

BZA 6-70 - Lakeview Development Co.  
Inc. request VARIANCE to reduce  
req. front yard setback for off-  
street parking

5-24-70 *Approved*

POSTED  
3/2/70

MAP ✓  
C.I. ✓  
4-26-70

3-24-70 Approved

BZA 6-70 - Lakeview Development Co.  
Inc. request VARIANCE to reduce  
req. front yard setback for off-  
street parking

Map No. 5349  
 Sec. 7  
 Twp. 27  
 Range 1E

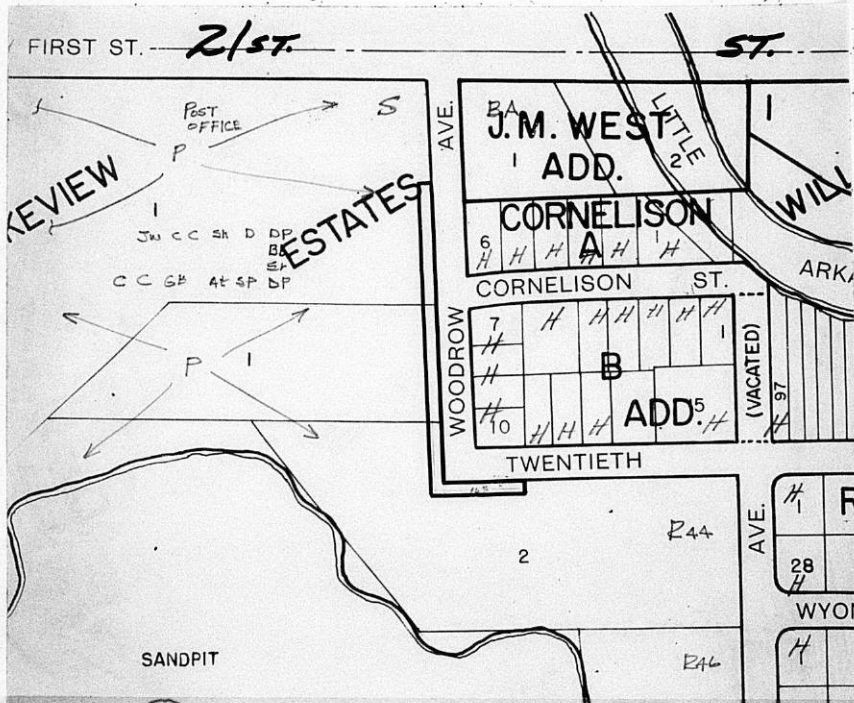
D2A 6-70  
 SC2- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.31 ( 20 ft. by 690 ft.)
2. Adjoining zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East SINGLE FAM South MULTI FAM  
 West PARKING & PROFESSIONAL BLDG North SERVICE STAT
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: \_\_\_\_\_
6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:

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



RESOLUTION BZA 6-70

WHEREAS, Lakeview Development Company, Inc., Box 4048, Wichita, Kansas, by Bill Binter, Box 4048, 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 5 feet for off-street parking purposes only, on property zoned "B"-Multiple Family, and legally described as follows:

A tract in Block 1, Lakeview Estates, and Lots 1 and 2, Block A, in Lakeview Estates Second Addition and a Replat of part of Lots 2 and 3, Lakeview Addition described as beginning on the east line of Block 1, Lakeview Estates, 185 feet South of the northeast corner of said Block 1, thence west parallel with the North line of said Block 1, a distance of 20 feet, thence South parallel to the East line of said Block 1, a distance of 547.36 feet, thence East parallel to the North line of Lot 2, Block A, Lakeview Estates Second Addition and Replat of Part of Lots 2 and 3, Lakeview Addition, a distance of 163.84 feet thence North at right angles a distance of 20 feet to the North line of said Lot 2, Block A, thence West along the North line of said Lot 2, Block A, a distance of 143.84 feet, thence North 527.36 feet to the place of beginning. Generally located on the west side of Woodrow between 21st and 20th Streets and the south side of 20th from Woodrow to a point 84 feet east of the east line of Woodrow.

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 March 24, 1970, 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 applicant desires to provide additional off-street parking in excess of that required by the zoning ordinance; 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 subject property is separated from the single-family homes to the east by a street, that with proper screening these properties would not be adversely affected; and

WHEREAS, the Board of Zoning Appeals has found 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 application inasmuch as an area which is of no practical purpose would have to be retained and could not be utilized for off-street parking; 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 it would tend to eliminate possible on-street parking; 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 a variance can be justified in circumstances such as this where the area is adjacent to the use it intends to serve and can be effectively screened from adjacent residences; 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, have 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 of the required front yard setback from 20 feet to 5 feet for off-street parking only on property zoned "B"-Multiple Family, and legally described as:

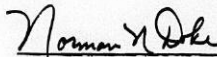
A tract in Block 1, Lakeview Estates, and Lots 1 and 2, Block A, in Lakeview Estates Second Addition and a Replat of part of Lots 2 and 3, Lakeview Addition described as beginning on the east line of Block 1, Lakeview Estates, 185 feet South of the northeast corner of said Block 1, thence west parallel with the North line of said Block 1, a distance of 20 feet, thence South parallel to the East line of said Block 1, a distance of 547.36 feet, thence east parallel to the North line of Lot 2, Block A, Lakeview Estates Second Addition and Replat of Part of Lots 2 and 3, Lakeview Addition, a distance of 163.84 feet thence North at right angles a distance of 20 feet to the North line of said Lot 2, Block A, thence West along the North line of said Lot 2, Block A, a distance of 143.84 feet, thence North 527.36 feet to the place of beginning. Generally located on the west side of Woodrow between 21st and 20th Streets and the south side of 20th from Woodrow to a point 84 feet east of the east line of Woodrow.

be approved subject to the following conditions:

1. The area shall be utilized for off-street parking purposes only and no permanent structures shall be erected thereon.

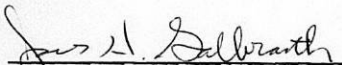
2. The curb opening at 20th Street and Woodrow Avenue shall be closed at such time as that portion of the application area lying south of 20th Street is utilized for off-street parking purposes; or at such time as any addition onto the existing Sears Store is constructed, whichever occurs first.
3. The applicant shall provide a 5 foot planting strip adjacent to the south line of 20th Street and the west line of Woodrow Avenue except for points of ingress and egress. Said planting strip shall contain plant material selected to serve as a sufficient planting strip buffer in accordance with the approved C.U.P. (DP-3 as amended) of the Twin Lakes facility.

ADOPTED AT WICHITA, KANSAS, this 24th day of March, 1970.



NORMAN N. DOKE, Chairman

ATTEST:

  
JACK H. GALBRAITH, Secretary

March 31, 1970

Mr. Bill Binter  
Box 4048  
Wichita, Kansas 67214

Dear Mr. Binter:

Subject: Case No. BZA 6-70  
Request for Variance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 24, 1970, in connection with your request for a variance to reduce the required front yard setback from 20 feet to 5 feet for off-street parking purposes only on property zoned "B"-Multiple Family and generally located on the west side of Woodrow between 21st and 20th Streets and the south side of 20th from Woodrow to a point 84 feet east of the east line of Woodrow.

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 any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:ls

Enclosure

cc Lakeview Development Company, Inc., Box 4048, Wichita  
Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

March 25, 1970

Mr. Bill Binter  
Box 4048  
Wichita, Kansas 67214

Dear Mr. Binter:

Subject: Case No. BZA 6-70  
Request for Variance

At the regular meeting of the Board of Zoning Appeals on March 24, 1970, your request for an variance to reduce the required front yard setback from 20 feet to 5 feet for off-street parking purposes only on property zoned "B"-Multiple Family, and generally located on the west side of Woodrow between 21st and 20th Streets and the south side of 20th from Woodrow to a point 84 feet east of the east line of Woodrow, was considered.

It was the action of the Board to approve this request subject to the conditions set out 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.

Yours very truly,

Jack E. Galbraith  
Secretary

JEG:ls

cc Lakeview Development Co., Inc., Box 4048  
Leslie D. Hostetler, 1718 North Meridian  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

SECRETARY'S REPORT  
CASE NO. BZA 6-70

APPLICANT: Lakeview Development Co, Inc., Box 4048, Wichita, Kansas

AGENT: Bill Binter, Box 4048, 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 5 feet for off-street parking purposes only

GENERAL LOCATION: On the west side of Woodrow between 21st and 20th Streets and the south side of 20th from Woodrow to a point 84 feet east of the east line of Woodrow

ZONING: Subject property is zoned "B"-Multiple Family as is that to the south and west, north is "IC"-Light Commercial with "AA"-Single Family to the east.

LAND USE: Subject property is undeveloped as is that to the south, east is single family and a bank, west is Twin Lakes Shopping Center and parking lot, north is a service station.

JURISDICTION:

The Board of Zoning Appeals 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 property 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 application.
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

Subject property is zoned "B"-Multiple Family which permits off-street parking lots when adjacent to commercial districts. The zoning ordinance provides, however, that no parking shall be permitted in the front yard setback which in this instance is 20 feet.

The applicant states that they need to utilize the area requested in this application for off-street parking in order to provide what is considered a minimum parking ratio based on their experience with Twin Lakes Shopping Center.

It should be pointed out that the Community Unit Plan (DP - 3 as amended) approved by the Planning Commission and City Commission provides for a 5 foot planting strip along 20th Street and Woodrow Avenue. The Plan also provides that in the event the rear of the Sears store faces Woodrow, the planting strip shall be increased to 10 feet.

UNIQUENESS

It is the opinion of the Secretary that this is somewhat of a unique situation in that the applicant desires to provide additional off-street parking in excess of that required by the zoning ordinance.

ADJACENT PROPERTY

It is the opinion of the Secretary that inasmuch as subject property is separated from the single family homes to the east by a street, that with proper screening these properties would not be adversely affected.

HARDSHIP

It is the opinion of the Secretary that if this variance is not granted it would create a hardship for the applicant inasmuch as an area which is of no practical purpose would have to be retained and could not be utilized for off-street parking.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not affect the public interest in that it would tend to eliminate possible on-street parking.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance would not be opposed to the spirit and intent of Title 28 inasmuch as a variance can be justified in circumstances such as this where the area is adjacent to the use it intends to serve and can be effectively screened from adjacent residences.

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, it is recommended that a variance to reduce the required front yard setback from 20 feet to 5 feet for off-street parking purposes only, be approved subject to the following conditions:

1. The area shall be utilized for off-street parking purposes only and no permanent structures shall be erected thereon.
2. The curb opening at 20th Street and Woodrow Avenue shall be closed at such time as that portion of the application area lying south of 20th Street is utilized for off-street parking purposes; or at such time as any addition onto the existing Sears Store is constructed, whichever occurs first.
3. The applicant shall provide a 5 foot planting strip adjacent to the south line of 20th Street and the west line of Woodrow Avenue except for points of ingress and egress. Said planting strip shall contain plant material selected to serve as a sufficient planting strip buffer in accordance with the approved C.U.P. (CP-3 as amended) of the Twin Lakes facility.

Board of Zoning Appeals  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

March 6, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 6-70

An application has been filed by Lakeview Development Co., Inc., Box 4048, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 20 feet to 5 feet for off-street parking purposes only on property zoned "B"-Multiple Family, and legally described as follows:

A tract in Block 1, Lakeview Estates, and Lots 1 and 2, Block A, in Lakeview Estates Second Addition and a Replat of part of Lots 2 and 3, Lakeview Addition described as: Beginning on the East line of Block 1, Lakeview Estates, 185 Feet South of the Northeast corner of said Block 1, thence West parallel with the North line of said Block 1, a distance of 20 feet, thence South parallel to the East line of said Block 1, a distance of 547.36 feet, thence East parallel to the North line of Lot 2, Block A, Lakeview Estates Second Addition and Replat of Part of Lots 2 and 3, Lakeview Addition, a distance of 163.84 feet, thence North at right angles a distance of 20 feet to the North line of said Lot 2, Block A, thence West along the North line of said Lot 2, Block A, a distance of 143.84 feet, thence North 527.36 feet to the place of beginning. Generally located on the west side of Woodrow between 21st and 20th Streets and the south side of 20th from Woodrow to a point 84 feet east of the east line of Woodrow.

This application has been assigned Case No. BZA 6-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 24, 1970, at 1:30 p.m., in the Patio Room, First Floor, Public Library, 223 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH  
Secretary

16 Copies mailed March 6, 1970



UNIQUENESS

Variance is requested from zoning ordinance 28.070C1.2. We need to use 15 feet of this set back for parking in order that we can keep, what we consider a minimum parking ratio based on our experience with Twin Lakes. We would still continue our plantings as in our previous projects. We are unique in that we own all the abutting property. We are also adjacent to a lake and we cannot move our parking any closer to the south without being in the lake.

ADJACENT PROPERTY

We do not believe this will be detrimental to the surrounding property because we will landscape the 5 feet between our parking and the property line. In effect, this is a 65' set back plus the normal set back of the homes across the street. We will continue with the same plantings as in our previous projects. This will allow us to have a continuity that is pleasing and aesthetic when viewed from the property to the north or east.

HARDSHIP

We believe that a hardship would be placed on us if the request is not granted since we feel we must have more off-street parking that is required by the city code.

PUBLIC INTEREST

We do not feel that the granting of this request would adversely affect the public interest.

SPIRIT AND INTEREST

We feel that by utilizing our screening, landscaping, and the lake itself creates a unique project and therefore the variance is in conformance with the general spirit and intent of the zoning ordinance.

O W N E R S H I P   L I S T

Lot	Block	Addition	Property Owner
4	A	Cornelison	✓Gailerd L. Tisdall & Mary B. Tisdall 1628 Cornelison Wichita, Kansas 67203
5	"	"	✓Twin Lakes State Bank 2150 Woodrow Wichita, Kansas 67203
6	"	"	✓Lewis A. Staats & Mamie C. Staats 1640 Cornelison Wichita, Kansas 67203
E 12' of Lot 4	B	"	✓Larry J. Brooks 918 S. Hillcrest Wichita, Kansas 67218
4, exc E 12'	"	"	✓Anthony John Klausner & Isabelle M. Klausner 1617 Cornelison Wichita, Kansas 67203
E 17' of 5	"	"	Same
W 38' of 5	"	"	✓Robert L. Hare, Sr. & Alma F. Hare 1629 Cornelison Wichita, Kansas 67203
E 52' of 6	"	"	Same
6, exc E 52'	"	"	✓Consolidated Realty, Inc. 2311-A Amidon Wichita, Kansas 67204
7	"	"	✓Eugene C. Amend 5711 Flagstaff Wichita, Kansas 67220
N 30.51' of 8	"	"	Same
S 25' of 8	"	"	✓F. Joe Wilson & Beulah V. Wilson 2160 Woodrow Wichita, Kansas 67203
N 45.51' of 9	"	"	Same

Lot	Block	Addition	Property Owner
S 10' of 9	B	Cornelison	✓ August M. Reeves & Audrey E. Reeves 1640 W. 20th Street Wichita, Kansas 67203
10	"	"	Same
11	"	"	✓ Philip W. Blake & Minnie L. Blake 1632 W. 20th Street Wichita, Kansas 67203
W 10' of 12	"	"	Same
E 42' of 12	"	"	✓ Leslie D. Hostetler & Wanda C. Hostetler 1718 N. Meridian Wichita, Kansas 67203
W 18' of 13	"	"	Same
E 34' of 13	"	"	✓ Jack Stull & Teresa Stull 1622 W. 20th Street Wichita, Kansas 67203
14	"	"	Same
1		John M. West	✓ Twin Lakes Investment Co. 2150 Woodrow Wichita, Kansas 67203
	Block 1	Lakeview Estates	✓ Lakeview Development Co., Inc. <del>Address unknown</del>
1	A	Lakeview Estates 2nd	Same Box 4048. 67204 - Wichita, ks.
2	"	"	Same
3	"	"	Same
4	"	"	Same
5	"	"	Same
6	"	"	Same

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of:

A tract in Block 1, Lakeview Estates, and Lots 1 and 2, Block A, in Lakeview Estates Second Addition and a Replat of part of Lots 2 and 3, Lakeview Addition described as: Beginning on the East line of Block 1, Lakeview Estates, 185 feet South of the Northeast corner of said Block 1, thence West parallel with the North line of said Block 1, a distance of 20 feet, thence South parallel to the East line of said Block 1, a distance of 547.36 feet, thence East parallel to the North line of Lot 2, Block A, Lakeview Estates Second Addition and Replat of Part of Lots 2 and 3, Lakeview Addition, a distance of 163.84 feet, thence North at right angles a distance of 20 feet to the North line of said Lot 2, Block A, thence West along the North line of said Lot 2, Block A, a distance of 143.84 feet, thence North 527.36 feet to the place of beginning,

as shown by the records in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 13th day of February, 1970 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Lucille Schroeder*

Vice President

Order No. 169144  
jwp

Board of Zoning Appeals  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

March 6, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 6-70

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JACK H. GALBRAITH  
Secretary

THE CITY OF WICHITA, KANSAS  
BOARD OF ZONING APPEALS  
104 SOUTH MAIN  
WICHITA, KANSAS 67202



Jack Stull  
Teresa Stull  
1622 West 20th Street  
Wichita, Kansas 67203

324

- Moved, left no address
- No such number
- Moved, not in neighborhood
- Addressee unknown

RETURN  
TO  
WRITER



FORM 273-021

**PAYMENT NOTICE**

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

*Handwritten: \$150.00*

DESCRIPTION AMOUNT

*Handwritten: PZ14*

Name

Address

Type Due Date

Comments:

Date By

*Handwritten: 2/24/70 [Signature]*

\*

This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm  
Roll # 1