

Case No. BZA 29-79 - Dr. Brad
E. Dopps requests variance to
reduce front yard setback from
20' to 0' for offstreet
parking purposes on property
zoned "B" and generally loc.

ACTION

POSTED
6-18-79

BZA
29-79

COMMITTEE Approved DATE 7-24-79

M.A.P.C. _____

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

[Handwritten initials]

Case No. BZA 29-79 - Dr. Brad
E. Dopps requests variance to
reduce front yard setback from
20' to 0' for offstreet
parking purposes on property
zoned "B" and generally loc.

Map No. 5847
 Sec. 24
 Twp. 27
 Range 1E

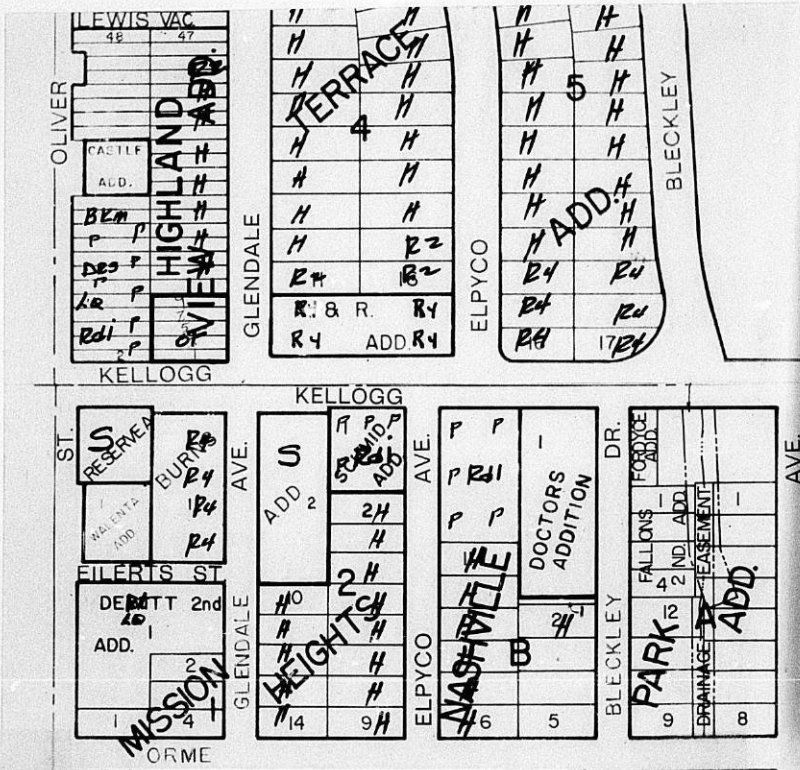
BZA- 29-79
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.39 (120 ft. by 145 ft.)
 2. Adjoining Zoning: E LC S LC W LC N B
 3. Land Use: East _____ South MULTI-FAM
 West RESTAURANT North SINGLE FAM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: OFFICE
 6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



Smith & Sons
 No. 2-153C
 HASTINGS, SAN JOSE, ANGELES
 LOGAN, OH. AGRICULTOR, TX. U. S. A.

REF: CASE
 BZA 75-79

BZA 29-79



August 2, 1979

Dr. Brad E. Dopps
4211 E. Kellogg
Wichita, Kansas 67218

Re: Case No. BEA 29-79
Request for Variance

Dear Dr. Dopps:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 24, 1979, in connection with your request for a variance to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned "B" Multiple Family and generally located at the northwest corner of Kellogg and Glendale.

This Resolution reflects the official action of the Board to approve this request, and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:bbc
Enclosure

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

RESOLUTION NO. BZA 29-79

WHEREAS, Dr. Brad E. Dopps, 4211 East Kellogg, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only, on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lots 1, 3, 5, 7 and 9, Glendale Avenue, Highland View Addition to the City of Wichita, Kansas. Generally located on the northwest corner of Glendale and Kellogg (4211 East Kellogg).

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 July 24, 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, 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 is an area on Kellogg where requests for "IC" zoning have been looked upon with favor by the City Commission, which would permit front yard parking; 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 property to the west is utilized for commercial purposes, that with proper screening on the north adjacent properties would not be adversely affected; 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 it would be a hardship to require the applicant to seek a change of zoning to a less restrictive district only for the purpose of utilizing the front yard for parking; 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 inasmuch as the applicant is desirous of providing parking beyond that which is required by ordinance, thereby reducing the potential congestion created by on-street parking in this area; 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 applicant's intended utilization of subject property would not be inconsistent with existing land use and zoning in the area; 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 front yard setback from 20 feet to 0 feet

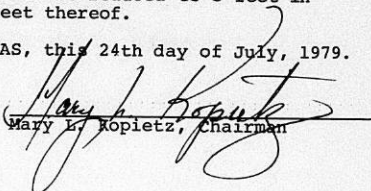
for off-street parking purposes only on property zoned the "B"
Multiple Family Dwelling District and legally described as:

Lots 1, 3, 5, 7 and 9, Glendale Avenue,
Highland View Addition to the City of
Wichita, Kansas. Generally located on
the northwest corner of Glendale and
Kellogg (4211 East Kellogg)

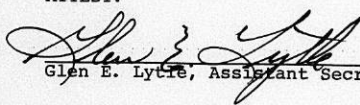
be approved subject to the following conditions:

1. The area shall be utilized for parking purposes only and no structures shall be permitted therein.
2. A 6 to 8 foot high solid fence constructed of masonry, architectural tile, staggered or louvered redwood or rough-sawed cedar shall be erected along the north property line, said fence to be reduced to 3 feet in height for the east 20 feet thereof.

ADOPTED AT WICHITA, KANSAS, this 24th day of July, 1979.


Mary E. Kopletz, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

July 25, 1979

Dr. Brad E. Dopps
4211 E. Kellogg
Wichita, Kansas 67218

Re: Case No. BZA 29-79
Request for Variance

Dear Dr. Dopps:

At the regular meeting of the Board of Zoning Appeals on July 24, 1979, your request for a variance to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned "B" Multiple Family and generally located at the northwest corner of Kellogg and Glendale was considered.

It was the action of the Board to approve this request subject to the following conditions:

1. The area shall be utilized for parking purposes only and no structures shall be permitted therein.
2. A 6 to 8 foot high solid fence constructed of masonry, architectural tile, staggered or louvered redwood or rough-sawed cedar shall be erected along the north property line, said fence to be reduced to 3 feet in height for the east 20 feet thereof.

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.

July 25, 1979
BZA 29-79

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:bbc

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

SECRETARY'S REPORT
CASE NO. DZA 23-79

APPLICANT: Dr. Brad E. Dopps, 4211 East Kellogg,
Wichita, Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B,
Code of the City of Wichita, to reduce
the required front yard setback from 20
feet to 0 feet for off-street parking
purposes only.

GENERAL LOCATION: Northwest corner of Kellogg and Glendale.

ZONING: Subject property is zoned "B" Multiple
Family as is that to the north. South,
east and west is zoned "LC" Light Commer-
cial.

LAND USE: Subject property is occupied by an office
building. North is single family. South
is four family. West is a restaurant and
liquor store. East is four family.

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).

Page 2
Case No. BZA 80-70
BZA AGENDA
July 24, 1970

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only, in connection with construction of a new chiropractic office building to replace one that previously existed on the site.

Subject property is zoned the "B" Multiple Family Dwelling District, which requires that a landscaped 20 foot front yard be maintained. The properties to the east across Glendale and to the south across Kellogg are zoned "LC" Light Commercial and developed with fourplexes. The property adjacent to the west is also zoned "LC" and is occupied by a restaurant and liquor store. The property to the north is developed with a single family residence in the "B" zoning district.

The applicant has submitted two site plans with the application. Plan "A" proposes the 12 off-street parking spaces required by the zoning ordinance with no parking in the front yard setback. Plan "B" proposes 10 spaces, 8 of which are located in the setback area of 20 feet and, therefore, the requested variance is for the purpose of providing additional off-street parking over and above that which is required by the ordinance for the new chiropractic office.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness may exist in this instance inasmuch as this is an area on Kellogg where requests for "LC" zoning have been looked upon with favor by the City Commission, which would permit front yard parking.

ADJACENT PROPERTY:

It is the opinion of the Secretary that inasmuch as the property to the west is utilized for commercial purposes, that with proper screening on the north adjacent properties would not be adversely affected.

HARDSHIP:

It is the opinion of the Secretary that it is somewhat difficult to determine that the strict application of the provisions of the zoning ordinance will constitute an unnecessary hardship upon the applicant. However, in view of the fact that the City Commission has looked with favor on requests for "LC" in this area, it may be a hardship to require the applicant to seek a change of zoning to a less restrictive district only for the purpose of utilizing the front yard for parking.

Page 3
Case No. BZA 29-79
BZA AGENDA
July 24, 1979

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested may not affect the public interest inasmuch as the applicant is desirous of providing parking beyond that which is required by ordinance, thereby reducing the potential congestion created by on-street parking in this area.

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 the applicant's intended utilization of subject property would not be inconsistent with existing land use and zoning in the area.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary for the granting of the variance can be found to exist. If the Board concurs in this opinion, it is recommended that the variance be approved subject to the following conditions:

1. The area shall be utilized for parking purposes only and no structures shall be permitted therein.
2. A 6 to 8 foot high solid fence constructed of masonry, architectural tile, staggered or louvered redwood or rough-sawed cedar shall be erected along the north property line, said fence to be reduced to 3 feet in height for the east 20 feet thereof.

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

July 6, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 29-79

An application has been filed by Dr. Brad E. Dopps, 4211 E. Kellogg, Wichita, Kansas, pursuant to Section 2.12.500.C, Code of the City of Wichita, requesting a variance to reduce the front yard setback from 20 feet to 0 feet for off-street parking purposes on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lots 1, 3, 5, 7 and 9, Glendale Avenue,
Highland View Addition to the City of
Wichita, Kansas. Generally located on the
northwest corner of Glendale and Kellogg
(4211 East Kellogg).

This application has been assigned case No. BZA 29-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 24, 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

BZA CASE NO. 29-79

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

17 NOTICES SENT TO ADJOINING PROPERTY OWNERS

29 TOTAL NOTICES SENT 7-6-79

Brad E. Dapps, D.C.

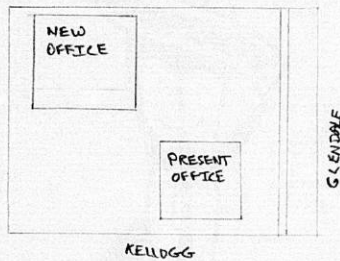
CHIROPRACTOR

June 13, 1979

Board Of Zoning Appeals
10th Floor, City Building
Wichita, Ks

Dear Sir:

On 6/11/79 I purchased lots 1,3,5,7, and 9 on the northwest corner of Glendale and Kellogg. There is an existing chiropractic office which is located six feet north of the Kellogg property line as shown below.



I would like to remove this structure and construct a new chiropractic office as shown on the included blue prints. Both plot plan "A" and alternate plan "B" meet the approval of the office of traffic engineering. We also meet the city requirement for minimum parking area allowed on plan "A". We have submitted plan "A" to obtain a building permit. However, we would like for you to consider the following restriction change.

4211 EAST KELLOGG

685-2242

WICHITA, KANSAS 67218

Brad E. Dopps, D.C.

CHIROPRACTOR

I feel that the city parking requirements are very minimal for my practice as a doctor of chiropractic. I will have a large number of cars to accommodate daily. In an attempt to avoid having vehicles parked in the street, which is already congested, I would like to add a few extra parking spaces. I feel that this would be in the best interest of the residents, motorist, and our office. We could add several spaces by removing some of the beautiful oak and pine trees, but we are trying to avoid that. I feel that that would hurt the esthetic beauty of the property and neighborhood. Our only other possibility is to have a restriction lifted so that we could use the front yard easement for parking. As shown on the blueprint, there would be a stone retaining wall at the east property line (along Glendale).

In the front of our property on Kellogg, we would like to build a stone retaining wall that would set back two feet from the sidewalk. The retaining wall would have 11-12 feet of grass before the parking curb (see blueprint). This would make the parking curb along Kellogg 19-20 feet from the curb. This proposed plan "B" would provide 18 parking stalls which I feel would be enough to keep my patients from parking on Glendale.

Please consider my proposal. I know that our office can be placed on this property as shown, however, I would like to do so esthetically and efficiently as possible.

Sincerely,

Dr. Brad Dopps

Dr. Brad Dopps

4211 EAST KELLOGG

685-2242

WICHITA, KANSAS 67218

APPLICATION FOR VARIANCE

I. Name of Applicant Dr. Brad E. Dopps

Mailing Address 4211 E Kellogg Phone 685-2242

Name of Authorized Agent Same

Mailing Address _____ Phone _____

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

II. The variance requested is to reduce the front yard setback from 20 feet to 0 feet for off-street parking
remove restriction of front yard easement to allow for additional parking

for property located northwest corner of Glendale and Kellogg (4211 East Kellogg)

and legally described as: lots 13,5,7+9, Glendale ave., of the Highland view addition

to the City of Wichita, Kansas

in the City of Wichita; and which is presently zoned "B"

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.

Dr. Brad Dopps
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:07 (~~12~~ - p.m.), June 13 19 79
together with appropriate fee of \$50.00.

Shirley E. Lytle
Signed

#5847

purpose only

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor 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:

Within 200 Feet of Lots 1, 3, 5, 7, and 9, Glendale Avenue, HIGHLAND VIEW ADDITION to the City of Wichita, 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.)

<u>LOTS</u>	<u>STREET</u>	<u>ADDITION</u>	<u>OWNERS AND ADDRESSES</u>
1, 3, 5, 7 & 9,	Glendale	HIGHLAND VIEW	Lawrence A. Kunkel 4820 E. Kellogg Wichita, Kansas 67218
11, 13, & the South 15 Feet of Lot 15	Glendale	HIGHLAND VIEW	H. Mack & Nancy A. Vanderlip 321 S. Crestway Avenue Wichita, Kansas 67218
North 10 Feet of Lot 15 & All of Lot 17 & 19	Glendale	HIGHLAND VIEW	William S. Hutchison 453 S. Glendale Wichita, Kansas 67218
21, 23, & South 7½ Feet of 25	Glendale	HIGHLAND VIEW	Earle H. & Rheola C. Butler 447 S. Glendale Wichita, Kansas 67218
North 17½ Feet of 25	Glendale	HIGHLAND VIEW	Dianne McCarthy 217 N. Crestway Wichita, Kansas 67208

Fidelity  Title
 COMPANY, INC.

Continued

-2-

<u>LOTS</u>	<u>STREET</u>	<u>ADDITION</u>	<u>OWNERS AND ADDRESSES</u>
All of 2,4 & South 10 Feet of 6,& North 15 Feet of 10, All of Lots 12,14,16	Oliver	HIGHLAND VIEW	Eleanor R. Sibbernson and Elsie Dehner <i>no listing</i> Address Unknown
North 15 of Lot 6, All of Lot 8 & South 10 Feet of Lot 10	Oliver	HIGHLAND VIEW	R. C. Nuss P. O. Box 455 Jetmore, Kansas 67854
18,20,22 & 24	Oliver	HIGHLAND VIEW	True B. Fretz's 310 S. Oliver Wichita, Kansas 67218
South $\frac{1}{2}$ of Lot 8 and North Half of Lot 9, Block 4		LINCOLN TERRACE	Ronald D. & Dolores H. Crissman 450 S. Glendale Wichita, Kansas 67218
South Half of Lot 9, & North Half of Lot 10, Block 4		LINCOLN TERRACE	Max B. & Reitha M. Thompson 458 S. Glendale Wichita, Kansas 67218
South Half of Lot 10 & All of Lot 11, Block 4		LINCOLN TERRACE	Sherry Ruth Corbin 464 S. Glendale Wichita, Kansas 67218
Lot 1		A. AND R.	Alfred A. Caro 356 N. Rock Road Wichita, Kansas 67206
Lot 1		CASTLE	Emelia Manning 115 S. Belmont Apartment 1 Wichita, Kansas 67218
Lot 1		JIM BURNS	J. Earnest Talley 535 W. Shore Wichita, Kansas 67209
North 138 Feet of Lot 2		JIM BURNS	Rodney L. STEVEN 2333 McLean Blvd. Wichita, Kansas 67204
Reserve "A"		EILERTS	Keith R. Eilerts, Etal 25 Beech Road Wichita, Kansas 67206
Lot 1		KAD-CO	Davis-Moore Oldsmobile, Inc. 6215 E. Kellogg Wichita, Kansas 67218



Fidelity  Title
COMPANY, INC.

Continued

-3-

TRACT

OWNERS AND ADDRESSES

Beginning 100 Feet North, Southeast Corner Block 14, North 50.66 Feet, West 100 Feet, South 50 Feet, East to beginning and West 10 of East 100 Feet South 100 Feet of Block 14, LINCOLN HEIGHTS ADDITION AND South 100 Feet of East 90 Feet, Block 14 LINCOLN HEIGHTS

Walter Morris Investment Company, Inc.
128 S. Dellrose
Wichita, Kansas 67218

Dated at Wichita, Kansas this 30th day of May, 1979; at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *C. E. Bud Fidelity*
Vice-President

Tracer No. 46533



RECEIVED

JUL 20 1979

METROPOLITAN PLANNING

29-79
THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE July 19, 1979

ROUTE Lytle

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, CPO Administrative Aide

SUBJECT BZA (Northwest Corner of Glendale
and Kellogg - 4211 East Kellogg)

At its meeting of July 16, CPO Council "G" considered the captioned case. The applicant, Dr. Brad E. Dopps, was present and provided further explanation of the request and site plans to the Council. Of two site plans submitted, "A", which proposed 12 off-street parking spaces with no parking in the front yard setback and "B", which proposes 19 spaces, 8 of which are located in the setback of 20 feet; the applicant indicated the latter plan as his preference.

There were no adjoining property owners present to speak in opposition to the variance request.

The Council voted 7-0 to recommend approval of the variance request to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only at the captioned location.

Please provide the Council recommendation to the Board of Zoning Appeals when this case is considered at the July 24 meeting.

Shirley Mast
Shirley Mast
CPO Administrative Aide

SM/lw

Noted:

Sarah Gilbert
Sarah Gilbert
Assistant CP Coordinator

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

July 6, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 29-79

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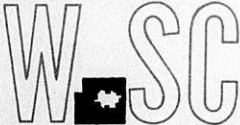
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This application has been assigned case No. BZA 29-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 24, 1979, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

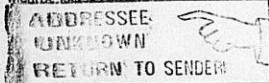
It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



But no listing

Lawrence A. Kunkel
4820 E. Kellogg
Wichita, Kansas 67218



29-79

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
City 429	5.2
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY

*

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

Roll # 2