

ACTION

DATE

BZA COMMITTEE Approved for north 10.23.73  
20' of the property

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

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

BZA Case 35-73 The Ananda Marga  
Pre-school requests variance to  
reduce the required front yard set  
back from 25 ft. to 5 ft. for off  
street parking on the WS of Holy  
oke in an area S of 16 Street

POSTED  
12-20-73  
MAP ✓  
C.I. ✓

# ACTION

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D7

Map No. 5749  
Sec. 11  
Twp. 37  
Range 7E

BZA- 35-73  
SCZ- \_\_\_\_\_  
CU- \_\_\_\_\_  
Filed \_\_\_\_\_

AREA DATA:  
1. Acres: 0.17 ( 50 ft. by 150 ft.)  
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
3. Land Use: East SINGLE FAM South TRUCK FAM  
West FOUR 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 \_\_\_\_\_



October 24, 1973

Mr. Jim Pedroja  
1623 North Holyoke  
Wichita, Kansas 67208

RE: Case No. BEA 35-73  
Request for Variance

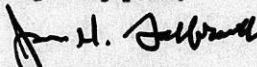
Dear Mr. Pedroja:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 23, 1973, in connection with your request for a variance to reduce the required front yard setback from 25 feet to 5 feet for off-street parking purposes only, on property zoned the "A" Two Family Dwelling District and generally located on the West side of Holyoke in an area South of 16th Street.

This Resolution reflects the official action of the Board to approve the request for only the north 20 feet of the property. It is forwarded to you for your information and files.

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

Very truly yours,

  
Jack H. Galbraith  
Secretary

JHG:rw

Enclosure

cc: The Board of the Ananda Marga Pre-School, 1623 North Holyoke, 67208  
Ms. Kay Hamilton, 1623 North Holyoke, 67208  
Mrs. Leola Lindahl, R.N., Home Care Supervisor, Dept. of Community Health, 1900 East 9th Street, 67214  
Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 35-73

WHEREAS, The Board of the Ananda Marga Pre-School, 1623 North Holyoke, Wichita, Kansas, 67208, by Jim Pedroja, 1623 North Holyoke, Wichita, Kansas, 67208, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 5 feet for off-street parking purposes only, on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 75 and 77 on Holyoke Avenue, in Fairmount, an Addition to Wichita, Sedgwick County, Kansas.  
Generally located on the West side of Holyoke in an area South of 16th Street.

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 October 23, 1973, 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 house was built in such a way that the driveway to the rear yard is too narrow to allow it to be utilized as an approach to parking in the back yard, and installation of a circle drive and accompanying parking in the front yard would be overdeveloping a limited site; 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 it will allow the applicant to provide the required parking in the manner most compatible with surrounding residential uses; 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 the location of the house on the lot prevents the applicant from utilizing the existing drive in the back yard for off-street parking purposes; 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 inasmuch as it would allow the applicant to provide the required off-street parking for the child care center without destroying the front yard; 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 required off-street parking would be provided without over-developing a limited site; and

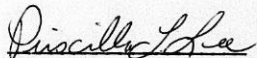
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

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 front yard setback from 25 feet to 5 feet for off-street parking purposes only, on property zoned the "A" Two Family Dwelling District, and legally described as follows:

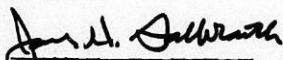
Lots 75 and 77 on Holyoke Avenue, in Fairmount, an Addition to Wichita, Sedgwick County, Kansas.  
Generally located on the West side of Holyoke in an area South of 16th Street.

be approved for only the north 20 feet of the property.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October, 1973.

  
Priscilla L. Lee, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

October 24, 1973

Mr. Jim Pedroja  
1623 North Holyoke  
Wichita, Kansas 67208

RE: Case No. BZA 35-73  
Request for Variance

Dear Mr. Pedroja:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 23, 1973, in connection with your request for a variance to reduce the required front yard setback from 25 feet to 5 feet for off-street parking purposes only, on property zoned the "A" Two Family Dwelling District and generally located on the West side of Holyoke in an area South of 16th Street.

This Resolution reflects the official action of the Board to approve the request for only the north 20 feet of the property. It is forwarded to you for your information and files.

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:rv

Enclosure

cc: The Board of the Ananda Margā Pre-School, 1623 North Holyoke, 67208  
Ms. Kay Hamilton, 1623 North Holyoke, 67208  
Mrs. Leola Lindahl, R.N., Home Care Supervisor, Dept. of Community Health, 1900 East 9th Street, 67214  
Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

October 24, 1973

Mr. Jim Pedroja  
1623 North Holyoke  
Wichita, Kansas 67208

RE: Case No. MEA 35-73  
Request for Variance

Dear Mr. Pedroja:

At the regular meeting of the Board of Zoning Appeals on October 23, 1973, your request for a variance to reduce the required front yard setback from 25 feet to 5 feet for off-street parking purposes only on property zoned the "A" Two Family Dwelling District and generally located on the West side of Holyoke in an area South of 16th Street, was considered.

It was the action of the Board to approve this request for only the north 20 feet of the property.

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.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:rw

cc: The Board of the Ananda Marga Pre-School, 1623 North Holyoke, 67208  
Ms. Kay Hamilton, 1623 North Holyoke, 67208  
Mrs. Leola Lindahl, R.N., Care Home Supervisor, Dept. of Community Health, 1900 East 9th Street, 67214  
Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

SECRETARY'S REPORT  
CASE NO. BZA 35-73

APPLICANT: The Ananda Marga Pre-School, 1623 North Holyoke, Wichita, Kansas, 67208.

AGENT: Jim Pedroja, 1623 North Holyoke, Wichita, Kansas, 67208.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 5 feet for off-street parking purposes only.

GENERAL LOCATION: On the West side of Holyoke in an area South of 16th Street.

LAND USE: Subject property contains a family day care home. To the north and east are single family homes. To the south is a duplex, and to the west is a fourplex.

ZONING: Subject property is zoned the "A" Two Family Dwelling District, as are those properties to the north, south, and east. To the west is the "FB" Four Family Dwelling District.

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).

COMMENTS BY THE SECRETARY:

The Ananda Manga Pre-School has applied for an exception to permit the operation of a child care center for twelve children on property zoned the "A" Two Family Dwelling District (BZA 28-73). In conjunction with the exception request, an application for a variance to reduce the required front yard setback from 25 feet to 5 feet for off-street parking purposes only has also been filed.

Under Section 28.04.185.2, Code of the City of Wichita, one off-street parking space is required for each teacher and employee, plus one off-street parking space for each vehicle used in the operation of the child care center. The Division of Traffic Engineering will only approve one parking space in the existing driveway. In the statement of justification, the agent for the applicant states that the property in question is very narrow in width, and the house was built in such a way that the driveway can be widened only in front of the house. Traffic Engineering will not approve the location of a parking space in the back yard because of the narrow approach. The agent for the applicant states that the only practical alternative, (without constructing a circle drive and paving additional yard area on the south side of the house for parking), would be to widen the existing driveway and create a parking space in the required front yard setback.

Uniqueness:

In the opinion of the Secretary this is somewhat of a unique situation in ~~that~~ the house was built in such a way that the driveway to the rear yard is too narrow to allow it to be utilized as an approach to parking in the back yard, and the Board appears to be of the opinion that installation of a circle drive and accompanying parking in the front yard would be overdeveloping a limited site.

BZA Case No. 35-73  
Secretary's Report  
Page 3

Adjacent Property:

It is the opinion of the Secretary that the granting of the variance would not have an adverse effect on adjacent property owners as it will allow the applicant to provide the required parking in the manner most compatible with surrounding residential uses.

Hardship:

It is the opinion of the Secretary that if hardship can be found to exist it would be because the location of the house on the lot prevents the applicant from utilizing the existing drive in the back yard for off-street parking purposes.

Public Interest:

In the opinion of the Secretary the desired variance would not be opposed to the public interest inasmuch as it would allow the applicant to provide the required off-street parking for the child care center without destroying the front yard.

Spirit and Intent:

It is the opinion of the Secretary that the granting of the variance would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the required off-street parking would be provided without over-developing a limited site.

RECOMMENDATION:

In the event the Board determines that all five of the conditions necessary to the granting of a variance can be found to exist, it is the recommendation of the Secretary that the variance to reduce the required front yard setback from 25 feet to 5 feet for off-street parking purposes only be approved for only the north 20 feet of the property.

APPLICATION FOR VARIANCE: ANANDA MARGA PRE-SCHOOL

The Ananda Marga Yoga Society wishes to create a child care center at 1623 North Holyoke in Wichita. For this purpose an application for "exception" to the zoning code to allow for operation of such a center has been made. The original proposal submitted to the Board of Zoning Appeals was rejected. But the proposal submitted now is quite different and we think much more reasonable.

The Traffic Engineer's office will allow only one parking space on our property as it now is. We need to create another parking space and seek to do this by widening the driveway. This will require a variance of the front yard setback to allow for parking on this proposed widened driveway. Hence we are applying for a variance as part of our plan to meet the standards for the zoning "exception."

The provision from which we desire variance is Section 28.04.040 C subsection 1.1 of the code of the City of Wichita.

The property in question here is very narrow and the house was built in such a way that the driveway can be widened only in front of the house. The Traffic Engineer's office will not allow us to use the backyard for parking because of the narrow approach to the backyard. The only practical alternative is to create parking in the front yard area. This is the condition which the application for variance arises out of.

We know of no reason to think that this request for variance will adversely effect property owners. During the hours of operation of the Pre-School only two regular passenger vehicles will be parked in the area by staff members. Other vehicles may be in the area for special programs or meetings but this will be infrequently. To date we have recieved no complaints of any kind which would fear a negative influence on the area because of our plans.

If the setback provision were to be strictly applied in combination with regulations regarding the "exception" it would be nearly impossible for Ananda Marga to draw up a plan to utilize the property in the manner for which it was purchased.

The variance desired is necessary to meet standards for the "exception" ruling. If granted it could allow us to provide professional care and guidance to a number of young children. We feel this care would promote the health, safety, morals, etc. of the community.

We feel that the granting of the variance requested will in no way menace the general spirit of orderly development of the community.

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

October 2, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case NO. BZA 35-73

An application has been filed by The Ananda Marga Pre-School, 1623 North Holyoke, Wichita, Kansas, 67208, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 25 feet to 5 feet for off-street parking purposes only on property zoned the "A" Two Family Dwelling District and legally described as follows:

Lots 75 and 77 on Holyoke Avenue, in Fairmount, an Addition to Wichita, Sedgwick County, Kansas.  
Generally located on the West side of Holyoke in an area South of 16th Street.

This application has been assigned Case No. BZA 35-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 23, 1973, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting when this matter will be considered.

If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith  
Secretary

16 notices sent to Property Owners 10.2.73  
10 " " " Plng. Comms 10.3.73

BOARD OF ZONING APPEALS

CASE NO. 35-73

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

*Notices sent in same envelopes as B 2A 28-73.*

I. Name of Applicant Ananda Marga Pre-School

Mailing Address 1623 North Holyoke Phone 684-0671

Name of Authorized Agent Jim Pedroja

Mailing Address 1623 North Holyoke Phone 684-0671

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

II. The variance requested is that the front yard set back be reduced  
from 25 feet to 5 feet to allow for creation of an additional parking space

for property located at 1623 North Holyoke

and legally described as: Lots 75 and 77 of the Fairmont Addition  
to Wichita

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

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.

Kay Hamilton  
Applicant

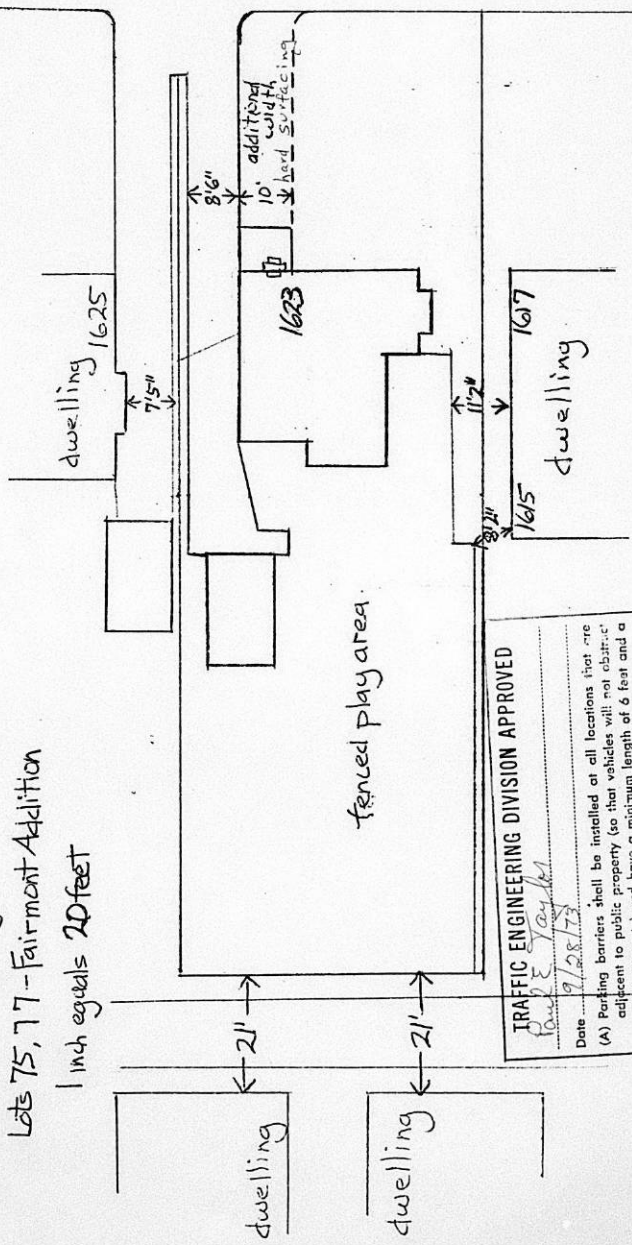
Jim Pedroja  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals (a.m. - p.m.), September 25 (27) 19 73 together with appropriate fee of \$50.00.

Martha Mc Murry  
Signed

W N E  
S

Ananda Margq Pre School  
1623 North Holyoke  
Lots 75, 77 - Fairmont Addition  
1 inch equals 20 feet



no parking east side

1600 Block North Holyoke

TRAFFIC ENGINEERING DIVISION APPROVED  
*Paul E. Taylor*  
 Date 9/28/73  
 (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) Stencil 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.

*Approved subject to BZA approval of parking in the setback*

CERTIFICATE OF OWNERSHIP  
-----

GUARANTEE TITLE CO., INC., 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:

Lots 75 and 77 on Holyoke Avenue,  
in Fairmount, an Addition to Wichita,  
Sedgwick County, Kansas.

DESCRIPTION	OWNER/OWNERS/ADDRESS
<u>FAIRMOUNT ADDITION</u>	
<u>Holyoke Avenue</u>	
Lots 60 & 62	<i>also 28</i> Lillian Marie Mueller Virginia Marie Mueller 1642 N. Holyoke 67208
Lots 64-66-68-70-72 & 74	<i>also 28</i> Norton L. Francis 5205 East 21st St. 67208
Lots 76-78-80	<i>also 28</i> Arthur N. Walker Julie M. Walker 3122 Sennett St. 67211
Lots 82-84	<i>also 28</i> Gus A. & Anna A. Pankratz Rt. #2, Augusta, Kansas 67010
Lots 86-88-N 10' of Lot 90	<i>also 28</i> Board of Trustees of Wichita State University 1845 Fairmount 67208
Lot 90 exc N 10' & Lots 92-94	<i>D</i> Norton L. Francis 5205 East 21st St. 67208
Lot 59	<i>also 28</i> Clarence F. & Ann M. Dreiling 1647 N. Holyoke 67208
Lots 61-63	<i>also 28</i> Elizabeth Washington 1635 N. Holyoke 67208
Lots 65-67-69	<i>also 28</i> M. Alice Isley, Kenneth D. Isley Merrill N. Isley 1627 N. Holyoke 67208
Lots 71-73	<i>also 28</i> Fourth Natl Bank & Trust Co. 200 E. Douglas 67202
Lots 75-77	<i>also 28</i> Alice Cleland Esther Cleland 5715 Castle 67218
Lots 79-81-83-85-87-89-91-93	<i>also 28</i> Ike Dunn (Dec'd) John E. Prechtel 304 N. Hampton 67206
<u>Hillside Avenue</u>	
Lots 60-62-64-66-68-70	<i>also 28</i> Robert A. Jacques <del>1031 N. Armour</del> 1641 Cullen 67206
Lots 72-74-76-78-80-82	<i>also 28</i> W. L. Stauffer Construction Co., Inc. 3535 West 13th St. 67203

FAIRMOUNT ADDITION

Hillside Avenue

Lots 84 & 86

*M. Mollohan*  
M. Mollohan  
H. M. Beech  
1734 N. Hillside 67214

Lots 88-90-92-94

*D* W. L. Stauffer Construction Co., Inc.  
3535 West 13th St. 67203

Dated this 17th day of July, 1973, at 7:00 o'clock A. M.

GUARANTEE TITLE CO., INC.

No. 47517/f

By *Mont. R. H. ...*  
Vice-President

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		

DESCRIPTION AMOUNT

Name

Address

Type

Due Date

Comments:

Date

By

Case 36-73

was a withdrawn  
Case - no case file was  
ever made up.

2-2-77

led