

Pastco
2-29-84
BWX

Case No. BZA 11-84 - EME Incorporated,
Requests a variance to eliminate the
required masonry wall adjacent to any
residential zoning district & sub-
stitute a 6' to 6½' wood fence along
the west, east & north property lines

ACTION
BZA 11-84 APPROVED 3-27-84
DATE
Pastco 5-9-84 RW

Doc's Sec. 5-2-84
SHOT 5-22
RECORDED ✓

April 2, 1984

EME Incorporated
#1 Villas Drive
Wichita, Kansas

Re: BZA 11-84 - Request for Exception

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 27, 1984.

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. Although the Board did not specifically dictate to you the type of wood fence to be used it is assumed you will provide some uniformity in the appearance of the fence. It should be noted that any existing fence that is not 6'6" in height is not acceptable for compliance with the action of the Board.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Jill Eaton, 3910 East Kellogg, Wichita 67218
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 11-84

WHEREAS, EME Incorporated, #1, Villas Drive, Wichita, Kansas, requests an exception as provided in Section 28.04.080.4(d), Code of the City of Wichita, to permit the substitution of a wood fence in lieu of a masonry wall where the property is adjacent to any residential zoning district on property zoned the "BB" Office District and legally described as follows:

Lot 1, Max Eaton Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg and west of Bluff Street (3910 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 March 27, 1984, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C and 28.04.080.4(d), Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the substitution of a wood fence in lieu of a masonry wall adjacent to any residential zoning district on property zoned the "BB" Office District subject to the conditions outlined in Section 28.04.080.4(d), Code of the City of Wichita.

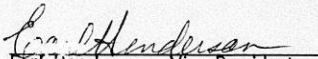
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the substitution of a wood fence in lieu of a masonry wall where the property is adjacent to any residential zoning district on property zoned the "BB" Office District and legally described as follows:

Lot 1, Max Eaton Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg and west of Bluff Street (3910 East Kellogg).

subject to the following conditions:

1. A 6-1/2 foot wood fence shall be installed adjacent to the west, north and east property lines, provided however, the fence shall not be located closer than 20 feet to the right-of-way of Kellogg.
2. The screening fence shall be designed to prevent the passage of light and debris and shall be maintained in good condition.
3. It shall be the option of the applicant to fence that portion of the property that is adjacent to the "LC" Light Commercial and "BB" Office Districts along the east property line.

ADOPTED AT WICHITA, KANSAS, this 27th day of March, 1984.


Earl Henderson, Vice President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION DATE March 22, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 11-84 (North side of Kellogg
and Bluff) 3910 East Kellogg

CPO Council "G" considered the captioned case at its March 19th meeting and voted 8-0 to recommend that the exception to substitute a wood fence in lieu of a Masonry wall adjacent to any residential zoning district be denied.

Two adjoining property owners were present and spoke in opposition to the exception. The residents contended that a Masonry wall provides more protection to the residential neighborhood from light, debris, and noise that will be generated by the "Bread and Breakfast Inn" than a wooden fence, and that a wooden fence is likely to be knocked down and will require more maintenance. The residents also expressed concern that the applicant was reneging on promises made at meetings of the Metropolitan Area Planning Commission and the City Commission when the zoning on the property was changed from "A" to "BB" during October 1983.

No one was present to speak in support of the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered on March 27th.


Shirley Mast
Administrative Aide III

SM:sm

SECRETARY'S REPORT
CASE NO. BZA 11-84

APPLICANT: EME Incorporated, #1 Villas Drive, Wichita, Kansas.

AGENT: Jill Eaton, 3910 East Kellogg, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.080.4 (d), Code of the City of Wichita to permit the substitution of a wood fence in lieu of a masonry wall adjacent to any residential zoning district.

GENERAL LOCATION: On the north side of Kellogg and west of Bluff Street (3910 East Kellogg).

ZONING: Subject property is zoned the "BB" Office district. Property to the east is "LC" Light Commercial. Properties to the west and north are "AA" One-family and "A" Two-family. Property to the south is "A" Two-family and "B" Multiple-family Dwelling Districts.

LAND USE: Subject property is being converted from residential to a motel. Properties to the north and west are one and two-family dwellings. Property to the south are four-plexes and one-family dwellings.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception as provided by Section 28.04.080.4 (d) of the zoning ordinance.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception as set forth in the ordinance to substitute a wood fence in lieu of a masonry wall at the property lines adjacent to any residential district. The proposed use is permitted in the "BB" Office District only when a 6-1/2 foot masonry wall is installed at the property line adjacent to any residential district. In this case, a wall would be required along the west, north and about half of the east property lines.

In the process of securing the "BB" Office zoning, the property was replatted into one lot with utility easements on the entire perimeter except for the frontage adjacent to Kellogg. This precludes the location of the masonry wall in the easement thus resulting in this request as set forth in the ordinance. Any types of fence that would prevent the passage of light or debris is acceptable. The applicant should submit a detail of the fence to the Secretary for approval.

RECOMMENDATION:

It is the recommendation of the Secretary that the exception be granted subject to the following conditions:

1. A 6-1/2 foot wood fence shall be installed adjacent to the west, north and east property lines, provided however, the fence shall not be located closer than 20 feet to the right-of-way of Kellogg.

2. The screening fence shall be designed to prevent the passage of light and debris and shall be maintained in good condition.
3. It shall be the option of the applicant to fence that portion of the property that is adjacent to the "LC" Light Commercial and "BB" Office Districts along the east property line.

BZA CASE NO. 11-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>32</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>35</u>	TOTAL NOTICES SENT <u>3-7-84</u>

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

March 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 11-84

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 EME Incorporated, #1 Villas Drive, Wichita, Kansas, 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 eliminate the required masonry wall adjacent to any residential zoning district and substitute a 6 foot to 6½ foot wood fence along the west, east and north property lines where adjacent to a residential zoning district, on property zoned "BB" Office District. A legal description of the applicant's property is as follows:

Lot 1, Max Eaton Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg and west of Bluff Street (3910 East Kellogg).

This application has been assigned Case BZA 11-84. It will be considered by the Board of Zoning Appeals on March 27, 1984 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 or objections regarding 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.

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.

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

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 11-84

CITY OF WICHITA, KANSAS

FILED 2-27-84

APPLICATION FOR EXCEPTED VARIANCE

I. Name of Applicant EME Incorporated

Mailing Address #1 Villas Drive Phone 733-2385

Name of Authorized Agent Jill Eaton

Mailing Address 3910 E. Kellogg, Wichita, 67218 Phone 689-8101

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

II. The ^{exception} variance requested is to alternate perimeter screening wall
from masonry wall to wood fencing. reasons-#1.) Not allowed to build
on an easement. #2.) Footing would be directly over and above a man-
hole and main sewer line. (please see #28.04.080(4)d-exception for screening)
for property located 3902.04.06.08.10. & 3912 E. Kellogg, Wichita, Ks.

and legally described as: Lot 1 Max Eaton addition, Sedgwick Co.,
Wichita, Kansas.

in the City of Wichita; and which is presently zoned BB.

- 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. 36-596); 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 EME Inc.

Authorized Agent Jill Eaton
Jill Eaton

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
2:30 (p.m.), FEB 27, 1984 together with
appropriate fee of 150.00.

Signed [Signature]

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:

All the Owners within 200 Feet of Lots 2 and 3 in Carney Addition, Wichita, 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.)

All of Lots 1, 2 and 3 in Carney Addition.

Vann V. Jones ✓
 Mary Lee Jones ✓
 3823 E. Lewis 67218

Lot 7 Bluff Ave Merriman Park Fifth Place Add.

Allison D. Stattan
 958 S. Edgemoor 67208

Lots 8
 9 and 10 " "

Daniel G. Ramierz
 Lou Ann Ramirez
 409 S. Bluff 67218

Lots 11
 and 12 " "

Opal Horner
 Hillcrest Apartments
 115 S. Rattan Apt. 9C 67218

Lots 13 &
 14 " "

C. Wayne Tull
 Bette Ruth Tull
 5307 San Feliciano Dr.
 Woodland Hills Calif. 91364

Lots 15
 and 16 " "

James Robert Bortz
 Navey S. Bortz
 437 S. Bluff 67218



Lots 17 and 18	Bluff Ave	Merriman Park Fifth Place	✓	Central Steel Products I P.O. Box 1773 67201
Lots 19 and 20	"	"	✓	Scotch & Sirloin Inc. 3941 E. Kellogg 67218
Lots 32 and 33	"	"	✓	Brian Charles Brenner Linda Susan Brenner 430 S. Bluff 67218
Lots 34 & 35	"	"	✓	Olia D. Shade Lois M. Shade 432 S. Bluff 67218
Lots 36 37 & N 1' Lot 38	"	"	✓	Charles E. Demo B. Irene Demo 440 S. Bluff 67218
W 82" Lot 38 Exc N 1' & W 82' Lots 39 & 40	"	"	D. ✓	Central Steel Products In. Box 1773 67201
Lot 4	Roosevelt	Orr's Addition	✓	Wendell P. Lake Lucille Lake 418 S. Roosevelt 67218
Lot 5	"	"	✓	Drew W. Reynolds Karen V. Reynolds 422 S. Roosevelt 67218
Lot 6	"	"	✓	James K. Brown Clara A. Brown 426 S. Roosevelt 67218
Lot 7	"	"	✓	Edward G. Sommers Lorraine F. Sommers 430 S. Roosevelt 67218
Lot 8 & N 8.88' of Lot 9	"	"	✓	Martha R. Hodges 436 S. Roosevelt 67218
S 41.12' Lot 9 and N 8.88' Lot 10	"	"	✓	Gary A. Bianchi e/o Deborah G. Cooksey 442 S. Roosevelt 67218
S 60' Lot 10	"	"	✓	Anna M. Conwell 2106 N. Old Manor 67208
All that Part of the NW 1/4 of 26-27-1E Lying South of Kellogg East of Rutan Ave and West of Longview Terrace Addition.			✓	Catholic Diocese of Wichita, Inc. 408 N. Broadway 67208



Dated at Wichita, Kansas Aug. 1, 1983 at 7:00 A.M.

Order No. 61520

FIDELITY TITLE COMPANY INC

By *G. E. Reed* VP



See Order 677-2173 bk.

221 North Market Wichita, Kansas 67202 Phone (316) 262-8261
115 W. Pine El Dorado, Kansas 67042 Phone (316) 321-3970

Abstracts of Title Title Insurance Real Estate Escrow

N 150' of W 100'
of Lot 1, Block G

Fee's Sub.

Z. George Razook
3915 E. Kellogg 67218

Lots 1 & W exc. N 8'
for Highway, Blk A

Longview Terrace Add.

Glenn N. Rupp ✓
c/o Ernie Doyan
Scotch & Sirlain
3941 E. Kellogg 67218

Lots 3 & 4 & N 21' of
Lots 11&12, Blk A

"

Raymond C. Trimble ✓
Dorothy Trimble
14710 Willowbend 67230
and Phillip Barkett
1441 N. Rock Rd. 67206

Lot 5, Block A

"

Z. G. Razook
Mary Razook
3915 E. Kellogg 67218

Lot 6, Block A

"

Susie H. Badeen
George P. Badeen
3911 E. Kellogg 67218

Lot 7, Block A

"

Charles A. Dooling
Florence Dooling
3903 E. Kellogg 67218

Lot 8 exc. a tract commencing "
at SW/C of Lot 9, Nwely by
25' on curve following S line
of Lot 8, NE to NW/C Lot 9,
S to beg., Block A

James Douglas Bearden ✓
3902 Longview Lane 67218

Lot 9 & part of Lot 8, Beg. at "
SW/C of Lot 9, Nwely 25' on curve
bollowing S line of Lot 8, NEerly
to NW/C of Lot 9, S to beg. Block A

Kay Hardiman, Conservator
of Estate of Helen M.
Sutherland
4059 S. Wichita 67217

Lot 10, Block A

"

Escrow Contract
Joe A. Parmele
Renate Parmele
3904 Longview 67218

Lot 11, exc. N 21',
Block A

"

Catherine Taylor Harr
3906 Longview Lene 67218

Lot 12, exc. N, 21',
Block A

"

P. Louise Wilson
Patricia G. Wilson
3910 Longview Lane 67218

Lot 6, Bluff Ave.

Merriman Park 5th Add

Warren R. Winne
Wanda M. Winne
155 N. Ridgewood Drive
67208

Lots 30 & 31, Bluff Ave.

"

Allison D. Statton
958 S. Edgemoor 67208

Lot 3, Roosevelt Ave.

Orr's Addition

Virginia S. Addington
5507 Gramar 67218

Ronald Hobart
Jerry Margaret McKee
414 S. Roosevelt 67218

Dated at Wichita, Kansas Aug. 1, 1983 @ 7:00 A.M.

Order No. 61520

FIDELITY TITLE COMPANY, INC

By: *C. E. Bud Ridder*
C. E. Bud Ridder

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Pibg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

*

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

Roll # 2