

Case No. BZA 47-79-Robert J. Schaeffer, requests variance to reduce the front yard setback from 20' to 3' on prop. zoned "BB" & gen. loc. on the east side

POSTED
10-23-79

ACTION

BZA
47-79

DATE

10-23-79

APPROVED

COMMITTEE

M.A.P.C.

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

300, C/1, 10-23-79
700, C/1, 10-23-79
RECORDED

5647
 Map No. 5747
 Sec. 23
 Twp. 27
 Range 1E

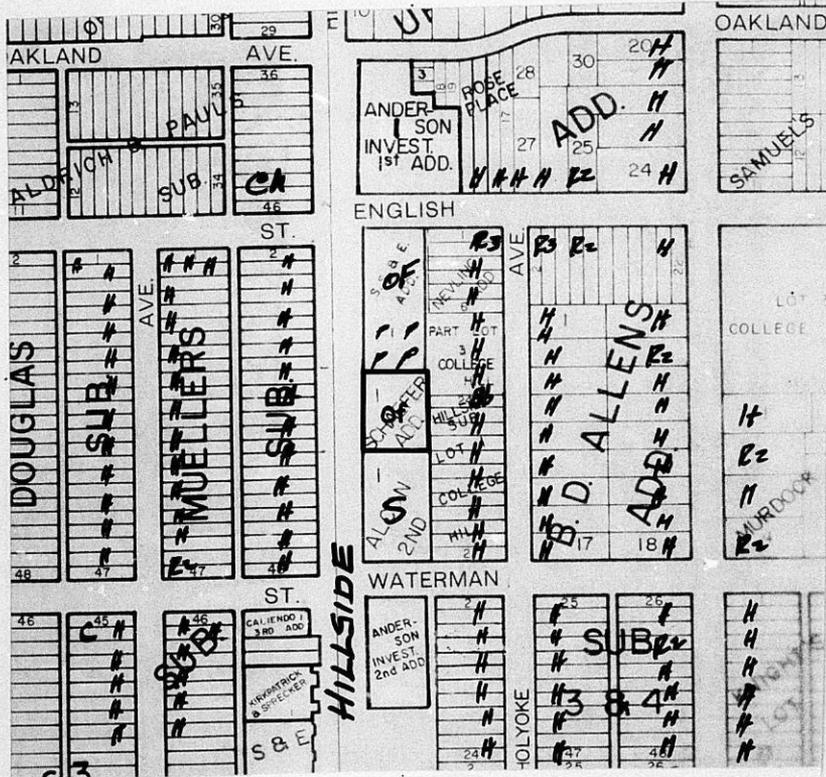
BZA- 47-79
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.36 (110 ft. by 145 ft.)
2. Adjoining Zoning: E AA S LC W A N BB
3. Land Use: East SINGLE FAM South SERVICE STATION
 West SINGLE FAM North OFFICE BLDG.
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: _____ ?
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



No. 2:153C
 Shovel
 HASTINGS, MIN. LOS ANGELES
 LOGAN OH. - McCREGOR, TX. U. S. A.

November 6, 1979

Robert J. Schaefer
210 S. Hillside
Wichita, Kansas 67211

Re: Case No. BZA 47-79
Request for Variance

Dear Mr. Schaefer:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 23, 1979, in connection with your request for a variance to reduce the required front yard setback from 20' to 3' to construct an unenclosed sun-screen on property zoned "BB" Office District and generally located on the east side of Hillside between English and Waterman.

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 47-79

WHEREAS, Robert J. Schaefer, 220 S. Hillside, 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 3 feet to construct an unenclosed sunscreen on property zoned the "BB" Office District and legally described as follows:

Lot 1, Schaefer Addition to Wichita, Kansas. Generally located on the east side of Hillside between Waterman and English (220 S. Hillside).

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, 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 street has been improved and the need for additional right-of-way for future improvements is not now contemplated; 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 portion of the required setback to be varied and used for the sun screen is of sufficient distance from the adjoining development that it will not create a site hazard for the driveway approaches or create any deterrent to light and air; 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 building is under construction and the need for some type of sun control on the west elevation is needed; 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 the governing body vacated a portion of the platted setback and in so doing has indicated no need for additional 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 intent of the ordinance is to provide protection to adjacent properties and for the protection of future needed right-of-way, and by the finding the four previous conditions to exist, would provide compliance with the spirit and 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.

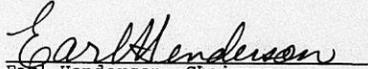
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 20 feet to 3 feet for a sun screen structure only on property zoned the "BB" Office District and legally described as:

Lot 1, Schaefer Addition to Wichita,
Kansas. Generally located on the east
side of Hillside between Waterman and
English (220 S. Hillside)

be approved subject to the following condition:

1. The decorative sun screen shall be constructed independent of the main structure and in accordance with the dimensions shown on the applicant's site plan.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October, 1979.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

October 24, 1979

Robert J. Schaefer
200 S. Hillside
Wichita, Kansas 67211

Re: Case No. BZA 47-79
Request for Variance

Dear Mr. Schaefer:

At the regular meeting of the Board of Zoning Appeals on Tuesday, October 23, 1979, your request for a variance to reduce the required front yard setback from 20 feet to 3 feet to construct an unenclosed sunscreen on property zoned the "BB" Office District, and generally located on the east side of Hillside between English and Waterman was considered.

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

1. The decorative sun screen shall be constructed independent of the main structure and in accordance with the dimensions shown on the applicant's site plan.

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.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL: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 October 17, 1979

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, CPO Administrative Aide

SUBJECT BZA 47-79: East side of Hillside
between English and Waterman -
220 South Hillside

At their meeting of October 15, CPO Council "G" considered the captioned case. Robert Schaefer, applicant, was present and provided site plans and additional information to the Council and members of the public regarding the variance request. No one present spoke in opposition to the request.

The Council voted unanimously (7-0) to recommend approval of the variance request to reduce the required front yard setback from 20 feet to 3 feet for a sun screen structure on property zoned "BB" Office District at the captioned location.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the October 23 meeting.

Shirley Mast
Shirley Mast
CPO Administrative Aide

SM:ml

Noted:

Sarah Gilbert/gw

Sarah Gilbert
Assistant CP Coordinator

RECEIVED
OCT 19 1979
METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 47-79

APPLICANT: Robert J. Schaefer, 200 S. Hillside,
Wichita, Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B,
Code of the City of Wichita, to reduce
the required front yard setback from 20
feet to 3 feet for a sun screen structure
only.

GENERAL LOCATION: East side of Hillside between Waterman
and English (220 S.Hillside).

ZONING: Subject property is zoned "BB" Office
as is the property to the north; south
is "LC" Light Commercial; west is "A"
Two Family; east is "AA" Single Family.

LAND USE: Subject property is occupied by an office
building as is the property to the north;
south is a service station; east and west
are single family homes.

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 prop-
erty 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 appli-
cation.

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BZA AGENDA
10-23-79
Page 2

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 applicant is requesting a reduction of the front yard setback from 20 feet to 3 feet to erect a functional and decorative sun screen within the normal 20 foot setback line.

The application area is a one lot plat that was a recent zone change to "BB" office district and the applicant was required, as a condition of the zone change, to replat an existing residential plat into a one lot plat. The plat was submitted and approved with a platted 20 foot setback line along Hillside.

A new office building is under construction at this location and the applicant has designed the building with a large west window that includes an exterior sun screen. The applicant has vacated a portion of the platted setback and now desires to vary the 20 foot setback within the "BB" Office District.

UNIQUENESS:

It is the opinion of the Secretary that the requested variance may arise from conditions unique to this property inasmuch as the street has been improved and the need for additional right-of-way for future improvements is not contemplated.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the portion of the required setback to be varied and used for the sun screen is of sufficient distance from the adjoining development that it will not create a site hazard for the driveway approaches or create any deterrent to light and air.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance

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BZA AGENDA
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may create an unnecessary hardship upon the applicant inasmuch as the building is under construction and the need for some type of sun control on the west elevation is needed.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the requested variance would not adversely affect the public interest inasmuch as the governing body vacated a portion of the platted setback and in so doing has indicated no need for additional right-of-way.

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 intent of the ordinance is to provide protection to adjacent properties and for the protection of future needed right-of-way, and by the finding the four previous conditions to exist, would provide compliance with the spirit and intent of the ordinance.

RECOMMENDATION:

If the Board determines that the five conditions necessary to the granting of the variance can be found to exist, it is the recommendation of the Secretary that the variance be granted subject to the following condition:

1. The decorative sun screen shall be constructed independent of the main structure and in accordance with the dimensions shown on the applicant's site plan.

BZA CASE NO. 47-79

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

22 NOTICES SENT TO ADJOINING PROPERTY OWNERS

34 TOTAL NOTICES SENT 10-3-79

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

October 3, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 47-79

An application has been filed by Robert J. Schaefer, 200 S. Hillside, 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 20 feet to 3 feet to construct an unenclosed sunscreen, on property zoned the "BB" Office District, and legally described as follows:

Lot 1, Schaefer Addition to Wichita, Kansas.
Generally located on the east side of Hillside
between English and Waterman (220 S. Hillside).

This application has been assigned case No. BZA 47-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 23, 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

BOARD OF ZONING APPEALS

CASE NO. 47-79

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant ROBERT J SCHAEFER ✓ 11

Mailing Address 200 S. HILLSIDE Phone 684 0171

Name of Authorized Agent _____

Mailing Address _____ Phone _____

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} DESCRIBED LOT 1, SCHAEFER ADDITION DESCRIBED
20' to 31' to construct an unenclosed sunscreen.
AS BEGINNING 20' EAST & 22' SOUTH OF THE N.W. CORNER OF SAID LOT 1, THENCE
SOUTH 36', THENCE WEST 17', THENCE NORTH 36', THENCE EAST 17'
TO THE POINT OF BEGINNING, WICHITA SEDGWICK COUNTY, KS (MAP # V-4911)

✓ for property located @ 220 S. HILLSIDE on the east side
of Hillside between English & Waterman (220 So. Hillside)

and legally described as: A TRACT OF LAND BEING A PART OF LOTS
Lot 1 Schaefer Addition to Wichita, Kansas
IN COLLEGE HILL ADDITION & LOTS 17, 19, 21 & 23 ON HILLSIDE AVE. IN HILLSIDE
SUB-DIVISION TO BE KNOWN AS THE SCHAEFER ADDITION TO WICHITA.

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.

Robert J Schaefer
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 9:45 (a.m. - p.m.), SEPT 19 19 79 together with appropriate fee of \$50.00.

Shirley E. Lytle
Signed

O W N E R S H I P L I S T

Lot	Addition	Property Owner
lots 3 and 4	Nevling's Addition	✓ Daniel Reid Lingafelter 207 South Holyoke 67218
lots 5 and 6	Same	✓ Kenneth Lester Strohm and Dianna L. Strohm 211 South Hillside 67218
lot 1	Schaeffer Addition	✓ Robert J. Schaefer and Yvonne W. Schaefer 200 South Hillside 67211
lot 1	S.S. & E Addition	✓ Medical Computer Services 200 South Hillside 67211
lot 1	Alcon 2nd Addition	✓ Vickers Petroleum Corp. K.S.B. & T. Building 67202
lot 4, Hillside	Mueller's Sub	✓ Harry W. Dickerson and Zylphia R. Dickerson 2924 East Douglas 67214
lots 6 and 8 Hillside	Same	✓ Lewis M. Houser & Mary L. 207 South Hillside 67211
even lots 10 thru 44 inclusive Hillside	Same	✓ John H. Zakas 105 South Ridgewood 67218
lot 46, Hillside	Same	✓ A. J. Creekmore Jr. and La Vetta M. Creekmore 258 North Edgemoor 67208
lot 3	B. D. Allen's Addition	✓ William Edward Wilkins and Gladys J. Wilkins 226 South Holyoke 67218
lot 5	Same	✓ O. D. Middleton and Dorothy 1174 North Old Manor 67208
lot 7	Same	✓ Vincent A. Wattson & Pamela K. 238 South Holyoke 67218
lot 9	Same	✓ Carlos Fernando Islas and Steven Lawrence Islas 240 South Holyoke 67218
north 40 ft lot 11	Same	✓ Kerry Edward Moore & Jean L. 242 South Holyoke 67218

Lot	Addition	Property Owner
lots 2 and 4	Hillside Sub. of College Hill	William Ronald Tillison and Sally N. Tillison 257 South Holyoke 67218
lots 6 and 8	Same	Ernest P. Katzenmeier and Wilma L. Katzenmeier 1138 North Ridgewood 67208
lots 10 and 12	Same	Larry Scott Baker & Cynthia 247 South Holyoke 67218
lots 14 and 16	Same	Betty M. Brier & George A. 241 South Holyoke 67218
lots 18 and 20	Same	Nonie M. Tatro 239 South Holyoke 67218
lots 22 and 24	Same	Murry D. Taylor & Betty J. 237 South Holyoke 67218
Beginning 140 feet East of the SW corner of the south half of lot 3, College Hill Addition, thence east 140 feet, north 50 feet, west 140 feet, south 50 feet to beginning, Hillside and Maple		Lawrence S. Abbott 235 South Holyoke 67218
Beginning at a point 140 feet east and 50 7/8 feet south of the NW corner of the south half of lot 3, at the SE corner of Hillside Avenue and Maple Street, in College Hill Addition, thence east 140 feet to the west line of Holyoke Avenue, thence south along the west line of said street 50 feet, thence west 140 feet, thence north 50 feet to the place of beg.		David K. Noller, 225 S. Holyoke 67218
Beginning at a point 140 feet east of the NW corner of the south half of lot 3, at the SE corner of Hillside Avenue and Maple, now Lewis in College Hill Addition, thence east 140 feet to the west line of Holyoke Avenue, thence south along the west line of said avenue 50 7/8 feet; thence west 140 feet; thence north 50 7/8 feet to the place of beginning		Russell G. Clark, Jr. and Barbara L. Clark 221 South Holyoke 67218

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

A 200 foot radius of: Lot 1,
Schaefer Addition to Wichita,
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 20th day of September, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Gable

Vice President

Order No. 281453
wh

Nineteen
September
1979



SCHAEFER & ASSOCIATES P.A.

ARCHITECTURE PLANNING
ENGINEERING INTERIORS
LANDSCAPE ARCHITECTURE

RE: Boarding Zoning Appeals
Application for Variance
220 South Hillside
Schaefer & Associates

It is the desire of the owner-occupant of the building to erect a functional and decorative sun screen along a portion of the west face of our new office building. The sun screen-trellis would be open at the sides and top, and would provide sun control protection for the glass area along the west side of the building (see site plan drawing).

200 SOUTH HILLSIDE
WICHITA, KANSAS 67211
316-684-0171

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 26 021

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	

*

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

Roll # 2