

Case No. EZA 56-82 - P. A. Hamrick -
requests a variance of the required
front yard setback from 20' to 0'
for off-street parking purposes only
on property zoned the "B" Multiple-
family Dwelling District and generally
located on the west side of Topeka

SSAC

200 '4 Sec. 1-4-83
Checked 1-5-83
Shot 1-27-83
Recorded 1-31-83

ACTION

B.Z.A. 56-82 APPROVED 12-29-82
DATE

POSTED
12-6-82
PH

5549C

200' 4Sec. 1-4-83
Checked 1-5-83
Shot 1-27-83
Recorded 1-31-83

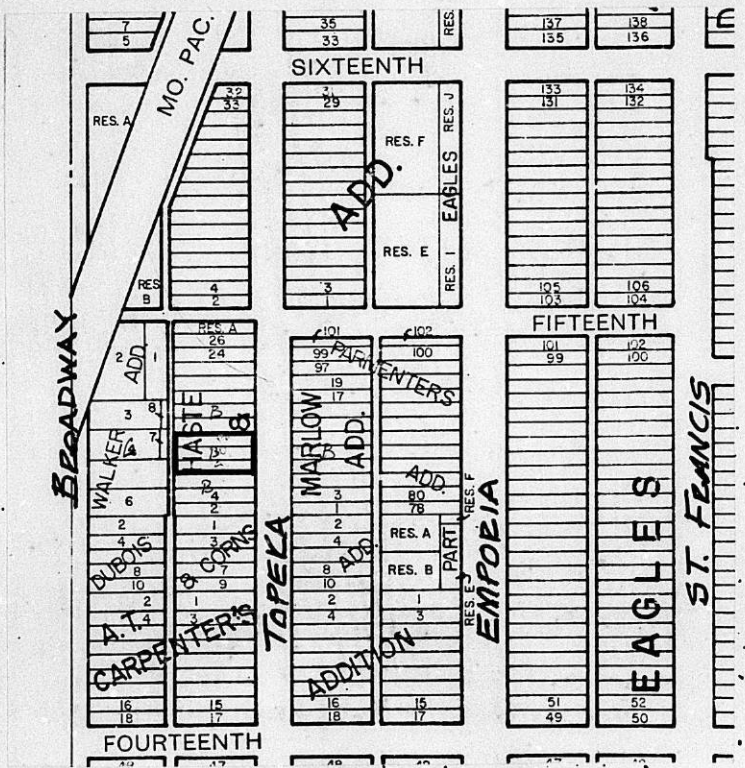
Case No. BZA 56-82 - P. A. Hamrick -
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family Dwelling District and generally
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ap No. 5549
 Sec. 9
 Twp. 27
 Range 1E

BZA- 56-82
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.24 (75 ft. by 140 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. UP DATE LAND USE

PHOTO DATA:
 Taken by _____ Date _____ Time _____



Shepard
 No. 2153C
 HASTINGS, MN
 LOS ANGELES, CHICAGO, LOGAN, OH
 MEMPHIS, MOBILE, ST. LOUIS, VA
 U.S.A.

December 29, 1982

F. A. Hamrick
8007 Mockingbird Lane
Wichita, Ks. 67207

Re: BZA 56-82 - Request for Variance

Dear Mr. Hamrick:

At the regular meeting of the Board of Zoning Appeals on December 28, 1982, your request for a variance was considered.

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

1. The applicant shall provide a parking layout approved by the Traffic Engineer in accordance with all off-street parking standards prior to the release of the resolution.
2. All improvements and use of the property shall be in accordance with Sections 28.04.140, 28.04.141 and 28.04.143 of the Zoning Ordinance.
3. All improvements shall be completed prior to being occupied for parking purposes.
4. Only such signs necessary for the proper operation of the parking lot in accordance with Section 28.04.139 of the code shall be permitted.
5. Parking on the property shall be for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of vehicles, equipment, materials or supplies.
6. Screening on each side of the property shall be provided as required by Section 28.04.160.K 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 you have complied with condition number one above.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

OKL:sad

cc: Alan McHenry, 1318 Stackman, D-1, Wichita 67203
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 56-82

WHEREAS, P. A. Hamrick, 8007 Mockingbird Lane, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 8, 10 and 12 except the west 2 feet dedicated for alley, Haste and Marlow Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Topeka and north of 14th Street (1537 North Topeka).

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 28, 1982, 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 located adjacent to an arterial street and the reduction of the front yard setback will be for off-street parking purposes only; 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 property will be screened to provide protection to the adjacent residences; 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 provide the required parking for a proposed addition 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 reduction of the front yard setback for off-street parking purposes will not interfere with any right-of-way or utility easements; 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 requirement for screening in the front yard setback area and the use of the area for off-street parking purposes only will provide the same protection as is provided on properties developed for commercial purposes when located immediately adjacent to residential property; 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.

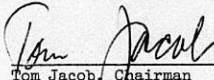
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District and legally described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

Lots 8, 10 and 12 except the west 2 feet dedicated for alley, Haste and Marlow Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Topeka and north of 14th Street (1537 North Topeka).

be approved subject to the following conditions:

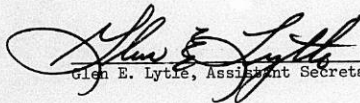
1. The applicant shall provide a parking layout approved by the Traffic Engineer in accordance with all off-street parking standards prior to the release of the resolution.
2. All improvements and use of the property shall be in accordance with Sections 28.04.140, 28.04.141 and 28.04.143 of the Zoning Ordinance.
3. All improvements shall be completed prior to being occupied for parking purposes.
4. Only such signs necessary for the proper operation of the parking lot in accordance with Section 28.04.139 of the code shall be permitted.
5. Parking on the property shall be for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of vehicles, equipment, materials or supplies.
6. Screening on each side of the property shall be provided as required by Section 28.04.160.K of the Zoning Ordinance.

ADOPTED AT WICHITA, KANSAS, this 28th day of December, 1982.



Tom Jacob, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE December 22, 1982

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT BZA 56-82: West Side of Topeka
and North of 14th Street

On Monday, December 20th, CPO Neighborhood Council "L" considered the captioned case, a request for a variance by P.A. Hamrick to reduce the required front yard setback from 20 feet to 0 feet for off street parking purposes only on property zoned "B" Multiple-Family Dwelling District. The Council voted 7-0 to recommend denial of the requested variance.

Alan McHenry, architect for the applicant, appeared before the Council to describe the request and to respond to questions. No area residents or property owners were in attendance. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

In voting to recommend denial of the variance, the Council noted the residential character of Topeka Street and that the variance would allow only four (4) more parking spaces. The Council stated that if the variance is granted that the variance should be subject to MAPD staff comments regarding screening. There was also discussion and support of not allowing access from the parking lot onto Topeka Street.

Please provide the Council's recommendation and comments to the Board of Zoning Appeals when BZA 56-82 is considered on Tuesday, December 28th.



Stan Scott
Administrative Aide III

SS:dm

RECEIVED

DEC 22 1982

METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 56-82

APPLICANT: P. A. Hamrick, 8007 Mockingbird Lane, Wichita, Kansas.

AGENT: Alan McHenry, 1318 Stackman, D-1, Wichita, Kansas.

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 0 feet for off-street parking purposes only.

GENERAL LOCATION: On the west side of Topeka between 14th and 15th Streets (1537 North Topeka).

ZONING: Subject property is zoned the "B" Multiple-family Dwelling District as are the properties to the north, east and south. Property to the west is "C" Commercial.

LAND USE: Subject property is vacant and to be used for off-street parking. Property to the west is developed commercially. Properties to the north, south and east are residential or vacant.

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 required front yard setback from 20 feet to 0 feet in order to fully utilize the property for off-street parking. This is for parking for uses being developed in the "C" Commercial zoning to the west adjacent to Broadway. The parking lot will be directly to the east of the use in which it serves and will have its major access to Topeka Street which is an arterial street at this location.

The applicant has indicated that the alley will be improved and an additional structure will be constructed with an entrance to the east making the use of this parking lot. The applicant needs the extra parking spaces provided by the variance to comply with the requirement for the proposed new structure.

It is difficult to find any uniqueness to the property except for its location adjacent to an arterial. The affect on adjacent property owners is primarily that of the encroachment of parking immediately adjacent to the front yards of the existing residences.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is located adjacent to an arterial street that is a one-way street and the reduction of the front yard setback will be for off-street parking purposes only.

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 property will be screened to provide protection to the adjacent residences.

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 provide the required parking for a proposed addition 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 reduction of the front yard setback for off-street parking will not interfere with any right-of-way or utility easements.

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 requirement for screening in the front yard setback area and the use of the area for off-street parking purposes only will provide the same protection as is provided on properties developed for commercial purposes when located immediately adjacent to residential property.

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 applicant shall provide a parking layout approved by the Traffic Engineer in accordance with all off-street parking standards prior to the release of the resolution.
2. All improvements and use of the property shall be in accordance with Sections 28.04.140, 28.04.141 and 28.04.143 of the Zoning Ordinance.
3. All improvements shall be completed prior to being occupied for parking purposes.
4. Only such signs necessary for the proper operation of the parking lot in accordance with Section 28.04.139 of the code shall be permitted.
5. Parking on the property shall be for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of vehicles, equipment, materials or supplies.
6. Screening on each side of the property shall be provided as required by the zoning ordinance. Such screening shall be by a solid wall of masonry, wood or similar material not less than six feet in height provided that portion of the screening located within 20 feet of the right-of-way line of Topeka shall be reduced to 3 feet in height.

BZA CASE NO. 56-82

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

17 NOTICES SENT TO ADJOINING PROPERTY OWNERS

30 TOTAL NOTICES SENT 12-8-82

BOARD OF ZONING APPEALS

CASE NO. 56-82

CITY OF WICHITA, KANSAS

FILED 11-30-82

APPLICATION FOR VARIANCE

I. Name of Applicant P. A. Hamrick

Mailing Address 8007 Mocking Bird Lane Phone 684-6046
Wichita, Kans. 67207

Name of Authorized Agent Alan M. McHenry

Mailing Address 1318 Stackman, D-1 Phone 265-1872
Wichita, Kansas 67203

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

II. The variance requested is to reduce the required
removal of the front yard

setback for parking from 20 feet to 0 feet

for off-street parking purposes only
on the west side of Topeka and North of 14th Street
for property located (1537 N. Topeka)

and legally described as:

Lots 8, 10 and 12 Haste and Marlow Addition, to Wichita, Sedg. Co, Ks

except the west 2' for street dedicated for alley,

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

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 _____

Authorized Agent Alan M. McHenry

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 10:00 (a.m.-p.m.), Nov 30, 1982 together with appropriate fee of 150.00.

Signed A. Lytle

Alan M. McHenry Architect
Wichita, Kansas 265-1872

Nov. 29, 1982

The Board of Zoning Appeals
The City of Wichita

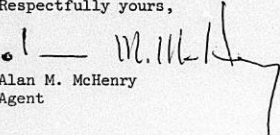
Gentlemen:

We respectfully request that the front yard setback for parking be reduced to 0 on the subject property.

These lots are directly behind the existing office building on Broadway and adjacent to the proposed addition to this building. The setback under discussion fronts on Topeka.

1. Two things make this property unique. First, in that it is directly behind the present building and the addition. Both the present building and the addition are atrium centered buildings with entrances on both front and back. Secondly, the subject property is enclosed on both sides by tree growth to a height of 12 to 20 feet. This has come about because of 2 old fences, one on each side. Both sides are completely grown up from front sidewalk to back alley.
2. Adjacent property owners are presently shielded and barricaded from the property by the fence and tree growth. There are numerous fenced front yards up and down the street.
3. The additional parking will be desperately needed for the previously mentioned addition and a future 100' wide addition. The 100' addition will set between the building at the corner of Broadway and 14th Street and the building at 1540 N. Broadway. The applicant presently owns all this ground.
4. The completion of work on this property should greatly enhance the public health, safety and general welfare.
5. The integration and maintenance of intelligently placed parking areas seems to me to be one of the prime trusts of the Zoning Ordinance.

Respectfully yours,


Alan M. McHenry
Agent

OWNERSHIP LIST

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 2 and the South half of Lot 4	Topeka	Haste and Marlow Addition	B. R. Wolfe Address Unknown
The North half of Lot 4 and all of Lot 6	"	"	✓ Roy R. Rossiter Glenna R. Rossiter 4114 E. Central 67208
Lots 8 10, and 12, except the West 2 feet for Street	"	"	D P. A. Hamrick Address Unknown
Lots 14 and 16	"	"	✓ Zella Florence Rush 1553 N. Topeka 67214
Lots 18 20 and the South half of Lot 22	"	"	✓ Norbert J. Stegman Camilla L. Stegman 1549 N. Topeka 67214
The North half of Lot 22 and all of Lot 24, and the South 27 feet of Lot 26	"	"	✓ D. Janette Davison 1557 N. Topeka 67214
The North 18 feet of Lot 26 and Reserve A	"	"	Alvin LeRoy Fry Address Unknown
Lot 1 and the South half of Lot 3	"	"	✓ R. Patrick Gaughan Carolyn N. Gaughan 1528 N. Topeka 67214
The North half of Lot 3 and all of Lot 5	"	"	✓ Patrick D. Dooley P. O. Box 131 Tulsa, Oklahoma 74101

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 7 Lot 9	Topeka	Haste and Marlow	✓ Robert J. Hutson 1532 N. Topeka 67214
Lot 11 Lot 13	"	"	✓ A & E Properties, Inc. 843 Maple <i>Returned</i> 67213
Lot 15 Lot 17 Lot 19	"	"	Viola V. Watson (dec.) ✓ Bessie Bernice Stonehocker 1955 Fairview Ave. 67203
Lot 97 Lot 99 and Lot 101 except the North 10 feet	"	Parmenters Addition	L. June Haynes Address Unknown
Lot 1 Lot 3	"	DuBois and Corns Addition	David A. Lenz L. Kay Lenz ✓ 2303 E. Wayland Springfield, Mo. 65804
Lot 5 and the North half of Lot 7	"	"	✓ Richard A. Umbarger 1527 N. Topeka 67214 <i>Returned</i> <i>address not known</i>
The South half of Lot 7 and all of Lot 9	"	"	✓ Kevin G. Kimmel Beverly J. Kimmel 753 S. Edgemoor 67218
Lot 2 and the North 16 feet of Lot 4	"	"	✓ Eugene J. Tomlinson Mary Tomlinson 1526 N. Topeka 67214
Lot 4, except the North 16 feet, and all of Lot 6, and the North 6 feet of Lot 8	"	"	Gwendolyn V. Owen (dec.)

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
The South 19 feet of Lot 8, and all of Lot 10	Topeka	DuBois and Corn's Addition	✓ Kim Dumford 1520 N. Topeka 67214
Lot 2 Lot 4	Broadway	"	(Fortis) ✓ Doris Janette Davison 1557 N. Topeka 67214
Lot 6 Lot 8 Lot 10	"	"	Margaret Botkin (dec.)
Lot 1 Lot 2	"	Walker Addition	Ⓟ Jewel Joan Branson 227 S. Pinecrest 67208
Lot 3	"	"	✓ H. H. Hurst Jewel Joan Branson 227 S. Pinecrest 67208
Lot 4, except that part taken by condemnation case # 65522	"	"	✓ Constance M. Kenney 1502 N. Broadway 67214
Lot 5	"	"	Same as above
Lot 6	"	"	Same as above

Page 4

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 200 foot radius of:

Lots 8, 10, and 12,
Haste and Marlow
Addition to Wichita,
Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 15th day of November, 1982 at 7:00 o'clock A.M.

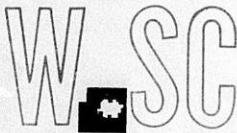
THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable
Vice-President

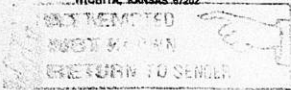
Order No: 314097
ap

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



*Shelley
56-82*

1446



Richard A. Umbarger
1527 North Topeka
Wichita, Ks. 67214

*no one by this name
lives here*

wrong address

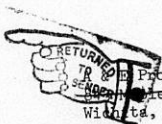
WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

*Shelley
56-82*



Properties, Inc.
Wichita, Ks. 67213

*Not here
2nd floor
moved*

return to sender

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29

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
	15.00

NAME _____

ADDRESS _____

FUND _____ DUE DATE _____

COMMENTS _____

DATE _____ BY _____

*

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

Roll # 2