

Case No. BZA 44-79 - Knudsen,
Markel & Monroe Properties
request variance to temp. delay
construction of screening fence
along the east, west and north
prop. lines on prop. zones east

ACTION

POSTED
8-31-79

BZA
44-79

COMMITTEE

APPR. 9-25-79
4-0

DATE

9-25-79

M.A.P.C.

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

✓ 200' MPP KE 10-16
✓ 200' CI 10-16

Case No. BZA 44-79 - Knudsen,
Markel & Monroe Properties
request variance to temp. delay
construction of screening fence
along the east, west and north
prop. lines on prop. zone.

October 10, 1979

Jeff Krehbiel Associates
1021-1 East Waterman
Wichita, Kansas 67211

Re: Case No. B2A 44-79
Request for Variance

Dear Mr. Krehbiel:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 26, 1979, in connection with your request for a variance to temporarily delay the construction of a screening fence along the east, west and north property lines on property zoned the "BB" Office District and generally located on the north side of 13th Street in an area west of High.

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:bhc
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk
Knudsen, Markel and Monroe Properties, Box 2436 67201

RESOLUTION NO. BZA 44-79

WHEREAS, Knudsen, Markel and Monroe Properties, P. O. Box 2486, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to temporarily delay the construction of a screening fence along the east, west and north property lines and elimination of the screening on the west line adjacent to the office building under construction, on property zoned the "BB" Office District and legally described as follows:

Lots 16 and 17, Weirick Addition, Sedgwick County, Kansas. Generally located on the north side of 13th Street in an area west of High.

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 25, 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 there is sufficient grade differential to the west to make it unique, and the existing trees and vacant land will remain until further development; 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 landscaping will be provided to soften the west building elevation and the maintenance of a 25-foot landscaped yard will provide a separation between adjacent properties to the east and north; 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 would be restricted in the design of the office park in the most functional manner due to the depth of the zoning lot; 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 transition between the office building and the apartments should be compatible and the properties to the north and east will be protected by the distance separation maintained; 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 development of a low-rise office building with sufficient landscaping to create a buffer and the retention of existing open space and trees are in conformance with the intent of the ordinance; 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.

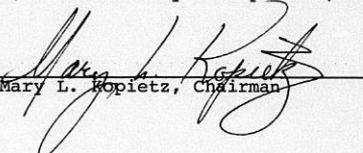
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to temporarily delay the construction of a screening fence along the east, west and north property lines and elimination of the screening on the west line adjacent to the office building under construction, on property zoned the "BB" Office District and legally described as:

Lots 16 and 17, Weirick Addition, Sedgwick County, Kansas. Generally located on the north side of 13th Street in an area west of High

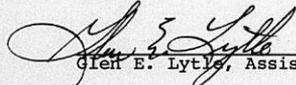
be approved subject to the following conditions:

1. The landscaping on the west side of the office building be installed and maintained in accordance with the plan submitted.
2. The existing trees shall remain on the property to the north and east, and the area of the property not shown as parking shall be maintained as grass or other landscape materials. At any time further development occurs on the property, the property shall comply with all conditions of the zoning ordinance.

ADOPTED AT WICHITA, KANSAS, this 25th day of September, 1979 .


Mary L. Kapietz, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

September 26, 1979

Jeff Krehbiel Associates
1021-1 East Waterman
Wichita, Kansas 67211

Re: Case No. BZA 44-79
Request for Variance

Dear Mr. Krehbiel:

At the regular meeting of the Board of Zoning Appeals on September 26, 1979, your request for a variance to temporarily delay the construction of a screening fence along the east, west and north property lines on property zoned the "BB" Office District and generally located on the north side of 13th Street in an area west of High was considered.

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

1. The landscaping on the west side of the office building be installed and maintained in accordance with the plan submitted.
2. The existing trees shall remain on the property to the north and east, and the area of the property not shown as parking shall be maintained as grass or other landscape materials. At any time further development occurs on the property, the property shall comply with all conditions of the zoning ordinance.

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.

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September 26, 1979
BZA 44-79

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:hbc
cc: Knudsen, Markel and Monroe Properties, Box 2486 67201
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 September 20, 1979

RECEIVED

SEP 24 1979

TO Jack Galbraith, Chief Planner
FROM Ginny Schrag, CPO Administrative Aide

METROPOLITAN PLANNING

ROUTE

JA

Little

SUBJECT BZA 44-79 (North side of 13th
Street in an area west of High:
3580, 3584, 3588 West 13th Street)

At its meeting of September 19, 1979, CPO Council "M" considered the captioned case. Don and Kathy Morgan, representing Knudsen, Markel and Monroe Properties presented the request for a variance to temporarily delay the construction of a screening fence along the east, west and north property lines, and answered questions pertaining to the request.

The Council voted unanimously, 6-0, to recommend approval of the variance, that the fence not be required if the neighbors don't want it. Please advise the Board of Zoning Appeals of the Council's recommendation when the case is considered at the September 25 meeting.

Ginny Schrag

Ginny Schrag
CPO Administrative Aide

GS:lw

NOTED:

Sarah Gilbert

Sarah Gilbert
Assistant CP Coordinator

SECRETARY'S REPORT
CASE NO. BZA 44-73

APPLICANT: Knudsen, Markel and Monroe Properties,
P. O. Box 2486, Wichita, Kansas

AGENT: Jeff Krehbiel Associates, 1021-1 East
Waterman, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.500.B, Code
of the City of Wichita, to temporarily delay
the construction of a screening fence along
the east, west and north property lines.

GENERAL LOCATION: North side of 13th Street in an area west of
High.

ZONING: Subject property is zoned "BB" Office District;
west is "B" Multiple Family; north and east is
"AA" Single Family; south, across the street,
is "BB" Office.

LAND USE: Subject property is being developed as an
office park. West is a high-rise apartment
structure. East is church parking and a
residence. North is a residence. South,
across the street is office and apartments.

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 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).

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EZA 44-79
EZA AGENDA
9-25-79

COMMENTS BY THE SECRETARY:

The applicant is requesting two variances as follows:

1. The elimination of the screening required by the ordinance on the west line of the property adjacent to the office building under construction; and
2. The temporary delay of the screening fence along the west, north and east property lines adjacent to residential zoning districts.

It should be noted by the plot plan submitted by the applicant that the property is proposed to be developed in at least 3 phases, the first of which is now underway.

The applicant has indicated that due to the grade differential between the property included in the application and the apartment project to the west, a screening fence would be ineffective, and has proposed that a 10-foot landscaped area be substituted. It should also be noted that the apartment building on the west is situated away from the east property line and separated by landscaping and parking.

The zoning ordinance provides for an exception of the screening requirements for office and institutional uses when the properties are developed with a 25-foot landscaped yard adjacent to the property line requiring screening. In this particular instance, the plot plan indicates that the existing trees on the north and east will remain at least through the development of phase I and would constitute a separation between the office building and parking and the properties to the north and east.

UNIQUENESS:

It is the opinion of the Secretary that this may be a unique situation inasmuch as there is sufficient grade differential to the west to make it unique, and the existing trees and vacant land will remain until further development.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the variance requested may not adversely affect the rights of adjacent property owners inasmuch as landscaping will be provided to soften the west building elevation and the maintenance of a 25-foot landscaped yard will provide a separation between adjacent properties to the east and north.

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DZA 44-70
DZA AGENDA
9-25-70

HARDSHIP:

It is the opinion of the Secretary that it is somewhat difficult to determine that the strict application of the application of the provisions of the zoning ordinance would constitute an unnecessary hardship upon the applicant, but if a hardship can be found it may be due to the fact that the applicant would be restricted in the design of the office park in the most functional manner due to the depth of the zoning lot.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variances requested would not adversely affect the public interest inasmuch as the transition between the office building and the apartments should be compatible and the properties to the north and east will be protected by the distance separation maintained.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the development of a low-rise office building with sufficient landscaping to create a buffer and the retention of existing open space and trees are in conformance with the intent of the ordinance.

RECOMMENDATION:

If the Board determines that the above five conditions can be found to exist, it is the recommendation of the Secretary that the variances be granted subject to the following conditions:

1. The landscaping on the west side of the office building be installed and maintained in accordance with the plan submitted.
2. The existing trees shall remain on the property to the north and east, and the area of the property not shown as parking shall be maintained as grass or other landscape materials. At any time further development occurs on the property, the property shall comply with all conditions of the zoning ordinance.

BZA CASE NO. 44-79

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

10 NOTICES SENT TO ADJOINING PROPERTY OWNERS

23 TOTAL NOTICES SENT 9-5-79

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

September 5, 1970

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 44-70

An application has been filed by Knudsen, Markel and Monroe Properties, P. O. Box 2486, Wichita, Kansas, pursuant to Section 2.12.500.B, Code of the City of Wichita, requesting a variance to temporarily delay the construction of a screening fence along the east, west and north property lines on property zoned the "BD" Office District, and legally described as follows:

Lots 16 & 17, Weirick Addition, Sedgwick County, Kansas. Generally located on the north side of 13th Street in an area west of High (3580, 3584 and 3588 West 13th St.).

This application has been assigned case No. BZA 44-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 25, 1970, 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

BOARD OF ZONING APPEALS

CASE NO. 44-79

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Knudsen, Markel and Monroe Properties ✓

Mailing Address P.O. Box 2486, Wichita, KS 67201 Phone 264-2368

Name of Authorized Agent Jeff Krehbiel Associates, A.I.A.

Mailing Address 1021-1 E. Waterman, Wichita, KS 67211 Phone 267-8233

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

II. The variance requested is ^{Temporary} to delay the construction of a screening fence ^{along}
the east, west and north property lines ^{proper line}
until Phase II is begun. Delete the fence on the west behind the building

~~(Phase I)~~ and replace with landscaping.

for property located 13th Street and 100' west of High.

North side of 13th Street in an area west of High

OK for legal

and legally described as: Lots 16 & 17, Weirick Addition, Sedgwick County,
Kansas.

~~West 13th~~ (3580, 3584 and 3588 West 13th Street).

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

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.

Knudsen, Markel and Monroe Properties
Applicant

Jeff Krehbiel Associates, Architects
Authorized Agent (Gregory F. Wilhite)

Gregory Wilhite

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:10 (a.m. ~~(p.m.)~~), August 27, 1979 together with appropriate fee of \$50.00.

G. Lynn Shirkery Signed



**JEFF KREHBIEL
ASSOCIATES, aia**
architecture · planning

August 21, 1979

Board of Zoning Appeals
City of Wichita
455 North Main
Wichita, Kansas 67202

Re: Office Building for Knudsen-Markel & Monroe Properties, Partnership
Lots 16 & 17, Weirick Addition to Wichita, Sedgwick County
3580, 3584, & 3588 West 13th Street

Knudsen-Markel & Monroe Properties are experiencing a unique condition. Their property is bounded on the west by areas of landscaping and parking, on the east by a church building which is used only on Sundays and for parking, and it is approximately 150 feet from the new building to the north property line. Considering the above mentioned factors, we feel a unique condition exists which imposes unnecessary financial hardships on the property owners to construct a screening fence at this time.

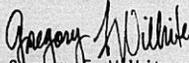
Thus, Knudsen-Markel & Monroe is requesting the following:

1. The wood screening on the west, north and east property lines would not be constructed at this time, but rather, when Phase II is constructed. The existing landscaping would be maintained.
2. Based upon established grades on the west, a 5'-0" screening fence would be ineffective, therefore, Knudsen-Markel & Monroe Properties is requesting: In lieu of the screening fence which is required behind the building at the west property line, landscaping be provided per the attached plans.

By granting the above mentioned requests, we feel the general spirit and intent of Title 28 (Zoning Ordinance) shall be upheld without adversely affecting either the rights of the adjacent property's owners and residents, or the public's interest, morale, safety, order, convenience, prosperity, and general welfare.

Respectfully submitted,

JEFF KREHBIEL ASSOCIATES


Gregory F. Wilhite
Architect

1021-1 east waterman wichita, kansas 67211 (316) 267-8233



JEFF KREHBIEL
ASSOCIATES, aia
architecture · planning

August 21, 1979

Board of Zoning Appeals
City of Wichita
455 North Main
Wichita, Kansas 67202

Re: Office Building for Knudsen-Markel & Monroe Properties, Partnership
Lots 16 & 17, Weirick Addition to Wichita, Sedgwick County
3580, 3584 & 3588 West 13th Street

We, the below signed residents, have been contacted by a representative of Knudsen-Markel & Monroe Properties and after reviewing the proposed landscape plan, we are in agreement with the attached variance requested.

Lot 1, ~~same~~ Addition, West Park Tower Company, 247 North Market
By J. M. P. H. Date August 24, 1979

Lot 14, Weirick Addition, Caleb Truax and Juanita, 1417 High
By Caleb E. Truax Date 8-25-79

S½ Lot 15, Weirick Addition, Madge Sherwood, 1828 West 18 Street, Apt. 1211
By Madge Sherwood Date 8-27-79

N½ Lot 15, Weirick, Olivet Southern Baptist Church, 3440 West 13 Street
By Olivet Bapt. Ch. by Gordon D. Davis Date 8-25-79

Respectively submitted,

JEFF KREHBIEL ASSOCIATES

Gregory A. Wilhite
Gregory A. Wilhite

GFWR

OWNERSHIP LIST

Lot	Addition	Property Owner
lots 13,14,15	Nice's Addition	Olivet Southern Baptist Church, 3440 West 13th St. 67203
lot 1	Darge Addition	David O. Knudtson and Scott A. Brooks, Charles L. Orth, 3455 West 13th St. 67203
lot 1	H. F. Johnston Addition	W. L. Stauffer Construction Company, Inc. 3535 West 13th St. 67203
lot 2	Same	Otis H. Fleming, deceased Thelma Fleming 3521 West 13th St. 67203
lot 1	Frenchvilla Addition	<i>no listing</i> Multivest Real Estate Fund Ltd. Michigan partnership
✓ lot 1	Hammer Addition	West Park Tower Company 247 North Market 67202
lot 12	Weirick Addition	Philip A. Johnson and Teresa C. Johnson 1445 High 67203
lot 13	Same	Dorothy L. Wagner and Robert E. Wagner 1423 High 67203
✓ lot 14	Same	Caleb Truax & Juanita 1417 High 67203
✓ S½ lot 15	Same	Madge Sherwood 1828 West 18th St., Apt. 1211 67203
✓ N½ lot 15	Same	Olivet Southern Baptist Church 3440 West 13th St. 67203
lots 16 and 17	Same	K.M & M. properties c/o D. W. Markel, P. O. Box 2486 67201
✓ The East 8 acres of the SW¼ of the SW¼ of Section 12-27-1W lying south of the south line of the north 7 acres of said SW¼ SW¼ Section 12, except the south 291 feet		<i>Tom Allen</i> Board of Park Commissioners 455 North Main 67202

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

A 200 foot radius of: Lots
16 and 17, Weirick Addition

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 21st day of August, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Stable

Vice President

Order No. 280398
wh

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 021 PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hae 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
BZA Varnum City	50.00

NAME: Jeff Kuehnle
ADDRESS: 1121 S. W. 1st St.
FUND: 11-40-71-112 - 0000-0000
DUE DATE: 1-27-77
COMMENTS:
DATE: 1/27/77 BY: JKS

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 2