

Case No. BZA 30-80 - James Sampley
requests a variance to reduce the
front yard setback from 25' to 10'
and 0' adjacent to Bonnie Brae
zoned "AA" One-family Dwelling
District and located on the

ACTION

BZA
30-80

COMMITTEE Deferred 1 mo. DATE 7-22-80
for appl. request

~~M.A.P.C. BZA~~ Strikes from the 8-26-80
agenda. Withdrawn by applicant

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

Case No. BZA 30-80 - James Sampley
requests a variance to reduce the
front yard setback from 25' to 10'
and 0' adjacent to Bonnie Brae
zoned "AA" One-family Dwelling
District and located on the

Map No. 6047
 Sec. 30
 Twp. 27
 Range 2E

BZA- 30-81
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
1. Acres: 0.4 (125 ft. by 142 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East UNDEVELOPED South PARKING LOT
 West SINGLE FAM North SINGLE FAM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: SINGLE FAM
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



BZA 29-
 " 30-81

August 28, 1980

James N. Sampley
420 Bonnie Brae
Wichita, Kansas 67207

Re: BZA Case No.'s 29-80 & 30-80
Exception and Variance
On the southeast corner of
Bonnie Brae and Peach Tree

Dear Mr. Sampley:

At the regular meeting of the Board of Zoning Appeals on August 26, 1980, the above-captioned cases were considered. After considerable discussion and after your withdrawal of the two cases, the action of the Board of Zoning Appeals was to strike these matters from the agenda.

If you have any questions concerning these cases or if I can be of assistance in providing you information concerning the filing of a vacation application, please contact our office.

Sincerely yours,

Jack H. Galbraith
Secretary

JHG:sad

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk
William Korber, 330 Laura, Wichita, Kansas 67211

THE CITY OF WICHITA



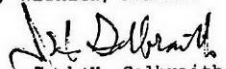
BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

July 14, 1980

TO WHOM IT MAY CONCERN AND ALL PERSONS INTERESTED:

Notice is hereby given that the public hearing for BZA cases 29-80 and 30-80 will be deferred one month to the regular meeting of The Board of Zoning Appeals on August 26, 1980, at the request of the applicant James N. Sampley, 420 Bonnie Brae, Wichita, Kansas.

The Board of Zoning Appeals meeting of August 26, 1980 will begin at 1:30 p.m., and be held in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.


Jack H. Galbraith
Secretary

JHG:sad

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE July 22, 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Bill Morris, CPO Administrative Aide

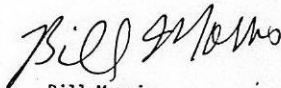
SUBJECT BZA 29-80 and 30-80: Southeast
Corner of Bonnie Brae and
Peachtree

CPO Council "H" considered the captioned cases on July 21. The Council was aware that the cases have been deferred from the original July 22 hearing date. However, due to the intense neighborhood interest, Council "H" chose to proceed with a recommendation.

The applicant was present to describe the circumstances of his request. Approximately 38 residents of the Bonnie Brae Neighborhood were present in opposition.

Council "H" voted 7-0 to recommend denial of the requested variance (BZA 30-80) and exception (BZA 29-80). As an alternative, the Council recommended (7-0) that the applicant be granted a variance to reduce or modify the parking requirement to allow the continued operation of Mr. Sampley's furniture store at its present location.

The members of Council "H" concurred with the neighborhood residents who fear that approval of Mr. Sampley's expansion onto the vacant lot at Bonnie Brae and Peachtree will set a precedent for future commercial encroachment into the neighborhood. Conversely, the Council recognized Mr. Sampley's predicament and felt that a reduction of his parking requirement is reasonable.



Bill Morris
CPO Administrative Aide

BM:ml

Noted



Sarah Gilbert
Assistant CP Coordinator

RECEIVED

JUL 22 1980

METROPOLITAN PLANNING

ROUTE

July 14, 1980

TO WHOM IT MAY CONCERN AND ALL PERSONS INTERESTED:

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The Board of Zoning Appeals meeting of August 26, 1980 will begin at 1:30 p.m., and be held in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

Jack H. Galbraith
Secretary

JHG:sad

BOARD OF ZONING APPEALS
SECRETARY'S REPORT
CASE NO. BZA 30-80

APPLICANT: James N. Sampley, 420 Bonnie Brae, Wichita, Kansas.

AGENT: William L. Korber, 330 Laura, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback adjacent to Bonnie Brae from 25 feet to 10 feet and 0 feet for off-street parking purposes only.

GENERAL LOCATION: On the southeast corner of Peach Tree Lane and Bonnie Brae.

ZONING: Subject property is zoned "AA" One-family Dwelling District as are the properties to the east, north and west. Property to the south is "LC" Light Commercial.

LAND USE: Subject property is vacant. Properties to the east, north and west are developed single-family. The property to the south is a furniture store.

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
EZA 30-30
BEE AGENT
7-22-30

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required 25 foot front yard setback adjacent to Bonnie Brae to be reduced to ten feet and 0 feet for off-street parking purposes only. This application is a companion request along with Case No. EZA 29-30 to establish an off-street parking lot in the "AA" One-family Dwelling District.

The lot included in the application area is platted as a corner lot with 25 foot front yard setbacks adjacent to Bonnie Brae and Peach Tree Lane. The applicant has requested to vary the setback only adjacent to Bonnie Brae from 25 feet to 10 feet except for the south 20 feet which has been requested to be varied to 0 feet.

The City Commission recently approved the installation of a permanent barrier in Bonnie Brae to prohibit vehicular traffic from Kellogg into the residential area to the north. This barrier is being installed at the present time at the south property line of the application area, thus any use of the lot should be restricted to a residential use or be limited to no access to the residential streets to the north and west. The plan submitted with EZA Case No. 29-30 indicates that all access to the parking lot will be limited to the area south of the barrier.

It is the opinion of the Secretary that since Bonnie Brae has been closed to thru traffic, and the street remains intact, it is appropriate to reduce the front yard setback for off-street parking purposes only.

UNIQUENESS:

It is the opinion of the Secretary that the requested variance may arise from conditions unique to this property inasmuch as the property is now located adjacent to a street that has been closed to vehicular traffic.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as parking is permitted in the street which is closer to the residence to the west than the parking lot will be.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of Title 23 (Zoning Ordinance) would constitute an unnecessary hardship upon the applicant inasmuch as the applicant needs the requested variance to provide adequate circulation on the proposed parking lot.

Page 3
BZA 30-80
BZA AGENDA
7-22-80

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not affect the public interest inasmuch as the variance will be for parking purposes only.

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 Title 28 (Zoning Ordinance) inasmuch as should the street be vacated, this yard would become a sideyard and parking could be permitted to extend to the present centerline of the street without a variance.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following:

1. This variance shall be subject to the approval and conditions set forth in the Resolution BZA 29-80.
2. The variance shall reduce the front yard setback adjacent to Bonnie Brae for off-street parking purposes only. The variance shall reduce the setback from 25 feet to 10 feet except for the south 20 feet which shall be reduced to 0 feet.

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

July 2, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 30-80

An application has been filed by James N. Sampley, 420 Bonnie Brae, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the front yard setback from 25 feet to 10 feet and 0 feet adjacent to Bonnie Brae on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Block 8, Bonnie Brae Addition
to Wichita, Sedgwick County, Kansas.
Generally located on the southeast
corner of Bonnie Brae and Peachtree.

This application has been assigned case No. BZA 30-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 22, 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. 30-80

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

14 NOTICES SENT TO ADJOINING PROPERTY OWNERS

27 TOTAL NOTICES SENT 7-2-80

BOARD OF ZONING APPEALS

CASE NO. 3080

CITY OF WICHITA, KANSAS

FILED 6-23-80

APPLICATION FOR VARIANCE

I. Name of Applicant James N. Sampley

Mailing Address 420 Bonnie Brae Phone 683-5641

Name of Authorized Agent William L. Korber

Mailing Address 330 Laura, Wichita, KS. 67211 phone 262-7271

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

II. The variance requested is vary the set back line along Bonnie Brae

to reduce the front yard setback from 25 feet to
10 feet and 0 feet adjacent to Bonnie Brae

for property located S.E. Corner Bonnie Brae and Peachtree

and legally described as: Lot 1, Block 8, Bonnie Brae An Addition
to Wichita, Kansas.

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

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.

James N. Sampley
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 1:30 (~~a.m.~~ - p.m.), JUNE 23 1980
together with appropriate fee of ~~\$50.00~~
\$150.00

T9-402

W. L. Korber
Signed

OWNERSHIP LIST

Lot	Addition	Property Owner
lot 7, Blk 7	Bonnie Brae Addition	Charles B. Myers and Hazel G. Myers Address Unknown
lot 8, Blk 7	Same	✓ ✓ Paul L. Cook & Dorothy 405 Bonnie Brae 67207
lot 1, Blk 8	Same	✓ ✓ The Union National Bank of Wichita, Kansas, Trustee 150 North Main 67202
lot 2, Blk 8	Same	✓ ✓ Vicki Fairchild 8407 Peach Tree Lane 67207
lot 3, Blk 8	Same	✓ ✓ Douglas J. Moshier and Carolyn S. Moshier 8415 Peach Tree Lane 67207
lot 2, Blk 9	Same	✓ ✓ Nolan H. Jackson & Sylvia L. 308 Bonnie Brae 67207
lot 3, Blk 9	Same	✓ ✓ Marvin Edward Elliott and Mildred May Elliott 8404 Peach Tree Lane 67207
lot 4, Blk 9	Same	✓ ✓ Leo J. Johnson and Carolyn K. Johnson 8418 Peach Tree Lane 67207
lot 10, Blk 10	Same	✓ ✓ Kenneth G. Fuson & Betty L. 8320 Peach Tree Lane 67207
lot 11, Blk 10	Same	✓ ✓ Max H. Decker and A. Darlene Decker 315 Bonnie Brae 67207
lot 12, Blk 10	Same	✓ ✓ Donald F. Scherer and Mary Jane Scherer 8327 Willowbrook Road 67207
lot 13, Blk 10	Same	✓ ✓ Howard A. McFarland and Vera V. McFarland 8321 Willowbrook Road 67207
lot 1	Dry Addition	J. R. Dry, Verda S. Dry, J. R. Dry, Jr. Address Unknown

Lot	Addition	Property Owner
lot 1	Ruth Addition	United Life & Accident Insurance Company Address Unknown
lot 2 except east 174.4 ft & north 100 ft	Ruth Addition	✓ Texaco Inc. 8301 Oak Knoll 67207

Beginning as a point established as follows: ✓ C. L. FINLEY & JANE FINLEY
 From the SE corner of lot 2, in Ruth Addition to Wichita, measure west along the south line 7700 East 13th St. No. 71
 of said lot 174.4 feet; thence north parallel to the east line of said lot 150 feet; thence 67206
 NELY along a line which would intersect the north line of said lot at a point 164.4 feet west of the NE corner of said lot to a point which is 92 feet south of the north line of said lot for the point of beginning; thence from said point of beginning NELY to a point on the north line of Lot 2 which is 164.4 feet west of the NE corner of said lot; thence east 9 feet; thence south parallel to the east line of said lot a distance of 92 feet; thence westerly 19 feet, more or less to the point of beg., all in lot 2, Ruth Addition excepting and reserving unto grantors a perpetual easement and right of way over, on and above the North 15 feet of above described property for road purposes for the purpose of ingress and egress

That part of lot 2, Ruth Addition to the City of Wichita, described as beginning 174.4 feet west and 150 feet north of the SE corner of said lot 2; thence west parallel to the south line of said lot to the East line of Bonnie Brae Street; thence NELY along the east line of said Bonnie Brae Street to the NW corner of said Lot 2; thence east along the north line of said lot to a point 164.4 feet west of the NE corner of said lot; thence south to the point of beginning, excepting and reserving unto the grantors herein, a perpetual easement and right of way over, on and above the north 15 feet of above described property for road purposes for the purpose of ingress and egress in and to Lot 2, Ruth Addition

✓ C. L. Finley & Jane
7700 East 13th St.-No. 71
67206

Lot	Addition	Property Owner
lot 3 except north 100 ft and except west 155.7 feet	Ruth Addition	✓ Gary K. Edminster 8402 East Kellogg 67207 <i>returned 7-7-80</i> <i>resent to: 5908 S. 107th East</i> <i>Derby 67037</i>
North 100 ft lot 3 except west 155 ft	Same	Ralph E. Jett Address Unknown

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

A 200 foot radius of: Lot 1, Block 8,
Bonnie Brae Addition, Wichita, Sedgwick
County, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 23rd day of June, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Gable
Vice President

Order No. 288919
wh



Sampley interiors

June 23, 1980

Board of Zoning Appeals

A variance is requested due to a change in parking privileges originally granted by Texaco Inc. The building construction permit was, in the beginning, allowed due to an agreement by the then manager of the Texaco service station and is no longer valid according to Texaco.

The use as a parking facility of the property north of the stores location would be a neighborhood improvement with the proper fencing and landscaping.

I am doubly interested in the Bonnie Brae area due to the fact that I also own and live at 132 Bonnie Brae and have fought to maintain it as a well kept residential area, at one time being the President of the Bonnie Brae Homeowners Assoc.

The 420 Bonnie Brae property would be drastically downgraded without the approval of this variance request, and create a definite hardship.

The 418 Bonnie Brae property is the only property available in the area for this usage and is a natural finish to the neighborhood, creating the blockage of traffic sounds and sights from other availing parking areas.

contemporary furniture

420 Bonnie Brae
Wichita, KS 67207
Phone 316-683-5641



MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 20021

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

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

*

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

Roll # 2