

5447C

200'4 Sec 9-23-87

Shot 10-20-87

or Record

Case No. BZA 36-87 - Joseph P. Steven requests a variance to reduce the required side yard setbacks from 5' to 0' on properties zoned the "C" Commercial District & the "B" Multiple-family Dwelling District & generally treated

BZA 36-87
DATE

Posted 8-13-87 106

ACTION

B.Z.A. 36-87 approved 8/25/87
DATE

5447C

200'4 Sec 9-23-87

Shot 10-20-87

Res at

Case no. BZA 36-87 - Joseph P. Steven
requests a variance to reduce the re-
quired side yard setbacks from 5' to 0'
on properties zoned the "C" Commercial
District & the "B" Multiple-family
& generally located

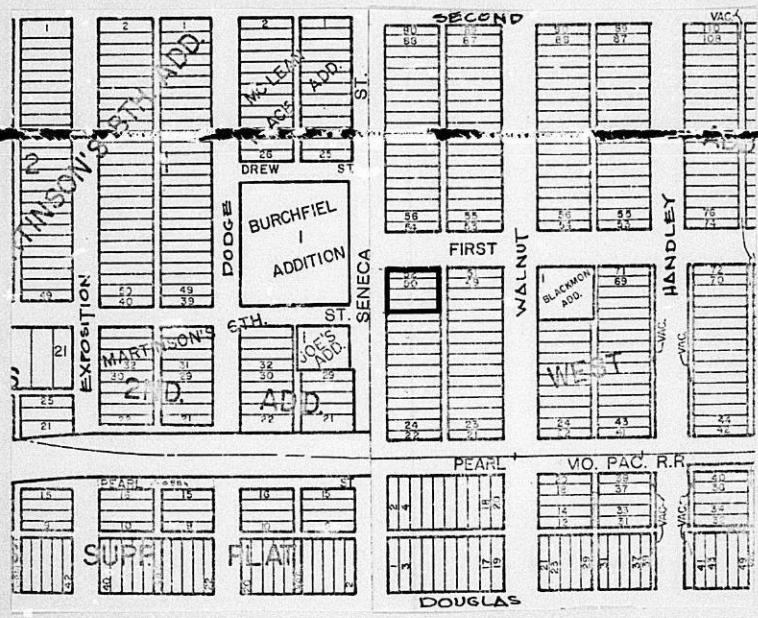
Map No. 5447C

BZA 36-87
Filed 7-24-87

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E B S C W C N B
3. Land Use: East _____ South _____
West _____ North _____
4. Area (is) (is not) platted.

*Alley 15'
lots 25x125*



*Alley 15'
lots 25'x125'*

Speed.
No. 2153C
PUBLISHED BY
LOS ANGELES-CHICAGO-LOGAN, OH
MCGRAW-HILL, INC.
1221 AVENUE OF THE STARS
ETHEL, PA.
U.S.A.

August 27, 1987

Bradley J. Steven
206 North Seneca
Wichita, Kansas 67203

Re: BZA 36-87 - Variance of side yard setback at SE corner of Seneca
and First

Dear Mr. Steven:

Enclosed is a signed copy of the Resolution adopted by the Board of
Zoning Appeals on August 25, 1987.

This Resolution reflects the official action of the Board to grant 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,

Louise Olivarez
Assistant Secretary

LO/lw

Enclosure

cc: Joseph P. Steven, 206 N. Seneca, Wichita, KS 67213
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE August 25, 1987

TO Louise Olivarez, Principal Planner

FROM Stanley J. Scott, CP Coordinator *Stan Scott*

SUBJECT BZA 36-87: Southeast corner
 of Seneca and First Street

Due to the lack of a quorum at its Tuesday, August 20, 1987 meeting, CPO West River Neighborhood Council 4A is not able to provide a recommendation on the captioned case.

Please note that the applicant was present and no area residents or property owners were present to oppose the requested zoning variance.

SJS:dm

RESOLUTION CASE NO. 36-87

WHEREAS, Joseph P. Steven, 206 N. Seneca, Wichita, Kansas 67203, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required side yard setbacks from 5 feet to 0 feet on properties zoned the "C" Commercial District and the "B" Multiple-family Dwelling District and legally described as follows:

Lots 46 and 48 on Seneca (zoned "C"), and Lots 50 and 52 on Seneca (zoned "B"), West Wichita Addition to Sedgwick County, Kansas. Generally located at the southeast corner of Seneca and First 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 August 25, 1987, 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 both the "B" district lots and the "C" district lots are owned by one person who desires to develop a continuous structure across the zoning district boundaries; 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 required setbacks on the front and rear of the property, where adjacent to other ownerships or public right-of-way, will be observed; 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 lessee of the dental office would be forced to seek larger quarters elsewhere if this expansion to the south across zoning district boundary lines is not permitted; 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 of the side yard setbacks to zero feet will not interfere with any utility easements or street right-of-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 the zoning ordinance does not take into consideration the unusual circumstances which arise when one building is built in two separate zoning districts; 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.

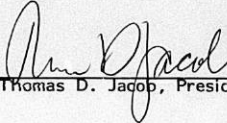
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required side yard setbacks from 5 feet to 0 feet on properties zoned the "C" Commercial District and the "B" Multiple-family Dwelling District and legally described as follows:

Lots 46 and 48 on Seneca (zoned "C"), and Lots 50 and 52 on Seneca (zoned "B"), West Wichita Addition to Sedgwick County, Kansas. Generally located at the southeast corner of Seneca and First Street.

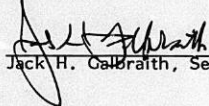
be approved subject to the following condition :

1. The setback between the "B" and "C" districts may be reduced to zero feet, but if any setback between the existing office building and the new structure is observed it shall be not less than five feet.

ADOPTED AT WICHITA, KANSAS, this 25th day of August, 1987.


Thomas D. Jacob, President

ATTEST:


Jack H. Calbraith, Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA 36-87

OWNER/APPLICANT/AGENT: Joseph P. Steven (applicant)
Bradley J. Steven (agent)

REQUEST: Variance to reduce the required side yard setbacks from 5 feet to 0 feet

CURRENT ZONING: "C" Commercial District and "B" Multiple-family Dwelling District

SITE SIZE: 12,500 square feet

LOCATION: At the southeast corner of Seneca and First Street.

PROPOSED USE: Expansion of dental office now existing in "B" 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 conditions as required by the State Statutes are found to exist.

BZA 36-87 SR

BACKGROUND: The applicant is requesting a variance to reduce the required side yard setbacks from 5 feet to 0 feet for adjacent properties zoned "B" and "C". The "B" district has a 5-foot side yard setback always while the "C" district has a 5-foot side yard setback when adjacent to a residential district. The applicant intends to connect the existing dental office building in the "B" district on the corner of Seneca and First Street with a new commercial building to be constructed in the "C" district to the south.

ADJACENT ZONING AND LAND USE:

NORTH	B	Single-family dwelling
SOUTH	C	Undeveloped
EAST	B	Single-family dwellings
WEST	C	Offices

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as both the "B" district lots and the "C" district lots are owned by one person who desires to develop a continuous structure across the zoning district boundaries.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the required setbacks on the front and rear of the property, where adjacent to other ownerships or public right-of-way, will be observed.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the lessee of the dental office would be forced to seek larger quarters elsewhere if this expansion to the south across zoning district boundary lines is not permitted.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the reduction of the side yard setbacks to zero feet will not interfere with any utility easements or street right-of-way.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the zoning ordinance does not take into consideration the unusual circumstances which arise when one building is built in two separate zoning districts.

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 condition:

1. The setback between the "B" and "C" districts may be reduced to zero feet, but if any setback between the existing office building and the new structure is observed it shall be not less than five feet.

BZA CASE NO. 56-87

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>12</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>14</u>	TOTAL NOTICES SENT <u>8/3/87</u>

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

August 3, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 36-87

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 Joseph P. Steven requesting a variance.

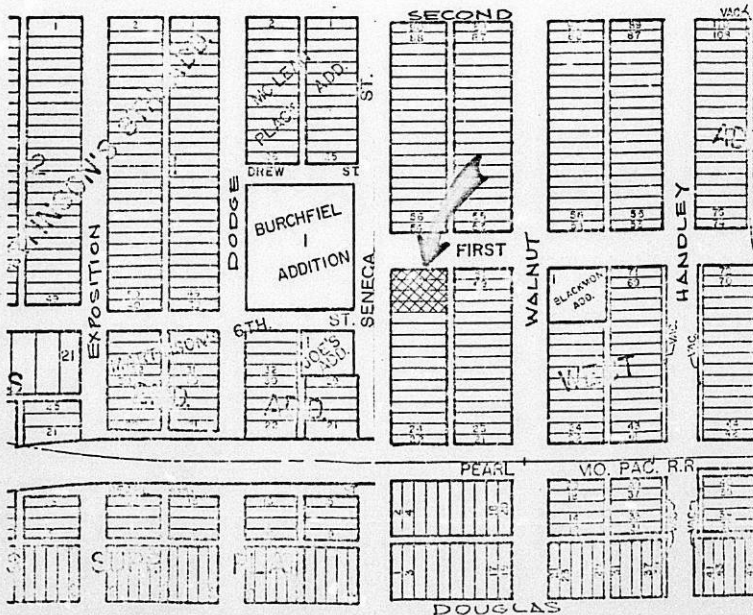
Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required side yard setbacks from 5 feet to 0 feet on properties zoned "C" Commercial District and the "B" Multiple-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 46 and 48 on Seneca (zoned "C"), and Lots 50 and 52 on Seneca (zoned "B"), West Wichita Addition to Sedgwick County, Kansas. Generally located at the southeast corner of Seneca and First Street.

This application has been assigned Case No. BZA 36-87. It will be considered by the Board of Zoning Appeals on August 25, 1987, 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 in or objections to 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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO West River Neighborhood Council "HA" will consider this case at their meeting to be held on Thursday, August 20, 1987, at 7 p.m., at the Stanley/Aley Community Center, 1749 South Martinson. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



APPLICATION FOR VARIANCE

I. Name of Applicant Joseph P. Steven
Mailing Address 206 N. Seneca, Wichita, Ks. 67203 Phone 316-262-2486
Name of Authorized Agent Bradley J. Steven
Mailing Address 206 N. Seneca, Wichita, Ks. 67203 Phone 316-262-2486
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is ^{a reduction of the required side yard from 5' to} for a covered walkway from
a Zone B lot to a Zone C-2 lot.
(construction for lessee)
at the southeast corner of Seneca and 15th Street.

X for property located 226 N. Seneca, Wichita, Ks. 67203 to
232 N. Seneca, Wichita, Ks. 67203
and legally described as: Lot 44 ^{Lot 50 & 52, Sec. 36}
Seneca, West Wichita Addition ^{and vacated}
Sub 10' of First Street, Wichita, Sedgewick
County, Kansas. adjacent streets on the north.
in the City of Wichita; and which is presently zoned CC to B-B.

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 Sedgewick 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 x Joseph P. Steven
Authorized Agent Bradley J. Steven

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
2:40 (a.m./p.m.), 7-24, 1987, together with appropriate
fee of 500.00.

Signed Barbara Harris, Sr. Planner

SEAT COVERS TO FIT ANY AUTOMOBILE OR BOAT
CUSTOM INSTALLED **FREE** IN 30 MINUTES WHILE YOU WAIT

• CONVERTIBLE TOP • CARPETING • MATS
262-2486

CHECK THE MANY SERVICES FOR YOUR CAR

"Let Joe Do It"

JOE'S CAR WASH

SEAT COVER CENTER



"Let Joe Do It"



206 N. Seneca
Wichita, Kansas 67203

JULY 23, 1987

Our request for a variance from the specific terms of Title 28 are as follows: Erection of a covered walkway between and attaching to property located on Lots 50-52, zoned B and new construction planned for Lots 34-48, zoned 10. All of the above mentioned lots are owned by Joseph P. Steven and our request would allow expansion of present lessee's (Joseph P. Steven Jr. D.D.S.) facilities on Lots 50-52. This walkway will be enclosed to secure the health and well being of the lessee's employees in the daily functions of their jobs. Without this added office space the lessee will be forced to seek business facilities elsewhere, thus creating an unnecessary hardship.

The architectural design of the enclosed walkway will be professional and attractive to enhance this otherwise vacant property.

Joseph P. Steven
Joseph P. Steven

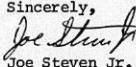
Bralley J. Steven
Bralley J. Steven

JOE STEVEN, JR., D.D.S., P.A.
232 NORTH SENECA
WICHITA, KANSAS 67203
TELEPHONE 262-5273

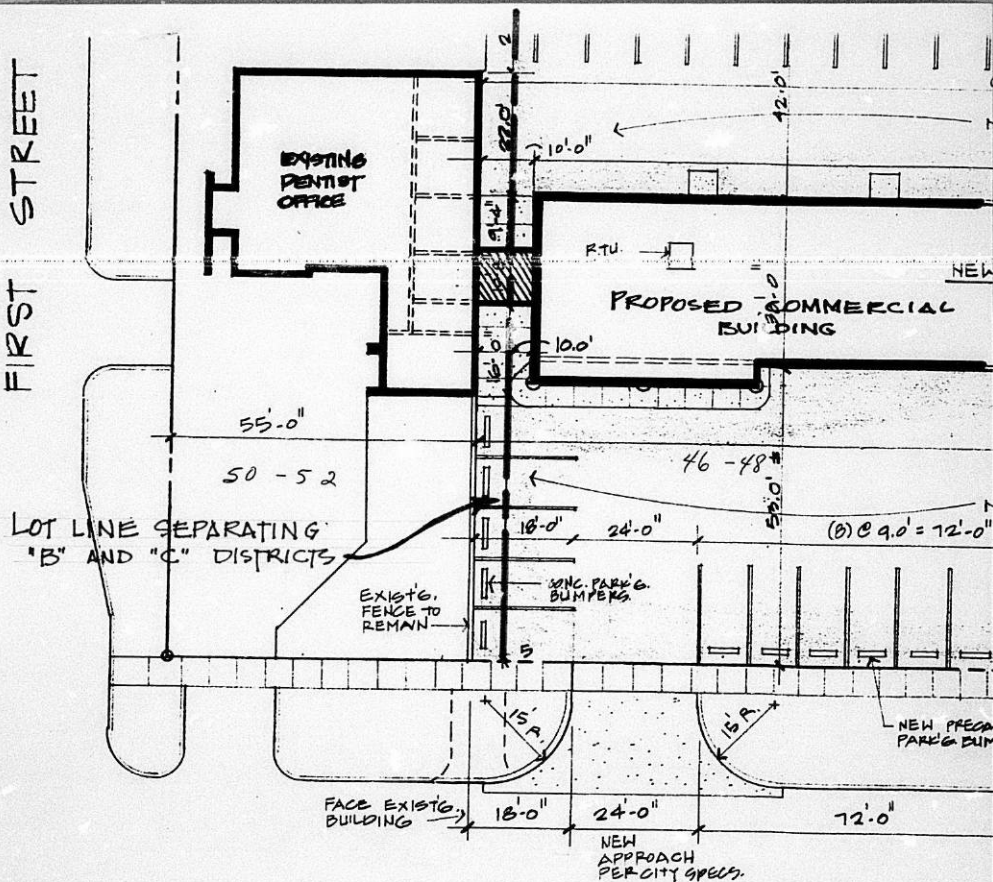
July 22, 1987

To Whom it May Concern:

This is to inform you that I have been renting the building at 232 N. Seneca from Joe Steven Sr. since June of 1978 for the use of my private dental practice. We are in need of more space for expansion and have been working in conjunction with Joe Steven Sr. to construct an adjoining building with a covered walkway to connect the two buildings. The addition would be to the south of our building adjoining an addition to the 206 N. Seneca facility of Joe Steven Sr.

Sincerely,

Joe Steven Jr.

FIRST STREET



BZA 36-87

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

RECORD OWNERS WITHIN 200 FEET OF:

not in application
Lots 50, ~~51~~ and 52 and vacated South 10 feet of First Street, on Seneca Street, WEST WICHITA ADDITION, Wichita, Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

<u>DESCRIPTIONS</u>	<u>RECORD OWNERS</u>
<i>includes application area</i> Lots 33, ^{tax} 35, 34, 36, ^{amount} 37 , 38, 40, 42, 44, 46, 48, 50 & 52, on Seneca, WEST WICHITA ADDITION,	✓ Joseph P. Steven 1301 S. Maize Road Wichita, Kansas 67209 <i>see business address on application</i>
Lots 49 and 51, on ^{Walnut} Seneca , WEST WICHITA ADDITION,	✓ Ronnie D. Beard 7617 Nantucket Wichita, Kansas 67212
Lot 45, EXCEPT the South 15 feet and all of Lot 47, Walnut WEST WICHITA ADDITION,	✓ Irving William Shiflet 225 N. Walnut Wichita, Kansas 67203 <i>returned unable to locate</i>
Lots 41, 43 and the South 15 feet of Lot 45, Walnut, WEST WICHITA ADDITION,	✓ Ernest B. & Ruby C. Moore 1127 Woodrow Wichita, Kansas 67203
Lots 37 and 39, Walnut, WEST WICHITA ADDITION,	✓ Robert N. & Sharon L. McCurry 1756 N. Young Wichita, Kansas 67212



DESCRIPTIONS

RECORD OWNERS

Lot 1, BLACKMON ADDITION,	Peel Investment Company ADDRESS UNKNOWN	<i>outside 200'</i>
Lots 40 and 42, Walnut, WEST WICHITA ADDITION,	Michael M. Abernathy 220 N. Walnut Wichita, Kansas 67203	<i>"</i>
Lots 36 and 38, Walnut, WEST WICHITA ADDITION,	Aldron D. & Alice A. Shook 1330 Bonn Wichita, Kansas 67213	<i>"</i>
Lots 54 and 56, on Seneca, NIEDERLANDER'S ADDITION,	✓ John N. Kinderknecht 302 N. Seneca Wichita, Kansas 67203	
Lots 58 and 60, on Seneca, NIEDERLANDER'S ADDITION,	✓ Daniel C. Williams 304 N. Seneca Wichita, Kansas 67203	
Lots 62 and 64, on Seneca, NIEDERLANDER'S ADDITION,	✓ Ronald E. & Dorothy J. Bell & Charles R. Bell 2652 S. Minnesota Wichita, Kansas 67216	
Lots 53 and 55, on Walnut, NIEDERLANDER'S ADDITION,	✓ Dorothy Wadkins 1652 S. Emporia Wichita, Kansas 67211	<i>385 Summitlawn 09</i>
Lots 57 and 59, on Walnut, NIEDERLANDER'S ADDITION,	✓ Phillip L. Meeks 309 N. Walnut Wichita, Kansas 67203	
Lot 61 & South Half of Lot 63, Walnut, NIEDERLANDER'S ADDITION,	Marvin & Freda J. Winn ADDRESS UNKNOWN	
Lots 54 and 56, Walnut, NIEDERLANDER'S ADDITION,	Theodore L. Abbey 300 N. Walnut Wichita, Kansas 67203	<i>outside 200'</i>
Lots 58 and 60, Walnut, NIEDERLANDER'S ADDITION,	Jerry M. & Theresa Knapp 308 N. Walnut Wichita, Kansas 67203	<i>"</i>
South 90 feet of Lot 1, BURCHFIEL ADDITION,	✓ George U. & Laura L. Landis 301 N. Seneca Wichita, Kansas 67203	
Lot 1, exc s. 90' Burchfiel Lot 1, JOE'S ADDITION,	✓ Robert E. Burchfiel Esther S. Steven 1301 S. Maize Road Wichita, Kansas 67209	<i>313 N. Seneca 67203</i>



Dated at Wichita, Kansas, this 16th day of July, 1987 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Medina A. Satter*
Administrative Secretary

Tracer No. 73939



WICHITA - SEDGWICK COUNTY

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688



RECEIVED

AUG 11 1987
METROPOLITAN PLANNING
ROUTE _____

Irving William Shiflet
225 N. Walnut
Wichita, KS 67203

PAK 8/20

SHI 25 010423N1 08/04/87

RETURN TO SENDER
NO FORWARDING ORDER ON FILE
UNABLE TO FORWARD

36-87

WICHITA - SEDGWICK COUNTY

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688



mailed 3/1/87

WAD 52 12111621 FWD TIME EXPD
WADKINS
338 S SUMMITLAWN
WICHITA KS 67209-2242
RETURN TO SENDER

RECEIVED

AUG 12 1987
METROPOLITAN PLANNING
ROUTE _____

Dorothy Wadkins
1652 S. Emporia
Wichita, KS 67211

not at this address

36-87



MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 2 121

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.
	Planning		

DESCRIPTION AMOUNT

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY