

March 4, 1961

Elden L. Boisseau &
H. Lee Turner
300 North Main Street
Wichita, Kansas 67203

Re: Case No. EZA 2-81
Request for Variance

Dear Mr. Boisseau:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 24, 1961.

This Resolution reflects the official action of the Board to approve your request, and sets out the condition 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

GKL:sad
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk
Dale Dronberger, 1020 North Main, Hutchinson, Kansas 67501

RESOLUTION NO. EZA 2-81

WHEREAS, Eldon L. Boisseau & H. Lee Turner, 800 North Market, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the rear yard setback from 15' to 2.5' on property zoned the "BB" Office District and legally described as follows:

The south 90.07 feet of Lot 1, Riverfront Addition in the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Waco approximately 200 feet north of Murdock.

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 February 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 rear lot line is on an angle and adjacent to the river; 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 adjacent properties also share the view of the open space to the west; 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 existing development to the north sets back from Waco the same distance and dictates the layout of the parking on this property; 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 adequate riverbank dedication was made at the time the property was platted; 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 rear yard is to maintain adequate separation of uses, which in this case the area to the west is a river; 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

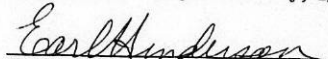
to reduce the rear yard setback from 15' to 2.5' on property zoned the "BB" Office District and legally described as:

The south 90.07 feet of Lot 1, Riverfront Addition in the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Waco approximately 200 feet north of Murdock.

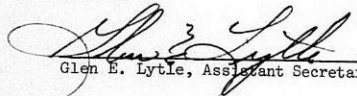
be approved subject to the following condition:

1. The variance shall correspond to the site plan submitted with the application and revised January 27, 1981 showing only triangular portions of the building and patio projecting into the required rear yard.

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


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

February 26, 1981

Eldon L. Boisseau &
H. Lee Turner
800 North Main Street
Wichita, Kansas 67203

Re: Case No. BEA 2-81
Request for Variance

Dear Mr. Boisseau:

At the regular meeting of the Board of Zoning Appeals on February 24, 1981, your request for a variance was considered.

It was the action of the Board to approve your request to reduce the rear yard setback from 15 feet to 2.5 feet subject to the condition stated in the Secretary's Report.

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,

Olen E. Lytle
Assistant Secretary

OEL:mad

cc: Dale Dronberger, 1020 North Main, Hutchinson, Kansas 67501
Robert Feldner, Superintendent of Central Inspection (2)
Don Giesek, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 2-81

APPLICANT: Eldon L. Boisseau & H. Lee Turner, 800 North Main Street, Wichita, Kansas

AGENT: Eldon L. Boisseau, 800 North Main, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the rear yard setback from 15' to 2.5'.

GENERAL LOCATION: On the west side of Waco approximately 200 feet north of Murdock.

ZONING: Subject property is zoned "BB" Office District as is the property to the north and east. Property to the south is "LC" Light Commercial.

LAND USE: Subject property is being developed as offices as are the properties to the north, south and east. Property to the west is the Little Arkansas River and Riverside Park.

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 rear yard setback from 15' to 2.5' for only a portion of the property due to the diagonal rear property line. The applicant is desirous of constructing an office building on the property and has indicated that in order to utilize the property efficiently, the structure will set back from Waco the same distance as the building presently under construction to the north. This will allow the parking lots for both properties to be developed with circulation aisles that correspond making utilization of both properties more efficient.

In this particular instance, the rear yard serves no useful purpose inasmuch as the rear of the property is adjacent to the Little Arkansas River, and across the river is Riverside Park. The utility easement is located at the front of the property adjacent to Waco. The reduction of the rear yard should not affect the adjacent property owners, due to the open space created by the river and park to the west. It should be noted that a part of the intrusion into the rear yard setback is an open patio that is constructed approximately 5' above grade and also a major portion of the variance is for the second floor which cantilevers approximately 5' past the first floor.

UNIQUENESS:

It is the opinion of the Secretary that the requested variance arises from conditions unique to the property inasmuch as the rear lot line is on an angle and is adjacent to a river.

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 inasmuch as the adjacent properties also share the view of the open space to the west.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of Title 28 (Zoning Ordinance) would constitute an unnecessary hardship upon the applicant inasmuch as the existing development to the north sets back from Waco the same distance and dictates the layout of the parking on this property.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not affect the public interest inasmuch as adequate riverbank dedication was made at the time the property was platted.

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 Title 28 (Zoning Ordinance) inasmuch as the intent of the rear yard is to maintain adequate separation of uses, and in this case the property to the rear is a river.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and, therefore, is recommended that the variance to reduce the rear yard setback from 15' to 2.5' be approved subject to the following condition:

1. The variance shall correspond to the site plan submitted with the application and revised January 27, 1981 showing only triangular portions of the building and patio projecting into the required rear yard.

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

February 3, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 2-81

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 Eldon L. Boisseau and H. Lee Turner, 800 North Main Street, 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 rear yard setback from 15 feet to 2.5 feet on property zoned "BB" Office District. A legal description of the applicant's property is as follows:

The south 90.07 feet of Lot 1, Riverfront Addition in the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Waco approximately 200 feet north of Murdock.

This application has been assigned Case No. BZA 2-81. It will be considered by the Board of Zoning Appeals on February 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.

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

LAMBERTZ COMPANY

Established 1955
812 N. Waco / Wichita, Kansas 67203 / (316) 265-8537
February 5, 1981

Mr. Jack H. Galbraith, Secretary
Board of Zoning Appeals
10th Floor-City Hall
Wichita, Kansas 67202

Dear Jack,


I received your notice regarding Case Number BZA 2-81 relating to property at approximately 811 North Waco being the property contiguous to the Brooker Plaza.

I am the fee owner of property across the street but otherwise have no interest in the property under which BZA is making the consideration.

If I were to vote I would vote grant the variance to permit the owner to energize the property.

If I may be of any service please advise.

Most sincerely,


Vern Lambertz

RECEIVED

FEB 5 1981

METROPOLITAN PLANNING
ROUTE 2

REAL ESTATE

Shopping Centers
Investments
Management
Commercial
Counseling
Industrial
Offices

BZA CASE NO. 2-81

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

5 NOTICES SENT TO ADJOINING PROPERTY OWNERS

17 TOTAL NOTICES SENT 2-2-81

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 2-81
FILED 1-21-81

APPLICATION FOR VARIANCE

I. Name of Applicant Eldon L. Boisseau and H. Lee Turner
Mailing Address 800 N. Main Street Phone 263-2267
Name of Authorized Agent Eldon L. Boisseau
Mailing Address 800 N. Main Street Phone 263-2267
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is A variance of 28.04.080 No. 3.1 "There shall be a rear yard having a depth of not less than fifteen feet." to reduce the rear yard setback from 15 feet to 25 feet.
for property located in Wichita, Kansas, on the west side of Waco approximately 200 feet north of Murdock
and legally described as: the South 90.07 feet of Lot 1, Riverfront Addition in the City of Wichita,

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

Authorized Agent Eldon L. Boisseau

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 10:00 (a.m.-p.m.), Jan 21, 1981, together with appropriate fee of 15.00.

Signed [Signature]

MDAWM

Miller • Dronberger • Arbuttle • Walker and McLain

Architects and Engineers • Hutchinson, Kansas 67501 • 1020 North Main Street • Dial 316-663-5421

January 27, 1981

Mr. Glen Lytle
Planning Department
455 N. Main
Wichita, KS 67202

RECEIVED

JAN 28 1981

METROPOLITAN PLANNING

ROUTE Ellen

Dear Glen:

I am enclosing two copies of a revised site plan together with one copy each of the floor plans and the front elevation.

I appreciate your catching my drawing error. While I was correct in showing that we needed a setback variance of 12.26' on the south end, I did not actually move the building the 5' west to make this correct.

In round numbers, we would like to have a variance of 12½' at the south, which would mean 2½' in from the property line, and this variance would need to be approximately 50' north of the south property line. At that point the diagonal would break free and the building would be legally within the setback area. The patio might protrude a little into this area, but I believe the zoning ordinance permits this. If I am wrong, please let me know.

Glen, again many thanks for your bringing this to my attention, and if there is anything else you need, don't hesitate to give me a call and I'll see that you get it right away.

With best regards,

MILLER, DRONBERGER, ARBUCKLE, WALKER & MCLAIN

Dale Dronberger
Dale Dronberger

KEN G. MILLER, A.I.A.
DALE DRONBERGER, A.I.A.
ROBERT ARBUCKLE, P.E.
MARSHALL WALKER, A.I.A.
LARRY J. MCLAIN, P.E.

Secretary
CINDY DALE

Associates
ALMON I. REEVE, A.I.A.
JACK C. PETTY
RICHARD A. SCROGIN
DAN LINK, A.I.A.
ATHAPORN ATHAVICHITCHANARAKS
THOMAS R. SCHWETYE
RAYMOND W. VANEK

DD, :d

Enclosure

cc Eldon Boisseau

20 January 1981

Board of Zoning Appeals
City Hall, 455 N. Main
Wichita, KS 67203

Re: Variance of Title 28

Gentlemen:

As set forth in our Application For Variance, we would respectfully request a variance as to the 15 foot back lot setback. We would like to eliminate beginning at the southwest corner of the lot about 12 1/4 feet of that setback. This is a two-story building, the lower story would go into the setback about 7 to 8 feet and the second story would overlap an additional 4 to 5 feet. This would be the maximum amount of variance and because of the bend of the river, it would proportionately lessen until about 1/2 the length of our building and then there would be no variance needed from that point on to the north edge of our property line.

We suggest that we would meet the variance requirements because of the following reasons:

(1) The direction of the river flow causes an unusual or abnormal back lot property line. The City parking requirements and parking lot layout of the parking lot immediately to the north of our lot would be benefited from granting this variance. In addition, the Mid-Town organization would like for us to be able to line the front of our building up with the building immediately to the north for appearances and for tree preservation. They feel that it would make a better presentation to the community if our buildings could line up in the front. Without this variance, we would lose approximately 7 to 8 parking places and would cause our parking lot, along with the one to the north of us, to be offset and somewhat confusing for the general public. If we are able to line our buildings up, we will then make a common parking lot between the two buildings. In addition, it may aid us in preservation of some of the existing trees.

(2) We do not feel that the granting of this variance would adversely effect the rights of any adjacent property owners or residences and feel the basis

RECEIVED

JAN 21 1981

METROPOLITAN PLANNING

ROUTE

for the requirement is to protect backlot distances between adjoining property owners and here, of course, we are backing up to the Little Arkansas River.

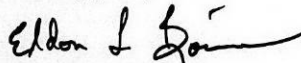
(3) We feel to leave the setback rule as it is would cause a hardship because of the particular configuration of our lot and the size of the lot, particularly in the area of less parking spaces available. Due to costs of building and lots in this vicinity, it is necessary for us to make economical use of our lot size and we would have considerable loss of the use by moving our building forward to conform with the present requirement. It further would cause hardship to persons either using our lot or the ones to the north of us and to the public in general.

(4) We feel that this variance will not adversely effect the public health, safety, morals, order, convenience, prosperity, or general welfare, and in fact will present a better unified presentation to the public of the area and should contribute rather than detract.

(5) We do not feel that granting this variance will be contrary to the general spirit and intent of Title 28. In fact this variance would cause no problems to anyone and it is only a variance of about 1/2 of the width of the lot, in any event.

We thank you for your consideration and if we can be of any further service, please advise.

Sincerely yours,



Eldon L. Boisseau
ELB:ck

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

Record Owners within 200 feet of:
 the South 90 feet of Lot 1, RIVERFRONT
 ADDITION to Wichita, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
South 90.07 feet of Lot 1,	RIVERFRONT	<i>Duf</i> H. Lee Turner and Eldon L. Boisseau 800 North Main Wichita, Kansas 67203
Lot 1, except the South 90.07 feet,	RIVERFRONT	✓ Riverfront Investment Company Roger Sherwood and Stephen J. Blaylock, partners %Roger Sherwood 516 Century Plaza Building Wichita, Kansas 67202
Lots 85, 87 and the South half of Lot 89, on Waco Avenue,	MUNGER'S ORIGINAL TOWN	<i>Duf</i> Paul K. Brooker 815 North Waco Wichita, Kansas 67203
North Half of Lot 89, all of Lots 91 and 93, on Waco Avenue,	MUNGER'S ORIGINAL TOWN	✓ Paul K. & Mildred Brooker 912 St. James Street Wichita, Kansas 67206



LOTS AND BLOCKS

ADDITION

OWNERS

The North Half of Lot 107, all of Lot 109 and the South 25 feet of Lot 111, on Waco Avenue, and that part of vacated alley West of said Lots, and that part of Lots 1 and 2 on Walnut Street, described as follows: Beginning at the Southwest Corner of the North Half of said Lot 107; thence North 70 feet; thence West parallel to the North line of said alley and said Lots 1 and 2, to the East Bank of the Little Arkansas River; thence in a Southeasterly direction along the East Bank of said River to a point directly West of place of beginning; thence East to place of beginning.

MUNGER'S ORIGINAL TOWN

Paul K. Brooker
815 North Waco
Wichita, Kansas 67203



A tract in the Southeast Quarter of Section 17, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, and a portion of Lot 111, on Waco Avenue, and a portion of Lots 1 and 2, on Walnut, now Eighth Street, in MUNGER'S ORIGINAL TOWN, now City of Wichita, Sedgwick County, Kansas, described as follows: Beginning 25 feet North of the Southeast Corner of Lot 111, on Waco Street, in MUNGER'S ORIGINAL TOWN, now City of Wichita, thence North 50 feet; thence West to the East Bank of Little Arkansas River; thence Southeasterly along bank of said River to a point directly West of point of beginning; thence East to place of beginning.

✓ Byron W. Boothe
#4 Highland Road
Wichita, Kansas 67208

Lots 94, 96, 98, 100, 102 and 104, on Waco Avenue,

MUNGER'S ORIGINAL TOWN

LaVerne N. Lambertz,
Individual and Executrix
of Estate of Mary Jane
Lambertz
812 North Waco
Wichita, Kansas 67203





-3-

LOTS AND BLOCKS

ADDITION

OWNERS

Lots 106, 108, 110
and 112, on Waco
Avenue,

MUNGER'S ORIGINAL
TOWN

Harold & Shirley Ann
Perry
6406 East 11th Street
Wichita, Kansas 67208

Lot 1, Block 2,

PARK PLAZA
FIRST

Harold and Shirley Ann
Perry
6406 East 11th Street
Wichita, Kansas 67208

Dated at Wichita, Kansas, this 13th day of January, 1981
at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *C. E. Paul Felder*
Vice President

Tracer No. 54342



**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 2021

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