

BZA 35-72 William T. & Helen F. James request exception to construct small animal clinic at SE corner of Oliver and 12th

POSTED
1-4-73

ACTION

DATE 1-23-73

BZA COMMITTEE *Stricken from the agenda*

BZA M.A.P.G. _____

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

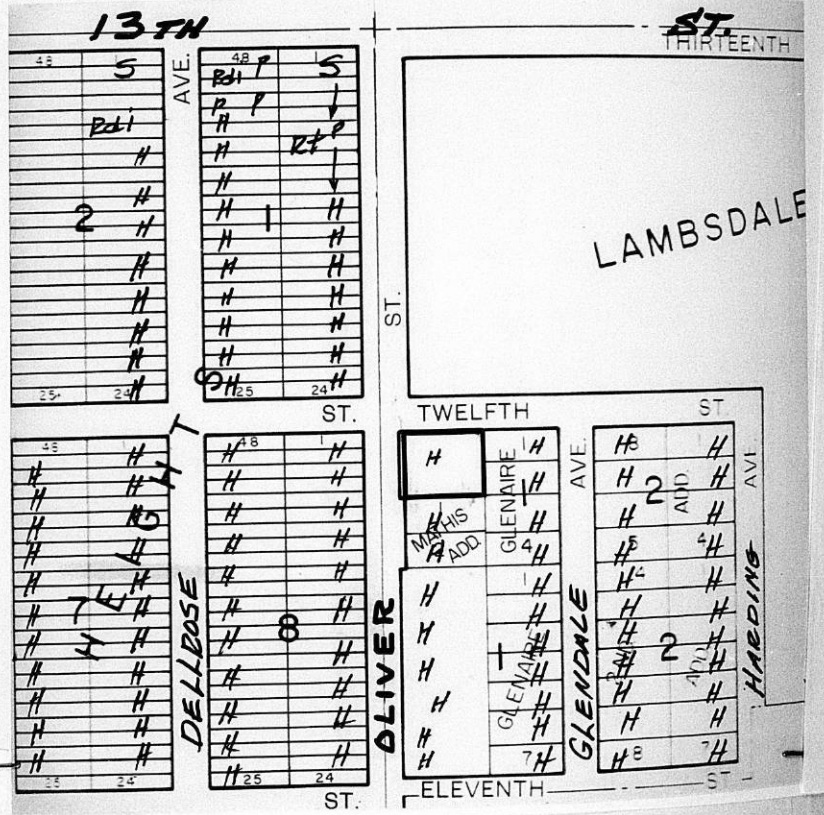
Closed Jan. 23, 1973

Map No. 5848
 Sec. 13
 Twp. 27
 Range 1E

BZA- 35-72
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.35 (109 ft. by 140 ft.)
 2. Adjoining Zoning: E "AA" S "A" W "A" N "K"
 3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North UNDEVELOPED
 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 _____



from: JLD date: 1/15/72

admins.

- iakin
- kniseley
- rathko
- eubanks
- lolkor
- wagner
- black

- young, don
- shen
-
-
-

adv. plans

- stockwell
- looney
- mitchell
- east
- coleman
- hawbaker
- darrow
- houston
- curfman

-
-
-
-

com. dev.

- gabraith
- tylic
- young, bob
- gisi
- shirkey
- newby
-
- mc murry
- johanson

graphics

- pierce
- barber
- garland
- king
- dltis
- haines
- crook
- livesay
- gale

- | | |
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| <input type="radio"/> comment | <input type="radio"/> files |
| <input type="radio"/> note & return | <input type="radio"/> signature |
| <input type="radio"/> handle | <input type="radio"/> library |

remarks: Please tape the
insert sheets in the
file rather than staple
Also see that attorney Stan
Smith receives copy of agenda
and Secretary Report.

19-105

January 23, 1973

Mr. Richard T. Foster
Attorney at Law
630 R. H. Garvey Building
Wichita, Kansas 67202

Dear Mr. Foster:

This is to acknowledge receipt of your letter of January 17, 1973, requesting the withdrawal of zone case No. Z-1472, and Case No. BZA 35-72, and to advise you that both cases are now considered withdrawn and closed. The zoning case, therefore, will not be forwarded to the Board of City Commissioners for their consideration January 30, 1973, as we stated in our previous letter.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rw

cc: W. T. and Helen F. James, 1244 N. Oliver, 67208
William C. Skaer, D.V.M., 6115 E. 13th St, 67208
Stanford J. Smith, Attorney, R. H. Garvey Bldg., 67202
Dale Barker, 1261 N. Glendale, 67208
Peter G. Janzen 1315 N. Oliver, 67208

LAW OFFICES
McDONALD, TINKER, SKAER, QUINN & HERRINGTON

SUITE 520, R. H. GARVEY BUILDING
300 WEST DOUGLAS AVENUE

WICHITA, KANSAS 67202

(316) 263-0285

WILLIAM TINKER
ARTHUR W. SKAER
HUGH P. QUINN
ALVIN D. HERRINGTON
RICHARD T. FOSTER
WILLIAM TINKER, JR.
CLARK R. MANDIG
NORMAN I. COOLEY
JAMES Z. HERNANDEZ

DAVID M. DALE (1852-1920)
SAMUEL S. AMIDON (1863-1928)
HARRY W. HART (1885-1937)
GLENN PORTER (1880-1948)
W. GETTO McDONALD (1892-1985)

January 17, 1973

Mr. Jack H. Galbraith
Metropolitan Area Planning Department
City Building Annex, 104 S. Main Street
Wichita, Kansas 67202

Re: William T. James and Helen F. James
1244 North Oliver, Wichita, Kansas 67208

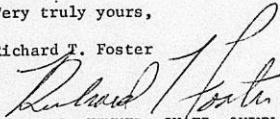
Case No. Z-1472
Case No. BZA 35-72

Dear Mr. Galbraith:

This letter will confirm our conversation of January 16. It is the desire of the applicants, whom we represent, to withdraw their applications for change of zoning and exception to zoning, referenced above.

Very truly yours,

Richard T. Foster


McDONALD, TINKER, SKAER, QUINN & HERRINGTON

RTF:nd



SECRETARY'S REPORT

CASE NO. BZA 35-72

APPLICANT: William T. James and Helen F. James, 1244 North Oliver, Wichita, Kansas 67203.

AGENT: Richard T. Foster, Attorney at Law, 530 R. H. Garvey Building, Wichita, Kansas 67202

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation or construction of a small animal clinic on property requesting a change in zoning from the "A" Two Family Dwelling District to the "BB" Office District (Zone change case No. Z-1472).

GENERAL LOCATION: Southeast corner of Oliver and Twelfth Street

LAND USE: The property to the North is undeveloped. Remaining surrounding properties are developed with single family homes.

ZONING: While subject property is currently zoned the "A" Two Family Dwelling District, the "BB" Office District classification has been requested. (On January 11, 1972, Case Z-1472 was considered by the Planning Commission. The action of the Commission was to recommend that the Board of City Commissioners deny the zone change request.) The "IC" Light Commercial zoning exists to the North, while there is "A" Two Family zoning to the South and West. The property to the East is zoned the "AA" One Family Dwelling District.

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 23.04.182.2 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit a small animal clinic on property for which the "BB" Office District has been requested. Subject property is located along a major street with an undeveloped light commercial C.U.P. to the North and single family homes to the South, East, and West.

BZA 35-72
Secretary's Report
Page 2

Inasmuch as the Planning Commission has recommended that the associated zone change request not be approved, the Secretary suggests that the Board consider deferring this request pending the outcome of zone change. The Board of City Commissioners will consider the zone change at its regular meeting of January 30, 1973.

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

January 3, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 35-72

An application has been filed by William T. James and Helen F. James, 1244 North Oliver, Wichita, Kansas 67208, pursuant to Section 2.12 590.C Code of the City of Wichita, requesting an exception to permit the installation or construction of a small animal clinic on property requesting a change in zoning from the "A" Two Family Dwelling District to the "BB" Office District (Zone Case No. 1472), and legally described as follows:

A tract in the Northwest quarter, Sec. 13, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, beginning 690 feet South and forty feet East of the Northwest corner of said quarter section, thence East 140 feet, thence South 109 feet, thence West 140 feet, thence North 109 feet to point of beginning. Generally located at the Southeast corner of Oliver and 12th.

This application has been assigned Case No. BZA 35-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 23, 1973, 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

27 & notices sent to Property Owners 1.5.73
8 notices to Planning Commission 1.5.73

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant William T. James and Helen F. James, his wife
Mailing Address 1244 N. Oliver, Wichita, Kan. 67208 Phone 685-9407
Name of Authorized Agent Richard T. Foster, Attorney at Law
67202
Mailing Address 530 R.H. Garvey Building, Wichita, Kansas Phone 263-8285
Relationship of applicant to property is that of owners
(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
(Zoning Ordinance); to permit the installation or construction
of a small animal clinic

_____ on property zoned
"BB", located at southeast corner of Oliver and Twelfth
Street, Wichita, Kansas and legally described as: A tract in the
Northwest quarter, Sec. 13, Township 27 South, Range 1 East of the 6th
P.M., Sedgwick Co., Kansas, beginning 690 feet south and fourty feet east of
the Northwest corner of said quarter section, thence east 140 feet, thence
South 109 feet, thence west 140 feet, thence north 109 feet to point
of beginning, 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. 24-606); 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. Certified ownership on file with Pending Application of Zone Change.
 - d. 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.

William T. James and
Applicant Helen F. James, his wife

by Authorized Agent Richard T. Foster

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, _____ (a.m. P.M.), December 18, 19 72, together with appropriate fee of \$50.00.

Signed Rhonda Swagner
Secretary

The Secretary is unable to comment on a plot plan since the applicant's attorney has advised this office that the applicant is not prepared to submit plans and specifications to the Board at this time because the prospective purchaser intends to utilize the house as a residence for a time prior to its conversion into a small animal clinic.

RECOMMENDATION:

Should the Board determine that a small animal clinic is appropriate for this property, it is the recommendation of the Secretary that the application be approved subject to the following conditions:

1. Approval of a zone change on the/property to "BB".
2. Prior to the granting of such a permit, the applicant shall submit plans and specifications for the conversion of the house into a small animal clinic to the Board for its approval.
3. No noise or odors shall be discernible at any exterior building line.
4. Treatment shall be limited to dogs, cats and other small animals. All animals shall be harboured indoors.
5. A five to eight foot solid fence of masonry, architectural tile, louvered or staggered redwood or rough sawed cedar shall be constructed adjacent to the east and south property lines, except for the west 20 feet adjacent to the south property line which shall have a 3 foot fence.
6. If the applicant fails to submit the above-mentioned plans and specifications to the Board within one year from the date of the approval of this application, this case shall be considered denied and closed.

FORM 22-1

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		

DESCRIPTION	AMOUNT
WPA - 2000	2000

Name *Richard J. Baker*

Address *2000 W. 11th St. - City*

Type *PA - 707113* Due Date *2/18/72*

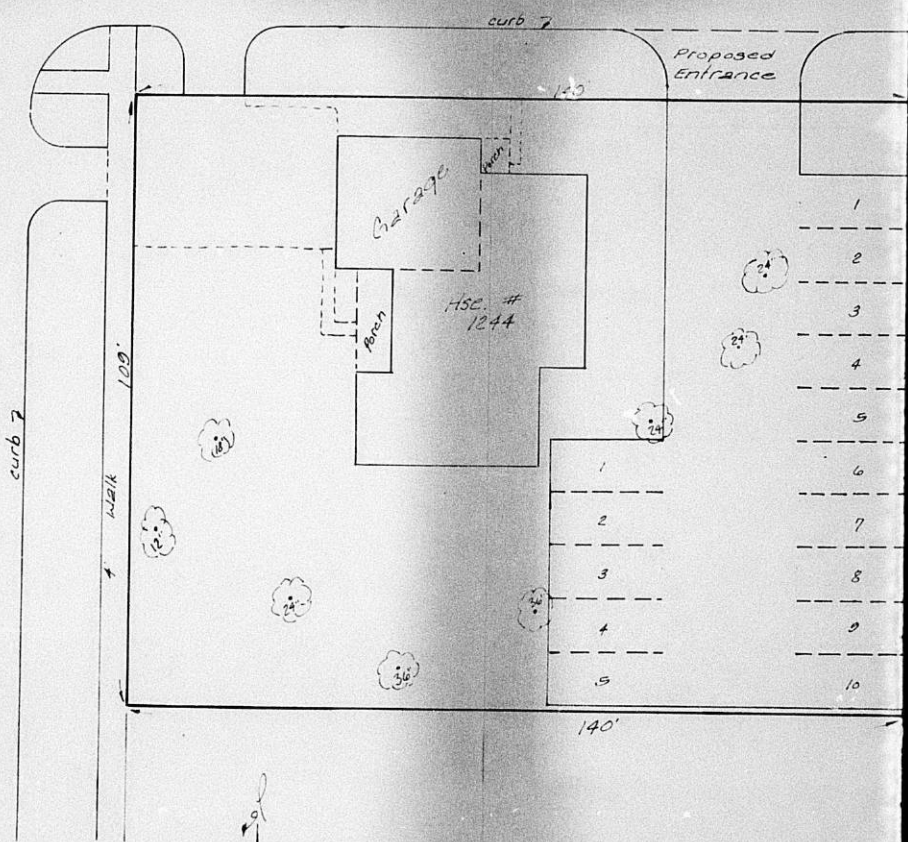
Comments:

Date *2-18-72* By *K-L-W*

12th

St.

OLIVER
AVE.



curb 7

100'

Walk

curb 7

140'

Proposed Entrance

Garage

Bren

HSC # 1244

1

2

3

4

5

1

2

3

4

5

6

7

8

9

10

140'



1" = 20'

PROPOSED PARKING

12th

St.

curb

Proposed Entrance

140

Garage

Open

H.S.C. #
1244

1

2

3

4

5

6

7

8

9

10

1

2

3

4

5

140'

109'

WALK

109'



PROPOSED PARKING LAYOUT

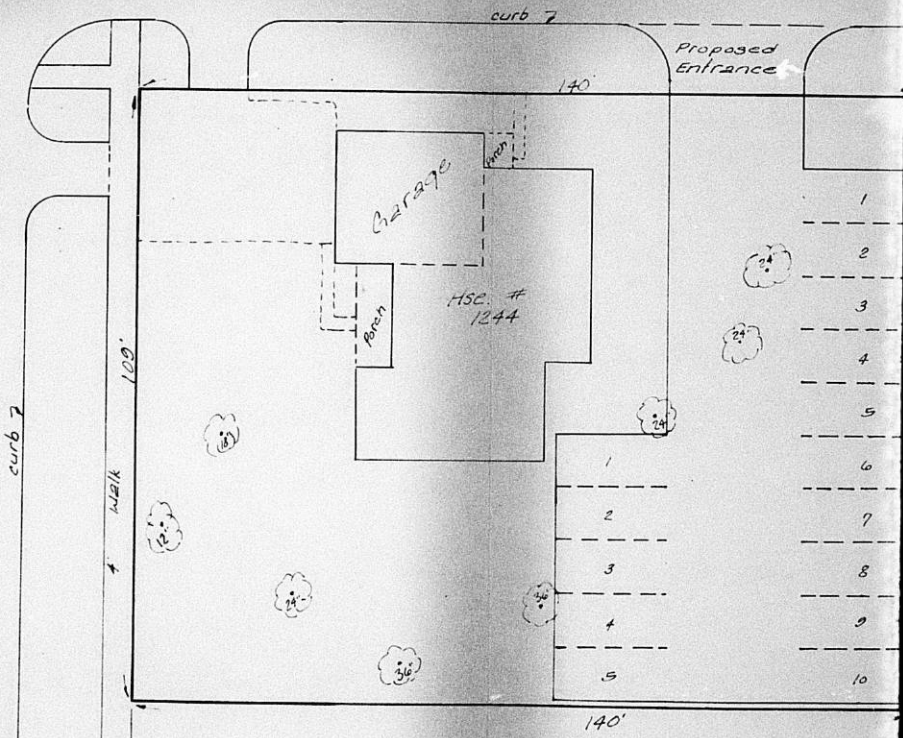
BAUGHMAN COMPANY 10 JAN. '73

2-1472
324 35-72

12th

St.

OLIVER AVE.



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10

PROPOSED PARKING



12th

St.

curb 7

Proposed Entrance

140'

Garage

Porch

HSE # 1244

1

2

3

4

5

6

7

8

9

10

1

2

3

4

5

140'

100'

Walk

100'

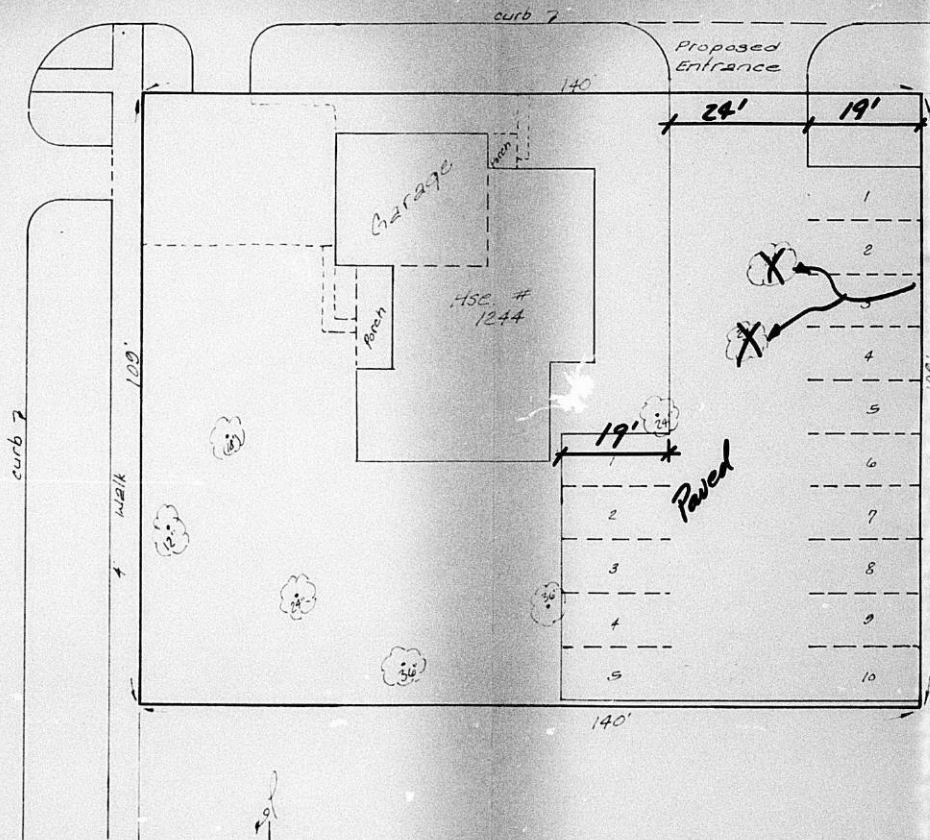


PROPOSED PARKING LAYOUT

12th

St.

OLIVER
AVE.



TRAFFIC ENGINEERING DIVISION APPROVED
W. D. M. Kelley
 Date *1/9/73*

(A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".

(B) Stall lines shall be painted and 4" or greater in width.

(C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

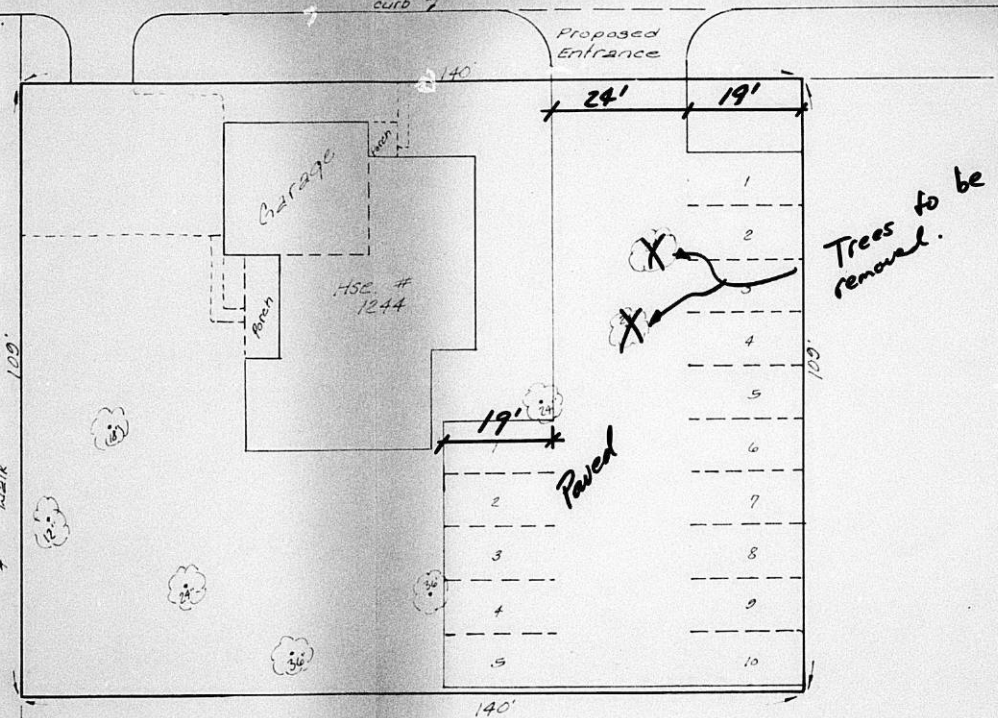
PROPOSED PARKING

12th

St.

curb 7

Proposed Entrance



Trees to be removed.

Paved

PROVED

lines that will not length of

width.

stalled on

ts of the



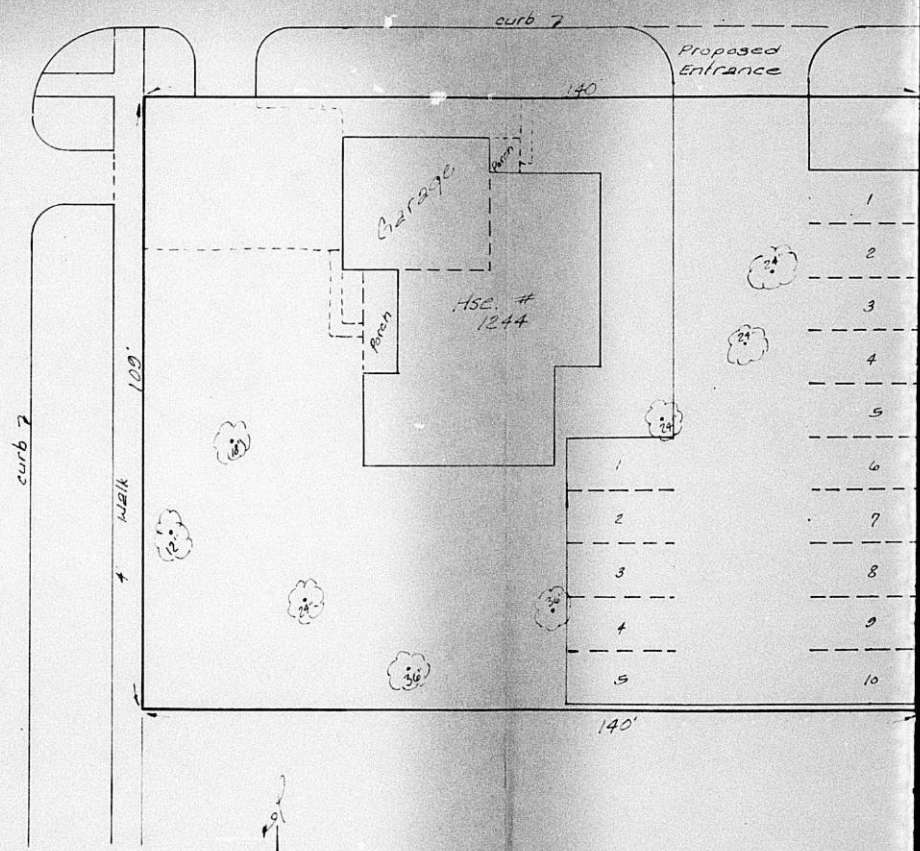
PROPOSED PARKING LAYOUT

12th

St.

OLIVER AVE.

OLIVER



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10



PROPOSED PARKING

