

Case No. BZA 39-81 - Humphrey Building Company - requests a variance to reduce the front yard setback from 20' to 0' and to reduce the side yard setback from 6' to 0', both for off-street parking purposes only on property

*POSTED
7-2-81*

ACTION

BZA 39-81

COMMITTEE APPROVE DATE 2-22-81

M.A.P.C. _____

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

SEAT 0

*RECORDED
10-20-81
10-19-81
10-16-81
10-15-81
10-14-81
10-13-81
10-12-81
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10-3-81
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10-1-81*

September 25, 1981

Ralph Humphrey
Humphrey Building Co.
Box 11304
Wichita, Kansas 67202

Re: Case No. RZA 35-81
Request for Exception
Case No. RZA 39-81
Request for Variance

Dear Mr. Humphrey:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on September 22, 1981.

These Resolutions reflect the official action of the Board to approve the requests and set out the conditions of approval. These are 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
Enclosures

cc: Humphrey Building Co., Box 11304, Wichita 67202
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. EZA 39-81

WHEREAS, Humphrey Building Co., Box 11304, 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 20 feet to 0 feet and to reduce the side yard setback from 6 feet to 0 feet both for off-street parking purposes only on property zoned the "RB" Four-family Dwelling District and legally described as follows:

The south half of Lot 13, Block 2, Perry's Addition
to Wichita, Sedgwick County, Kansas. Generally located
on the northeast corner of Santa Fe and Zimmerly.

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 September 22, 1981, 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 small and located immediately adjacent to Industrially zoned property making a parking lot the most logical reuse of the property; 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 applicant will be required to provide a screening fence along the north property line; 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 applicant is in need of parking spaces for employees and this is the only vacant land in the immediate area; 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 a parking lot for employees will relieve the congestion created by on-street parking; 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 general area is in a transitional state; 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.

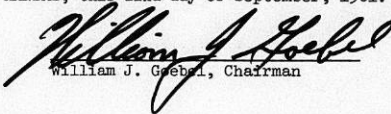
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard from 20 feet to 0 feet, and to reduce the required side yard from 6 feet to 0 feet, both for off-street parking purposes only on property zoned the "RB" Four-family Dwelling District and legally described as:

The south half of Lot 13, Block 2, Perry's Addition
to Wichita, Sedgwick County, Kansas. Generally located
on the northeast corner of Santa Fe and Zimmerly.

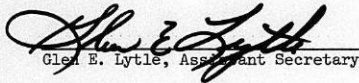
be approved subject to the following condition:

1. The applicant shall comply with all conditions of BZA Resolution No. 35-81 prior to occupancy of the site.

ADOPTED AT WICHITA, KANSAS, this 22nd day of September, 1981.


William J. Goebel, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE September 18, 1981

TO Glen Lytle, Special Assistant for Zoning


FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 39-81 (Northeast Corner of
Zimmerly and Santa Fe)

CPO Council "E" considered the captioned case at their September 16th meeting and voted 6-0 to recommend approval of the variance to reduce the front yard setback from 20 feet to 0 feet and to reduce the side yard setback from 6 feet to 0 feet, both for off-street parking purposes only on property zoned the "RB" Four-Family Dwelling District at the captioned location.

Cecil Livengood, representative for the Humphrey Building Company was present to speak in support of the application. No one was present to speak in opposition.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at their September 22nd meeting.


Shirley Mast
Administrative Aide III

SM:ml

SECRETARY'S REPORT
CASE NO. BZA 39-81

APPLICANT: Humphrey Building Company, Box 11304, Wichita, Kansas

AGENT: Ralph Humphrey, Humphrey Building Company, Box 11304, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 20 feet to 0 feet and to reduce the side yard setback from 6 feet to 0 feet, both for off-street parking purposes only.

GENERAL LOCATION: On the northeast corner of Zimmerly and Santa Fe (1358 South Santa Fe).

ZONING: Subject property is zoned "RB" Four-family Dwelling District as are the properties to the north, west and south. Property to the east is zoned "E" Light Industrial.

LAND USE: Subject property is vacant. Property to the north, west and south are all residential properties. Property to the east is a wrecking yard.

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 and 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 front yard adjacent to Santa Fe from 25 feet to 0 feet, and the side yard adjacent to Zimmerly from 6 feet to 0 feet, both for off-street parking purposes only. This request is in conjunction with the exception request for a parking lot (BZA 35-81) to be located on the property.

The majority of residential development in the area is located on parcels of land 50 feet or less in width and are older homes, many of which have been converted to two-family dwellings. This has created a lot of on-street parking all along Santa Fe street and the applicant is trying to provide a site for off-street employee parking. In order to fully utilize the property for parking, it is necessary to secure a variance of the front yard and side yard.

The applicant could possibly seek a change of zoning to a district comparable with that of the main use. This, however, would then permit the use of the property for many uses that might be more detrimental to the adjoining residential properties than would an off-street parking lot for passenger vehicles only.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the property is small and located immediately adjacent to Industrial zoned property making a parking lot the most logical use of the property.

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 applicant will be required to provide a screening fence along the north property line.

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EZA 39-81
EZA AGENDA
9-22-81

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 applicant is in need of parking spaces for employees and this is the only vacant land in the immediate area.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as this will allow additional off-street parking which should relieve the congestion created by on-street parking.

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 general area is in a transitional state.

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 applicant shall comply with all conditions of EZA Resolution No. 35-81 prior to occupancy of the site.

BZA CASE NO. 39-81

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

16 NOTICES SENT TO ADJOINING PROPERTY OWNERS

28 TOTAL NOTICES SENT 9-4-81

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

9-04-81

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. EZA 39-81

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 Humphrey Building Company, Box 11304, 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 front yard setback from 20' to 0' and to reduce the side yard setback from 6' to 0', both for off-street parking purposes only on property zoned "RB" Four-family Dwelling District. A legal description of the applicant's property is as follows:

The south half of Lot 13, Block 2, Perry's
Addition to Wichita, Sedgwick County, Kansas.
Generally located on the northeast corner of
Santa Fe and Zimmerly.

This application has been assigned Case No. EZA 39-81. It will be considered by the Board of Zoning Appeals on September 22, 1981 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
CITY OF WICHITA, KANSAS

CASE NO. 39-81
FILED 8-13-81

APPLICATION FOR VARIANCE

I. Name of Applicant Humphrey Building Co.

Mailing Address Box 11304 Zip 67202 Phone 267-2201

Name of Authorized Agent Ralph Humphrey

Mailing Address Box 11304 Zip 67202 Phone 267-2201

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

II. The variance requested is to reduce the front yard setback
from 20 feet to 0 feet and to reduce the sideyard setback from
6 feet to 0 feet, both for offstreet parking purposes only.
for property located on the Northeast corner of Santa Fe and
Zimmerly.
and legally described as: The South Half of Lot Thirteen (13),
Block Two (2), PERRYS ADDITION to Wichita, Sedgwick County,
Kansas.

in the City of Wichita; and which is presently zoned RB

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 Humphrey Building Co.

Authorized Agent Ralph Humphrey

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 9:00 (a.m.-p.m.), Aug 13, 1981, together with appropriate fee of 50⁰⁰

Signed [Signature]

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE COMPANY, INC. has searched the public records and finds the following to be a true and correct list of the property owners as evidenced by the last deed of record within a 200 foot radius of and including the following described property, viz:

The South Half of Lot Thirteen (13), Block Two (2),
PERRYS ADDITION to Wichita, Sedgwick County, Kansas.

NOTE: Addresses are furnished as a courtesy only and are not certified.

DESCRIPTION	OWNER/ADDRESS	ZIP CODE
<u>PERRYS ADDN.</u>		
<u>Block 1</u>		
The N/2 of Lot 11	✓ Harry C. Miller & Janet 1335 So. Santa Fe Wichita	67211
The S/2 of Lot 11	✓ Mae R. Howard 2101 So. Elizabeth Ave., Apt. 101 Wichita	67213
The N/2 Lot 12	✓ Susie Glover, Phoebe J. Galloway, Mary A. Montgomery & Wilma L. Strack c/o Susie Glover 1339 So. Santa Fe. Wichita	67213
The So. 50' of Lot 12	✓ Hal David Dellinger & Ramona M. 4416 E. 27th St. North Wichita	67220
The N/2 of Lot 13	✓ Rolland E. Klaassen, Duane K. Klaassen, Calvin L. Klaassen c/o Rolland E. Klaassen 516 No. Westfield Ave., Wichita	67212
The S/2 of Lot 13	✓ Delbert L. Hopkins & Ann 3339 Belaire Court Wichita John R. Glenn 2108 Parkwood Wichita	67218 67208
<u>Block 2</u>		
The So. 50' of Lot 11	✓ Johnny D. Merriman & Tracy A. 1342 So. Santa Fe Wichita	67211
The N/2 of Lot 12	✓ Carl J. Montgomery & June 1344 So. Santa Fe Wichita	67211
The S/2 of Lot 12	✓ Vernon D. Turner & Karen K. 2035 So. Chautauqua Wichita	67211

*returned 8-7-81
addresses
unknown
returned 8-19-81
address
unknown*

unable to forward

DESCRIPTION	OWNER/ADDRESS	ZIP CODE
<u>PERRYS ADDN. (Cont'd.)</u>		
<u>Block 2 (Cont'd.)</u>		
The N/2 of Lot 13	✓ William A. Babcock, Jr. & Rosemary E. 1229 So. St. Francis Wichita	67211
The S/2 of Lot 13	<i>Dub</i> ✓ Ralph L. Humphrey & Loren R. Humphrey d/b/a Humphrey Building Co., a co- partnership 719 E. Zimmerly Wichita	67211
All of Lots 14, 15, 16 & 17, except the West 8' of each lot	✓ Diana Lee Bachus & Vickie Ann Bachus 725 E. Waterman Wichita	67202
<u>Block 7</u>		
The No. 54' of Lot 1 & the No. 50' of the So. 100' of Lot 1	✓ William F. Chance and Luella M. 1400 So. Santa Fe Wichita	67211
The So. 50' of Lot 1	✓ Isador R. Lambert & Phyllis Elaine 1702 So. Clifton Wichita	67218
The So. 50' of Lot 24, Exc. the West 8' thereof	<i>Dub</i> ✓ Ralph L. Humphrey & Loren R. Humphrey d/b/a Humphrey Building Co., a co- partnership 719 E. Zimmerly Wichita	67211
<u>Block 8</u>		
The N/2 of the No. 75' of Lot 1	✓ Richard L. McBeath 718 No. Norwood Tulsa, Oklahoma	74115
The S/2 of the No. 75' of Lot 1	✓ Henry Nash Baker 1405 So. Santa Fe Wichita	67211
The No. 37½' of the So. 75' of the No. 150' of Lot 1	<i>returned "address unknown" 8-10-81</i> ✓ Community Center Credit Union 1613 E. Central Wichita	67214
The So. 41½' of Lot 1	✓ David G. Parrott & Deborah A. 1409 So. Santa Fe Wichita	67211
Cont'd.		

DESCRIPTION	OWNER ADDRESS	ZIP CODE
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WAKEFIELD ADDN.

Lots 1, 2 & 3

dup Ralph L. Humphrey & Loren R. Humphrey
d/b/a Humphrey Building Co., a Co-
partnership
719 E. ZIMMERLY

67211

Dated this 20th day of July, 1981 at 7:00 A.M..

GUARANTEE TITLE CO., INC.

By *Connie L. Douthett*
Licensed Abstracter

No. 5284

**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.

Planning

DESCRIPTION		AMOUNT
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	