

Case No. BZA 32-85 - Builders, Inc. -  
requests a variance to reduce the re-  
quired lot area per dwelling unit from  
2500 square feet to 1900 square feet  
on property zoned the "OC" Office  
Commercial District and generally

Posted  
5-8-85 cpl.

ACTION

BZA 32-85 APPROVED 5-28-85  
DATE

200'4 Sec 7-11-85

Shot - 7-22-85

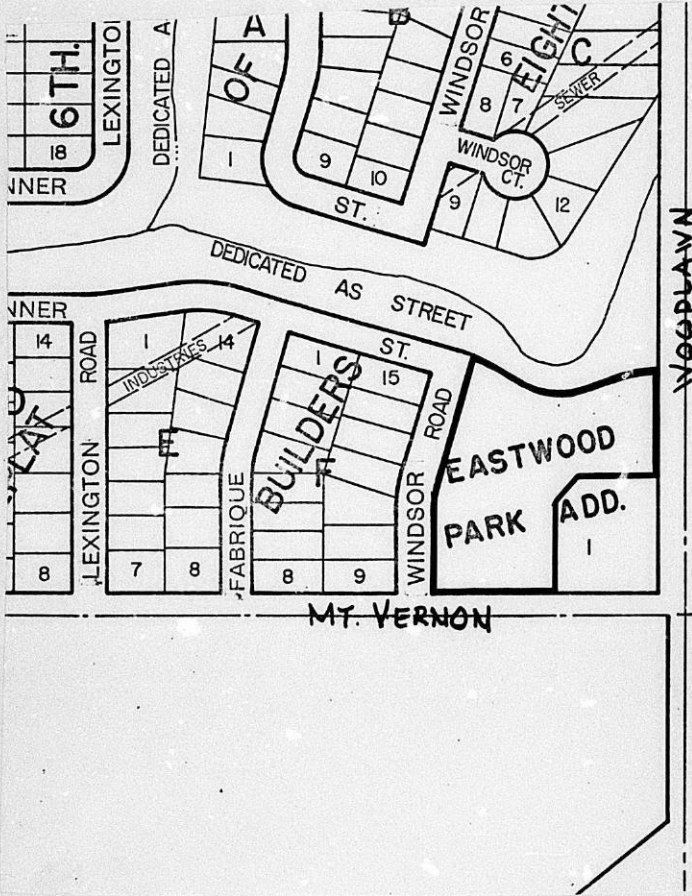
Revised

Map No. 5845 A

BZA 32-85  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E C S AA W AA N AA
3. Land Use: East Appts. & Res. Srv. W. South Park  
West I-F North Drainage & I-F
4. Area (is) (~~is not~~) platted.



Standard  
No. 2-193C  
LOS ANGELES, CHICAGO, LOS ANGELES, PHOENIX, SAN FRANCISCO, TAMPA, WASHINGTON, D.C.  
U.S.A.

9-27-70

Builders Inc,  
may want this  
BZA made null  
& void. They are planning  
to develop the entire site  
within the density allowed.

# 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

Builders, Inc.  
1530 South Oliver  
Wichita, Ks.

Re: BZA 32-85 - Request for Variance

Gentlemen:

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 approve your request, and sets out the conditions of approval. 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: Dan Wilson, Wilson-Darnell Associates, 128 N. Oliver, Wichita  
Monty Robson, Superintendent of Central Inspection (?)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 32-85

WHEREAS, Builders Inc., 1530 South Oliver, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required lot area per dwelling unit from 2500 square feet to 1900 square feet on property zoned the "OC" Office Commercial District and legally described as follows:

Lot 1, Eastwood Park Addition to Wichita, Sedgwick County, Kansas, except that part described as beginning at the S.E. Corner thereof; thence west along the south line of said Lot 1, 195 feet; thence north parallel with the east line of said Lot 1, 171 feet; thence northeasterly, 52.75 feet to a point 163 feet west and 213 feet north of the S.E. Corner of said Lot 1; thence east parallel with the south line of said Lot 1, 163 feet to the east line of said Lot 1; thence south along the east line of said Lot 1, 213 feet to the place of beginning. Generally located on the northwest corner of Woodlawn and Mt. Vernon.

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 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 property is completely surrounded by public streets or drainageway and when the amount of open space to the north and south are considered, the increase in density would be negligible; 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 the development will be served by two major streets except for 24 units that will be served by Windsor on the west; 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 owners represented in the application inasmuch as the development at a lesser density would not be adequate to fully develop the site to make the project economically feasible; and

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 reduction in required lot area per dwelling unit will not interfere or reduce the setbacks or easements in any way; 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 the slight increase in permitted density will not affect the general area when the gross area of the property and surrounding open space is considered; 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.

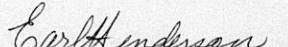
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required lot area per dwelling unit from 2500 square feet to 1900 square feet on property zoned the "OC" Office Commercial District and legally described as follows:

Lot 1, Eastwood Park Addition to Wichita, Sedgwick County, Kansas, except that part described as beginning at the S.E. Corner thereof; thence west along the south line of said Lot 1, 195 feet; thence north parallel with the east line of said Lot 1, 171 feet; thence northeasterly, 52.75 feet to a point 163 feet west and 213 feet north of the S.E. Corner of said Lot 1; thence east parallel with the south line of said Lot 1, 163 feet to the east line of said Lot 1; thence south along the east line of said Lot 1, 213 feet to the place of beginning. Generally located on the northwest corner of Woodlawn and Mt. Vernon.

be approved subject to the following conditions:

1. The property shall be developed in general conformance with the plan submitted with the application which provides that only 24 units will be served by a driveway approach on Windsor and the remaining units will be served by driveways from Woodlawn and Mt. Vernon.
2. The building setback area adjacent to Windsor shall be maintained as a landscaped yard consisting of earth berms and landscape materials subject to the approval of the Secretary.
3. Any businesses located in the structures shall be limited to home occupations as permitted in the "A" Two-family Dwelling District unless the owners secure the necessary building permits to convert the structures to other uses and provide the off-street parking based on the ordinance for the new uses.

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 20, 1985

TO      Glen Lytle, Special Assistant for Zoning

FROM    Barry L. Carroll, Administrative Aide III

SUBJECT    BZA 32-85 Northwest corner of  
             Mt. Vernon and Woodlawn

On Monday, May 13, CPO Council "F" considered the above captioned case, a request for a variance to reduce the required lot area per dwelling unit from 2500 square feet to 1900 square feet on property zoned "OC" Office Commercial 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 4-1, with one abstention to recommend approval of the request.

The applicant, David L. Lewis, was present to describe the request and respond to questions from the Council members. There were no area residents in attendance. Mr. Lewis and associate, utilized a graphic representation of the project in explaining the specifics of the proposal.

Please provide the Council's recommendation to the MAPC and City Commission when case BZA 32-85 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. 7

SECRETARY'S REPORT  
CASE NO. BZA 32-85

APPLICANT: Builders, Inc., 1530 South Oliver, Wichita, Kansas.

AGENT: Dan Wilson, Wilson-Darnell Associates, 128 North Oliver, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required lot area per dwelling unit from 2500 square feet to 1900 square feet.

GENERAL LOCATION: On the northwest corner of Woodlawn and Mt. Vernon.

ZONING: Subject property is zoned the "OC" Office Commercial District. Property to the east is "C" Commercial. Properties to the north, west and south are "AA" One-family Dwelling Districts.

LAND USE: Subject property is vacant. Property to the south is a park. Properties to the west and north are one-family dwellings and to the east are apartments and residential storage warehouses.

## 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 conditions as required by the State Statutes are found to exist.

## COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required lot area requirement for the construction of multiple-family dwelling units on the property. The ordinance permits the construction of multiple-family dwellings on property located in the "OC" Office Commercial District at the same density as permitted in the "R-5" General Residence District which is 2500 square feet per dwelling unit. The applicant is requesting a reduction in this requirement to not less than 1900 square feet per dwelling unit.

It should be noted that this property was formerly zoned the "LC" Light Commercial District. Due to a provision of the ordinance which limits residential development to the density of the adjoining residential district which was "AA" One-family, the applicants secured the "OC" Office Commercial District on November 13, 1984 which permitted the increase in the permitted density.

In designing the project for multiple-family dwellings, it would appear that there is more than adequate area to accommodate the 56 units on the property and still provide a reasonable amount of open space. The applicant is proposing to maintain the required setback adjacent to Windsor as a landscaped area. Also only 24 units will be served by Windsor Avenue.

It is the opinion of the Secretary that several existing conditions create a certain uniqueness to the property. This would include the large amount of open space created by the drainageway to the north and the fact that the property to the south across Mt. Vernon is a park. It should also be noted that the property to the east is developed with residential storage warehouses and apartments.

## UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is completely surrounded by public streets or drainageway and when the amount of open space to the north and south are considered, the increase in density would be negligible.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the development will be served by two major streets except for 24 units that will be served by Windsor on the west.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the development at a lesser density would not be adequate to fully develop the site to make the project economically feasible.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction in required lot area per dwelling unit will not interfere or reduce the setbacks or easements in any way.

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 the zoning ordinance inasmuch as the slight increase in permitted density will not affect the general area when the gross area of the property and surrounding open space is considered.

RECOMMENDATION:

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

1. The property shall be developed in general conformance with the plan submitted with the application which provides that only 24 units will be served by a driveway approach on Windsor and the remaining units will be served by driveways from Woodlawn and Mt. Vernon.
  2. The building setback area adjacent to Windsor shall be maintained as a landscaped yard consisting of earth berms and landscape materials subject to the approval of the Secretary.
  3. Any businesses located in the structures shall be limited to home occupations as permitted in the "A" Two-family Dwelling District unless the owners secure the necessary building permits to convert the structures to other uses and provide the off-street parking based on the ordinance for the new uses.
-

BZA CASE NO. 32-85

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>21</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>24</u>	TOTAL NOTICES SENT <u>5-8-85</u>

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

May 8, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 32-85

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 Builders, Inc., 1530 S. Oliver, 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 reduce the required lot area per dwelling unit from 2500 square feet to 1900 square feet on property zoned "OC" Office Commercial District. A legal description of the applicant's property is as follows:

Lot 1, Eastwood Park Addition to Wichita, Sedgwick County, Kansas, except that part described as beginning at the S.E. Corner thereof; thence west along the south line of said Lot 1, 195 feet; thence north parallel with the east line of said Lot 1, 171 feet; thence northeasterly, 52.75 feet to a point 163 feet west and 213 feet north of the S.E. Corner of said Lot 1; thence east parallel with the south line of said Lot 1, 163 feet to the east line of said Lot 1; thence south along the east line of said Lot 1, 213 feet to the place of beginning. Generally located on the northwest corner of Woodlawn and Mt. Vernon.

This application has been assigned Case BZA 32-85. It will be considered by the Board of Zoning Appeals on May 28, 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 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. 32-85

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant Builders, Inc.

Mailing Address 1530 South Oliver, 67218 Phone 685-4391

Name of Authorized Agent Wilson Darnell Associates, P.A.

Mailing Address 128 N. Oliver, 67208 Phone 681-2099

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

II. The variance requested is to decrease the required lot area per unit  
of multi-family housing from 2,500 s.f. to 1,907 s.f. per unit.

\_\_\_\_\_ for property located Northwest corner of Woodlawn and Mt. Vernon

\_\_\_\_\_ and legally described as: (see attached legal description for that  
area affected by the variance request)

\_\_\_\_\_ in the City of Wichita; and which is presently zoned OC.

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 Builders, Inc.  
 by: Alexander H. Dean, Exec. V.P.  
 Authorized Agent [Signature]

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
4:30 p.m.), April 29, 1985, together with  
 appropriate fee of 150.00.

Signed [Signature]

WILLIAM L. KORBER, L.S.

JOHN E. LUNDBLADE, L.S.

N. BRENT WOOTE, P.E.



**BAUGHMAN COMPANY, P.A.**

SURVEYING & ENGINEERING

316 262-7271 • 330 LAURA • WICHITA, KANSAS 67211

April 29, 1985

**LEGAL DESCRIPTION:**

Lot 1, Eastwood Park Addition, Wichita, Kansas, except that part described as beginning at the S.E. Corner thereof; thence west along the south line of said 1, 195 feet; thence north parallel with the east line of said Lot 1, 171 feet; thence northeasterly, 52.75 feet to a point 163 feet west and 213 feet north of the S.E. Corner of said Lot 1; thence east parallel with the south line of said Lot 1, 163 feet to the east line of said Lot 1; thence south along the east line of said Lot 1, 213 feet to the place of beginning.



DESCRIPTIONS

RECORD OWNERS

Lot 1, Block F, REPLAT OF BUILDERS EIGHTH ADDITION,	Herschel M. & Nancy J. Millsap ✓ 1402 Fabrique Wichita, Kansas 67218
Lot 2, Block F, REPLAT OF BUILDERS EIGHTH ADDITION,	Jack Ronald & Loretta Faye Denny (RECORD OWNERS) <u>ADDRESS UNKNOWN</u> Richard A. & Sandra R. Garcia ✓ (Contract Purchasers) 900 St. James Wichita, Kansas 67206
Lot 3, Block F, REPLAT OF BUILDERS EIGHTH ADDITION,	Sidney L. & Shirley A. Bruner ✓ 1914 Fabrique Wichita, Kansas 67218
Lot 4, Block F, REPLAT OF BUILDERS EIGHTH ADDITION,	Melvin E. & Ivalue R. Boewe <u>ADDRESS UNKNOWN</u>
Lot 5, Block F, REPLAT OF BUILDERS EIGHTH ADDITION,	Edmund & Jean M. Deutsch ✓ 1926 Fabrique Wichita, Kansas 67218
Lot 6, Block F, REPLAT OF BUILDERS EIGHTH ADDITION,	Roger D. & Jean Naylor ✓ 1932 Fabrique Wichita, Kansas 67218
Lot 7, Block F, REPLAT OF BUILDERS EIGHTH ADDITION,	Harold O. a/k/a Harold Omar & Catherine E. Elliott ✓ 1936 Fabrique Wichita, Kansas 67218
Lot 8, Block F, REPLAT OF BUILDERS EIGHTH ADDITION,	Chester W. & Joye R. Jones ✓ 1942 Fabrique Wichita, Kansas 67218
Lot 9, Block F, REPLAT OF BUILDERS EIGHTH ADDITION,	Donald H. & Patsy R. Evans ✓ 1937 Windsor Wichita, Kansas 67218
Lot 10, Block F, REPLAT OF BUILDERS EIGHTH ADDITION,	✓ Lyman E. & Mary I. Cavin 8127 Willowbrook Wichita, Kansas 67207
Lot 11, Block F, REPLAT OF BUILDERS EIGHTH ADDITION,	✓ Melvin Eugene & Loretta J. Hoffman 1925 Windsor Wichita, Kansas 67218
Lot 12, Block F, REPLAT OF BUILDERS EIGHTH ADDITION,	✓ Muriel Curd Smith and Charles E. Peck 1919 Windsor Wichita, Kansas 67218
Lot 13, Block F, REPLAT OF BUILDERS EIGHTH ADDITION,	✓ Clinton L. & Barbara D. Lay 1913 Windsor Wichita, Kansas 67218



DESCRIPTIONS

RECORD OWNERS

Lot 14, Block F, REPLAT OF BUILDERS  
EIGHTH ADDITION,

Lena M. Rohrback and Betty Jean  
Roland  
✓ 1907 S. Windsor  
Wichita, Kansas 67218

Lot 15, Block F, REPLAT OF BUILDERS  
EIGHTH ADDITION,

✓ Harry G. & Ila Mae Wiens  
1901 Windsor  
Wichita, Kansas 67218

Lot 1, Block 1, BRIARWOOD ADDITION,

✓ Keith L. Anderson  
6002 Grace Lane  
Wichita, Kansas 67208

Lot 2, Block 1, BRIARWOOD ADDITION,

Briarhill Investors, LTD.  
ADDRESS UNKNOWN

Northwest Quarter of the Southwest  
Quarter lying North and West of  
Turnpike, Section 31, Township 27  
South, Range 2 East,

✓ The Cessna Aircraft Company  
5800 E Pawnee  
Wichita, Kansas 67218

Northeast Quarter of Southeast  
Quarter, lying North and West of  
Turnpike and lying East of  
Drollinger Road, Section 31, Town-  
ship 27 South, Range 2 East,

*back slip*  
The Board of Park Commissioners  
of the City of Wichita, Kansas  
455 N. Main  
Wichita, Kansas 67202



Dated at Wichita, Kansas this 26th day of April, 1985 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

*Medina L. Sutter*

By

Assistant Secretary

Tracer No. 68470

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

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.
	<u>Planning</u>		

DESCRIPTION	AMOUNT
<i>Comm. ZNA Fee</i>	<i>75.00</i>

NAME: *John Francis Haen*  
 ADDRESS: *1856 Windsor Court*  
 FUND: *455-4094-003* DUE DATE:  
 COMMENTS:  
 DATE: *5/10/85* BY: *J.F. Haen*

**WICHITA - SEDGWICK COUNTY**  
**W S C**  
 BOARD OF ZONING APPEALS  
 CITY HALL - TENTH FLOOR  
 455 NORTH MAIN STREET  
 WICHITA, KANSAS 67202

**RECEIVED**  
 MAY 10 1985  
 METROPOLITAN PLANNING  
 ROUTE  \_\_\_\_\_

*32A 32-85*

John Francis & Patricia A. Haen  
 1856 Windsor Court  
 Wichita, Ks. 67218

WICHITA KANSAS MAY-85 22:00  
 00 00 00

HAE 56 20091691 05/09/85  
 RETURN TO SENDER  
 MOVED LEFT NO ADDRESS

\*

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

Roll # 2