

BZA 31-74 - East Side National  
Bank requests variance of re-  
quired landscaped screening con-  
figuration at NE corner Orme and  
Longfellow Lane.

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

1005 N. Market

POSTED  
10-30-74

MAPV  
E.I. ✓  
C.A.  
12-6-74

# ACTION

B2A COMMITTEE Approved DATE 11-26-74

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

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

BZA 31-74 - East Side National  
Bank requests variance of re-  
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figuration at NE corner Orme and  
Longfellow Lane.

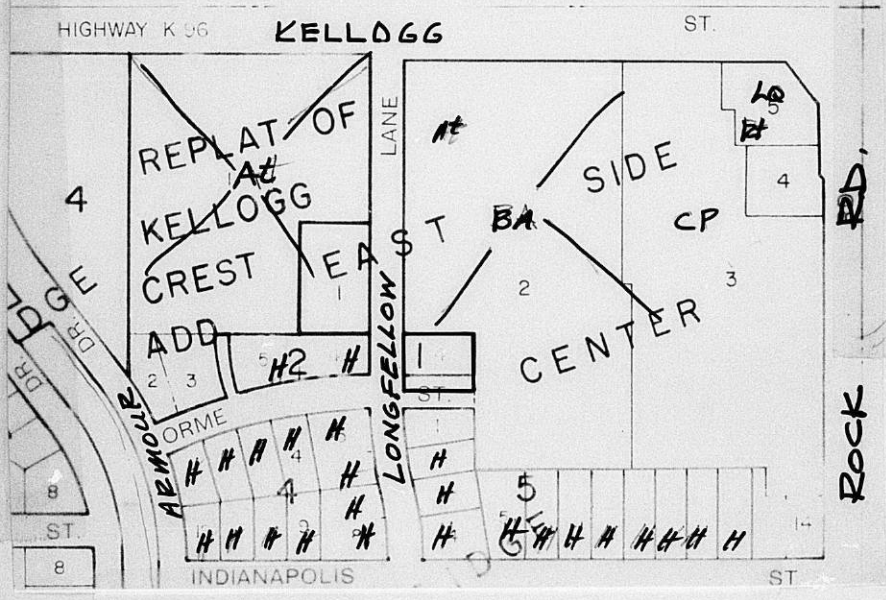
Exclude Center 2nd

Map No. 5946  
Sec. 30  
Twp. 27  
Range 2E

BZA- 31-74  
SCZ- \_\_\_\_\_  
CU- \_\_\_\_\_  
Filed \_\_\_\_\_

- AREA DATA:
1. Acres: 0.3 ( 107 ft. by 125 ft.)
  2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
  3. Land Use: East PARKING LOT South SINGLE FAM  
West SINGLE FAM North PARKING LOT
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use if for: BARNS PARKING
  6. Area (is) (is not) platted. \_\_\_\_\_

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



  
 No. 2153C  
 EASTING - IN-LOS ANGELES  
 LOCAL ON - INDIANAPOLIS, IN. U. S. A.

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

November 5, 1974

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 31-74

An application has been filed by East Side National Bank and Trust Company, 7701 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to change the configuration of the landscaped area adjacent to a residential district from the required 50 foot frontage by 25 foot deep rectangular area to a 50 foot frontage by 50 foot deep triangular area on property zoned the "LC" Light Commercial District, and legally described as follows:

Lot 1, in East Side Center Second Addition to  
Wichita, Sedgwick County, Kansas. Generally  
located at the northeast corner of Longfellow  
and Orme.

This application has been assigned Case No. BZA 31-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 26, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

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Jack H. Galbraith  
Secretary

BZA 31-74

Subj. = LC

South = AA

West = AA

North = LC

East = LC

Parking lot East N.

single family W  $\frac{1}{2}$  S.

8 foot Masonry wall behind houses  
to south

Vac. 5-12-72

Plat Oct 73

WHITE LOG MOUNTAIN

INSCHLYNE WEEBEE

robson kuhnel and spangenberg a.l.a. architects and planners p.a.

DATE: 8 NOV 74

TO:  METROPOLITAN PLANNING

ATTENTION: MR LARRY DOBSON

PROJECT: EAST SIDE DRIVE-UP

ENCLOSED ARE 2 COPIES OF  
THE REVISED SITE PLAN CHANGING THE  
LANDSCAPED AREA TO A 50' X 50'  
TRIANGLE AS WE DISCUSSED



SIGNED

*For Spangenberg*

cc:

**KEITH LESHER - EAST SIDE BANK**

V005  
V0591

35' East Side  
Pds. Center 10' W of East  
batballs

CUP DP44

Eastridge 11<sup>th</sup> Adh  
8' W of Coo

RESOLUTION NO. BZA 31-74

WHEREAS, East Side National Bank and Trust Company, 7701 East Kellogg, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to change the configuration of the landscaped area adjacent to a residential district from the required 50 foot frontage by 25 foot deep rectangular area to a 50 foot frontage by 50 foot deep triangular area on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, in East Side Center Second Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Longfellow and Orme.

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 November 26, 1974, 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 total area of landscaping required by the zoning ordinance is not being reduced, but rather, is being re-arranged to provide for a more functional design of the proposed drive-in facility, while at the same time creating a more aesthetically pleasing condition adjacent to the residential district. It is also unique that both subject property and adjacent property to the south each gained thirty feet of property in the vacation of Orme Street, which would tend to buffer the residential property; 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 more of the landscaping would be concentrated adjacent to the residential property to the south, and the total area to be landscaped would not be reduced; 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 all preliminary planning for the drive-in banking facility took place before the Landscaping provision was amended into the zoning ordinance; and

Resolution No. BZA 31-74  
Page Two

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 proposed design of the project would facilitate a smoother flow of traffic entering the facility from Longfellow; 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 sufficient landscaping will be provided for the protection of the adjacent residential 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.

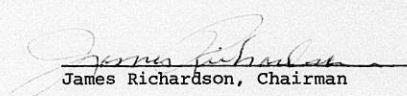
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to change the configuration of the landscaped area adjacent to a residential district from the required 50 foot frontage by 25 foot deep rectangular area to a 50 foot frontage by 50 foot deep triangular area on property zoned the "LC" Light Commercial District and legally described as:

Lot 1, in East Side Center Second Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Longfellow and Orme.

be approved as proposed on the applicant's plot plan subject to the following condition:

1. The screen wall as shown on applicant's plot plan adjacent to the south property line and angling along the approved landscape area shall be a 7 to 9 foot high solid wall, constructed either of stone, brick, masonry, tile, or other similar material.

ADOPTED AT WICHITA, KANSAS, this 26th day of November, 1974.

  
James Richardson, Chairman

ATTEST:

  
Larry Dobson, Assistant Secretary

December 3, 1974

Mr. Keith Leshar, President  
East Side National Bank and Trust Company  
7701 East Kellogg  
Wichita, Kansas 67207

Subject: Case No. BZA 31-74  
Request for Variance

Dear Mr. Leshar:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 26, 1974, in connection with your request for a variance to change the configuration of the landscaped area adjacent to a residential district, on property zoned the "LC" Light Commercial District, and generally located on the northeast corner of Longfellow and Orme.

This Resolution reflects the official action of the Board and sets out the condition 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,

Larry Dobson  
Assistant Secretary

LD:js

Encl.

cc: Robert Feldner, Superintendent of Central Inspection  
Don Gisick, Acting City Clerk  
Joe Donnelly, Central Inspection

November 27, 1974

Mr. Keith Lasher, President  
East Side National Bank and Trust Company  
7701 East Kellogg  
Wichita, Kansas 67207

Subject: Case No. BZA 31-74  
Request for Variance

Dear Mr. Lasher:

At the regular meeting of the Board of Zoning Appeals on November 26, 1974, your request for a variance to change the configuration of the landscaped area adjacent to a residential district, on property zoned the "LC" Light Commercial District, and generally located on the northeast corner of Longfellow and Orme, was considered.

It was the action of the Board to approve the request as proposed on the submitted plot plan subject to the following condition:

The screen wall as shown on applicant's plot plan adjacent to the south property line and angling along the approved landscape area shall be a 7 to 9 foot high solid wall, constructed either of stone, brick, masonry, tile, or other similar material.

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.

Mr. Keith Lesher  
November 27, 1974  
Page Two

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

Sincerely,

Jack H. Galbraith  
Secretary

JHG:js

cc: Robert Feldner, Superintendent of Central Inspection  
Don Gisick, Acting City Clerk  
Joe Donnelly, Central Inspection

SECRETARY'S REPORT  
CASE NO. BEA 31-74

APPLICANT: East Side National Bank and Trust Company, 7701 East Kellogg, Wichita, Kansas.

AGENT: D. Keith Leshner, President, East Side National Bank and Trust Company

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to change the configuration of the landscaped area adjacent to a residential district from the required 50 foot frontage by 25 foot deep rectangular area to a 50 foot frontage by 50 foot deep triangular area.

GENERAL LOCATION: Northeast corner of Longfellow and Crme.

ZONING: Subject property is zoned the "LC" Light Commercial District as are properties to the north and east. Properties to the south and west are zoned the "RA" Single Family Dwelling District.

LAND USE: Subject property is vacant. Property to the north and east is being utilized as parking for the East Side Financial Center. South and west are single family residences.

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.

Secretary's Report  
Case No. BZA 31-74  
Page Two

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.)

COMMENTS BY THE SECRETARY

The applicant is requesting a variance to change the configuration of the required landscaping provision, in conjunction with a proposed drive-in banking facility. He states that the variance is needed to provide enough driveway and back-up space to make the operation flow smoothly.

The recently adopted landscaping provision of the zoning ordinance, as applies to subject property, provides that, "Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a landscaped yard equal in depth to the minimum front yard required by this ordinance on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least 50 feet, including the width of any intervening alley." In this instance the property adjacent to the south is zoned the "AA" Single Family Dwelling District, which requires a 25 foot front yard setback. Therefore, the applicant is required to extend this 25 foot setback for 50 feet along the frontage of subject property. The requested variance if granted, would permit a change in the configuration of this required landscaped area from the described rectangular area to a triangular area of 50 foot frontage by 50 foot depth along the south property line. The total area of landscaping would remain unchanged, with actually a greater part of the landscaping being proposed adjacent to the residential property.

When this area was originally platted, Orme Street separated subject property from the property to the south. The area to the north to Keillogg and east to Rock Road was all included in a Commercial Community Unit Plan for East Side Center, later platted as East Side Center Addition. Subject property at that time was zoned and developed as single family residential. A provision of the approved community unit plan was that a 7-9 foot high solid wall,

Secretary's Report  
Case No. BZA 31-74  
Page Three

constructed either of stone, brick, masonry, tile, or other similar material would be constructed along the property line adjacent to the residential areas along the south and west sides of the community unit plan. This wall was constructed, but the portion adjacent to subject property was torn down after subject property was acquired by the applicant.

Subject property was subsequently rezoned to the "LC" Light Commercial District, Orme Street adjacent to the south was vacated and the property was replatted as East Side Center 2nd Addition, incorporating one-half of the vacated street. The other half transferred to the adjacent property owner to the south.

UNIQUENESS

It is the opinion of the Secretary, that if uniqueness can be found to exist, it may be unique in that the total area of landscaping required by the zoning ordinance is not being reduced, but rather, is being re-arranged to provide for a more functional design of the proposed drive-in facility, while at the same time creating a more aesthetically pleasing condition adjacent to the residential district. It may also be unique in that both subject property and adjacent property to the south each gained thirty feet of property in the vacation of Orme Street, which would tend to buffer the residential property.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would not adversely affect adjacent property owners inasmuch as more of the landscaping would be concentrated adjacent to the residential property to the south, and the total area to be landscaped would not be reduced.

HARDSHIP

It is the opinion of the Secretary that hardship may exist inasmuch as all preliminary planning for the drive-in banking facility took place before the Landscaping provision was amended into the zoning ordinance.

Secretary's Report  
Case No. BZA 31-74  
Page Four

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as the proposed design of the project would facilitate a smoother flow of traffic entering the facility from Longfellow.

SPIRIT AND INTENT

It is the opinion of the Secretary that the spirit and intent of the zoning ordinance, in this case, is that sufficient landscaping be provided on a commercially utilized lot so as to provide protection, or buffer, for adjacent residential properties. It is the further opinion of the Secretary that the requested variance would not be opposed to that spirit and intent.

RECOMMENDATION

Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, it is recommended that the request to change the configuration of the required landscaped area adjacent to the residential property to the south be approved as proposed on the applicant's plot plan subject to the following condition:

1. The screen wall as shown on applicant's plot plan adjacent to the south property line and angling along the approved landscape area shall be a 7 to 9 foot high solid wall, constructed either of stone, brick, masonry, tile, or other similar material.

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

November 5, 1974

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Case No. BZA 31-74

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Lot 1, in East Side Center Second Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Longfellow and Orme.

This application has been assigned Case No. BZA 31-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 26, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

*15 notices to property owners  
and 10 notices to ma p c mailed  
on above date.*

East Side National Bank and Trust Company  
7701 East Kellogg / Wichita, Kansas 67207 / (316) 685-0311

October 8, 1974

Board of Zoning Appeals  
City of Wichita, Kansas

Gentlemen:

We respectfully submit our application for variance on Lot 1, East Side Center Second Addition. Your approval of this variance is necessary in order for us to adequately construct a drive-in banking facility which would provide enough drive-way and back-up space to make the operation flow smoothly. We strongly feel that this would be a much more compatible improvement on the property than other types of usages that are permitted under LC zoning which could easily be constructed without requiring this variance on landscaping screening.

The reasons that we feel this application should receive your approval are as follows:

1. The requirement was not in effect at the time final plans were submitted for the project. Preliminary plans had been reviewed with the city building inspection department. A permit was not issued for the property at the time submitted because the plat had not received final approval. This approval had not been received because the adjacent property owner's signature was required for vacation of the street between the properties. The adjacent property owner could not be reached for signature on the plat due to a lengthy family illness.
2. It is our opinion that the granting of this permit will not affect any rights of any adjacent property owner.
3. The structure for the building has been fabricated and a tunnel has been installed to connect with the main bank space in the East Side Financial Center. Therefore, the owner would realize a considerable loss if these items could not be used.
4. The shape of the landscaped area will be an improvement over that required, and the gross area of landscaping will remain the same as required by the ordinance.
5. The total landscaping proposed along the street is double the amount required and will provide a superior transition from the LC usage to the adjacent single family.

Your favorable action on this request will be greatly appreciated.



DKL:pw

Sincerely yours,

*D. Keith Leshner*  
D. Keith Leshner  
President

BOARD OF ZONING APPEALS

CASE NO. B2A 31-74

CITY OF WICHITA, KANSAS

FILED 10-29-74

APPLICATION FOR VARIANCE

I. Name of Applicant East Side National Bank and Trust Company

Mailing Address P. O. Box 18329, Wichita, Ks. 67218 Phone 685-0311

Name of Authorized Agent \_\_\_\_\_

Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_

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

*As per  
telephone  
communication with  
Architect 10/20/74*

II. The variance requested is change in shape of landscaped area to a

triangle ~~40'~~<sup>50'</sup> deep by 50' long for the landscaped screen required by

Ordinance No. 33272

for property located on the northeast corner of Longfellow Lane  
and East Orme Street

and legally described as: Lot 1, East Side Center Second Addition  
to Wichita, Sedgwick County, Kansas

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

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.

East Side National Bank and Trust Company

By: [Signature] President  
Applicant

\_\_\_\_\_  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 10:00 (a.m. - p.m.), October 29 19 74 together with appropriate fee of \$50.00.

T9-402



[Signature]  
Signed

CERTIFICATE OF OWNERSHIP

LAWYERS TITLE INSURANCE CORPORATION, Guarantee Title Division, hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, within a 200 foot radius of and including the following described property, viz:

Lot 1, in East Side Center  
Second Addition to Wichita, Sedgwick  
County, Kansas.

<u>DESCRIPTION</u>	<u>OWNER/OWNERS/ADDRESS</u>
<u>Eastridge 11th Add</u>	
<u>Block 5</u>	
Lot 1	✓ Katherine E. & Edna S. Voth 600 Longfellow Lane 67207
Lot 2	✓ John D. & Suzanne Moody 608 Longfellow Lane 67207
Lot 3	✓ Dale L. & Martha Morss 614 Longfellow Lane 67207
Lot 5	✓ Vaughan O. & Grace I. Stevens 220 Lochinvar Dr. 67207
Lot 6	✓ Joseph O. & Mozelle Mizenko 7720 E. Indianapolis 67207
<u>Block 4</u>	
Lot 4	✓ Paul T. & Betty S. Rollins 2452 S. Glendale 67210
Lot 5 (Exc S 4')	✓ Marcelline A. Wright 603 Longfellow Lane 67207
Lot 5 (S 4') & all of Lot 6	✓ Robert B. & Nadine Walker 609 Longfellow Lane 67207
Lot 7	✓ Lowell K. & Katherine L. Ferris 615 Longfellow Lane 67207
<u>Block 2</u>	
Block 4	✓ Scholfield Bros. Pontiac, Inc. 7633 E. Kellogg 67207
Lot 5	✓ Koakish W. Cleaton, Jr. & Glenysse M. Cleaton 7604 E. Orme 67207
<u>East Side Center Add</u>	
Lot 1	✓ Scholfield Bros. Pontiac, Inc. 7633 E. Kellogg 67207
Lot 2	✓ Brooks Harvey Realty Investors 280 Park Avenue New York, New York 10017

East Side Center Add (Cont'd)

Lot 2 (Easement for I & E over: Beg NW  
cor Lot 2, S 376' for point of beginning,  
E 385', S 21', E 20', S 5', W 405' to W  
Line of Lot 2, N 26' to beg.)

✓ Wichita Hotel Associates, Inc.  
c/o Ferd Evans, Jr.  
200 West Douglas 67202

East Side Center 2nd Add

Lot 1

✓ East Side National Bank & Trust Co.  
7701 E. Kellogg 67207

Replat of Block 1, Kellogg Crest Addition

Lot 1

Ⓞ Scholfield Bros. Pontiac, Inc.  
7633 E. Kellogg 67207

Dated this 7th day of October, 1974 at 7:00 o'clock A. M.

LAWYERS TITLE INSURANCE CORPORATION  
Guarantee Title Division

No. 638

By *Daniel A. Fickel*  
Title Officer

Form 223-021

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		50.00

DESCRIPTION	AMOUNT
B2B request	

Name

Address

Type

Due Date

Comments:

Date

By

11-30-74

Joyce Smith

\*

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

Roll # 1