

Case No. BZA 10-78 - Sam H. Kouri  
requests a variance to reduce  
the front yard setback from 25'  
to 0' for the east 56' to in-  
crease the parking area by 3  
parking stalls on property gen-

POSTED  
3-14-78  
C.I.  
MADRY  
4-14-78  
CP

# ACTION

BZA 10-78

COMMITTEE Apprend DATE 3-28-78

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

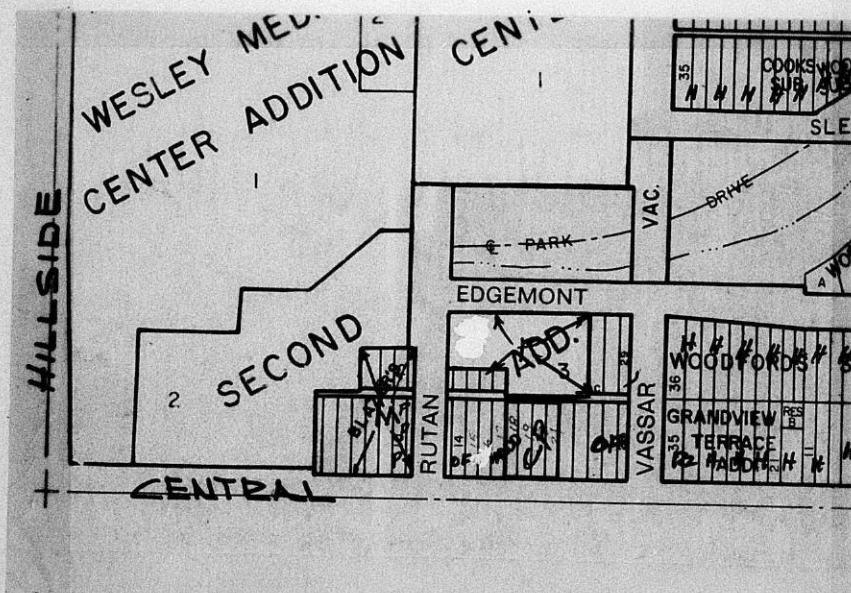
Case No. BZA 10-78 - Sam H. Kouri  
requests a variance to reduce  
the front yard setback from 25'  
to 0' for the east 56' to in-  
crease the parking area by 3  
parking stalls on property gen-

Map No. 5748  
 Sec. 14  
 Twp. 27  
 Range 1E

BZA- 10-78  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

- AREA DATA:
1. Acres: 0.32 ( 100 ft. by 140 ft.)
  2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
  3. Land Use: East OFFICE South BANK  
 West SINGLE FAMILY OFFICE North PARKING LOT
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use if for: CONSTRUCTION PROJECT
  6. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



HASTINGS, MN. LOS ANGELES  
 LOOAN OH. - MCGRINOR, TX. U. S. A.

No. 2,153C  
 Smead®

RESOLUTION NO. BZA 10-78

WHEREAS, Sam H. Kouri, 3243 East Murdock, 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 18, 19, 20 and 21, Blazer's Addition, Sedgwick County, Kansas. Generally located on the north side of Central in an area between Rutan and Vassar.

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 28, 1978, 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 approximately 75 percent of the properties on both the north and south sides of Central between Hillside and Vassar are zoned a classification which permits parking to the front property line. Also, the City Commission has a policy of looking with favor on zone changes to "BB" in this location, 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 the only adjacent property which does not utilize the front yard for parking and adjacent to this property the applicant is proposing to maintain the required landscape yard, on the west 44 feet of subject property; 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 owner represented in the application inasmuch as the applicant would have to seek a change of zoning to a less restrictive district, which is not needed for the intended use other than for the proposed front yard parking.

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 applicant is desirous of providing parking beyond that which is required by the ordinance, thereby reducing the potential for 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 the existing land use or zoning policy 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.

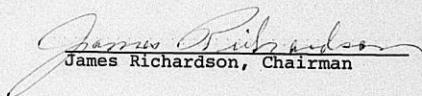
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lots 18, 19, 20 and 21, Blazer's Addition,  
Sedgwick County, Kansas. Generally located  
on the north side of Central in an area be-  
tween Rutan and Vassar.

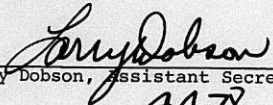
be approved subject to the following conditions:

1. This variance shall apply to only the east 56 feet of subject property. A minimum 20 foot landscaped front yard shall be maintained adjacent to the south property line for the balance of the property frontage.
2. The applicant shall contact the Office of Central Inspection and make the necessary revision to his building plans to provide on site turnaround space for the parallel parking shown on the plan. A revised copy of the site plan shall be submitted to the Secretary of the Board indicating how this has been provided.
3. The reduction of the 20 foot front yard setback shall be for the purpose of off-street parking only, with no permanent structures erected thereon. Also, the variance shall apply only to additional parking spaces over and above those which are required for the number of units on the property.

ADOPTED AT WICHITA, KANSAS, this 28th day of March, 1978.

  
James Richardson, Chairman

ATTEST:

  
Larry Dobson, Assistant Secretary

4478

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXX

455 N. Main St.  
Tenth Floor, City Hall

April 7, 1978

Mr. Steve Clark  
4301 E. Kellogg  
Wichita, Kansas 67218

Re: Case No. BEA 10-78  
Request for Variance

Dear Mr. Clark:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 28, 1978, in connection with your request for an exception to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned the "BB" Office District and generally located on the north side of Central in an area between Rutan and Vassar.

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

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

Sincerely yours,

Larry Dobson  
Assistant Secretary

LD:bh

cc: Sam H. Kouri, 3243 E. Murdock, 67208  
Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator

*Dobson*

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** March 22, 1978

**TO** Larry Dobson, Secretariat, Board of Zoning Appeals

**FROM** Gail Williams, CPO Administrative Aide

**SUBJECT** BZA 10-78 (North side of Central,  
between Rutan and Vassar)

At their meeting of March 21, 1978, CPO Council "I" considered the captioned case and voted 8-0 to recommend approval of the requested variance.

Council members pointed out that nearby properties have reduced setbacks, and the requested variance would not detract from the appearance of immediate area.

Because the setback reduction would have a minimal impact on the character of the area involved, Council "I" recommends approval of the variance.

Please supply the Board of Zoning Appeals with this information when they consider the case on March 28.

*Gail Williams*

Gail Williams  
CPO Administrative Aide

GW:sm

Noted:

*David Furnas ep*  
David Furnas  
Citizen Participation Coordinator



XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Tenth Floor, City Hall  
455 North Main Street

March 28, 1978

Mr. Steve Clark  
4301 East Kellogg  
Wichita, Kansas 67218

Re: Case No. BZA 10-78  
Request for a Variance

Dear Mr. Clark:

At the regular meeting of the Board of Zoning Appeals on March 28, 1978, your request for an exception to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned the "BB" Office District and generally located on the north side of Central in an area between Rutan and Vassar was considered.

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

1. This variance shall apply to only the east 56 feet of subject property. A minimum 20 foot landscaped front yard shall be maintained adjacent to the south property line for the balance of the property frontage.
2. The applicant shall contact the Office of Central Inspection and make the necessary revision to his building plans to provide on site turnaround space for the parallel parking shown on the plan. A revised copy of the site plan shall be submitted to the Secretary of the Board indicating how this has been provided.
3. The reduction of the 20 foot front yard setback shall be for the purpose of off-street parking only, with no permanent structures erected thereon. Also, the variance shall apply only to additional parking spaces over and above those which are required for the number of units on the property.

Mr. Steve Clark  
Page 2  
March 28, 1978

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.

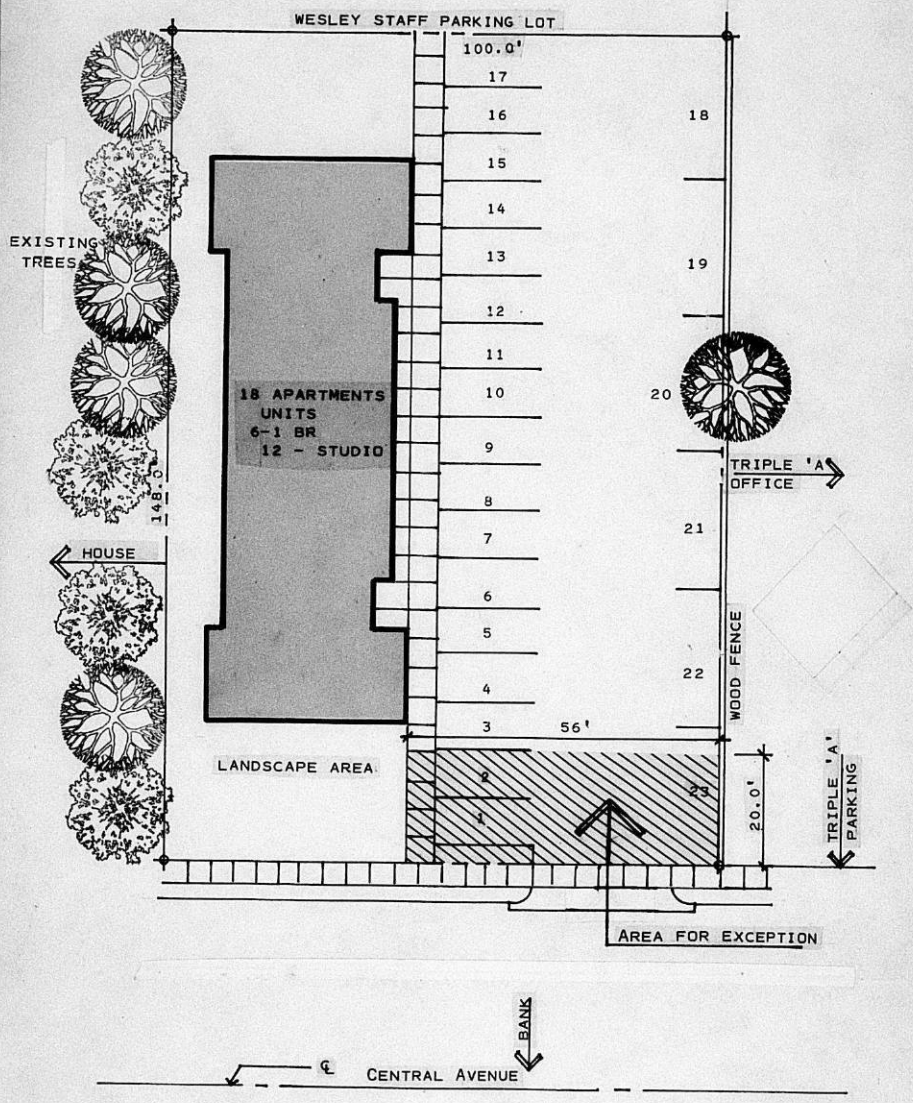
If you have any questions pertaining to this matter, please call our office.

Very truly yours,

Larry Dobson  
Assistant Secretary

LD:bb

cc: Sam H. Kouri, 3243 E. Murdock, 67208  
Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator



TOTAL UNITS 18  
 TOTAL PARKING 20  
 ADDITIONAL PARKING  
 BY EXCEPTION 3  
 NEW TOTAL 23



**SLEEPY HOLLOW APTS.**

## RE: AGENDA ITEM NO.

SECRETARY'S REPORT  
CASE NO. BZA 10-78

APPLICANT: Sam H. Kouri, 3243 E. Murdock, Wichita, Kansas.

AGENT: Steve Clark, 4301 E. Kellogg, 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 20 feet to 0 feet for off-street parking purposes only.

GENERAL LOCATION: North side of Central in an area between Rutan and Vassar.

ZONING: Subject property is zoned the "B" Multiple Family Dwelling District as is the property to the west. Properties to the north and east are zoned the "BB" Office District. Property to the south is zoned the "LC" Light Commercial District.

LAND USE: Subject property has apartments under construction thereon. East is the AAA Auto Club office building. North is an off-street parking lot. West is a single family home. South is a bank.

### 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 of the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

SECRETARY'S REPORT  
Case No. BZA 10-78  
Page 2

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 the construction of 18 apartment units 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 and across Central to the south are zoned "BB" and "LC" respectively, and are developed with uses that provide off-street parking spaces adjacent to Central in the same manner requested by this applicant. The property adjacent to the west is developed with a single family residence in the "B" zoning district. The applicant's proposal is to utilize only the east 56 feet of his 100 foot frontage for off-street parking and maintain the required front yard setback on the west 44 feet adjacent to the residential use.

The site plan submitted with this application shows 23 parking spaces, 3 of which are located in the front yard setback area. The number of parking spaces required by the zoning ordinance is 18, based on one space for each dwelling unit. Therefore, the requested variance is for the purpose of providing additional off-street parking over and above that which is required.

The design of the parking layout has been approved by Central Inspection in the process of issuing a building permit for this project. However, it is noted that a portion of the parking designed as parallel parking, is not provided with adequate turnaround space to exit from the site. The only access to the property is from Central. The Office of Central Inspection agrees that space should be designated on the plan to provide the needed turnaround.

The City Commission has an adopted zoning policy of looking with favor on "BB" zoning along east Central as far east as Clifton which is approximately 1 1/2 blocks east of subject property.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness may exist in this instance inasmuch as approximately 75 percent of the properties on both the north and south sides of Central between Hillside and Vassar are zoned a classification which permits parking to the front property line. Also, the City Commission has a policy of looking with favor on zone changes to "BB" in this location, which would permit front yard parking.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested may not adversely affect the rights of adjacent property owners inasmuch as the property to the west is the only adjacent property which does not utilize the front yard for parking and adjacent to this property the applicant is proposing to maintain the required landscape yard, on the west 44 feet of subject property.

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 an established policy of favoring zone changes to "BB" in this area, it may be a hardship to require the applicant to seek a change of zoning to a less restrictive district, which is not needed for the intended use other than for the proposed front yard parking.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested may not adversely affect the public interest inasmuch as the applicant is desirous of providing parking beyond that which is required by ordinance, thereby reducing the potential for 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 or zoning policy in the area.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary for the granting of a 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. This variance shall apply to only the east 56 feet of subject property. A minimum 20 foot landscaped front yard shall be maintained adjacent to the south property line for the balance of the property frontage.

SECRETARY'S REPORT

Case No. BZA 10-78

Page 4

2. The applicant shall contact the Office of Central Inspection and make the necessary revision to his building plans to provide on site turnaround space for the parallel parking shown on the plan. A revised copy of the site plan shall be submitted to the Secretary of the Board indicating how this has been provided.
  3. The reduction of the 20 foot front yard setback shall be for the purpose of off-street parking only, with no permanent structures erected thereon. Also, the variance shall apply only to additional parking spaces over and above those which are required for the number of units on the property.
-

11 notices sent to agent/applicant and adj. property owners  
10 notices sent to MAPC members  
1 notice to CPO  
22 total notices sent on BZA 10-78, 3-6-78

1 to Wesley Hosp. 3-15-78 *LL*

BOARD OF ZONING APPEALS  
TENTH FLOOR - CITY HALL  
455 North Main, Wichita, Kansas 67202

March 6, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 10-78

An application has been filed by Sam H. Kouri, 3243 East Murdock, 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 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 18, 19, 20 and 21, Blazer's Addition,  
Sedgwick County, Kansas. Generally located  
on the north side of Central in an area be-  
tween Rutan and Vassar.

This application has been assigned Case No. BZA 10-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 28, 1978, 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 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. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant SAM H. KOURI

Mailing Address 3243 E. MURDOCK 67208 Phone 682-2911

Name of Authorized Agent STEVE CLARK

Mailing Address 4301 E. KELLOGG 67218 Phone 684-0533

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

II. The variance requested is ELIMINATION OF FRONT YARD SETBACK

FOR PARKING ON THE EAST 56' OF PROPERTY

for property located 3320 E. CENTRAL

and legally described as: LOTS 18, 19, 20, & 21

BLAZER'S ADDITION

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.

Sammy Kouri  
Applicant

Steve Clark  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:15 (a.m. - p.m.), 2-27 1978 together with appropriate fee of \$50.00.

Map 5747  
N side of Central  
T9-402 in an area  
between Kutter  
and Vassar

Larry Dobson  
Signed

#### VARIANCE REQUEST

The variance request is for the elimination of the front yard setback on the East 56' of lots 18, 19, 20, and 21 of Blazer's Addition. The variance would increase the parking by three (3) stalls. The structure consists of 12 studio apartments and 6 one-bedroom apartments. Zoning is 'B' Multifamily. The parking lot directly joins the Triple 'A' parking lot which area is zoned 'BB' Office Zoning. Triple 'A's' lot by code extends to their south property line. This request would not interfere with any other adjoining property. The original planned parking provided falls within that specified by the zoning ordinances, however, the additional three (3) stalls will come within one car of providing one stall for each studio apartment and 2 stalls for each one-bedroom apartment. This would be a more satisfactory solution since the property adjoins a major thoroughfare (Central) and possibilities for on street parking in the immediate area for any overflow parking would not be present. A Wesley employee parking lot is to the immediate north. It is anticipated that a majority of the residents of the apartment units will have some affiliation with Wesley hospital, they would have access to parking rights in this adjoining parking lot, however, it is not desirable to depend on this.

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:

Record Owners within 200 feet of

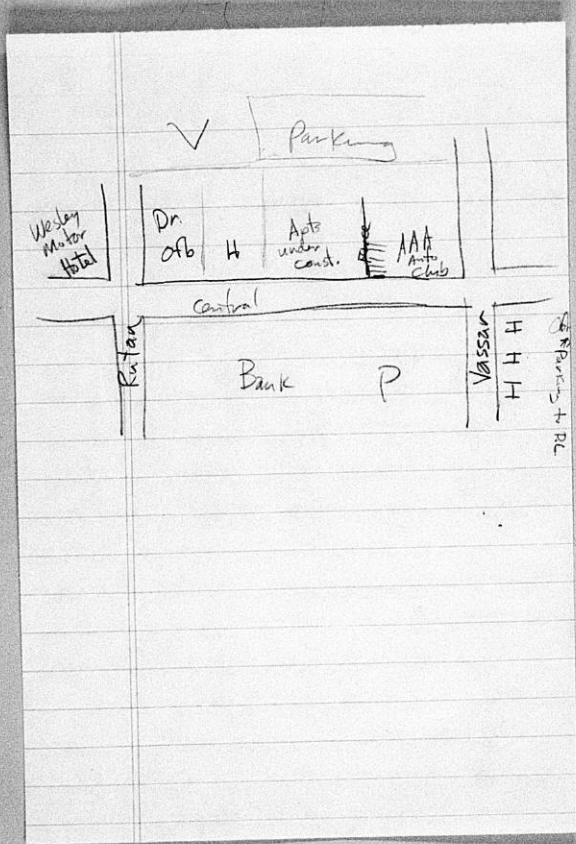
Lots 18, 19, 20 and 21 on Central Avenue, BLAZER ADDITION, Sedgwick County, Kansas.



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.)

<u>LOTS &amp; BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
18,19,20, & 21 on Central	BLAZER'S	✓ Sammy Harry & Jacqueline Minnie Kouri 619 North Armour Wichita, Kansas 67206
14,15,16,17 and East 5.84 feet of Lot 13 on Central	BLAZER'S	✓ A.E. aka ABRAHAM E. Hiebert 3306 East Central Wichita, Kansas 67208
Lots 9,10 & 11, except the East 15 feet of Lot 11, on Central Avenue, together with the South Half of the vacated alley adjoining said Lots on the North; and the South 70 feet of Lots 44, 45, 46, except the East 15 feet of Lot 44, on Edgemont Place, together with the North Half of the vacated alley adjoining said lots on the South	BLAZER'S	✓ Ralph A. & Ina M. Shenk 1405 Willow Road Wichita, Kansas 67208





<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
The South 40 feet of Lots 38, 39, 40, 41 & 42 except the West 19.16 feet of said Lot 42, all on Edgemont Place, in Blazer's Addition to the City of Wichita, Sedgwick County, Kansas, together with the North Half of the vacated alley adjoining said lots on the South side thereof, and that part of the South Half of said vacated alley lying immediately North of Lots 16 and 17 on Central Avenue,	BLAZER'S	A. E. Hiebert 3306 East Central Wichita, Kansas 67208
Lots 22, 23, 24, 25 & West 20 feet of Lot 26 on Central and Lots 30 31 & West 20 feet of Lot 29 on Edgemont,	BLAZER'S	Automobile Club of Kansas, Inc 3340 East Central Wichita, Kansas 67208
2 and 3	WESLEY MEDICAL CENTER SECOND	Wesley Medical Center City of Wichita 455 North Main Wichita, Kansas 67202
34 and 36 on Edgemont,	WOODFORD'S REPLAT OF PART OF GRANDVIEW TERRACE	Robert F. Vosburg 3407 Edgemont Wichita, Kansas 67208
33 & 35 on Central	GRANDVIEW TERRACE	James R. Vosburg 1611 Donegal Wichita, Kansas 67206
Lot 1	CENTRAL STATE BANK	Central State Bank of Wichita 3433 East Central Wichita, Kansas 67208
2, Block 2	A. C. PAYNE	Vesta L. K. James address unknown
4 & 6, Block 2	A. C. PAYNE	A. G. & Helen M. Crockett 446 North Vassar Wichita, Kansas 67208
Lot 5	HOWARD'S ADDITION to COLLEGE HILL ADDITION	National Investment Trust 3860 Whitney Avenue Hamden, Connecticut *86514 *Last digits of zip unknown



Dated at Wichita, Kansas, this 7th day of February, 1978; at 7:00 A.M.



FIDELITY TITLE COMPANY, INC.

By *Orvita Gray*  
Asst. Sec. ag

Tracer No. 40231



Fidelity  Title  
COMPANY, INC.

FORM 223-021

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 <del>Fee</del>	Cement	M.S.P.

DESCRIPTION	AMOUNT
B2A Variance Application	\$50.00

NAME *Sammy H. Kouri*ADDRESS *3243 E. Harvard*FUND *110-00-000-400* DUE DATE *1-20-00-000*

COMMENTS

DATE *2-27-78* BY *ESD*