

4-59 APPLICANT GEORGE P. DAVIS
VARIANCE IN SIDE YARD SETBACK AT
1926 JOANN

DECEMBER 11, 1959

MR. GEORGE P. DAVIS
1962 JOANN STREET
WICHITA, KANSAS

DEAR MR. DAVIS:

THIS IS TO ADVISE YOU THAT THE DECISION OF THE BOARD OF ZONING APPEALS RELATIVE TO BZA CASE No. 4-59 HAS NOT BEEN APPEALED TO THE CITY COMMISSION WITHIN THE PRESCRIBED TIME LIMIT. THE DECISION OF THE BOARD IS, THEREFORE, FINAL.

ATTACHED IS ONE COPY OF THE RESOLUTION PREPARED TO REFLECT THE ACTION OF THE BOARD WITH RESPECT TO THIS CASE. A COPY HAS BEEN FORWARDED TO MR. MAPLE, BUILDING INSPECTION SUPERINTENDENT, WHO IS THEREBY FORMALLY ADVISED OF THE BOARD'S APPROVAL OF YOUR REQUEST.

VERY TRULY YOURS

LELAND R. EDMONDS
SECRETARY

LRE:e

CC. MR. CASADO, CHAIRMAN
MR. MAPLE, BUILDING INSPECTION SUPERINTENDENT

BOARD OF ZONING APPEALS

NOVEMBER 27, 1959

NEWT FUNK, CITY CLERK

LELAND R. EDMONDS, SECRETARY

BZA CASE No. 4-59

IN ACCORDANCE WITH SECTION 21-27-C-4 OF THE CODE OF THE CITY OF WICHITA, YOU ARE ADVISED THAT THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA HAS RENDERED A DECISION IN BZA CASE NO. 4-59. A RESOLUTION, DULY SIGNED BY THE CHAIRMAN AND SECRETARY OF THE BOARD, BY WHICH THE DECISION OF THE BOARD WAS MADE IS ATTACHED FOR YOUR FILES.

SECTION 21-27-F OF THE CODE OF THE CITY OF WICHITA PRESCRIBES THAT THE DECISION OF THE BOARD OF ZONING APPEALS SHALL BE FINAL UNLESS A WRITTEN APPEAL IS TAKEN TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN DAYS FROM THE DATE OF THE WRITTEN DETERMINATION. THE DETERMINATION WAS MADE ON NOVEMBER 24, 1959. THE FINAL DATE FOR APPEAL, THEREFORE, SHOULD BE DECEMBER 4, 1959.

LELAND R. EDMONDS,
SECRETARY

LRE:sdh

c. c. S. B. MAPLE

1. THE CONDITIONS AND CIRCUMSTANCES HERE INVOLVED ARE UNIQUE IN THAT THE HOME DWELLING ON THIS PROPERTY IS PHYSICALLY LOCATED AT THE EXTREME NORTH END OF THE AREA DEVELOPMENT. BECAUSE OF THE OPEN FIELD AREA ADJACENT ON THE NORTH SIDE, NO PROTECTION FROM WEATHER OR BLOWING DIRT AND SAND IS POSSIBLE TO THIS PROPERTY. FURTHER, THE DWELLING ON THIS PROPERTY DID NOT OFFER ANY TYPE OF STORAGE SPACE OR AUTOMOBILE SHELTER. IT WAS CONSIDERED NECESSARY THAT DUE TO WEATHER ELEMENTS AND PROTECTION, SOME TYPE OF STRUCTURE BE CONSTRUCTED FOR THE PRESERVATION OF PERSONAL PROPERTY.

IN CONSTRUCTING THE ADDITION THE PROPERTY OWNER USED THE ORIGINAL DRIVEWAY AS A BASE TO THE CARPORT. THIS WAS DONE NOT REALIZING THAT THE DRIVEWAY ITSELF WAS CLOSER THAN THE MINIMUM SIX FOOT REQUIREMENT FOR A SIDE YARD. THE LAND IMMEDIATELY ADJACENT TO THE ENCROACHED AREA IS AN OPEN FIELD AND NO BOUNDARY MARKERS EXISTED ALONG THE PROPERTY LINES. IT SHOULD ALSO BE MENTIONED THAT THE CERTIFIED ORIGINAL SURVEYOR'S CHART SHOWED NO EASEMENT EXISTING ALONG THE NORTH PROPERTY LINE.

2. GRANTING OF THE ACCEPTANCE OF VARIANCE WOULD NOT AFFECT THE RIGHTS OF THE ADJACENT PROPERTY OWNERS, INASMUCH AS THE ADDITION OF THE CARPORT WAS BUILT IMMEDIATELY OVER AND NOT EXTENDING BEYOND THE PERMISSIBLE EXISTING DRIVEWAY, THERE IS NO POSSIBILITY OF THE STRUCTURE INTERFERING WITH ADJACENT PROPERTY OWNER'S STRUCTURES.
3. SHOULD THE VARIANCE BE DENIED, THE PROPERTY OWNER WOULD BE CONFRONTED WITH UNNECESSARY HARDSHIPS IN THAT IT WOULD NECESSITATE THE EXPENSE OF MATERIAL AND LABOR IN TEARING DOWN THE COMPLETED ADDITION WHICH IS ATTACHED TO THE ORIGINAL DWELLING AND WOULD GREATLY LESSEN THE ARCHITECTURAL IMPROVEMENT TO THE PROPERTY. FURTHER EXPENSE WOULD BECOME NECESSARY TO PROVIDE THE REQUIRED SHELTER AND STORAGE OF PERSONAL PROPERTY.
4. THE VARIANCE MOST CERTAINLY WOULD NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE OF THE NEIGHBORHOOD. RATHER, BECAUSE OF THE ARCHITECTURAL IMPROVEMENT TO THE PROPERTY, IT DEFINITELY BLENDS IN ACCORDANCE WITH MODERN ARCHITECTURAL DESIGN AND SUGGESTS NEIGHBORHOOD PRIDE OF THEIR PROPERTY APPEARANCE.



#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver **ONLY** to addressee Show address where delivered
(Additional charges required for these services)

RETURN RECEIPT
 Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)
X George P. Davis

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
X Maurine Davis

DATE DELIVERED **Nov 18 1959** ADDRESS WHERE DELIVERED (only if requested in item #1)

CS-16-71548-4 GPO

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No 6386317

SENT TO <i>George P. Davis</i>	POSTMARK OR DATE
STREET AND NO. <i>1962 Joann</i>	
CITY AND STATE <i>Wichita Kansas</i>	
<input type="checkbox"/> If you want a return receipt, check which: <input type="checkbox"/> It shows to whom and when delivered	<input type="checkbox"/> It shows to whom, when, and address where delivered <input type="checkbox"/> 20¢ fee

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INSURED NO. _____ CITY, ZONE AND STATE *Wichita, Kansas*

POST Form 3811 Jan 1958

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RECEIPT FOR CERTIFIED MAIL—15¢

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POST Form 3800 July 1955 Replaces previous editions of this form which MAY be used.

BOARD OF ZONING APPEALS

CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

NOVEMBER 5, 1959

DEAR MR. DAVIS _____:


Your application for a (an) VARIANCE (appeal, variance, exception) under provisions of Paragraph 21-10, Section 21-27, Code of the City of Wichita, and relating to premises located at: 1962 JOANN

has been given Board of Zoning Appeals Case No. 4-59.

All inquiries and references should always be made to that Case Number when you seek information from the Secretary.

Further, you are notified that you may appear before the Board of Zoning Appeals either in person, or by agent or attorney, for a hearing of your case on NOVEMBER 24, 1959, at 1:30 p.m. in Room 401, City Building Annex, 104 South Main, Wichita, Kansas.

Respectfully,


Secretary, Board of Zoning Appeals

BZA 4-59

() (PUBLISHED IN THE WICHITA BEACON ON Nov. 7, 1959)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN, THAT ON THE 24TH DAY OF NOVEMBER, 1959, THE BOARD OF ZONING APPEALS, IN ROOM 40L CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, AT 1:30 P.M. WILL CONSIDER THE FOLLOWING APPLICATION FOR VARIANCE:

CASE 4-59 - REQUEST FOR VARIANCE IN SIDE YARD REGULATIONS AS REQUIRED IN CHAPTER 21, ARTICLE 11, PARAGRAPH 21-10, SECTION 2.2 OF THE CODE OF THE CITY OF WICHITA, FOR PROPERTY LOCATED AT 1952 JOANN AND LEGALLY DESCRIBED AS LOT 1, BLOCK 3, SUNSET HEIGHTS SECOND ADDITION, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS,

AS PROVIDED IN SECTION 21-27, C-3, VOLUME I OF THE CODE OF THE CITY OF WICHITA, KANSAS, AND THE SAME WILL THERE BE DISCUSSED AND CONSIDERED BY THE SAID BOARD OF ZONING APPEALS, AND ALL PERSONS INTERESTED IN SAID MATTERS WILL BE HEARD AT THIS TIME CONCERNING THEIR VIEWS AND WISHES IN THE PREMISES, AND ANY PROTEST AGAINST ANY OF THE PROVISIONS OF THE PROPOSED VARIANCE TO THE ZONING ORDINANCE WILL BE CONSIDERED BY THE BOARD AS BY LAW PROVIDED.

WITNESS MY HAND AND SEAL ON THIS 6th DAY OF NOVEMBER, 1959.

ATTEST:

LELAND R. EDMONDS
SECRETARY

LUIS CASADO
CHAIRMAN

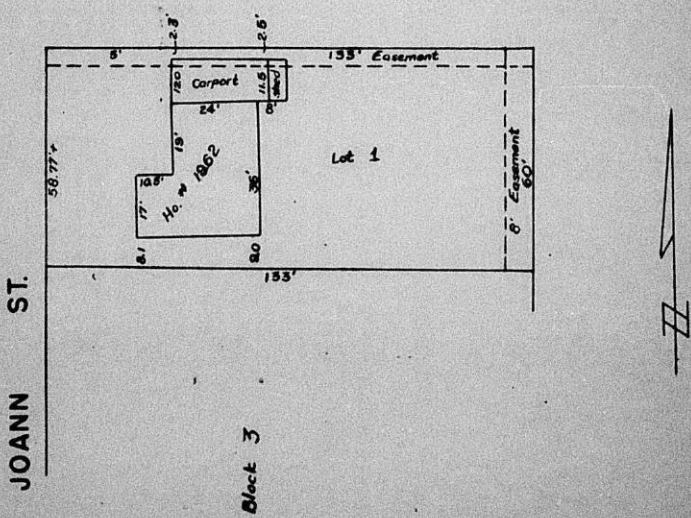
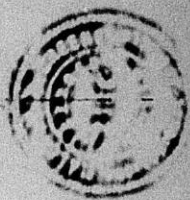
State of Kansas
County of Sedgwick

SS

I, Malcolm E. Greene, Surveyor in aforesaid county and state, do hereby certify that I did on this 31st day of October, 1955, survey Lot 1, block 3, Sunset Heights Second Addition to Wichita, Sedgwick County, Kansas.

On said lot is house No. 1962 with carport. There are no encroachments on said lot by buildings on the adjacent lots.

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



Encl: (1)