

Case No. BZA 11-80 - Roger M. King - requests a variance to reduce the required lot area per family from 580 sq.ft. to 300 sq.ft. on property zoned "C" and generally located

Posted
3-6-80
64.

8-22-80
1-20-80
1-20-80

BZA 11-80 ACTION

~~COMMITTEE~~ COMMITTEE APRONS DATE 3/25/80

M.A.P.C. _____

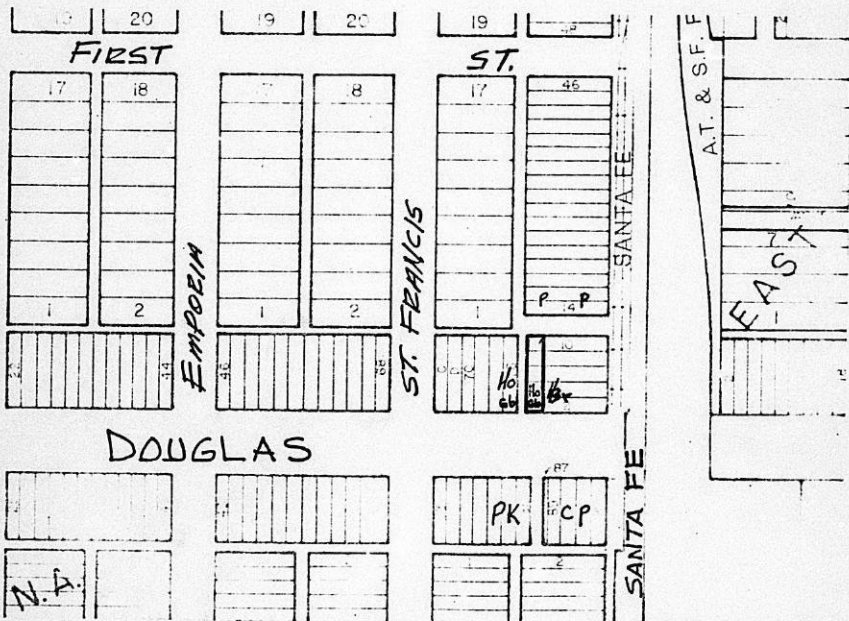
B.C.C./B. CO. C. _____

No. 5547 NW
21
27
1E

BZA- 11-80
 SCZ- _____
 CU- _____
 Filed _____

DATA:
 Acres: .07 (23 ft. by 135 ft.)
 Adjoining Zoning: E E S E W E N E
 Land Use: East _____ South Parking lot
 West _____ North Parking lot
 Sketch Plan Land Use is for: _____
 Present Land Use if for: _____
 Area (is) (is not) platted.

TO DATA:
 Date _____ Time _____

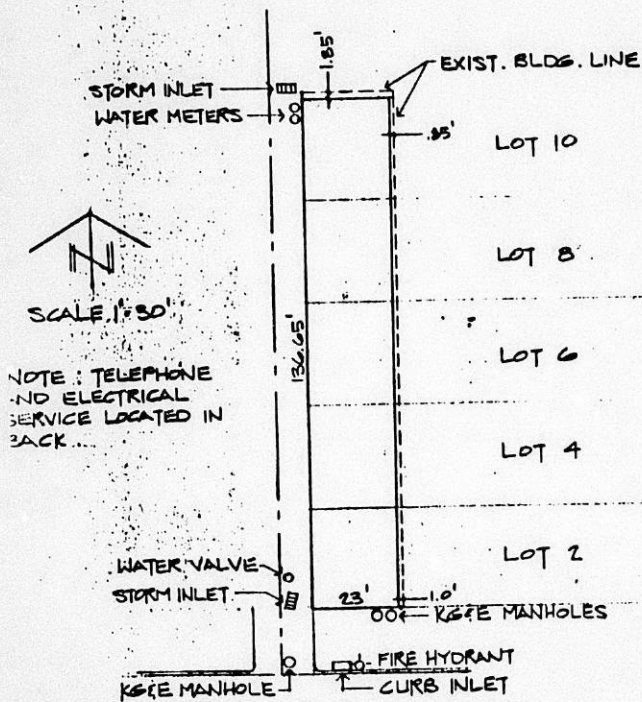


HALL & ASSOC. INC.

LAND SURVEYORS

King Property Survey 79-552

November 8, 1979



NOTE: TELEPHONE
-NO ELECTRICAL
SERVICE LOCATED IN
BACK.....

DOUGLAS AVE.

LEGAL DESCRIPTION:

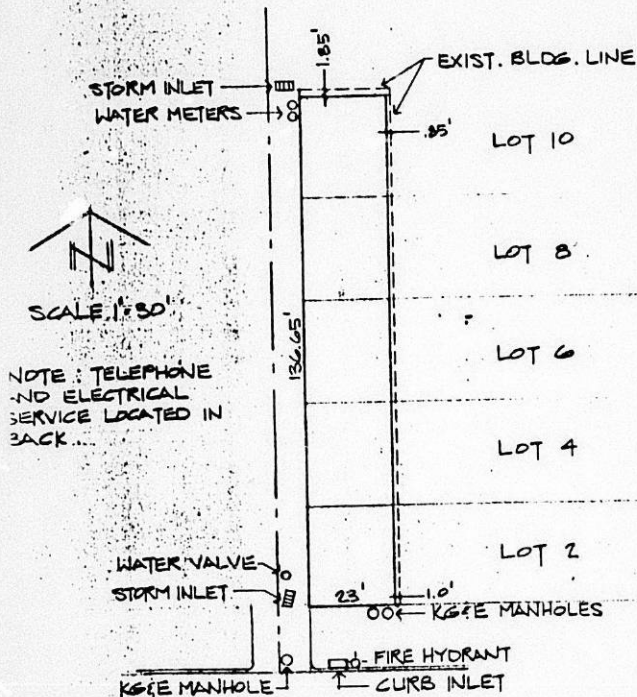
The West 23 feet of Lots 2, 4, 6, 8, 10, 'J. R. Mead's Addition',
to Wichita, Kansas.

00 S. ROCK ROAD WICHITA, KANSAS .67207 TELEPHONE 316 685-2304

HALL & ASSOC. INC. LAND SURVEYORS

King Property Survey 79-552

November 8, 1979



NOTE: TELEPHONE
AND ELECTRICAL
SERVICE LOCATED IN
BACK...

DOUGLAS AVE.

LEGAL DESCRIPTION:

The West 23 feet of Lots 2, 4, 6, 8, 10, 'J. R. Mead's Addition',
to Wichita, Kansas.

00 S. ROCK ROAD WICHITA, KANSAS .67207 TELEPHONE 316 685-2304

April 2, 1980

Roger M. King
901 North Broadway
Wichita, Kansas 67214

Re: Case No. BEA 11-80
Request for Variance

Dear Mr. King:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 25, 1980, in connection with your request for a variance to reduce the required lot area per family from 580 square feet to 300 square feet on property zoned "C" Commercial and generally located on the north side of Douglas approximately 200 feet east of St. Francis (618 East Douglas).

This Resolution reflects the official action of the Board to approve your request. 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:sad
Enclosure

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

RESOLUTION NO. BZA 11-80

WHEREAS, Roger M. King, 901 North Broadway, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required lot area per family from 580 square feet to 300 square feet on property zoned the "C" Commercial Zoning District and legally described as follows:

The West 23 feet of Lots 2, 4, 6, 8, and 10, "J. R. Mead's Addition" to Wichita, Sedgwick County, Kansas. Generally located approximately 200 feet east of St. Francis on the north side of Douglas (618 East Douglas).

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 25, 1980, 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 building was constructed prior to the lot area requirement of the zoning ordinance and the 24 sleeping rooms are to be converted to ten apartments; 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 it will upgrade the general area and provide an incentive for adjacent property owners to do the same; 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 applicant would be unable to secure a permit to upgrade the property; 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 it will tend to upgrade the general 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 change of use of the property as proposed actually reduces the intensity of use of the property; and

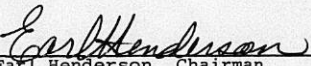
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

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 lot area per family from 580 square feet to 300 square feet on property zoned the "C" Commercial District and legally described as:


The West 23 feet of Lots 2, 4, 6, 8, and 10,
"J. R. Mead's Addition" to Wichita, Sedgwick
County, Kansas. Generally located approximately
200 feet east of St. Francis on the north side
of Douglas (618 East Douglas).

be approved.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1980.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

March 26, 1980

Roger M. King
901 North Broadway
Wichita, Kansas 67214

Re: Case No. BZA 11-80
Request for Variance

Dear Mr. King:

At the regular meeting of the Board of Zoning Appeals on March 25, 1980, your request for a variance to reduce the required lot area per family from 580 square feet to 300 square feet on property zoned "C" Commercial and generally located on the north side of Douglas approximately 200 feet east of St. Francis (618 East Douglas) was considered.

It was the action of the Board to approve your request.

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, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

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

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE March 19, 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, CPO Administrative Aide

SUBJECT BZA 11-80 (200 feet east of St.
Francis on the north side
of Douglas)

At their March 17 meeting, CPO Council "L" considered the captioned case. The Council voted unanimously, 6-0, not to oppose the requested zoning variance to reduce the required lot area per family from 580 square feet to 300 square feet on property zoned "C" Commercial District.

Please inform the Board of Zoning Appeals of the Council's action when they consider the case at their March 25 meeting.

Stan Scott

Stan Scott
CPO Administrative Aide

SS:rs

Noted: *Sarah Gilbert*
Sarah Gilbert
Assistant CP Coordinator

RECEIVED

MAR 21 1980

METROPOLITAN PLANNING
ROUTE Lytle

SECRETARY'S REPORT
CASE NO. BZA 11-80

APPLICANT: Roger M. King, 901 North Broadway, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required lot area per family from 580 square feet to 300 square feet.

GENERAL LOCATION: North side of Douglas approximately 200 feet east of St. Francis (618 East Douglas).

ZONING: Subject property is zoned "C" Commercial; properties to the north, south, east and west are zoned "E" Light Industrial.

LAND USE: Subject property is occupied by a hotel and general business as is the property to the west; south is a park; east is a tavern; north is a parking lot.

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
BZA 11-30
BZA AGENDA
3-25-80

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required lot area per family from 580 square feet to 300 square feet on property zoned "C" Commercial located at 618 East Douglas.

Subject property is presently being used as an inexpensive hotel/boarding house on the second and third floors containing 24 sleeping rooms with some commercial use on the ground floor. The applicant states that it is proposed to convert the 24 sleeping rooms to a ten unit apartment complex with the ground floor being retained for future commercial use. It should be pointed out that the Board of Zoning Appeals on December 18, 1979, granted a variance to this same applicant to reduce the required number of off-street parking spaces from 22 to 0 on subject property (Case No. 68-79).

UNIQUENESS:

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the building was constructed prior to the lot area requirement and the 24 sleeping rooms are to be converted to 10 apartments.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance request would not adversely affect adjacent property owners inasmuch as it will upgrade the general area and provide an incentive for adjacent property owners to do the same.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may create an unnecessary hardship upon the applicant inasmuch as he would be unable to upgrade his property as proposed.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the requested variance would not adversely affect the public interest inasmuch as it will tend to upgrade the general area.

SPIRIT AND INTENT:

It is the opinion of the Secretary that if the four previous conditions can be found to exist, the granting of the variance would not be opposed to the spirit and intent of the Zoning Ordinance

Page 3
BZA 11-30
EZA AGENDA
3-25-80

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the variance to reduce the lot area per family from 580 square feet to 300 square feet, be approved.

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

March 3, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 11-80

An application has been filed by Roger M. King, 901 North Broadway, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required lot area per family from 580 square feet to 300 square feet on property zoned the "C" Commercial District and legally described as follows:

The West 23 feet of Lots 2,4,6,8,10, "J.R. Mead's Addition" to Wichita, Sedgwick County, Kansas. Generally located approximately 200 feet east of St. Francis on the north side of Douglas (618 East Douglas).

This application has been assigned case No. BZA 11-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 25, 1980, 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. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

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. 11-80

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>12</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>24</u>	TOTAL NOTICES SENT <u>3-3-80</u>

bender . . .
BENDER ASSOCIATES, P.A.

February 22, 1980

Board of Zoning Appeals
Tenth Floor
City Hall
455 N. Main
Wichita, Kansas

Reference: KING APARTMENTS
618 E. Douglas

Gentlemen:

Application is hereby made to the Board of Zoning Appeals for a variance in Lot Area Per Family requirements under "C" Commercial District regulations. This regulation requires 580 square feet per family. Approval was granted December 18, 1979, for the application to change zoning on this property from "E" to "C" (BZA #68-79).

We have plans to convert this existing hotel building into a ten unit apartment complex, with most units containing about 430 square feet and two units containing about 635 square feet. The first floor will remain as commercial space.

It is believed that this application will meet the requirements of Section 2.12. 590.B, Code of the City of Wichita in the following manner:

1. This building has been in use as an apartment/hotel for more than 40 years, long before minimum lot area requirements were enforced. Our project will approximately double the floor space available per tenant, by decreasing the number of apartment units per floor.
2. Granting of the permit for the variance will not adversely effect the rights of any adjacent property owners or residents. In fact the adjacent property owners will enjoy the benefits of a general "facelift" of the building, adding to the other cleaning up now in process on the same block. Everyone will benefit with the closing down of a delapidated hotel and the opening of a renovated apartment complex.

ARCHITECTURE • INTERIORS • PLANNING
247 N. MARKET WICHITA, KANSAS 67202 (316) 264-4371

Board of Zoning Appeals
February 22, 1980
PAGE TWO

3. Unless the variance is approved, the hotel will continue to operate and the need for downtown apartment units shall go unnoticed and the benefits of renovation to the overall neighborhood will not be realized.
4. The desired variance will not adversely affect the public health, safety, morals, order, convenience, or general welfare. More likely, due to the income level of the new tenants, the general public will benefit from the closing down of one of the last "skid row" holdouts.
5. Granting of the off-street parking variance will not be opposed to the general spirit and intent of the Zoning Ordinance; moreover, it will lead to a major face lift of the "Old Town Block".

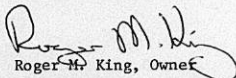
Enclosed is the following:

1. One (1) completed application for variance.
2. Certified list of adjacent property owners.
3. Two (2) copies of the property survey.
4. Check #1842 in the amount of \$50.00.

If you have questions, please contact Roger Bender or Jeff Van Sickle, at 264-4371.

Thank you for your consideration.

Respectfully submitted,


Roger M. King, Owner

Enclosures

cc: (with copy of Application)
Delores Mast, Central Inspection

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Roger M. King
Mailing Address 901 N. Broadway, Wichita, Kan. 67214 Phone 684-0526 office
683-8377 home
Name of Authorized Agent N/A
Mailing Address N/A Phone N/A
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is: to reduce the required lot area
per family from 570 square feet to 500 square feet.
(580 Sq. Ft.), under "C" Commercial District, Section 28.04.100, C,
paragraph 4.

for property located approximately 200 feet east of St Francis on the north
side of Douglas 618 E. Douglas) Wichita, Kansas

and legally described as: The West 23 feet of Lots 2, 4, 6, 8, 10,
'J. R. Mead's Addition', to Wichita, Kansas.

in the City of Wichita; and which is presently zoned "C" (BZA #68-79)

- 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.

Roger M. King
Applicant

N/A
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 1:30 (a.m. - p.m.), February 25, 19 80
together with appropriate fee of \$50.00.

L. Lynn Shirley
Signed

O W N E R S H I P L I S T

Lot	Addition	Property Owner
odd lots 73 thru 95 , Douglas and a tract beg. at NE corner lot 95 the south 128 ft, thence east 30 ft, thence north 128 ft, thence west 30 ft to pob.	N. A. English Addition	✓ Urban Renewal Agency 455 North Main 67202
Lots C & D Douglas	J. R. Mead's Addition	✓ Herbert Moses and Esther Moses 602 East Douglas 67202
lot 70, Douglas	Same	✓ Otto Woermke and Erna 604 East Douglas 67202
lot 72, Douglas	Same	✓ Dick Puryear 608 East Douglas 67202
lots 74 & 76 Douglas	Same	✓ Wesley C. Renfro <i>no address</i> 612 East Douglas <i>67202</i>
lot 1, St. Francis	Same	✓ Huber Janitor Supplies Inc. 114 N. St. Francis 67202
lot 3 St. Francis	Same	✓ Carpenters Local Union No. 201 112½ N. St. Francis 67202
lot 5 St. Francis	Same	✓ L. D. Leland, Perry Eash etal as Trustees, 620 W. Douglas 67203
lot 7 St. Francis	Same	✓ Union Rescue Mission Inc. 130 N. St. Francis 67202
Beginning 62 ft west of the SE corner of lot 2 on Fifth now Santa Fe, J. R. Mead's Addition to Wichita, thence north 136.9 feet to the alley; thence west 25 feet; thence south to Douglas Avenue; thence east to pob, being a part of lots 2,4,6,8 and 10, on Fifth now Santa Fe., J. R. Mead's Addition		D Roger M. King & Martha O. King 419 S. Crestway 67218
Beginning 37 ft west of the Se corner of lot 2 on Fifth Now Santa Fe, J. R. Mead's Addition to the City of Wichita, thence north 136.9 feet, thence west 25 feet; thence south 136.9 feet; thence east to pob, being a part of lots 2,4,6 8 and 10, on Fifth now Santa Fe, J. R. Mead's Add.		Same



SECURITY IS KNOWING

Title Insurance • Escrow Closings • Abstracts

Lot	Addition	Property Owner
west 23 ft of lots 2,4,6,8,10 Santa Fe	J. R. Mead's Addition	D Roger M. King & Martha O. King 423 S. Crestway 67218
East 37 ft lots 2,4,6,8,10 Santa Fe and 5.3 ft adj. on east	Same	✓ Harry Lankford 3921 East Douglas 67218
East 25 ft of west 48 ft of lots 2,4, 6,8 and 10, Santa Fe	Same	✓ Durrell Armstrong 970 Back Bay Blvd. 67203
lots 14,16,18 Santa Fe	Same	✓ Automotive Distributing Co., Inc. 126 N. St. Francis 67202
lots 20 and 22 Santa Fe	Same	D Urban Renewal Agency 455 North Main 67202
lots 24 and 26 Santa Fe	Same	D Harry G. Lankford 3921 East Douglas 67218

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: The West 23 feet of
Lots 2, 4, 6, 8, and 10, on Santa Fe, J. R.
Mead's Addition

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 19th day of November, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Isable

Vice President

Order No. 283490
wh

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

March 3, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 11-80

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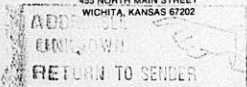
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Jack H. Galbraith
Secretary

WICHITA - SEDGWICK COUNTY



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



No address available

Wesley C. Renfro
612 East Douglas
Wichita, Kansas 67202



**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 2 921

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
<i>150 321</i>	<i>1.00</i>
<i>150 321</i>	<i>1.00</i>
<i>150 321</i>	<i>1.00</i>
NAME <i>City of Wichita</i>	
ADDRESS <i>150 N. Lincoln St.</i>	
FUND <i>2091</i>	DUE DATE <i>1/7/60</i>
COMMENTS	
DATE <i>1/7/60</i>	BY <i>[Signature]</i>