

Case No. BZA 36-79 - Board of
Park Commissioners requests
variance to reduce the front yard
setback from 30' to 0' for off-
street parking purposes only on
prop. zoned "AA" & gen. located

POSTED
8-20-79

ACTION

BZA
36-79 COMMITTEE
M.A.P.C.

DATE *8-28-79*
Approved

9-17-79
200' MAPD
200' CI 9-17-79
RECORDED M BK

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

September 12, 1979

Thomas P. Allen Jr.
Director of Parks
City Hall
455 North Main
Wichita, Kansas 67202

Re: Case No. BZA 36-79
Request for Variance

Dear Mr. Allen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 28, 1979, in connection with your request for variance to reduce the front yard setback from 30 feet to 0 feet for off-street parking purposes only on property zoned the "AA" Single Family Dwelling District and generally located on the southwest corner of Crestline and Hardtner..

This Resolution reflects the official action of the Board to approve this 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:bbc
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

RESOLUTION NO. BZA 36-79

WHEREAS, the Board of Park Commissioners, City of Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 30 feet to 0 feet for off-street parking purposes only, on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 9, Block D, Westlink Village Fourth
Addition to Wichita, Sedgwick County,
Kansas. Generally located at the south-
west corner of Crestline and Hardtner.

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 August 28, 1979, 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 utilization of the front yard setback for off-street parking is being dictated by neighborhood demands and is not immediately adjacent to any front yard of a residence; 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 adjacent property to the east is separated by an area of at least 60 feet that will be landscaped. The street rights-of-way will also be landscaped to partially screen the parking area and enhance the general appearance of the completed project; 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 it would be necessary to move the parking lot 30 feet further south in order to provide the desired number of parking spaces thereby requiring the removal of mature trees from the park in order to provide the desired number of parking spaces at this location; 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 it would tend to eliminate on-street parking and would permit the Park Department the maximum use of land for recreation purposes; 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 adequate landscaping is to be provided to the north and east to create a buffer between the parking and any residential use; 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 front yard setback from 30 feet to 0 feet for off-street parking purposes only, on property zoned the "AA" Single Family Dwelling District and legally described as:

Lot 9, Block D, Westlink Village Fourth
Addition to Wichita, Sedgwick County,
Kansas. Generally located at the south-
west corner of Crestline and Hardtner

be approved subject to the following conditions:

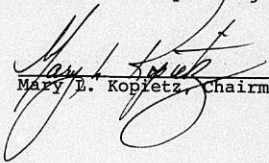
1. The 15-foot area between the front property line and the existing curb and gutter shall be landscaped with a combination of grass and trees, maintained in good condition.
2. The variance is granted for off-street parking purposes only, and no permanent structures shall be erected therein.

ADOPTED AT WICHITA, KANSAS this 28th day of August, 1979.

ATTEST:



Jack H. Galbraith, Secretary



Mary E. Kopyetz, Chairman

August 29, 1979

Thomas P. Allen, Jr.
Director of Parks
City Hall
455 North Main
Wichita, Kansas 67202

Re: Case No. BZA 36-79
Request for Variance

Dear Mr. Allen:

At the regular meeting of the Board of Zoning Appeals on August 28, 1979, your request for a variance to reduce the front yard setback from 30 feet to 0 feet for off-street parking purposes only on property zoned the "AA" Single Family Dwelling District and generally located on the southwest corner of Crestline and Hardtner was considered.

It was the action of the Board to approve this request subject to the following conditions:

1. The 15-foot area between the front property line and the existing curb and gutter shall be landscaped with a combination of grass and trees, and maintained in good condition.
2. The variance is granted for off-street parking purposes only, and no permanent structures shall be erected therein.

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.

Page 2
August 28, 1979
BEA 36-79

If you have any questions, please call our office.

Sincerely yours,

Jack H. Galbraith
Secretary

JHG:bbc
cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE August 16, 1979

TO Jack Galbraith, Chief Planner

FROM Gail Williams, CPO Administrative Aide

SUBJECT BZA 36-79: Hardtner and Crestline

On August 15, CPO Council "A" discussed the captioned case and voted 7-0 to recommend approval of the requested setback reduction.

In recent weeks, the Council has worked with residents of the neighborhood and with Park Department staff to develop the most desirable location and alignment for the proposed Buffalo Park parking lot. The requested variance will make possible the lot placement which has received neighborhood, Council, and Park Board approval, for reasons including aesthetics and park planning. Therefore, the Council recommends that the variance be granted.

Gail Williams

Gail Williams
CPO Administrative Aide

GW:lw

cc: Tom Allen, Director of Parks

NOTED:

Sarah Gilbert
Sarah Gilbert
Assistant CP Coordinator

RECEIVED

AUG 20 1979

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT
CASE NO. BZA 36-72

APPLICANT: Board of Park Commissioners, City of Wichita,
Kansas

AGENT: Thomas P. Allen, Jr., Director of Parks,
455 North Main, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.500.B, Code
of the City of Wichita, to reduce the front
yard setback from 30 feet to 0 feet for off-
street parking purposes only.

GENERAL LOCATION: Southwest corner of Crestline and Hardtner.

ZONING: Subject property is zoned "AA" Single Family,
as are all surrounding properties.

LAND USE: Subject property is part of Buffalo Park, as
are those properties to the south and west.
East and north are single family residences.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.500.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 23 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 23 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The Board of Park Commissioners of the City of Wichita, Kansas, is requesting a variance of the front yard setback from 30 feet to 0 feet to develop a paved parking area for Buffalo Park which is presently under development.

Page 2
Case No. BZA 03-79
BZA AGENDA
8-28-79

The statement of justification submitted with the application points out that three different concepts were considered to provide parking for the park, each of which would have avoided removal of trees and relocation of other park improvements and also met the setback requirements. These concepts were previously considered and opposed by the neighborhood. It is further pointed out that as a result of several meetings with residents of the area and CPO Council "A", it has been determined that the proposed design is most acceptable to the concerned parties.

The Park Department indicates that it is intended that an application will be filed to vacate Crestline south of Hardtner thereby creating a landscaped open space between the parking lot and the single family development to the east.

UNIQUENESS:

It is the opinion of the Secretary that this may be somewhat of a unique situation inasmuch as the utilization of the front yard setback for off-street parking is being dictated by neighborhood demands and is not immediately adjacent to any front yard of a residence.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested may not adversely affect the rights of adjacent property owners or residents inasmuch as the adjacent property to the east is separated by an area of at least 60 feet that will be landscaped. The street rights-of-way can also be landscaped to partially screen the parking area and enhance the general appearance of the completed project.

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 it would be necessary to move the parking lot 30 feet further south in order to provide the desired number of parking spaces thereby requiring the removal of mature trees from the park in order to provide the desired number of parking spaces at this location.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested would not adversely affect the public interest inasmuch as it would tend to eliminate on-street parking and would permit the Park Department the maximum use of land for recreation purposes.

Page 3
Case No. BZA 36-70
BZA AGENDA
8-28-70

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 if adequate landscaping is provided to the east and north to create a buffer between the parking area and any residential use.

RECOMMENDATION:

If the Board concurs that the five conditions necessary to the granting of the variance can be found to exist, the Secretary recommends the variance be granted subject to the following conditions:

1. The 15-foot area between the front property line and the existing curb and gutter shall be landscaped with a combination of grass and trees, and maintained in good condition.
2. The variance is granted for off-street parking purposes only, and no permanent structures shall be erected therein.

BZA CASE NO.

36-79

1 NOTICES SENT TO APPLICANT/AGENT
10 NOTICES SENT TO MAPC
1 NOTICES SENT TO CPO
8 NOTICES SENT TO ADJOINING PROPERTY OWNERS
20 TOTAL NOTICES SENT ~~8-8-79~~ 8-8-79

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

August 8, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 36-79

An application has been filed by the Board of Park Commissioners, City Hall, 11th Floor, 455 North Main, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the front yard setback from 30 feet to 0 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 9, Block D, Westlink Village Fourth
Addition to Wichita, Sedgwick County,
Kansas.

This application has been assigned case No. BZA 36-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 28, 1979, at 1:30 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.

Jack H. Galbraith
Secretary

Park Board hopes third time a charm for Buffalo parking lot

By Reg Fontenot
Wichita Beacon staff

Wichita's Board of Park Commissioners is having a tough time with its plans for a parking lot in Buffalo Park on the city's west side.

Residents near the park don't want the lot close to their homes and have prompted changes in its location twice. Buffalo Park is between Maple and Central on Maize Road.

Members of Citizen Participation Organization Council A told Park Board Director Tom Allen that they opposed a plan to locate the lot, which will hold about 35 cars, near Third Street and the park's eastern boundary.

Allen said that after discussing the matter with the council and area residents at a July 5 meeting, it was decided to relocate the lot at the park's north end, near Crestline Street.

Allen said that plan was "generally acceptable" to most of the residents and the CPO council.

But other area residents objected. At the next meeting of the council, it was decided that a better location for the lot would be at the park's northwest edge, near the intersection of Crestline and Hardner Streets.

"It's a rectangular parking lot and instead of the long (end) being east and west, they wanted it north-south," Allen said.

He said the contractor — Inland Co. Inc. — has been awarded a \$48,110 contract to build the lot and is waiting for a final decision on its location.



The Park Board is expected to discuss the latest change at its Monday meeting, Allen said.

Doyle Converse, a member of the CPO council, said he has heard no complaints about the latest site for the lot, but adds: "In politics, you can never say everybody will be happy."

But even if all parties concerned are happy with the new plan, it must clear another hurdle — the Board of Zoning Appeals — before construction can begin.

The proposed north-south lot would fall short of a 30-foot setback requirement, Allen said. Under the plan, the lot's setback from curbing and guttering would be 15 feet.

Wichita Beacon August 9, 1979

Statement Justifying Variance Requested

Re: Lot 9, Block D, Westlink Village

The Applicant, The Board of Park Commissioners of the City of Wichita, Kansas, submits that it has attempted to carry out its plans to develop a paved parking area in Buffalo Park, and has encountered opposition to three different concepts, each of which met the set back requirement of the City of Wichita, and avoided removal of trees and relocation of other park improvements. As a result of several meetings with residents of the area and CPO Council "A", it has been determined that the present design is acceptable to all concerned parties. It, however, does not meet the front yard setback requirements consisting of 30 feet, of the zoning ordinance. We will take whatever steps are necessary to appropriately landscape the 15 foot "parking" portion of the street right-of-way between the existing curb and gutter, and the parking area improvement.

Thomas P. Allen, Jr.

Thomas P. Allen, Jr.
Director

OK

VARIANCE

RESOLUTION NO. BZA 36-79

WHEREAS, Board of Park Commissioners, City of Wichita, Kansas

requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 30 feet to 0 feet for off-street parking purposes only.

on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 9, Block D, Westlink Village Fourth Addition to Wichita, Sedgwick County, Kansas.

Generally located at the Southwest corner of Crestline and Hardtner.

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 August 28, 1979, 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 utilization of the front yard setback for off-street parking is being dictated by neighborhood demands and is not immediately adjacent to any front yard of a residence; and

Variance Resolution

Page Two

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 adjacent property to the east is separated by an area of at least 60 feet that will be landscaped. The street rights-of-way ~~will~~ also be landscaped to partially screen the parking area and enhance the general appearance of the completed project; 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 it would be necessary to move the parking lot 30 feet further south in order to provide the desired number of parking spaces thereby requiring the removal of mature trees from the park in order to provide the desired number of parking spaces at this location; 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 it would tend to eliminate on-street parking and would permit the Park Department the maximum use of land for recreation purposes; 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 adequate landscaping is to be provided to the north and east to create a buffer between the parking and any residential use; 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 front yard setback from 30 feet to 0 feet for off-street purposes only

Variance Resolution
Page Three

on property zoned the "AA" Single Family Dwelling District
and legally described as:

Lot 9, Block D, Westlink Village Fourth
Addition to Wichita, Sedgwick County,
Kansas.

Generally located at the southwest corner of Crestline and Hardtner
be approved ~~on this~~ subject to the following conditions:*

ADOPTED AT WICHITA, KANSAS, this 28th day of
August 1979.

Mary L. Kopietz, Chairman

ATTEST:

Jack H. Galbraith Secretary/
~~Assistant Secretary~~

- * 1. The 15-foot area between the front property line and the existing curb and gutter shall be landscaped with a combination of grass and trees, and maintained in good condition.
2. The variance is granted for off-street parking purposes only, and no permanent structures shall be erected therein.

BOARD OF ZONING APPEALS

CASE NO. 36-79

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Board of Park Commissioners
11th Floor City Hall
Mailing Address 455 N. Main Wichita, KS Phone 268-4638

Name of Authorized Agent Thomas P. Allen, Jr., Director
11th Floor City Hall
Mailing Address 455 N. Main Wichita, KS Phone 268-4638

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

II. The variance requested is to reduce the front yard setback from
 30 feet to 0 feet for off-street parking purposes only.

for property located at the southwest corner of Crestline and Hardtner.

and legally described as: Lot 9, Block D, Westlink Village

Fourth Addition to Wichita, Sedgwick County, Kansas

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

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.

Board of Park Commissioners

Applicant

Thomas P. Allen, Jr.
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 3:00 ~~4:00~~ - p.m.), August 3 19 79 together with appropriate fee of ~~\$50.00~~.
None required

Allen E. Lytle
Signed

36-79

OWNERSHIP LIST

Lot	Addition	Property Owner
lot 10, Block C	Westlink Village 4th	Vera Williams 531 Crestline 67212
lot 11, Block C	Same	Dale L. Minnick 10212 Hardtner 67212
lot 12, Block C	Same	Administrator of Vet. Affairs 5500 East Kellogg 67218
lot 13, Block C	Same	Earl W. Baker & H. Avis Baker 10230 Hardtner 67212
lots 6,7,8,9 Block D	Same	<i>D</i> Board of Park Commissioners 11th floor City Building 455 North Main 67202
lot 1, Block G	Same	Donald N. Setser & Janet L. 10115 Hardtner 67212
lot 2, Block G	Same	Roland M. Brown & Judith B. 10101 Hardtner 67212
lot 5, Block E	Same	Harold Lee Schroeder and Arlene N. Schroeder 524 Crestline 67212
lot 6, Block E	Same	Donald G. Kaylor and Marjorie Ann Kaylor 10116 Hardtner 67212

The south 40 acres of the west half of the NW $\frac{1}{4}$ of Section 20-27-1W, except: Beginning at a point 275 feet south of the NW corner of said south 40 acres, thence east to a point 284 feet south and 472 feet west of the NE corner of said south 40 acres, thence south to a point on the south line of said south 40 acres, such point being 465 feet west of the SE corner of said south 40 acres, thence west to the SW corner of said south 40 acres, thence north to beg.

D The Board of Park Commissioners
11th floor-City Building
455 North Main 67202

RECEIVED
AUG 7 1979

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

A 200 foot radius of: Lot 9,
Block D, Westlink Village Fourth
Addition, Sedgwick County, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 6th day of August, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Gable

Vice President

Order No. 279892
wh