

Case No. BZA 50-81 - Hill-Stewart
Properties - requests a variance to
reduce the required off-street parking
spaces from 9 spaces to none on
property zoned the "C" Commercial
District and generally located on

55470

200 1/4 Sec - 12-31-81
checkbook 1-4-82
= 200 x 15.82
Records

POSTED
11-6-81

ACTION

BZA 50-81	BZA COMMITTEE	Refered 1 mo.	DATE 11-24-81
	BZA M.A.P.C.	APPROVED	12-22-81
	B.C.C./B. CO. C.	_____	_____

200'4 Sec 12-31-81
Checked 1-4-82
Shot 1-4-82
Recorded 1-5-82

3547 C

Case No. EZA 50-81 - Hill-Stewart
Properties - requests a variance to
reduce the required off-street parking
spaces from 9 spaces to none on
Property zoned the "C" Commercial
District and generally located on

Map No. 5547
 Sec. 21
 Twp. 27
 Range 1E

BZA- 50-81
 SCZ- _____
 CU- _____
 Filed _____

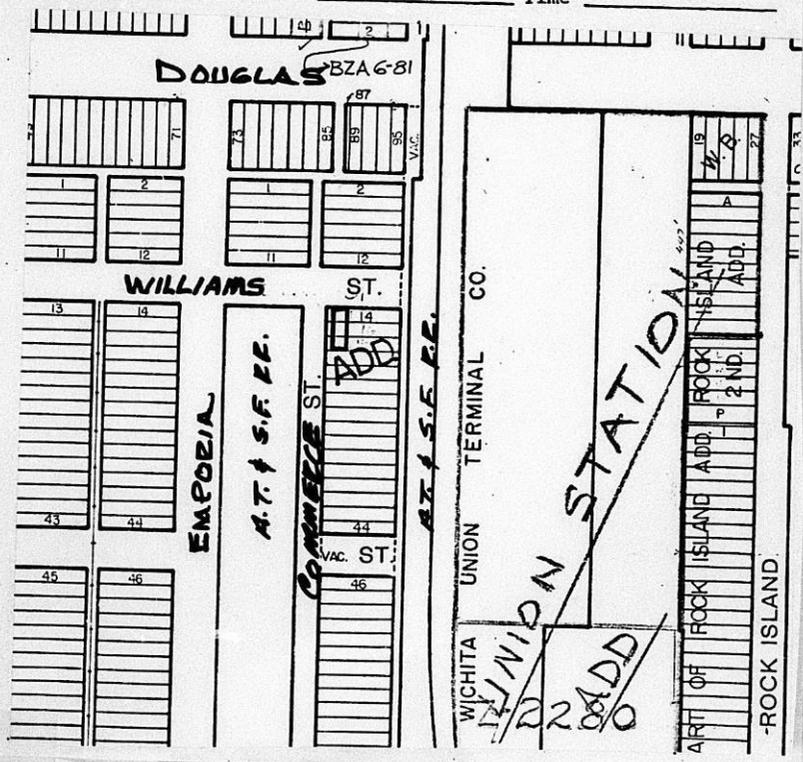
AREA DATA:

1. Acres: 0.04 (25 ft. by 75 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East _____ South _____
 West _____ North _____
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: _____
6. Area (is) (is not) platted. _____

2/4 NEEDS UPDATED

PHOTO DATA:

Taken by _____ Date _____ Time _____



THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
433 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

December 23, 1981

Mr. Rod Stewart
Hill-Stewart Properties
5501 Coe Drive
Wichita, Kansas 67208

Re: BZA 50-81

Dear Mr. Stewart:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 22, 1981.

This Resolution reflects the official action of the Board to approve your request. 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:sad
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 50-81

WHEREAS, Hill-Stewart Properties, 5501 Coe Drive, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 9 to none on property zoned the "C" Commercial District and legally described as follows:

The east 25' of the west 35' of Lots 14, 16 and 18, on Santa Fe Avenue in English's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Commerce and William.

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 December 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 structure has been in existence long before the off-street parking requirements for any uses were adopted. Also, only because the applicant was converting commercial space to apartments is there a requirement for parking; 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 additional parking required for the two apartments should not create a significant impact on the area; 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 the applicant would be unable to legally occupy the building without the variance; 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 improvement of the structure will more than off-set the demand for on street parking in the area; 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 reduction of available commercial space in the building for the one additional apartment would be off-setting; 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.

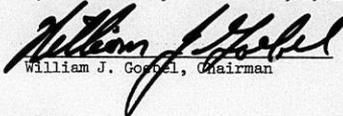
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the number of required off-street parking spaces from 9 to none on property zoned the "C" Commercial District and legally described as:

The east 25' of the west 35' of Lots 14, 16 and 18, on Santa Fe Avenue in English's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Commerce and William.

5

be approved.

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


William J. Goppel, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE November 18, 1981

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide JII

SUBJECT BZA 50-81: Southeast Corner of
Commerce and William

On Monday, November 16, 1981, CPO Neighborhood Council Area "L" considered the captioned case, a request for a variance to reduce the required off-street parking spaces from 9 to 0 on property zoned "C", Commercial District. The Council voted 7-0 to recommend denial of the requested variance.

Delbert Crowl, an area businessman and property owner, was present and spoke in opposition to the requested variance. Mr. Crowl stated that parking in the area is currently a problem. The applicant was not present.

In making their recommendation to deny the variance the Council noted the following:

- 1) that granting the variance would contribute to the existing shortage of parking in the downtown area;
- 2) that according to staff comments, the applicant was notified of parking requirements by Central Inspection when the permit was issued in early 1980; and
- 3) that like other similar properties in the general area that have been redeveloped for residential and office purposes, the applicant should acquire or lease land for parking for his tenants.

Please provide the Council's recommendations and comments to the Board of Zoning Appeals when BZA 50-81 is considered on Tuesday, November 24th.


Stan Scott
Administrative Aide III

SS:dm

Noted:


Sarah Gilbert
CP Coordinator

RECEIVED

NOV 19 1981

METROPOLITAN PLANNING

ROUTE

November 25, 1981

Mr. Rod Stewart
Hill-Stewart Properties
5501 Coe Drive
Wichita, Kansas 67208

Re: BZA-50-81

Dear Mr. Stewart:

At the meeting of the Board of Appeals on November 24, 1981, the Board deferred any action on your requested variance until the meeting of December 22, 1981. Since you were not present at the meeting, the Board felt it best to defer the case so that you could be present to answer questions related to your variance request.

Please be present at the meeting of December 22, 1981, which will start promptly at 1:30 p.m. This matter will be the first item of discussion on the agenda. If you cannot attend, please advise as soon as possible.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:GEL:jps

SECRETARY'S REPORT
CASE NO. BEA 50-81

APPLICANT: Hill-Stewart Properties, 5501 Coe Drive,
Wichita, Kansas

AGENT: Rod Stewart, 435 North Broadway, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of
the City of Wichita, to reduce the required number
of off-street parking spaces from 9 spaces to none.

GENERAL LOCATION: On the southeast corner of Commerce and William.

ZONING: Subject property is zoned the "C" Commercial
District. All adjacent properties are zoned
the "E" Light Industrial District.

LAND USE: Subject property is occupied by a two-story build-
ing containing 1800 square feet of office space on
the first floor and 2 apartments on the second floor.
Property to the north, a burned structure, and to the
west, offices.

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 to reduce the required number of off-street parking spaces from 9 spaces to none. The applicant indicates, that there is no land in the immediate vicinity to use as required off-street parking.

Other properties in the general area that have been redeveloped for offices and residential purposes have been approved for parking variances, however, in both cases the owners were acquiring land for parking for their tenants. In this particular case, a permit was issued in the early part of 1960 for the conversion of a second apartment on the second floor which was a change of occupancy. In determining the requirements of the permit, Central Inspection notified the applicant of the parking requirement.

This requirement was apparently ignored until sometime this year when the applicant contacted this office about the possibility of filing for a variance. This was 4 or 5 months ago when the applicant was advised of the requirements and filing dates for hearing.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the structure has been in existence long before the off-street parking requirements for any uses were adopted. Also, only because the applicant was converting commercial space to apartments is there a requirement for parking.

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 additional parking required for the two apartments should not create a significant impact on the area.

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 will be unable to legally

occupy the apartments without the variance.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the improvement of the structure will more than offset the demand for on-street parking in the area.

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 reduction of available commercial space in the building for one apartment would be off-setting.

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.

BZA CASE NO. 50-81

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

8 NOTICES SENT TO ADJOINING PROPERTY OWNERS

21 TOTAL NOTICES SENT 11-4-81

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

November 4, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 50-81

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 Hill-Stewart Properties, 5501 Coe Drive, 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 required off-street parking spaces from 9 spaces to none, on property zoned the "C" Commercial District. A legal description of the applicant's property is as follows:

The east 25' of the west 35' of Lots 14, 16 and 18, on Santa Fe Avenue in English's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Commerce and William.

This application has been assigned Case No. BZA 50-81. It will be considered by the Board of Zoning Appeals on November 24, 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. Calbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 50-81
FILED 10-14-81

APPLICATION FOR VARIANCE

I. Name of Applicant HILL - STEWART PROPERTIES
Mailing Address 5501 COE DR 61208 Phone 645-5246
Name of Authorized Agent ROD W. STEWART
Mailing Address 435 N. BROADWAY Phone 263-018
Relationship of applicant to property is that of OWNER
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required off-street
the deletion of the on parking
requirement for "C" zone property
parking spaces from 9 spaces to 0 spaces
for property located X (607 E. William)
on the southeast corner of Commerce & William.

and legally described as: The East 25 feet of the
West 35 feet of Lots 14, 16, and 18 on Santa Fe
Avenue in English's Addition to the City of Wichita
Sedgewick County, Kansas

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

III. The applicant herein, or his authorized agent, acknowledges:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- 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;
- 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.
- That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Hill Stewart Properties

Authorized Agent Rod Stewart

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 8:00 (a.m. ~~pm~~), Oct 14, 1981, together with appropriate fee of 150.00.

Signed [Signature]

ROD M. STEWART

433 N. BROADWAY • WICHITA, KANSAS 67202

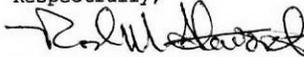
October 1, 1981

Dear Commissioners:

Hill-Stewart Properties owns a building located at 617 East William. The building is 25' X 75', 3750 square feet and sits on exactly the same amount of land. We have redeveloped the building into two large furnished one bedroom apartments on the second floor and 1800 square feet on the ground floor as offices. The property was originally zoned light industrial and had a non-conforming use as an upstairs apartment. We changed the zoning to commercial to allow for the remodel. However, we own no additional land and cannot provide additional off street parking as required by code.

We therefore request a variance from Section 28.04.140 of the zoning ordinance.

Respectfully,



Rod M. Stewart

Purpose and Function of the Appraisal

This appraisal is made in accordance with the terms and conditions of the request by Mr. Rod Stewart dated February 29, 1980. The purpose of the appraisal is to establish the appraiser's opinion of the fair market value of the subject property, described below, together with all improvements and appurtenances thereto, as of the date when the proposed remodeling is satisfactorily completed.

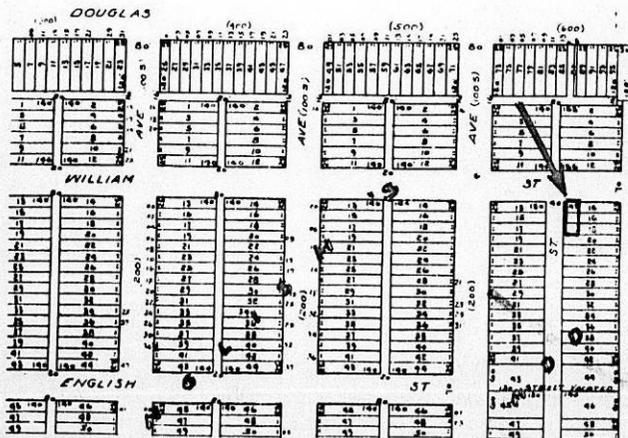
Legal Description of Subject Property

A tract described as the East 25 feet of the West 35 feet of Lots 14, 16, and 18 on Santa Fe Avenue in English's Addition to the City of Wichita, Sedgwick County, Kansas

Tax Information

Key number B-4212 000A, assessed value land \$3,420.00, improvements \$12,200.00, total \$15,620.00, no specials outstanding

Plat Map



Plot Plan

617 E William

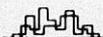
William Street
25'

2 story
brick building

Commerce Street
75'

Scale 1" = 10'



 L. E. GARDNER, INCORPORATED

OWNERSHIP LIST

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
2, 4, 6, 8, 10, & 12, together with a 15 ft. by 160 ft. strip adj. on the east	Santa Fe	N.A. English's Addition	<i>Back strip</i> City of Wichita, a Municipal Corp., 455 N. Main, 67202
East 25 ft. of the west 35 ft. of lots 14, 16, & 18	Santa Fe	"	✓ M. Meredith Hill, 120 S. Market, 67202
14, 16, & 18 exc. the west 35 ft. thereof, together with the west 29 ft. of vacated 5th St. adj. on the east	Santa Fe	"	✓ Norran Management Co., c/o Steven F. Randle, 954 Back Bay Blvd., 67203
20, 22, & 24, together with the west 29 ft. of vacated 5th St. adjacent on the east	Santa Fe	"	✓ Bailis F. Bell & Barbara Bell, 1615 Amarado Ct., 67212
26 & 28 exc. the west 10 ft. thereof, together with the west 29 ft. of vacated 5th St. adj. on the east	Santa Fe	"	✓ Delbert F. Crowl Sr. & Edith P. Crowl, 214 Commerce, 67202
30 & 32 exc. the west 10 ft. thereof, together with the west 29 ft. of vacated 5th St. adj. on the east	Santa Fe	"	<i>Delbert</i> Delbert F. Crowl & Edith P. Crowl, 214 Commerce, 67202
34 exc. the west 10 ft. thereof, together with the west 29 ft. of vacated 5th St. adj. on the east	Santa Fe	"	William B. Devorss & Faye A. Devorss, <u>Address Unknown</u>

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
1, 3, & 5, together with vacated alley adj. on the east	St. Francis	N.A. English's Addition	<i>Book slip</i> Board of Park Commissioners of the City of Wichita, 455 N. Main, 67202
7, 9, & 11	St. Francis	"	✓ Carey House Square Inc., 523 E. Douglas, 67202
West 130 ft. of odd lots 13 thru 27 inclusive	St. Francis	"	✓ Sage Drilling Co. Inc., Sutton Place Bldg., 67202
West 130 ft. of lots 29, 31, & 33	St. Francis	"	<i>Deed</i> City of Wichita, a Municipal Corporation, 455 N. Main, 67202
A tract in the SW $\frac{1}{4}$ of 21-27-1E beg. at the point of intersection of the north line of the SW $\frac{1}{4}$ and the east line of the AT & SF railroad r/o/w; then east 50 ft.; then south 700 ft.; then west 50 ft. more or less to the east line of said railroad r/o/w; then north along said r/o/w line to the pt. of beg., exc. that part taken for street			<i>Deed</i> City of Wichita, a Municipal Corporation, 455 N. Main, 67202

page 3

We hereby certify the foregoing to be a true and correct list of the property owners within a 200 foot radius of

The East 25 feet of the West 35 feet of Lots
14, 16 and 18 on Santa Fe, in N.A. English's
Addition to the City of Wichita, Sedgwick
County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 17th day of June, 1981, at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable

Vice-President

Order No. 299997
GE

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 2-721

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
<i>124 1/2</i>	<i>155.00</i>

NAME *11651 1/2 S. 2nd St*

ADDRESS *11651 1/2 S. 2nd St*

FUND *11-4-76-10-30* DUE DATE *11-1-76*

COMMENTS

DATE *11-11-76* BY *[Signature]*