

Case No. BZA 56-81 - L. P. Nulik -  
requests a variance to allow 100%  
expansion of a nonconforming use  
in the "AA" One-family Dwelling  
District and generally located  
on the northeast corner of 25th  
Street North & Meridian (2410 West

5350 D

200' 1/4 Sec 12-7-81  
12-7-81 out  
Checked 1-4-82  
Sdr 1-5-82  
Recorded

# ACTION

BZA  
5-6-81

COMMITTEE APPROVED DATE 11-24-81

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

5350 D

200' 1/4 Sec 12-7-81  
Checked 12-7-81 ent  
S. Rob 1-4-82  
Recorded 1-5-82

Case No. EZA 56-81 - L. P. Miller -  
requests a variance to allow 100%  
expansion of a nonconforming use  
in the "AA" One-family Dwelling  
District and generally located  
on the northeast corner of 25th  
Street, North & Westlawn (2410 Westlawn)

Map No. 5350  
 Sec. 6  
 Twp. 27  
 Range 1E

BZA- 56-81  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.47 ( 90 ft. by 230 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East SINGLE FAM South SINGLE FAM  
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use if for: SEWER ST.
6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



Standard  
 No. 2153C  
 HASTINGS, ILL.  
 LOS ANGELES, CHICAGO, LOS AN, OH.  
 MEMPHIS, TX, LOCUST GROVE, GA.  
 U.S.A.

December 1, 1981

L. F. Nulik  
2410 West 25th Street North  
Wichita, Kansas 67204

Re: Case No. BZA 56-81  
Request for Variance

Dear Mr. Nulik:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 24, 1981.

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

Jack H. Calbraith  
Secretary

OEL:sad  
Enclosure

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

RESOLUTION NO. BZA 56-81

WHEREAS, L. P. Nulik, 2410 West 25th Street North, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to allow the expansion of a nonconforming use in a residential zoning district up to 100% of the existing floor area on property zoned "AA" One-family Dwelling District and legally described as follows:

Lot 2, Block 4, 2nd Northwest Gardens Addition, to  
Wichita, Sedgwick County, Kansas. Generally located  
on the northeast corner of 25th Street North and  
Meridian.

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 November 24, 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 was annexed into the city at a time when no consideration was being given to the use 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 all the adjacent property owners have agreed not to oppose the expansion of the present use but are opposed to a zoning change; 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 unable to expand the existing building more than 50% which does not make the project economically feasible; 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 expansion will not occupy any easements or interfere with public 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 Board has jurisdiction to grant the variance if the well-being and quality of the life of the residential area is not impaired; 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.

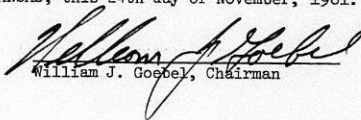
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to expand a non-conforming use the maximum of 100% in a residential district on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 2, Block 4, 2nd Northwest Gardens Addition, to  
Wichita, Sedgwick County, Kansas. Generally located  
on the northeast corner of 25th Street North and  
Meridian.

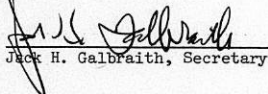
be approved subject to the following conditions:

1. The expansion shall only be for 100% of the floor area of the existing building which is approximately 1200 square feet.
2. A screening fence not less than 6 feet nor more than 8 feet shall be erected along the north and east property lines. Such fence shall be reduced to 3 feet for that area within 30 feet of the Meridian Street right-of-way line and within 30 feet of the 25th Street right-of-way line.
3. Off-street parking shall be provided and surfaced in accordance with Sections 28.04.140, 28.04.141 and 28.04.143 of the Zoning Ordinance.
4. The addition shall comply with all required setbacks and shall not be located over any easements.

ADOPTED AT WICHITA, KANSAS, this 24th day of November, 1981.

  
William J. Goebel, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

**THE CITY OF WICHITA**

OFFICE OF CITIZEN PARTICIPATION

DATE November 19, 1981



TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

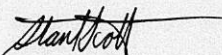
**SUBJECT** BZA 56-81: Northeast corner  
of 25th Street North and Meridian  
(2410 West 25th Street North)

On Wednesday, November 18th, CPO Neighborhood Council "M" considered the captioned case, a request for a variance to allow 100% expansion of a non-conforming use on property zoned "AA", One Family Dwelling District. The Council voted, 5-0, to recommend approval of the requested variance subject to staff comments.

Neither the applicant, nor area residents were present.

It should be noted that on October 21st the Council considered a request for "LC" zoning on property at the same location. At that time the Council voted, 6-0, to recommend denial of the requested zone change, but to support a variance for the nonconforming use service station to expand the floor area up to 100% provided a privacy fence was placed adjacent to adjoining property owners. Six neighborhood residents were present and concurred with the Council's recommendation. Neighboring residents and Council members noted the uncertain and possible less desirable uses that would be allowed with the zone change.

Please provide the Council's recommendation and comments to the Board of Zoning Appeals when BZA 56-81 is considered on Tuesday, November 24th.

  
Stan Scott  
Administrative Aide III

SS:mw

Noted:

  
Sarah Gilbert  
CP Coordinator

**RECEIVED**  
NOV 19 1981  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

SECRETARY'S REPORT  
CASE NO. PZA 56-31

APPLICANT: L. P. Mulik, 2410 West 25th Street North, Wichita,  
Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of  
the City of Wichita, to allow the expansion of a  
nonconforming use in a residential zoning district.

GENERAL LOCATION: On the northeast corner of Meridian and 25th St. No.

ZONING: Subject property is zoned the "AA" One-family Dwelling  
District as are all adjacent properties.

LAND USE: Subject property is occupied by a nonconforming  
service station. All adjacent properties are  
developed as one-family dwellings.

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 permit the expansion of a nonconforming use 100% in a residential zoning district. This property was annexed into the city on April 6, 1962 and was brought in as a nonconforming use. At that time, any property located in the "R-1" Suburban Residential Zoning District was placed in the "AA" One-family Dwelling District.

The present building on the property is approximately 1200 square feet in area and is being used as a service station and automotive repair. This use is first permitted as a use in the "LC" Light Commercial District. The applicant has recently filed a zoning change request for "LC" Light Commercial Zoning. The Planning Commission deferred any action on the case for 60 days to allow the applicant to file a request for expansion under the recently adopted provision of the zoning ordinance to allow up to 100% expansion of nonconforming uses in the residential zoning districts by the Board of Zoning Appeals. Under this provision, any expansion shall be required to bring the property into compliance with all conditions of the ordinance as if the property was to be expanded in the appropriate zoning district as a conforming use. This will include screening along the north and east property lines, the providing of surfaced off-street parking spaces and compliance with the required setbacks of the "LC" Light Commercial District.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the property was annexed into the city as a nonconforming use at a time when no consideration was being given to the 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 adjacent property owners have agreed to not oppose the expansion of the present use but are opposed to the change of zoning to "LC" Light Commercial.

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 would be unable to expand the existing building more than 50% unless the variance is granted.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the expansion will not occupy any easements or interfere with any public 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 ordinance specifically states the Board has jurisdiction to grant the variance if it seems that the expansion does not endanger the continued well-being and quality of life of the residential area.

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 conditions:

1. The expansion shall only be for 100% of the floor area of the existing building which is approximately 1200 square feet.
2. A screening fence not less than 6 feet nor more than 8 feet shall be erected along the north and east property lines. Such fence shall be reduced to 4 feet for that area within 30 feet of the Meridian Street right-of-way line and within 30 feet of the 25th Street right-of-way line.
3. Off-street parking shall be provided and surfaced in accordance with Sections 20.04.140, 20.04.141 and 20.04.143 of the Zoning Ordinance.
4. The addition shall comply with all required setbacks and shall not be located over any easements.

BZA CASE NO. 56-81

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 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 56-81

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 L. P. Nulik, 2410 West 25th Street North, 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 allow 100% expansion of a nonconforming use in the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 2, Block 4, 2nd Northwest Gardens Addition, Sedgwick County, Kansas. Generally located on the northeast corner of 25th Street North and Meridian (2410 West 25th Street North).

This application has been assigned Case No. BZA 56-81. 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. Galbraith  
Secretary

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 56-81  
FILED 10-22-81

APPLICATION FOR VARIANCE

I. Name of Applicant L. P. Nulik.  
Mailing Address 2410 W. 25<sup>th</sup> St. No. 67204 Phone 838-1942  
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 allow 100% expansion  
of a nonconforming use in the "AA" Residential  
zoning district.

for property located at the northeast corner of  
25<sup>th</sup> St. No. & Meridian. (2410 W. 25<sup>th</sup> St. No.)

and legally described as: Lot 2 Block 4, 2<sup>nd</sup>  
Northwest Landmark Addition, Sedgwick County,  
Kansas

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

- 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 Sedgwick 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 L. P. Nulik

Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:30 (~~10:00~~-p.m.), Oct. 22, 1981, together with appropriate fee of \_\_\_\_\_

Signed D. Lytle

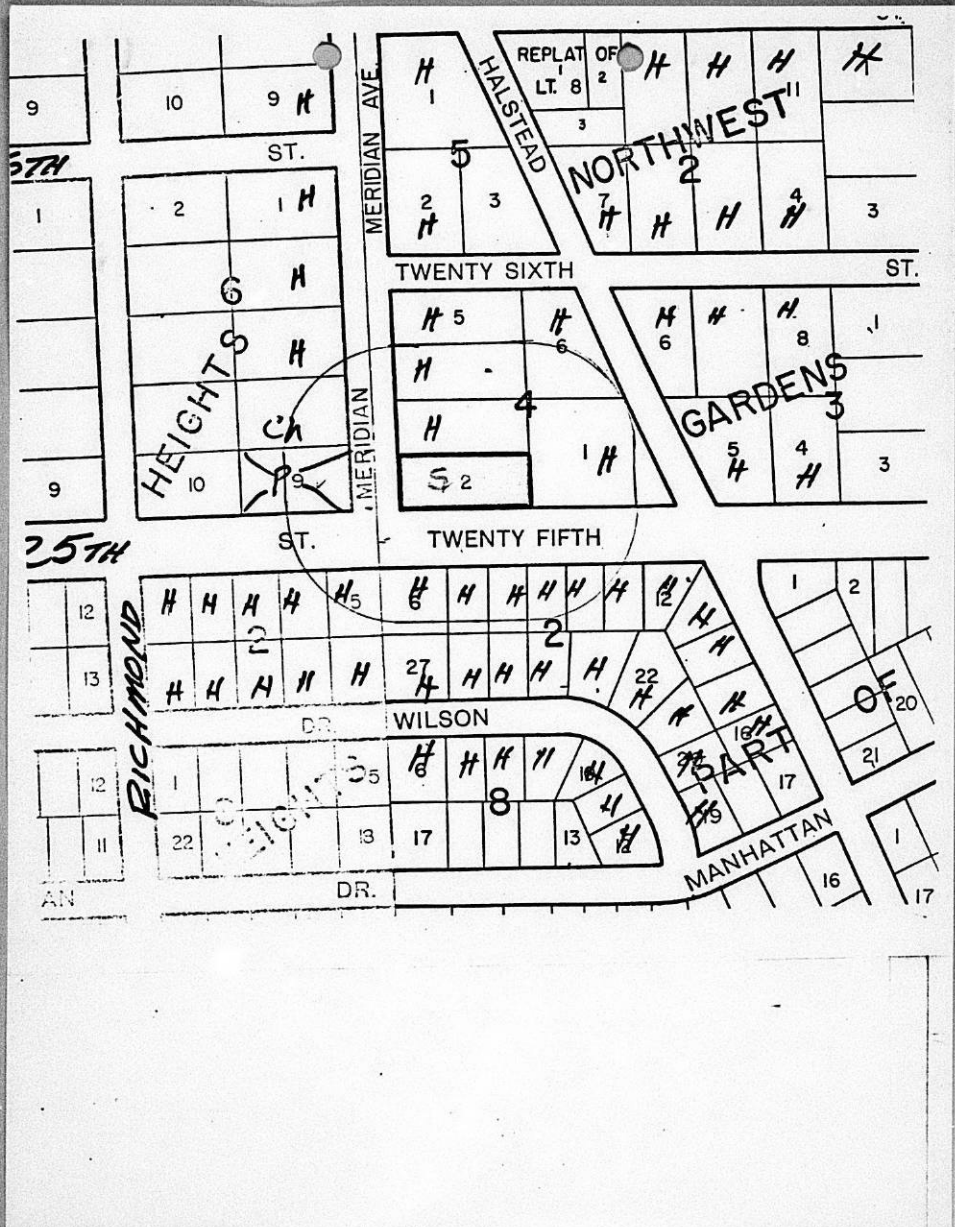
We the undersigned property owners  
 oppose case No. Z 2387 zone change from  
 AA to LC. However, we would support the  
 applicant should he make application to the  
 board of zoning appeals to expand the floor  
 area of the existing structure 100%.

Gerald Dobbin	2413 W. 25 <sup>th</sup> St North
Margaret J. Dobbin	2413 W. 25 <sup>th</sup> St. North
Ed Schweder	2405 W. 25 <sup>th</sup> N.
Nancy L. Ashburn	2449 W. 25 <sup>th</sup> N.
Ralph L. Leber	2449 W. 25 <sup>th</sup> N.
Wendy Jacobs	2441 W. 25 <sup>th</sup> N.
Freida E. Thurston	2603 Halstead
Charles D. Thurston	2603 Halstead
Bob J Harper	2624 No Meridian
Dorothy M. Harper	2624 No Meridian
Franklin L. James	2614 No Meridian
Mildred R. James	2614 No Meridian
Sam & Rutha	2631 N Meridian
Robert Phipps	2631 N Meridian
Donald S. Haushalter	2634 N. Meridian
Peggy & Arthur Fielder	2634 N. Meridian
George W. Watson	2643 No Meridian
Wilma J. Watson	2643 No Meridian
Lloyd Taylor	2625 Halstead
Margaret Taylor	2625 Halstead
Peggy A. Metz	2435 W. 25 <sup>th</sup> N.
Paul Metz	2435 W. 25 <sup>th</sup> N.

OCT 5 1981

METROPOLITAN PLANNING

ROUTE



OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
1	4	2nd Northwest Gardens	✓ Charles K. Thurston & Freida E. Thurston, 2603 Halstead, 67204
2	4	"	✓ Dean E. Pittenger, 9121 W. 73rd #105 Merriam, Kansas 66204
3	4	"	✓ Franklin L. Jamis & Mildred R. Jamis, 2614 N. Meridian, 67204
4	4	"	✓ Bob G. Harper & Donna M. Harper, 2624 N. Meridian, 67204
5 exc. the east 70 ft.	4	"	✓ Donald P. Householder & Peggy J. Householder, 2634 N. Meridian, 67204
East 70 ft. of 5	4	"	✓ Haynes & Hecox Inc., c/o Dale Hecox, 1701 Woodrow Ct. 67203
6	4	"	✓ Lloyd Taylor & Margaret L. Taylor, 2625 Halstead, 67204
5	6	Northwest Heights Addition	✓ George Ronald Rubia & Faye C. Rubia, 2631 N. Meridian, 67204
7	6	"	✗ Board of Trustees of the Meridian Avenue United Brethern Church, Address Unknown
9	6	"	"
4 & 5	2	Riverlawn Heights Addition	✓ Jerry B. Malone, Address Unknown 305 W. Central 67208
6	2	"	✓ Ralph T. Osborn & Nancy L. Osborn, 2449 West 25th St. North, 67204
7	2	"	✓ Stephan F. Jacobs, 2441 West 25th St. North, 67204
8	2	"	✓ Carl B. Metz & Peggy A. Metz 2435 West 25th St. North, 67204

page 2

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
9	2	Riverlawn Heights Addition	✓ Jimmie Sue Marsh, 2910 River Park Drive, 67203
10	2	"	✓ ✓ Judd W. Shaffer, 2421 West 25th St. North, 67204
11	2	"	✓ ✓ Gerald Dobbin & Margaret J. Dobbin, 2413 West 25th St. North, 67204 AND ✓ ✓ Shirley A. Moler, 8001 Clay, 67207 AND ✓ X Jerry L. Dobbin, Address Unknown <i>Probably same as Gerald above</i>

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

*use for legal*

Lot 2, Block 4, 2nd Northwest Gardens, 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 14th day of September, 1981, at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Able*  
Vice-President

Order No. 302827  
GE

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 9-021      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
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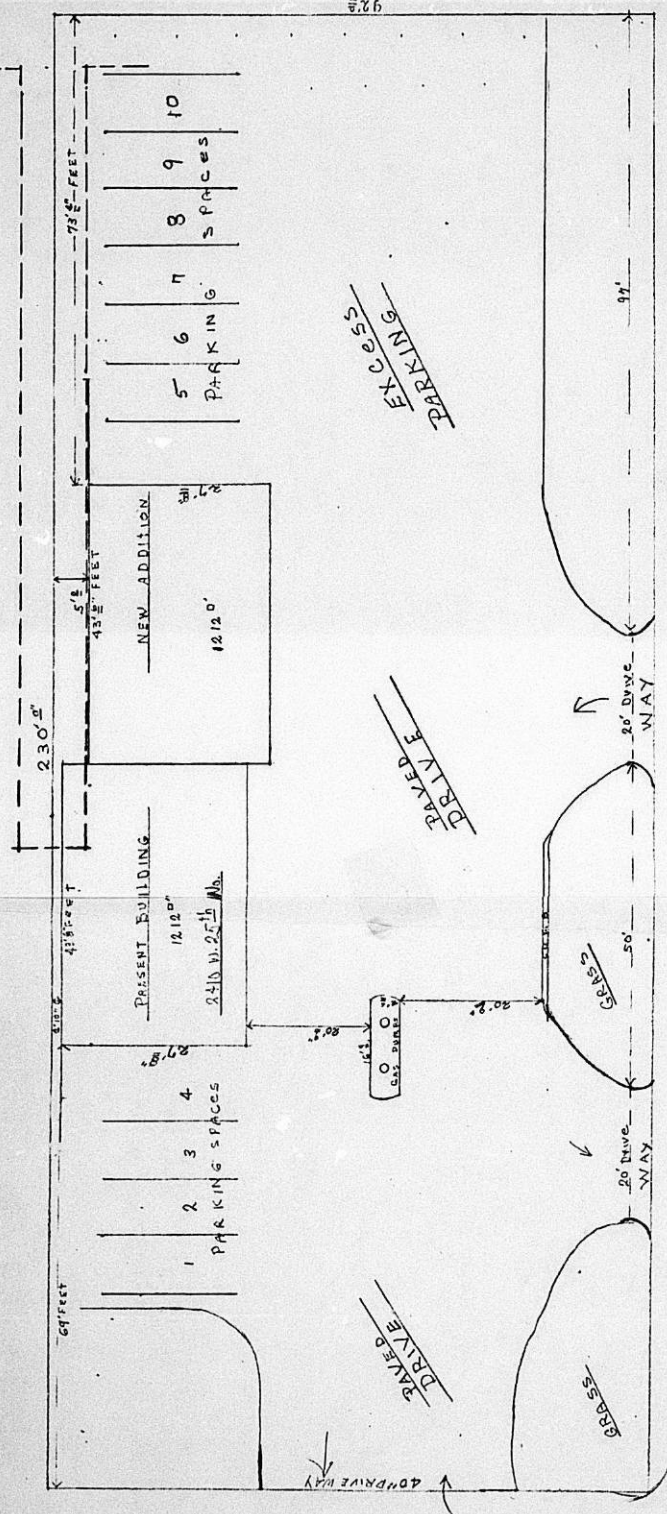
COMMENTS

DATE	BY
------	----





9218



MERIDIAN

25<sup>TH</sup> ST. NORTH



2424 SQ. FEET

DETE NUBIKS  
PLEASANT VALLEY SERVICE