A, RIVERDALE ADDITION

✓ Helen G. Mathes
3352 Riverdale Road
Wichita, Kansas 67204

The North 84 feet of Lot 6 and all that part of Lot 7, lying North of a line drawn 92.5 feet South of and parallel to the North line of said Lot 7, in Block "B", in RIVERDALE ADDITION, Sedgwick County, Kansas.

✓ Ralph L. & Barbara J. Jones
3379 Riverdale Road
Wichita, Kansas 67204

Lot 6, except the North 84 feet and all that part of Lot 7, Block B, RIVERDALE ADDITION, lying South of a line drawn 92.5 feet South of and parallel to the North line of said Lot 7, as shown by the recorded plat thereof.

✓ Troy J. & Gertrude J. Groves
3371 Riverdale Road
Wichita, Kansas 67204



Lot 8, Block B, RIVERDALE ADDITION

✓ W. Olin & Rachel V. Bannon
3353 Riverdale Road
Wichita, Kansas 67204

Beginning 100 feet Southwesterly of the Southeast corner of Reserve A, Northeasterly to the extended line of Reserve A between Lots 1 and 2, Block A, Riverdale Addition, thence SWly to a point 170 feet NELY of the extended line between Lots 4 & 5, & intersects the South line of Reserve A, thence Northeasterly to beginning, Sedgwick County, Kansas.

✓ Hershel B. Cook
3455 Amidon
Wichita, Kansas 67204

Beginning 20 feet North and 722.4 feet East of the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 31, Township 26 South, Range 1 East, thence North 200 feet, thence East 109 feet, thence South 200 feet; thence West 109 feet to the place of beginning.

✓ John W. Minor & Sharon L. Minor
1226 West 33rd Street North
Wichita, Kansas 67204

Beginning 20 feet North and 831.4 feet East of the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 31, Township 26 South, Range 1 East of the 6th P.M., thence North 200 feet, thence East 109 feet, thence South 200 feet, thence West 109 feet to the place of beginning

✓ F. E. & Wilda M. Kinney
1218 West 33rd Street North
Wichita, Kansas 67204

LEGAL DESCRIPTION

OWNER & ADDRESS

Beginning at a point 939.8 feet East & 20 feet North of the SW corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence East parallel with the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ 211 feet; thence North with a deflection angle to the left of 88° 00' to a point 220 feet North of the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence West parallel to the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ 219.2 feet more or less to a point 939.8 feet East and 220 feet North of the SW corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence South 200 feet to beginning.

✓ Emmett E. & Bonny J. Haynes
1120 West 33rd Street North
Wichita, Kansas 67204

Beginning 721.8 feet East and 20 feet North of the SW corner of the SE $\frac{1}{4}$, NE $\frac{1}{4}$, thence North 200 feet, East to the River, thence South to point East of Beginning, thence West 898.2 feet to beginning, Except the West 429 feet, more or less, Section 31 & 32, Township 26, Range 1 East, Sedg. County, Kansas

✓ Richard L. Racette
3734 Arkansas
Wichita, Kansas 67204



A Tract beginning 20 feet North and 604 feet East of the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 31, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence North parallel to the Westline of said Southeast Quarter of the Northeast Quarter, 180 feet; thence East 118.4 feet; thence South 180 feet; thence West 118.4 feet to the place of beginning, Sedgwick County, Kansas

✓ Erville L. & Verna L. Arnold
1230 West 33rd Street North
Wichita, Kansas 67204

Beginning 20 feet North and 485.6 feet East of the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 31, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, thence North 180 feet, thence East 118.4 feet, South 180 feet, West 118.4 feet, to beginning, Sedgwick County, Kansas.

✓ Kenneth W. & Jo S. Misemer
1234 West 3rd Street North
Wichita, Kansas 67204

Dated at Wichita, Kansas, this 25th day of October, 1976,
at 7:00 o'clock A.M.

FIDELITY TITLE COMPANY, INC.

By *Wanda Gray*
Asst. Sec. ag

Tracer No. 35976



FORM 223-021

PAYMENT NOTICE

City of Wichita
PAY AT TREASURER'S OFFICE - SECOND 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		

150.00

DESCRIPTION	AMOUNT
04, B70, 4000	
Name [Handwritten Name]	
Address [Handwritten Address]	
Type [Handwritten Type]	Due Date
Comments:	
Date [Handwritten Date]	By [Handwritten Signature]