

Case No. BZA 18-85 - St. Joseph Development Corporation - requests an exception to establish an off-street parking lot on property zoned the "AA" One-family Dwelling District and generally located on the northeast corner of Paige and

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ACTION

BZA 18-85 Defer I No. 4-23-85
DATE

BZA DENIED 3-2 5-23-85

Document Name:
BZA 18-85

Requestor's ID:
OP5PLAN

Author's Name:
LYTLE/mlh

Document Comments:
ENVELOPES FOR BZA CASE NO. 18-85

NOTICE OF CHANGE IN HEARING DATE!

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

April ¹⁹ 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 18-85

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 St. Joseph Development Corporation, % Bill Bradshaw, 3600 East Harry, Wichita, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to establish an off-street parking lot on property zoned "A" One-family Dwelling District. A legal description of the applicant's property is as follows:

All of Lot 10 and the south 45 feet of Lot 11,
Block 5, Lyncrest Heights Addition to Wichita,
Sedgwick County, Kansas. Generally located on
the northeast corner of Paige and Harry.

This application has been assigned Case BZA 18-85. It will be considered by the Board of Zoning Appeals on ~~April 23, 1985~~ 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 exception, 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, 266-4516.

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

*** THE APPLICANT HAS REQUESTED THIS
CASE BE DEFERRED TO THE
MEETING OF MAY 28, 1985.**

NOTICE OF CHANGE IN HEARING DATE!

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

April ¹⁶ 1985

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Plan

(_____) Published in The Daily Reporter, March 15, 1985

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on the 1st day of April, 1985, the Sedgwick County Board of Zoning Appeals, in Room 320, Sedgwick County Courthouse, 525 North Main, Wichita, Kansas, will consider the following application; at 3:30 p.m.

1. Case No. Co.BZA 1-85 - Robert Pippin, R.R.#1, Box 76-5, Benton, Kansas, pursuant to Section 16-A-2., Zoning Resolution of Sedgwick County, Kansas, requests a variance to permit the erection of a wind generating unit to a height of 100 feet in lieu of 45 feet, on property zoned the "R-1" Rural Residential District and legally described as follows:

The west half of the east half of the Northwest Quarter of the Northwest Quarter of Section 24, Township 26 South, Range 2 East of the 6th P.M., in Sedgwick County, Kansas. Generally located on the south side of 53rd Street North and east of 143rd Street East (14631 East 53rd Street North).

as provided in the County Zoning Resolution Section 16, the same will there be discussed and considered by the said Sedgwick County Board of Zoning Appeals, and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises. Any protest against any of the provisions of the exception or variance will be considered by the Sedgwick County Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 12th day of March, 1985.

William J. Goebel, Chairman

ATTEST:

Robert A. Lakin, Secretary

COPY

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

April 3, 1985

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Jack H. Galbraith
Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation
Division of CRS

DATE April 10, 1985

TO Glen Lytle, Special Assistant for Zoning

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 18-85: NORTHEAST
CORNER OF PAIGE AND
HARRY

On Monday, April 8, CPO Area "H" was to have considered the above captioned item. However, neither the applicant or the agent were present to discuss the proposed request.

According to the President of the CPO Area "H" Council, Sharon Ryan, the applicants have changed their minds about the project and did not want it considered by the CPO Council!

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 18-85 is considered on Tuesday, April 23.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC/glw

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

THE CITY OF WICHITA

**OFFICE OF Citizen Participation
Division of CRS**

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THE CITY OF WICHITA
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BLC/glw

Noted:

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THE CITY OF WICHITA

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THE CITY OF WICHITA

OFFICE OF Citizen Participation
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DATE April 10, 1985

TO Glen Lytle, Special Assistant for Zoning
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SUBJECT BZA 18-85: NORTHEAST
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THE CITY OF WICHITA

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THE CITY OF WICHITA

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DATE April 10, 1985

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CRS Director

THE CITY OF WICHITA



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

June 4, 1985

St. Joseph Development Corp.
& Bill Bradshaw
3600 East Harry
Wichita, Ks. 67218

Re: BZA 18-85 - Request for Exception

Dear Mr. Bradshaw:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 28, 1985.

This Resolution reflects the official action of the Board to deny 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

Encl.

cc: Buzzl Realty Company, 5900 E. Central, Wichita 67208
Donald & Valerie Pastore, 2400 Mockingbird, Wichita 67232
Kenneth L. & Carol D. Humphreys, Jr., 2400 Mockingbird, Wichita
67232
Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk
Clinton E. Scott, 1233 Eastmoor, Wichita 67207
Roger Brown, 1234 Eastmoor, Wichita 67207
William L. Korber, Baughman Company, 330 Laura, Wichita 67211

RESOLUTION NO. BZA 18-85

WHEREAS, St. Joseph Development Corporation, & Bill Bradshaw, 3600 East Harry, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an off-street parking lot on property zoned the "AA" One-family Dwelling District and legally described as follows:

All of Lot 10 and the south 45 feet of Lot 11, Block 5, Lynncrest Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Paige and Harry.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

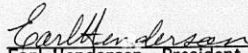
WHEREAS, the Board of Zoning Appeals did, at the meeting of May 28, 1985, consider said application; and

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, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit or to deny the establishment of an off-street parking lot on property zoned the "AA" One-family Dwelling District, and if approved it should be subject to the conditions outlined in Section 28.04.145 Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED that after consideration of all the facts and statements by the opposition at the public hearing, the Board of Zoning Appeals of the City of Wichita, has recommended that this application for the establishment of an off-street parking lot on property zoned the "AA" One-family Dwelling District be denied.

ADOPTED AT WICHITA, KANSAS, this 28th day of May, 1985.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE May 21, 1985

TO Glen Lytle, Special Assistant for Zoning

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 18-85 Northeast corner of
Paige and Harry

On Monday, May 20, CPO Council "H" considered the above captioned case, a request for an exception to establish an off-street parking lot on property zoned "A" One Family Dwelling District. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments. After extensive discussion, the Council voted 7-0, with one abstention (Allen) to recommend denial of the request.

The agent had been invited but was not in attendance. There were, however, three area residents present who were very vocal in their opposition to the request.

Please provide the Council's recommendation to the MAPC and City Commission when case BZA 18-85 is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RE: AGENDA ITEM NO. 4

SECRETARY'S REPORT
CASE NO. BZA 18-85

APPLICANT: St. Joseph Development Corporation, 8 Bill Bradshaw, 3600 East Harry, Wichita, Kansas.

AGENT: Buzzi Realty Co., 5900 East Central, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.145, Code of the City of Wichita to permit the establishment of an off-street parking lot on property zoned the "AA" One-family Dwelling District.

GENERAL LOCATION: On the northeast corner of Paige and Harry.

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are the properties to the north and east. To the west is "B" Multiple-family and to the south is "BB" Office District.

LAND USE: Subject property is vacant except for an existing dwelling on the north. Properties to the north and east are one-family dwellings. To the west are apartments and to the south offices.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.183.5 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the establishment of an off-street parking area to be used in conjunction with the development of medical offices to the north. This application has been filed as a compromise or alternative to the original request for "B" Multiple-family Dwelling District zoning on this application area plus the area to the north that contains the existing residential structure. The original zoning application (Z-2668) has been deferred at the request of the applicant until this request can be processed for off-street parking. This will then reduce the area needed for zoning to allow the medical offices, which will eliminate some of the concern of the neighborhood residents that the site could be developed as apartments at a very high density.

The site plan submitted with the application indicates that the ingress and egress to the property will be from Paige. Also, the parking area will not be located in the 25 foot setbacks adjacent to Harry or Paige. The existing residential structure is to be enlarged and converted to medical offices. It would appear that this solution should be satisfactory to both the applicant and the neighborhood in retaining the general openness that now exists on the application area if landscaping of the setbacks are provided.

RECOMMENDATION:

Should the Board determine that the proposed use of the property as an off-street parking lot is appropriate, then it is the recommendation of the Secretary that the exception be approved subject to the following conditions:

1. The exception is approved for parking to be used by a medical office facility only and it is not granted for the use by any apartment development.

2. The parking spaces and all drives and circulation aisles shall be surfaced with asphalt or concrete and be maintained in good condition.
 3. Only such signs as are necessary for the operation of the parking lot shall be permitted and shall not exceed the size set forth in 28.04.139 C.1 of the Zoning Ordinance.
 4. The parking area shall be used for passenger vehicles only and shall not include trucks or equipment of any business. The area shall not include the use of the property for any storage, work area, dismantling or servicing of any vehicles, equipment materials or supplies.
 5. Prior to occupancy of the property as a parking lot, and in no case later than 12 months from the approval by the Board, all conditions of this resolution and those of 28.04.145 of the zoning ordinance shall be complied with or the resolution shall become null and void.
 6. Prior to the release of the resolution authorizing the use of the property as a parking area for the medical office facility proposed to the north, the applicant shall have established "B" Multiple-family zoning to the north by the completion of Case No. Z-2668 on the reduced area.
-

BZA CASE NO. 18-85

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>31</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>34</u>	TOTAL NOTICES SENT <u>4-3-85</u>

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

April 3, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. PZA 18-85

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 St. Joseph Development Corporation, % Bill Bradshaw, 3600 East Harry, Wichita, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C. of the Code of the City of Wichita, the applicant is requesting an exception to establish an off-street parking lot on property zoned "A" One-family Dwelling District. A legal description of the applicant's property is as follows:

All of Lot 10 and the south 45 feet of Lot 11,
Block 5, Lynncrest Heights Addition to Wichita,
Sedgwick County, Kansas. Generally located on
the northeast corner of Paige and Harry.

This application has been assigned Case BZA 18-85. It will be considered by the Board of Zoning Appeals on April 23, 1985 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 exception, 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. 18-85

CITY OF WICHITA, KANSAS

FILED 3-11-85

APPLICATION FOR EXCEPTION

I. Name of Applicant St. Joseph Development Corp.
c/o Bill Bradshaw
Mailing Address 3600 E. Harry, Phone 689-5343
Wichita, KS. 67218
Name of Authorized Agent Buzzi Realty Co.
Mailing Address 5900 E. Central, Phone 682-7187
Wichita, KS. 67208
Relationship of applicant to property is that of Contract Purchaser
(Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section
2.12.590.C, Code of the City of Wichita, Kansas, to permit
the establishment of off-street parking permits Lot

on property zoned "AA" one-family dwelling Dist.
located at the N.E. Corner of Harry and Paige
and legally described as: All of Lot 10 and the south
45 feet of Lot 11, Block 5, Lynncrest Heights Addition.
to Wichita, Sedgewick Co., Ks.

_____ , 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. 36-596); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
- d. That he has been advised of his right to bring action in the District Court of Sedgewick County to appeal the decision of the Board.

Applicant *Bill Bradshaw*

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:15 (~~4:15~~ p.m.), March 11, 1985, together with appropriate fee of 2.00 ⁰².

Signed *A. Lytle*

WILLIAM L. KORBER, L.S.
JOHN E. LUNDBLADE, L.S.
N. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.
SURVEYING & ENGINEERING
316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

Board of Zoning Appeals:

The applicant has filed for a change in the zoning district from "AA" to "B" on Lots 10, 11, and 12, Block 5, Lynncrest Addition. The proposed zone change was rejected by the C.P.O. Council due to the neighbor's fear of a heavy density multi-family housing complex that could be constructed should the zone change be approved.

The C.P.O. Council chairperson has indicated that the neighbors and the Council would be agreeable to the zone change under the following conditions:

1. The zone change area be reduced to the area that encompasses the existing house plus the proposed addition thereto.
2. That the existing covenants be amended to allow for the operation of a medical facility only under the "B" zoning district.
3. That a request be made to the Board of Zoning Appeals to allow for off-street parking in the remaining "AA" zoning of Lots 10 and 11.

The applicable zoning ordinance in which the BZA has jurisdiction is 28.04.145.

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lots 5, 6, 7, 8 & 9	Block 4	Lyncrest Heights Addn.	H. Marvin Bastian 62 Norfolk Dr. Wichita, KS 67206 AND Frank M. Kessler 53 Via Verde Wichita, KS 67230
Lots 10, 11, 12, 13, 14, 15 & 16	Block 4	"	Gen-Rentals, Inc. 109 S. Pinecrest Wichita, KS 67218
Lot 1 and North 20' Lot 2	Block 5	"	Gay S. Hickerson Justine E. Hickerson 1201 Eastmoor Wichita, KS 67207
Lot 2 exc. the N. 20' & the N. 35' Lot 3	Block 5	"	Michael J. Farmer Lynda K. Farmer 1207 Eastmoor Wichita, KS 67207
Lot 3 exc. the N. 35' & exc. the S. 20' Lot 4	Block 5	"	John D. Moody Suzanne Moody 1213 Eastmoor Wichita, KS 67207
S. 20' Lot 4 & all Lot 5	Block 5	"	John W. Smee Catherine C. Smee 1217 Eastmoor Wichita, KS 67207
Lot 6	Block 5	"	James P. Loomis 1221 Eastmoor Wichita, KS 67207
Lot 7	Block 5	"	Henry Trotnic Norma J. Trotnic 1225 Eastmoor Wichita, KS 67207 AND Joyce A. Trotnic Address Unknown
Lot 8	Block 5	"	Elmer E. LeRoy Mary A. LeRoy 1229 Eastmoor Wichita, KS 67207
Lot 9	Block 5	"	Clinton E. Scott Lee Ann Scott 1233 Eastmoor Wichita, KS 67207
Lots 10, 11 & 12	Block 5	"	Donald Pastore Valerie Pastore AND Kenneth L. Humphreys, Jr. Carol Diane Humphreys 2400 Mockingbird Wichita, KS 67232 (Pastore's Address)

Lot	Block	Addition	Property Owner
Lot 13 & the S. 20.5' of Lot 14	Block 5	Lyncrest Heights Addn.	✓ Allen Hale ✓ Melissa Hale 1220 Paige Ave. Wichita, KS 67207
Lot 14 exc. the S. 20.5' & exc. the N. 22.5' of Lot 15	Block 5	"	✓ Stephen C. Hagan 1210 Paige Wichita, KS 67207
N. 22.5' Lot 15 & all Lot 16	Block 5	"	✓ James A. Bednarchik ✓ Kathleen A. Bednarchik 1206 Paige Wichita, KS 67207
Lot 17	Block 5	"	✓ Paul Lavon Harris ✓ Ruth C. Harris 8101 E. Boston Wichita, KS 67207
Lot 1	Block 6	"	✓ James R. Rabe ✓ Sharon A. Rabe 1202 Eastmoor Wichita, KS 67207
Lot 2	Block 6	"	✓ Ellen Chlentzos 1206 Eastmoor Wichita, KS 67207 AND ✓ Theodore A. Chlentzos 2542 Ridgewood Ct Wichita, KS 67220
Lot 3	Block 6	"	✓ Alan R. Weikal ✓ Norma Jane Weikal 1210 Eastmoor Wichita, KS 67207
Lot 4	Block 6	"	✓ John R. Lynch ✓ Emery Jane Lynch 1214 Eastmoor Wichita, KS 67207
Lot 5	Block 6	"	✓ Jim M. Smith ✓ Linda P. Smith 1218 Eastmoor Wichita, KS 67207
Lot 6	Block 6	"	✓ Mavis M. Shank 1222 Eastmoor Wichita, KS 67207
Lot 7	Block 6	"	✓ John D. White Jr. ✓ Mary J. White 1226 Eastmoor Wichita, KS 67207
Lot 8	Block 6	"	✓ Judy D. Avant c/o Judy Marcus 1230 Eastmoor Wichita, KS 67207
Lot 9	Block 6	"	✓ Roger Lee Brown ✓ Mary Eleanor Brown 1234 Eastmoor Wichita, KS 67207

Lot	Block	Addition	Property Owner
Lot 11	Block 1	Annamae Garvie 2nd Addition	✓ Windsor at Cedarbrooke 8406 E. Harry Wichita, KS 67207
Lot 1	Block 1	Cedar Lakes Village 3rd Addition	✓ Caliendo Investment ✓ Corp. 400 N. Woodlawn Wichita, KS 67208
Lot 2	Block 1	"	✓ Robert S. Lightner 219 N. Market Wichita, KS 67202
Lot 4, Triple J Addition, Wichita, Sedgwick County, KS, Except that part described as beginning at the front corner common to Lots 4 and 5 in said Triple J Addition; th. East along the line common to said Lots 4 and 5 extended, a distance of 200 feet; th. north parallel with the west line of said Lot 4, 100.32 feet to the North line of said Lot 4; th. west along the north line of said Lot 4, 200 feet to the Northwest Corner thereof, th. south 100 feet.			✓ Mike Khoury 9313 W. 16th Wichita, KS 67212
Lot 3 except the South 25 feet of the West 200 feet		Triple J Addition	✓ Woodlawn Properties 5900 E. Central Suite 201 Wichita, KS 67208

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lots 10, 11 and 12, Block 5, Lynncrest Heights, an Addition to Wichita, Kansas, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 5th day of February, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND
TITLE COMPANY, INC.

By

Mary Gable
Sr. Vice-President

Order No: 343052
ns

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FORM 29-07 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
Cam BZA Except	1500 ⁰⁰

NAME Baughman Co.
ADDRESS 330 Laura

FUND 755-40910-003 DUE DATE 4-16-85

COMMENTS

DATE Mar 11 1985 BY [Signature]

FORM 29-1 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
BZA 18-85 Referral	100 ⁰⁰
Z-2668 Referral	

NAME Baughman Co.
ADDRESS 330 Laura

FUND 755-40910-003 DUE DATE 4-16-85

COMMENTS

DATE 4-16-85 BY J.D.

*

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

Roll # 2