

BZA 8-88: Affiliated Property Services Inc. requests variance to reduce rear yard setback (on the west) from 15' to 5' at the NW corner of 27th St. South and Seneca. (Zoned "BB") 2757 S. Seneca

Porter

**ACTION**

B.Z.A. Agree sub to 3/22/88  
conditions DATE

2004 Sec. 4-7-88  
Checked for  
Shut 5-12  
Record ✓

4

DATA SHEET

MAP NO.: 5344A

CASE NO. BZA 8-88

(CPO 4B, 3/15/88)

REQUEST: Variance to reduce the rear yard setback (on the west) from 15 feet to 5 feet

EXISTING ZONING: "BB" Office District

GENERAL LOCATION: Northwest corner of Seneca and 27th Street South (2757 S. Seneca)

APPLICANT: Affiliated Property Services, Inc.  
 ADDRESS: 1035 N. Emporia, Suite 140, Wichita, KS 67214 PHONE: 268-6810

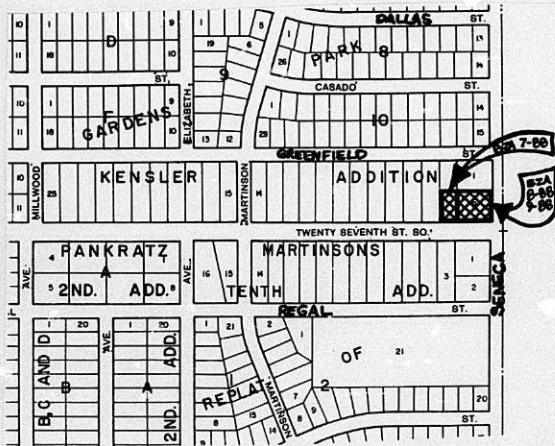
AGENT: Joel M. Pollack  
 ADDRESS: 1035 N. Emporia, Suite 140, Wichita, KS 67214 PHONE: 268-6810

AREA DATA

Acres: (130 ft. by 133 ft.)

Adjacent Zoning and Land Use:

North	BB	<u>S.f.</u>
South	AA	<u>Church</u>
East	LC	<u>Service Station</u>
West	AA	<u>S.f.</u>



LOS ANGELES-CHICAGO-LOGAN, OH  
 MCGREGOR, TX-LOCUST GROVE, GA  
 U.S.A.

**Shoemaker**  
 No. 2,153C

BZA INSPECTION SHEET

MAP NO.: 5344A

CASE NO. BZA 8-88

REQUEST: Variance to reduce the rear yard setback (on the west) from 15 feet to 5 feet

EXISTING ZONING: "BB" Office District

GENERAL LOCATION: Northwest corner of Seneca and 27th Street South  
(2757 S. Seneca)

APPLICANT: Affiliated Property Services, Inc.

ADDRESS: 1035 N. Emporia, Suite 140, Wichita, KS 67214      PHONE: 268-6810

AGENT: Joel M. Pollack

ADDRESS: 1035 N. Emporia, Suite 140, Wichita, KS 67214      PHONE: 268-6810

-----  
HEARING DATE: 3/22/88

BZA ACTION: Approve, subject to conformance with site plan.

FOLLOW-UP DATE: None

RESPONSE BY CID:

PL/0374/1

RESOLUTION NO. BZA 8-88

WHEREAS, Affiliated Property Services, Inc., 1035 N. Emporia, Suite 140, Wichita, Kansas 67214, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback (on the west) from 15 feet to 5 feet on property zoned the "BB" Office District and legally described as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

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 March 22, 1988, 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 lot has two platted 30-foot setbacks on the east and south which restrict the use of this site much more than would the normal 20- and 5-foot setbacks required by the zoning ordinance for the "BB" district; 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 adjacent lot to the west is to be owned by this applicant and used as a parking lot in conjunction with the proposed clinic; 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 building would have to be redesigned and the total floor area would probably have to be reduced if a 15-foot setback from the west line is required; 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 the reduction of the rear yard setback to 5 feet will not interfere with any existing or needed utility 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 the proposed structure will be located a sufficient distance from any adjoining structure to the west so as to provide adequate separation for light, air and access; 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 rear yard setback on the west from 15 feet to 5 feet be approved on property zoned the "BB" Office District and legally described as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

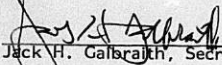
subject to the following condition:

1. Development of this lot with a reduction of the rear (west) yard to not less than five feet shall generally conform to the site plan submitted with the application and dated February 16, 1988.

ADOPTED AT WICHITA, KANSAS, this 22nd day of March, 1988.

  
\_\_\_\_\_  
Danny E. Jenkins, President

ATTEST:

  
\_\_\_\_\_  
Jack H. Galsbraith, Secretary

WICHITA



BOARD OF ZONING APPEALS  
CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4421

April 4, 1988

Joel M. Pollack  
Affiliated Property Services, Inc.  
1035 N. Emporia, Suite 140  
Wichita, KS 67214

Re: BZA 8-88 - Variance to reduce rear yard setback on west from 15  
to 5 feet

Dear Mr. Pollack:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on March 22, 1988. This Resolution reflects the official action of the Board to approve your 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.

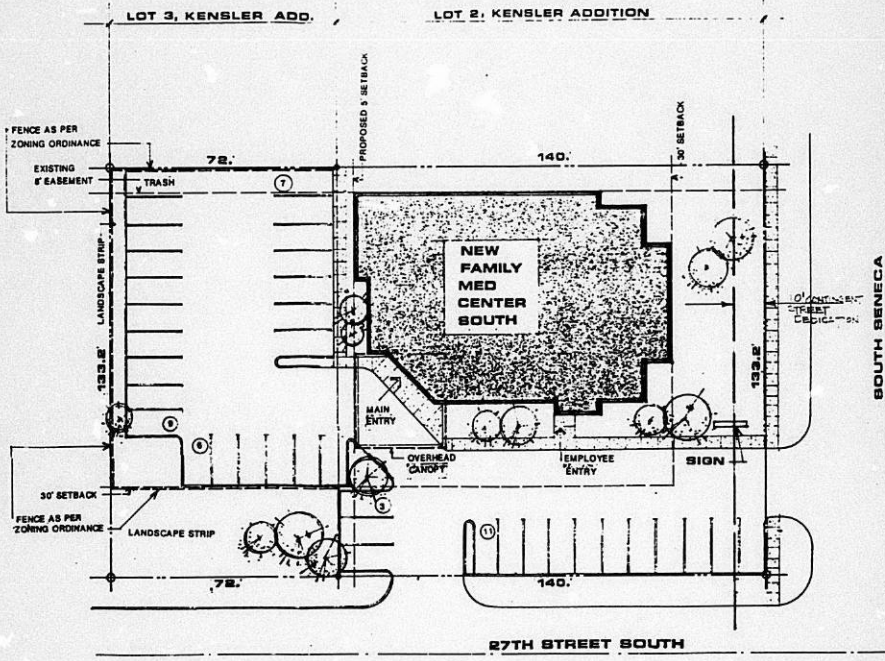
Sincerely,

*Jack H. Galbraith*  
Jack H. Galbraith  
Secretary

JHG/jcm  
Enclosure

cc: Monty Robson, Superintendent of Central Inspection  
Joe Donnelly, Zoning Administrator  
Dale Rea, Deputy City Clerk

FILE COPY



**SITE PLAN**

SCALE 1" = 20'-0"

BZA 7-88 BZA 8-88

WICHITA

FILE COPY



BOARD OF ZONING APPEALS  
CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 258-4421

March 23, 1988

Mr. Joel M. Pollack  
Affiliated Property Services, Inc.  
1035 N. Emporia, Ste. 140  
Wichita, KS 67214

Re: BZA 8-88 - Variance to reduce rear yard setback on west from 15 to 5 ft.

Dear Mr. Pollack:

At the regular meeting of the Board of Zoning Appeals on March 22, 1988, your request for a variance was considered. It was the action of the Board to approve the application, subject to the following condition:

1. Development of this lot with a reduction of the rear (west) yard to not less than five feet shall generally conform to the site plan submitted with the application and dated February 16, 1988.

The Resolution setting forth the official action of the Board will be mailed to you after we obtain signatures of the President and Secretary.

If you have any questions, please call our office.

Sincerely yours,

Louise Olivarez  
Assistant Secretary

LO/jcm

cc: Monty Robson, Superintendent of Central Inspection  
Dale Rea, Deputy City Clerk  
Joe Donnelly, Zoning Administrator



SECRETARY'S REPORT

CASE NUMBER: BZA 8-88

OWNER/APPLICANT/AGENT: Affiliated Property Services, Inc. (applicant)  
Joel M. Pollack (agent)

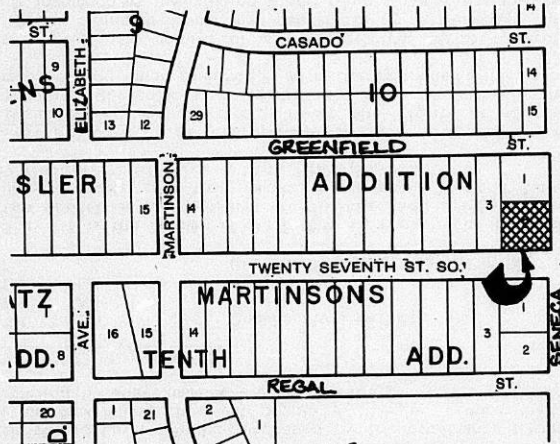
REQUEST: Variance to reduce the rear yard setback (on the west) from 15 feet to 5 feet.

CURRENT ZONING: "BB" Office District

SITE SIZE: 133.2 feet by 140 feet (less 10-foot contingent dedication)

LOCATION: Northwest corner of Seneca and 27th Street South.

PROPOSED USE: Family Physician Clinic



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.

**BACKGROUND:** The applicant is requesting a variance to reduce the rear yard setback from 15 feet to 5 feet on the west side of an almost square platted lot located at the northwest corner of Seneca and 27th Street South. The lot is zoned "BB" and has a 30-foot platted setback from each street. Ten feet of additional right-of-way for Seneca (making 50 feet half street right-of-way) was contingently dedicated in 1968 when "BB" zoning was granted. The contingency is the need for the additional right-of-way for any street purpose. The lot owner may continue to use this 10-foot area until the contingent dedication becomes effective. To maximize use of the site and to allow for future expansion to the north should Lot 1 ever be purchased by the applicant, it is necessary to reduce the setback along the west property line or reduce the size of the proposed building by approximately 400 square feet.

**ADJACENT ZONING AND LAND USE:**

NORTH	BB	One-Family Dwelling
SOUTH	AA	Church
EAST	LC	Service Station
WEST	AA	One-Family Dwelling (Parking Lot Proposed)

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as it has two platted 30-foot setbacks on the east and south which restrict the use of this site much more than would the normal 20- and 5-foot setbacks required by the zoning ordinance for the "BB" district.

**ADJACENT PROPERTY:** It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the adjacent lot to the west is to be owned by this applicant and used as a parking lot in conjunction with the proposed clinic.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the building would have to be redesigned and the total floor area would probably have to be reduced if a 15-foot setback from the west line is required.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the reduction of the rear yard setback to five feet will not interfere with any existing or needed utility easements.

**SPIRIT AND INTENT:** It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the proposed structure will be located a sufficient distance from any adjoining structure to the west so as to provide adequate separation for light, air and access.

**RECOMMENDATION:** 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 condition:

1. Development of this lot with a reduction of the rear (west) yard to not less than five feet shall generally conform to the site plan submitted with the application and dated February 16, 1988.

STATE OF KANSAS  
SEDCWICK COUNTY  
FILED FOR RECORD AT  
MAY 6 1968

APR 30 1968

BZA 9-88

19255  
WESLEY E. DEERING  
DEEDS  
Seal P. Zilber  
Deputy

CONTINGENT DEDICATION

D-6732

WHEREAS, Tom C. Gray and Lesteen Gray, residents of Wichita,  
Sedgwick County, Kansas, are the owners of the following described property,  
to-wit:

Lot 2, KENSLER ADDITION to Wichita,  
Sedgwick County, Kansas,

Original Compared  
with Record

which real property is now in the process of being rezoned to a "BB" classification;  
and,

WHEREAS, the City of Wichita anticipates in the future the necessity of  
acquiring additional street right-of-way for Seneca Street, which additional  
right-of-way will include a portion of the above-described real property; and,

WHEREAS, Tom C. Gray and Lesteen Gray, desire to continue the use  
of said additional right-of-way pending effectiveness of the dedication as  
hereinafter stated:

NOW, THEREFORE, in consideration of the premises and contingent upon  
the "BB" zoning, and for the purposes as hereinafter stated, Tom C. Gray and  
Lesteen Gray hereby dedicate to the public for street purposes the following  
described real property, to-wit;

The East ten (10) feet of Lot 2, KENSLER ADDITION to  
Wichita, Sedgwick County, Kansas,

PROVIDED, However,

1. That neither the public nor the City of Wichita shall be privileged  
or entitled to the use of the area herein dedicated for maintenance, excavation  
or fill, paving, installation of utilities and other similar street uses, until and  
unless the same is actually needed for the purposes as herein stated.

2. That until such time as the area hereby dedicated is actually used  
for the purposes of street right-of-way, including any or all of those uses as  
stated above, Tom C. Gray and Lesteen Gray shall be permitted the continued use  
of said additional right-of-way.

SEAL 1456 PAGE 555

City Clerk  
2000104 City Clerk

This dedication herein expressed, conditioned as aforesaid, shall be accepted by the City of Wichita upon approval of "BB" zoning and upon the recording of this instrument. Upon the recording hereof, this instrument shall constitute a public dedication and a covenant running with the land binding upon Tom C. Gray and Lesteen Gray, their successors and assigns, conditioned as aforesaid. Acceptance by the City of Wichita of this Contingent Dedication denotes its acquiescence and agreement to all of the terms and provisions hereof.

IN WITNESS WHEREOF, Tom C. Gray and Lesteen Gray have caused this instrument to be executed and delivered to the City of Wichita, Kansas, on this 9th day of April, 1968.

Tom C. Gray  
TOM C. GRAY

Lesteen Gray  
LESTEEN GRAY

STATE OF KANSAS )  
                  )SS:  
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 9th day of April, 1968, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Tom C. Gray and Lesteen Gray, who are personally known to me to be the same persons who executed the above and foregoing instrument of writing, and said Tom C. Gray and Lesteen Gray duly acknowledged the execution of the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Carol M. Palmer  
Notary Public CAROL M. PALMER

My commission expires:  
April 16, 1969



BZA CASE NO. 8-88

15

LEGAL ADVERTISEMENT SENT TO MAPC & BZA

1

NOTICES SENT TO APPLICANT/AGENT

18

NOTICES SENT TO ADJOINING PROPERTY OWNERS

5

NOTICES SENT TO BZA MEMBERS

NOTICES SENT 2-26-88

- 1 NOTICES SENT TO CPO
- 2 NOTICES SENT TO ~~CITY MANAGER~~ CITY COUNCIL REPRESENTATIVE TO DISTRICT
- 4 NOTICES TO MAPD STAFF

Jack Galbraith  
Louise Olivarez  
~~Barbara Harris~~ *Bob Young*  
Karen Crook

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

February 26, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 8-88

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 Affiliated Property Services, Inc., requesting a variance.

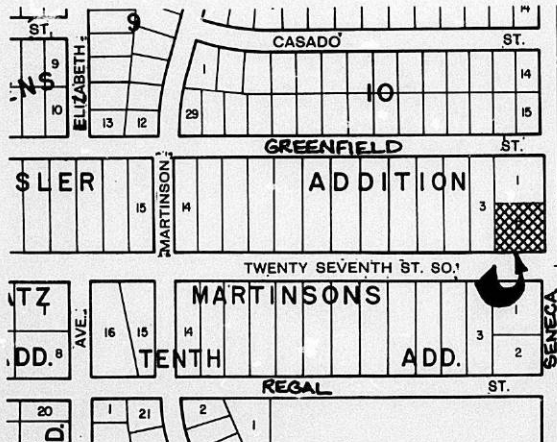
Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the rear yard setback (on the west) from 15 feet to 5 feet on property zoned the "BB" Office District. A legal description of the applicant's property is as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

This application has been assigned Case No. BZA 8-88. It will be considered by the Board of Zoning Appeals on Tuesday, March 22, 1988 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 in or objections to 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.

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

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council 4B, South, will consider this case at their meeting to be held on Tuesday, March 15, 1988, at 7 p.m., at the National Guard Armory, 3617 South Seneca. Enter through Command Entrance, northwest corner of building. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



( \_\_\_\_\_ ) Published in The Daily Reporter, February 26, 1988

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 22nd day of March, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 5-88 - St. Francis Regional Medical Center, Inc., 929 N. St. Francis, Wichita, Kansas 67214, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a group home for pregnant girls on property zoned the "RB" Four-family Dwelling District and legally described as follows:

Lots 221 and 223 on Emporia Avenue, Stafford and Wrights addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Emporia in an area north of 10th Street (1127 N. Emporia).

2. Case No. BZA 6-88 - Eddy's Toyota of Wichita, Inc., 6631 E. Kellogg, Wichita, Kansas 67207, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of new and used car sales on property zoned the "LC" Light Commercial District and legally described as follows:

North 138 feet of Lot 2, Jim Burns Addition and Lot 1, Schmid Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Glendale and Elpyco (4901 and 4925 E. Kellogg).

3. Case No. BZA 7-88 - Affiliated Property Services, Inc., 1035 N. Emporia, Suite 140, Wichita, Kansas 67214, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of an off-street parking lot on property zoned the "AA" Single-family Dwelling District and legally described as follows:

Lot 3 except the North half, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 27th Street South in an area west of Seneca (1118 W. 27th Street South).

4. Case No. BZA 8-88 - Affiliated Property Services, Inc., 1035 N. Emporia, Suite 140, Wichita, Kansas 67214, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback (on the west) from 15 feet to 5 feet on property zoned the "BB" Office District and legally described as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

5. Case No. BZA 9-88 - Affiliated Property Services, Inc., 1035 N. Emporia, Suite 140, Wichita, Kansas 67214, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the permitted sign size from 32 square feet to 64 square feet on property zoned the "BB" Office District and legally described as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

6. Case No. BZA 10-88 - Grace Presbyterian Church, 5002 E. Douglas, Wichita, Kansas 67208, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a pre-school on property zoned the "AA" One-family Dwelling District and legally described as follows:

A portion of Strieff Place, an Addition to Sedgwick County, Kansas, described as the south 22 feet of Lot 6 and all of Lots 7, 8, 9, and 11, Block 1, including half of vacated Coronado Place on the west but excluding the east 30 feet of Lots 6 thru 9 for street; Lot 10, Block 1, except the east 30 feet for street; the south 18 feet of Lot 4 and all of Lots 5, 6, 7, 8, 9, and 10, Block 2, including half of vacated Coronado Place on the east but excluding the west 40 feet of Lots 4 thru 9 for street; Lot 11, Block 2, except the west 40 feet for street. Generally located north of Douglas between Bleckley and Battin (5002 E. Douglas).

7. Case No. BZA 11-88 - MacArthur Park, Inc., 435 North Broadway, Wichita, Kansas 67202, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a child day care center on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lot 1, Block A, New Hope Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Hydraulic approximately 1/3-mile south of MacArthur Road. (4244 South Hydraulic)

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and 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 exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 26th day of February, 1988.

\_\_\_\_\_  
Jack H. Galbraith, Secretary

APPLICATION FOR VARIANCE

I. Applicant AFFILIATED PROPERTY SERVICES, INC.  
 Address 1035 N. EMPORIA, SUITE 140 Zip Code 67214 Phone (316)268-6810  
 Agent JOEL M. POLLACK  
 Address 1035 N. EMPORIA, SUITE 140 Zip Code 67214 Phone (316)268-6810  
 Relationship of applicant to property is that of CONTRACT - PURCHASE OF PROPERTY  
 (Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the rear yard setback <sup>(on the west)</sup> from fifteen (15)  
feet to five (5) feet.

on property zoned BB which is  
<sup>130</sup>  
~~140~~ ft by 133 ft (or \_\_\_\_\_ acres) in size, legally described as:  
Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas

and located 2757 South Seneca NW corner Seneca and 27th St. So.  
 in the City of Wichita.

- 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. 39-285); 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.

Applicant Affiliated Property Services Inc.  
 AFFILIATED PROPERTY SERVICES, INC.  
 Authorized Agent Joel M Pollack  
 JOEL M. POLLACK

OFFICE USE ONLY:  
 Map No. 5344A Zoning: (N) BB (S) AA (E) CC (W) AA CPO 4B  
 Received in Office of Secretary, Board of Zoning Appeals,  
2-17, 19 88, together with appropriate fee of 300 (a.m. (p.m.))

Signed Reiner



**AFFILIATED  
PROPERTY  
SERVICES, INC.**

JOEL M. POLLACK  
President

February 16, 1988

Board of Zoning Appeals  
City of Wichita  
455 N. Main  
Wichita, Kansas 67201

Gentlemen:

We respectfully request a variance be granted by the Board of Zoning Appeals under the jurisdiction of the Zoning Ordinance to allow the property at 2757 South Seneca, which is presently zoned BB, to reduce the rear yard setback from fifteen (15) feet to five (5) feet.

The applicant, Affiliated Property Services, Inc., is a subsidiary of St. Francis Health Corporation and an affiliate of St. Francis Regional Medical Center, Inc. The applicant is acquiring the subject property and the adjacent property, Lot 3, Kensler Addition, except the north half (N 1/2) for the purpose of establishing a Medical Clinic to serve the people of South Wichita with up to three family practice physicians. The clinic facility will be located entirely on Lot 2, Kensler Addition, which is presently zoned for that purpose. In order to provide adequate building space and parking for the Medical Clinic, we need to use as much of the subject property as possible including ten feet of the rear yard setback.

We make this application in the belief that our request satisfies all necessary conditions for granting the variance and wish to provide the following information:

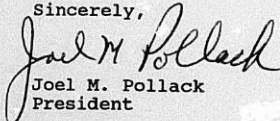
1. As a corner property with two major setbacks, the space available for constructing a building to meet both present and future needs is limited. Use of the rear yard setback will allow us to construct a building of adequate size. The applicant is also the owner of the property adjacent to the rear yard setback.

Board of Zoning Appeals  
February 16, 1988  
Page 2

2. The variance would not affect adjoining property owners due to the fact that it would still be over eighty (80) feet to the property on the west and the property to the north maintains the requested zoning setback. Thus, granting of the variance will not adversely affect the rights of adjacent property owners or residents.
3. In terms of value of the property, if we are unable to build the size healthcare facility we need, it may be difficult to justify the economics of the project and constitutes a hardship to the applicant.
4. In the opinion of the applicant, particularly considering its knowledge of the healthcare industry, the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
5. We believe that granting the variance will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance).

The property will conform to all other requirements of the City of Wichita and, we believe, will make a significant positive contribution to the neighborhood.

Sincerely,

  
Joel M. Pollack  
President

JMP/fm

BZA 8-88  
BZA 9-88

№ 00004

METROPOLITAN AREA PLANNING DEPARTMENT

Description 2 BZA Variances (2757 S. Seneca)

Name Affiliated Property Services Inc.

Address 1035 W. Emporia

Fund No. (circle one) 755-40710-003 (fees) 755-40710-004  
(books, xerox) 755-40710-026 (microfilm)

Amount 450<sup>00</sup>

Date 2-17-88 Due Date 2-17-88 By SL

Form 00-000

\*

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

Roll # 3