

Case No. BZA 31-77 - WESLEY MEDICAL CENTER requests a Variance to permit installation of a 6' chain link fence, in lieu of solid wall, with appropriate landscaping as approved by the City

ACTION

DZA 21-77 COMMITTEE *withdrew* *8-23-77*  
*8-8-77*

DATE

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

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

26 notices sent to agent, applicant and adjoining property owners  
10 notices sent to MAPC members  
1 notice sent to CPO  
37 notices sent on BZA 31-77, 8-1-77

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

August 2, 1977

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 31-77

You previously received notice of an application filed by Wesley Medical Center, 550 North Hillside, Wichita, Kansas, requesting a variance to waive the required 3 foot screening wall along the west property line, adjacent to Lorraine, on property zoned the "BB" Office District, and legally described as follows:

Even numbered Lots 68 thru 82 inclusive, together with one-half of vacated alley adjacent on east, all on Lorraine, and Lots 65 thru 79 odd, inclusive, north 15 feet of Lot 81, together with one-half of vacated alley adjacent on west, all on Hillside, Resurvey of Buck's Second Addition, Sedgewick County, Kansas. Generally located on the east side of Lorraine in an area between Burdock and Flm.

This application has since been withdrawn, by Wesley Medical Center and, therefore, you may disregard the previous notice relating to Case No. BZA 31-77

Larry Dobson  
Assistant Secretary

LAW OFFICES OF  
**BOYER, DONALDSON & STEWART**

1030 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202

JOHN E. BOYER  
GEORGE J. WONDROS (1910-1982)  
KENNETH P. STEWART  
JAMES R. HANSON  
ROBERT L. SMITH  
JOHN H. GIBSON

PAUL J. DONALDSON  
OF COUNSEL

August 5, 1977



Mr. Larry Dobson  
Metropolitan Area Planning Department  
City Hall  
455 North Main  
Wichita, Kansas 67202

Re: Application for Variance  
Our File No. W-814

Dear Larry:

This is to confirm our recent telephone conversation to the effect that The Wesley Medical Center does want to withdraw its application for variance relating to fencing of certain proposed parking lots on Lorraine Avenue.

The Application for Variance, filed with the City of Wichita, covers

Lots 68-82 even, inclusive, together with reversion of one-half of vacated alleys adjacent on the East thereof, all on Lorraine Avenue, and Lots 65-79 odd, inclusive, and North 15 feet of Lot 81, together with the reversion of one-half of vacated alley on the West thereof, all on Hillside Avenue.

On behalf of The Wesley Medical Center we request that any appropriate notices be forwarded to the neighborhood residents indicating The Wesley Medical Center has withdrawn its Application for Variance. Thank you very much for your assistance.

Very truly yours,

BOYER, DONALDSON & STEWART

By: 

JHG:ts  
cc: A. B. Davis, Jr.  
Bob Harris

26 notices sent to agent, applicant and adjoining property owners

10 notices sent to MAPC members

1 notice sent to CPO

~~26~~<sup>37</sup> total notices sent on BZA 31-77, 8-1-77

BOARD OF ZONING APPEALS  
TENTH FLOOR - CITY HALL  
455 North Main Street, Wichita, Kansas 67202

August 2, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 31-77

An application has been filed by Wesley Medical Center, 550 North Hillside, Wichita, Kansas, pursuant to Section 2.12. 590.B, Code of the City of Wichita, requesting a variance to waive the required 3 foot screening wall along the west property line, adjacent to Lorraine, on property zoned the "BB" Office District and legally described as follows:

Even numbered Lots 68 thru 82 inclusive, together with one-half of vacated alley adjacent on east, all on Lorraine, and Lots 65 thru 79 odd, inclusive, north 15 feet of Lot 81, together with one-half of vacated alley adjacent on west, all on Hillside, Resurvey of Buck's Second Addition, Sedgwick County, Kansas. Generally located on the east side of Lorraine in an area between Murdock and Elm.

This application has been assigned Case No. BZA 31-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 23, 1977, at 1:00 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.

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.

Larry Dobson  
Assistant Secretary

*Dobson*

LAW OFFICES OF  
**BOYER, DONALDSON & STEWART**

1030 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202

JOHN E. BOYER  
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KENNETH R. STEWART  
JAMES R. HANSON  
ROBERT L. SMITH  
JOHN H. GIBSON

PAUL J. DONALDSON  
OF COUNSEL

July 25, 1977



264-7321  
AREA CODE 316

Mr. Larry Dobson  
Electrical and Plumbing Department  
City of Wichita  
City Building  
Wichita, Kansas 67202

Re: Application for Variance  
(Wesley Medical Center--  
Lorraine Avenue lots)  
Our File No. W-814

Dear Mr. Dobson:

On behalf of Wesley Medical Center I wish to amend Application for Variance by amending the description to correct the lots on Lorraine Avenue to be "Lots 68-82 even, inclusive, together with reversion of one-half of vacated alleys adjacent on east thereof; . . .".

We are securing an amended ownership list from Security Abstract and Title Co., Inc., covering the corrected description which will be furnished within the next few days.

It is my tentative understanding that the zone change Z-1941 covering property included in the Application for Variance, has been on first reading with the Board of City Commissioners July 19, 1977, and will be on second reading July 26, 1977, with publication anticipated on July 29, 1977, according to usual procedure. If that schedule follows, then you anticipate publishing on Monday, August 1, respecting our variance, to accomplish a hearing before the Board of Zoning Appeals on August 23, 1977, at 1:30 p.m.

We are also delivering herewith two copies of the sketch plan for the proposed improvement.

Thanks very much for your assistance.

Yours very truly,

BOYER, DONALDSON & STEWART

By: *Kenneth Stewart*

KPS:jal  
Enclosures

cc: Mr. A.B. Davis, Jr.  
Mr. O.C. Estes

Mr. Larry Dobson

Page.....2  
July 25, 1977

P.S. Since dictation of this letter, we have received the amended ownership list from Security Abstract and Title Co., Inc., and it is enclosed herewith.

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant The Wesley Medical Center

Mailing Address 550 North Hillside Phone 685-2151

Wichita, Kansas 67214  
Name of Authorized Agent Kenneth P. Stewart  
1030 First National Bank Building

Mailing Address Wichita, Kansas 67202 Phone 264-7321

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

II. The variance requested is Permission to install six foot chain link fence with appropriate landscaping as approved by City of Wichita Planning Department (in lieu of solid wall)

DESCRIPTION:

(1) On Lorraine Avenue  
Lots 68-78 even, inclusive,  
together with reversion of 1/2 of vacated alley  
adjacent on east thereof;

(2) On Hillside Avenue  
Lots 65-79 odd, inclusive, and N. 15' of Lot 81  
together with reversion of one-half of vacated alley  
on west thereof

(1) "A"  
(2) "B"

in the City of Wichita; and which is presently zoned "BB" -  
subject of Application for Change in Zoning Classification to "BB" -  
Office District Classification, Case No. 2-1941

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.

THE WESLEY MEDICAL CENTER

Applicant

By Kenneth P. Stewart  
Authorized Agent, Kenneth P. Stewart

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 3:30 (a.m. - p.m.), 7-6 19 77  
together with appropriate fee of \$50.00.

T9-402

use abstract list  
from 2-1941 (make a copy for Betty - this file)

Larry Dobson  
Signed

East side of Lorraine in area between Elmer Myrdak

STATEMENT OF APPLICANT

The proposed parking lot is to be used for employee parking pursuant to Code §28.04.080(12) providing:

"12. Parking lots, as provided in Section 28.04.070(A)(13), except that the wall required in subsection 13.b shall be reduced to three feet in height when located adjacent to a street, or when located within the required front yard on an interior side lot line."

To further reduce neighborhood traffic on the east side of the Medical Center premises, it is proposed that the following described real estate will be placed in a single employees' lot:

Real Estate described as follows:

- (1) Lots 64-78 even, inclusive, on Lorraine Avenue, together with the reversion of vacated alley adjacent on east thereof; and
- (2) Lots 65-79 odd, inclusive, and the North 15 feet of Lot 81, on Hillside Avenue, together with the reversion of 1/2 of vacated alley adjacent on west thereof;

Rezoning to conform all property to "BB" - Office District Regulations (Code §28.04.080) is the subject of a companion Application for Change of Zoning Classification, Case No.     Z-1941    .

In order to bring the employees' lot to Medical Center Standards of Security for Personnel (attached), a Variance is requested from §28.04.070(A)(13), which provides in part:

"13.b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall."

Said variance is specifically requested to permit:

Installation of a chain link fence six feet in height surrounding said parking lot which will be landscaped to City of Wichita Planning Department specifications and approval for the following reasons:

- (1) Compliance with Medical Center Standards of Security for Personnel.
- (2) Provision of appropriate safeguards to person and property of Medical Center personnel.

The requirements of Code §212.590.D are deemed met by conditions affecting these premises and the request for variance as follows:

1. Uniqueness:

- (a) Subject property is located across a major thoroughfare from the large Medical Center complex and is separate from the Medical Center internal security.
- (b) Subject property is needed to be used for off-street parking to further reduce traffic congestion around Medical Center premises and the residential neighborhood located to the north and east of the Medical Center premises;
- (c) The security of the proposed parking lot is planned so as to be completely fenced with

a single vehicular ingress and egress down the vacated alley and a single pedestrian ingress and egress on Hillside Avenue;

(d) Security of personnel and property in the parking premises will be aided by visual access which can be permitted by a chain link fence;

(e) A six-foot chain link fence will provide better security from unauthorized entrance.

2. Adverse Effect: Applicant owns the property located north and south of that part of subject property on Lorraine Avenue. It is believed that appropriate planting will provide a reasonably acceptable substitute to a solid fence on the west perimeter of the parking lot. The current use of property located north and south of subject property on Hillside Avenue is not deemed to be relatively adversely affected over the disadvantage to security protection if solid fencing is required.
3. Hardship: A strict application of the requirements for solid fencing will put personnel and property of The Wesley Medical Center at risk from injury and damage due to unauthorized entry to the parking lot and the relative inability to patrol and inspect the property at night time.
4. Public Interest: Granting of the variance is not deemed to adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, when considered in light of the public interest in affording applicant a reasonable opportunity to secure its personnel and their property from injury and damage.
5. Intent: With the alternate provision of appropriate planting along a chain link fence, it is believed that the granting of the variance will not be opposed to the general spirit and intent of the zoning ordinance.

STANDARDS OF SECURITY FOR PERSONNEL  
(The Wesley Medical Center)

Parking lots for personnel shall be installed and provided with improvements as follows:

(1) Whenever possible, parking lots shall be provided immediately adjacent and as an integral part of the Medical Center premises.

(2) Parking lots shall be encircled with chain link fence at least six feet in height to provide visibility and security to parked cars and personnel within the lot.

(3) When location non-contiguous to the Medical Center premises is necessary to provide additional or needed parking space, which is adjacent to property used for residential purposes, the parking lot shall be encircled with a chain link fence at least six feet in height and with appropriate landscaping approved by the City of Wichita Planning Department, which fencing and landscaping will provide maximum visibility to parked cars and personnel within the lot.

OWNERSHIP LIST

Lot	Addition	Property Owner
W 86.5' 50,52,54 Lorraine	Resurvey of Buck's 2nd Addition	<input checked="" type="checkbox"/> The Wesley Medical Center 550 North Hillside 67208
50,52,54 exc. W 86.5' Lorraine	Same	<input checked="" type="checkbox"/> Laura F. Solecki 3111 E. Murdock 67214
even lots 56 thru 100 inclusive on Lorraine	Same	<input checked="" type="checkbox"/> The Wesley Medical Center 550 N. Hillside 67208
49,51 on Hillside	Same	<input checked="" type="checkbox"/> Charles R. Craft & Ida Alice 658 S. Belmont 67218
53,55 on Hillside	Same	<input checked="" type="checkbox"/> Mary J. Blood 647 N. Hillside 67214
57,59,61, 63 on Hillside	Same	Same
65 thru 79 inclusive on Hillside	Same	<input checked="" type="checkbox"/> The Wesley Medical Center 550 N. Hillside 67208
N 15' lot 81 on Hillside	Same	Same
81 exc N 15' 83,85,87 on Hillside	Same	<input checked="" type="checkbox"/> Jack W. Kice, Russell W. Kice James V. Kice 2040 S. Mead 67211
89,91 on Hillside	Same	<input checked="" type="checkbox"/> The Wesley Medical Center 550 N. Hillside 67214
93,95,97 99 on Hillside	"	Same
E½ 49,51 on Lorraine	Same	<input checked="" type="checkbox"/> Don E. Graves & Christina K. 649 N. Lorraine 67214
E½ 53,55 on Lorraine	Same	<input checked="" type="checkbox"/> Frank H. Richards and Mae 1325 N. West Street 67203
W½ 53,55 on Lorraine	Same	<input checked="" type="checkbox"/> Morris P. Burns & Gloria M. 113 East Rhondda Andover, Kansas 67002

Lot	Addition	Property Owner
E $\frac{1}{2}$ 57,59 on Lorraine	Resurvey of Buck's 2nd Addition	Orlander G. Penner & Mabel L. Penner Glen O. Penner and Betty Address Unknown <i>not in CD not in SD with copy</i>
W $\frac{1}{2}$ 57,59 on Lorraine	Same	Alex Ray and Vergie L. Ray Address Unknown <i>6427 Chautauqua</i>
E $\frac{1}{2}$ 61,63 on Lorraine	Same	Aja M. Hunt, Gilbert W. Hunt, Richard V. Hunt, 637 N. Lorraine 67214
W $\frac{1}{2}$ 61,63 on Lorraine	Same	John W. Welch and Gertrude Welch Address Unknown <i>not in CD not in SD with copy</i>
E $\frac{1}{2}$ 65, 67 on Lorraine	Same	Barney J. Iles and Esther M. Iles 633 N. Lorraine 67214
W $\frac{1}{2}$ 65,67 on Lorraine	Same	Elizabeth H. Handy 632 N. Chautauqua 67214
E 104' 69,71 on Lorraine	Same	Nellie J. Marsh, 627 N. Lorraine 67214
W 103' of lots 69,71 on Lorraine	Same	Verne Godsey and Viola M. Godsey 628 N. Chautauqua 67214
E 103.5' 73,75,77 on Lorraine	Same	Lino J. Jimenez, 620 Butler Wailey Center, Kansas 67147
73,75,77 exc E 103.5' on Lorraine	Same	Richard B. Stribling and Linda J. 626 N. Chautauqua 67214
E $\frac{1}{2}$ 79, 81 on Lorraine	Same	Walter W. Skolaut and Mary B. 2332 Redbud Lane 67204
W $\frac{1}{2}$ 79,81 on Lorraine exc E 3'	Same	Earl R. Wilber, 4001 North 41st Court Hollywood, Florida 33021
E 107' lots 83,85 on Lorraine	Same	Ezra E. Beard and Martha H. Beard 619 N. Lorraine 67214
W 100' lots 83,85,87, 89,91 on Lorraine	Same	Loris G. Billfeldt (Bielefeldt) & Mary 614 N. Chautauqua 67214
E 107' lots 87,89,91 on Lorraine	Same	Robert P. Norris and Gerakline B. 615 N. Lorraine 67214

Lot	Addition	Property Owner
E½ 93,95 on Lorraine	Resurvey of Buck's 2nd Addition	✓ G. C. Vandiver and Martha E. 607 N. Lorraine 67214
W½ 93,95 on Lorraine	Same	✓ John E. Prechtel, 304 N. Hampton 67206
E½ 97, 99 on Lorraine	Same	✓ Ivan L. Wells & Violet Louise 530 N. Chautauqua 67214
lots 1 & 4	Wesley Medical Center 3rd Addition	✓ City of Wichita, 455 N. Main 67202
lot 1	Wesley Medical Center	D City of Wichita, 455 N. Main 67202



434 NORTH MAIN  
WICHITA, KANSAS 67202  
267-8371

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

A 200 foot radius of: Even lots  
68 thru 82 inclusive, together with  
one-half of vacated alley adjacent on  
East, all on Lorraine, and Lots 65 thru  
79 odd, inclusive, North 15 feet of Lot  
81, together with one-half of vacated  
alley adjacent on West, all on Hillside,  
Resurvey of Buck's Second Addition

as shown by the records on file in the Office of the Register of Deeds  
of Sedgwick County, Kansas, on the 25th day of May, 1977 at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

A handwritten signature in cursive script that reads 'John Byron'.

Vice President

Order No. 251102  
wh

Form 2-21

**PAYMENT NOTICE**

City of Wichita  
PAY AT TREASURER'S OFFICE - SECOND 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		

DESCRIPTION	AMOUNT
BZA Variance	\$5000

Application

Name: Wesley Medical Center by Ken Stuart

Address: 550 N. Hillside

Type: AA 407103

Due Date:

Comments:

Date: 7-6-77

By: [Signature]

\*

This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm  
Roll # 1