

BZA 6-76 - St. Francis Hospital, et al requests variance to reduce front yard setback from 20' to 0' on property generally located in an area south of 9th St. between Emporia and St. Francis Streets.

ACTION

BZA COMMITTEE Approved DATE 3-23-76

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

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

*Posted*  
*3-3-76*  
*[Signature]*  
*e.I. ✓*  
*MAD ✓*  
*4-13-76*  
*2"*

BZA 6-76 - St. Francis Hospital, et al requests variance to reduce front yard setback from 20' to 0' on property generally located in an area south of 9th St. between Bimoria and St. Francis Streets.



RESOLUTION NO. BZA 6-76

WHEREAS, St. Francis Hospital and School of Nursing, Inc., 929 North St. Francis, 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 on property zoned the "B" Multiple Family Dwelling District and the "C" Commercial District and legally described as follows:

Lots 1, 3, and 5 on Emporia Avenue and Lots 2, 4, 6, 8, and 10 on St. Francis Avenue in Murdock Grove Addition, Sedgwick County, Kansas; and odd numbered Lots 1 through 39 on Emporia Avenue, and even numbered Lots 2 through 40 on St. Francis Avenue in Burleigh's Second Addition, Sedgwick County, Kansas. Generally located in an area south of Ninth Street between Emporia and St. Francis Avenues.

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 23, 1976, 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 remaining "B" zoning in this block is surrounded by "C" zoning and would most likely be given favorable consideration for "C" zoning, which would eliminate any setback requirement; 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 actual addition to the hospital is situated in the middle of the block. The adjacent property owners to the south are, and would continue to be, adjacent to parking lots; 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 hospital is expanding within a limited area and needs to provide as much building space as possible while maintaining an optimum amount of off-street parking area; 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 Emporia and St. Francis are both one-way streets with 70 to 80 feet of right-of-way, and it is unlikely that they will ever be widened to the full extent of the 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 four previous conditions have been found to exist; 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.

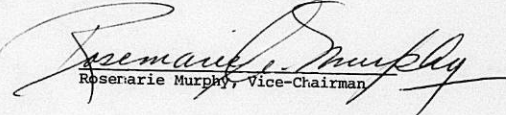
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 20 feet to 0 feet on property zoned the "B" Multiple Family Dwelling District and the "C" Commercial District, and legally described as follows:

Lots 1, 3, and 5 on Emporia Avenue and Lots 2, 4, 6, 8, and 10 on St. Francis Avenue in Murdock Grove Addition, Sedgwick County, Kansas; and odd numbered Lots 1 through 39 on Emporia Avenue, and even numbered Lots 2 through 40 on St. Francis Avenue in Burleigh's Second Addition, Sedgwick County, Kansas. Generally located in an area south of Ninth Street between Emporia and St. Francis Avenues.

be approved subject to the following condition:

1. Lots 3, 4, 5, 6, 8, and 10 of Murdock Grove Addition shall be approved for a reduction of the front yard setback from 20 feet to 0 feet for off-street parking purposes only.

ADOPTED AT WICHITA, KANSAS, this 23rd day of March, 1976.

  
Rosemarie Murphy, Vice-Chairman

ATTEST:

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Jack H. Galbraith, Secretary

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

City Hall, Tenth Floor  
455 North Main

March 31, 1976

Mr. Francis Hesse  
Attorney at Law  
929 North St. Francis  
Wichita, Kansas 67214

Re: Case No. BZA 6-76  
Request for Variance

Dear Mr. Hesse:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 23, 1976, in connection with your request for a variance to reduce the required front yard setback from 20 feet to 0 feet on property zoned the "B" Multiple Family and "C" Commercial, and generally located south of Ninth Street between Emporia and St. Francis Avenues.

This Resolution reflects the official action of the Board to approve the 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:LD:bh  
Attach.

cc: St. Francis Hospital, 929 N. St. Francis, 67214  
Robert Feldner, Superintendent, Central Inspection  
Joe Donnelly, Central Inspection  
Donald Gisick, City Clerk

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

City Hall, Tenth Floor  
455 North Main

March 24, 1976

Mr. Francis Hesse  
Attorney at Law  
929 North St. Francis  
Wichita, Kansas 67214

Re: Case No. BZA 6-76  
Request for Variance

Dear Mr. Hesse:

At the regular meeting of the Board of Zoning Appeals on Tuesday, March 23, 1976, your request for a variance to reduce the required front yard setback from 20 feet to 0 feet on property zoned the "B" Multiple Family and "C" Commercial, and generally located south of Ninth Street between Emporia and St. Francis Avenues was considered.

It was the action of the Board to approve this request subject to the following condition:

1. Lots 3, 4, 5, 6, 8, 10 of Murdock Grove Addition shall be approved for a reduction of the front yard setback from 20 feet to 0 feet for off-street parking purposes only.

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.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:LD:bh

cc: St. Francis Hospital, 929 N. St. Francis, 67214  
Robert Feldner, Superintendent, Central Inspection  
Joe Donnelly, Central Inspection  
Donald Giesick, City Clerk

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE March 17, 1976



TO Metropolitan Area Planning Commission  
FROM David Furnas, Citizen Participation Coordinator

SUBJECT Zoning Case No. BZA 6-76

Area Council "L" met on Monday, March 15, 1976, and gave their recommendation on the said variance.

Donovan Rutledge moved to approve the variance as stated in the BZA Secretary's report that lots 3, 4, 5, 6, 7, 8 and 10 of Murdock Grove Addition be approved for a reduction of the front yard set back from 20 feet to 0 feet for off-street parking purposes only. Motion passed unanimously.

David Furnas  
Citizen Participation Coordinator

DF:DB:rh



SECRETARY'S REPORT  
CASE NO. BZA 6-76

APPLICANT: St. Francis Hospital, and School of Nursing, Inc.,  
929 N. St. Francis, Wichita, Kansas.

AGENT: Francis Hesse, 929 N. St. Francis, Wichita,  
Kansas.

REQUEST: Variance pursuant to Section 2.12.590B, Code of  
the City of Wichita, to reduce the required front  
yard setback from 20 feet to 0 feet.

GENERAL LOCATION: South of Ninth Street, between Emporia and St.  
Francis Avenues.

ZONING: Subject property is zoned "B" Multiple Family and  
"C" Commercial; South is "B"; West is "B" and "C";  
North is "C"; and East is "B" and "C".

LAND USE: Subject property contains hospital buildings and  
parking; south is a boarding house and single  
family dwelling; west is office, parking and  
single family residential; north is hospital  
facility; east is parking, office and single  
family residential.

JURISDICTION:

The Board has jurisdiction to consider this 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:

The applicant, St. Francis Hospital, is requesting a variance to reduce the required front yard setback from 20 feet to 0 feet to accommodate new building construction and for off-street parking purposes. The variance request is associated with the proposed expansion of the hospital facilities to the south of the existing hospital.

The application area lies between Emporia and St. Francis Avenue in an area south of Ninth Street and North of Murdock Avenue. The applicants own all but ten of the lots within the described boundaries. All but nine of the lots in the block are zoned "C" Commercial. The remaining nine lots are zoned the "B" Multiple Family Dwelling District. The zoning ordinance provides that where the frontage on the same side of the street between two intersecting streets is located partly in a dwelling district and partly in a commercial district, the front yard requirements of the dwelling district shall apply to the entire frontage in both districts. Therefore, the 20 foot front yard required in the "B" district would apply to the entire block on both Emporia and St. Francis, even though there are only nine lots zoned residential. Five of these nine lots are included in the application area and are utilized for off-street parking. The remaining four "B" zoned lots are located south of the application area. This area obviously is and has been in a period of transition as the hospital expands and other support type uses locate in the area.

The applicants' site plan shows the location of the proposed construction south of the present hospital complex. The site plan is not dimensioned; but in scaling the plan, it appears that the new construction maintains a 5 to 10 foot setback from both Emporia and St. Francis. The off-street parking lots to the south of this proposed addition are paved to the property line.

UNIQUENESS:

It is the opinion of the Secretary that the variance requested may arise from a condition unique to the property in question inasmuch as the remaining "B" zoning in this block is surrounded by "C" zoning and would most likely be given favorable consideration for "C" zoning, which would eliminate any setback requirement.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting

of this variance would not adversely affect the rights of adjacent property owners inasmuch as the actual addition to the hospital is situated in the middle of the block. The adjacent property owners to the south are, and would continue to be, adjacent to parking lots.

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 hospital is expanding within a limited area and needs to provide as much building space as possible while maintaining an optimum amount of off-street parking area.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of this variance would not adversely affect the public interest inasmuch as Emporia and St. Francis are both one-way streets with 70 to 80 feet of right-of-way, and it is unlikely that they will ever be widened to the full extent of the right-of-way.

SPIRIT AND INTENT:

It is the opinion of the Secretary that if the Board finds the previous four conditions to exist, the granting of this variance would not be opposed to the general spirit and intent of the zoning ordinance.

RECOMMENDATION:

If the Board finds that the five conditions necessary to the granting of a variance can be found to exist, it is recommended that the variance be approved subject to the following condition:

1. Lots 3, 4, 5, 6, 9 and 10 of Murdock Grove Addition shall be approved for a reduction of the front yard setback from 20 feet to 0 feet for off-street parking purposes only.

WICHITA-SEDGWICK COUNTY

DATE  
March 8, 1976

METROPOLITAN AREA PLANNING DEPARTMENT


TO Elmer Karstensen, Executive Assistant to the City Manager  
FROM Larry Dobson, Assistant Secretary, Board of Zoning Appeals  
SUBJECT Notice of Upcoming Board of Zoning Appeals Cases  
(Case Numbers BZA 3-76, BZA 4-76, BZA 5-76, and BZA 6-76)

Attached are notices of four cases to be considered by the Board of Zoning Appeals at its meeting of March 23, 1976. Also attached are sketch maps of the area involved in each case.

These are provided for distribution to the appropriate representatives of the Citizen's Participation Organization.

If you have any questions, please call.

Sincerely,

  
Larry Dobson  
Assistant Secretary

COPY

LD:bh  
Attach.

15 notices sent to applicant, agent, and adjoining property owners

10 notices sent to MAPC members  
1 notice sent to Midtown Citizens Association

March 1, 1976

Case No. BZA 6-76

Map 5548

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant  St. Francis Hospital and School of Nursing, Inc.

Mailing Address 929 N. St. Francis Phone 262-6211

Name of Authorized Agent  J. Francis Hesse, Attorney at law

Mailing Address 929 N. St. Francis Phone 262-5043

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

II. The variance requested is on the front-yard setback which we  
request be reduced from 20 feet to 0 feet on all property owned  
by St. Francis Hospital and School of Nursing, Inc., in the area  
~~for property located~~ generally bounded by Ninth Street on the north,  
Murdock on the south, Emporia Ave. on the west, and St. Francis Ave.  
on the east,  
and legally described as: Odd numbered Lots 1, 3 & 5, on Emporia Ave.,  
and even numbered Lots 2, 4, 6, 8, & 10, on St. Francis Ave., in  
Murdock Grove Addition AND ALSO Odd numbered Lots 1 through 39 on  
Emporia Ave., and even numbered Lots 2 through 40 on St. Francis Ave.,  
in Burleigh's Second Addition

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

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. 24-606); 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.

St. Francis Hospital and School of Nursing, Inc.

Applicant

J. Francis Hesse  
Authorized Agent J. Francis Hesse

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals \_\_\_\_\_ (a.m. - p.m.), \_\_\_\_\_ 19 \_\_\_\_\_ together with appropriate fee of \$50.00.

T9-402

Larry Dobson  
Signed

STATEMENT SUPPORTING VARIANCE APPLICATION

St. Francis Hospital contemplates a substantial addition to its present plant and wishes to make maximum utilization of all property owned by it. It desires to utilize for construction purposes or parking purposes all of the property all the way to the boundary lines of all property owned by it. Rather than apply for a rezoning of the several lots (excepting Lots 22 and 24 on St. Francis Avenue in Burleigh's Second Addition) in this application, we ask for a variance on the grounds it would be beneficial for traffic, patrons, and others, to be able to utilize the property all the way to the property lines without the necessity of any kind of front-yard setback.

The granting of this variance will not adversely affect the rights of adjacent property owners or residents. In this regard it is noted that no property owners are actually living in any residences adjacent to the property described in this application, and with the exception of eight lots in the block, everything is zoned "C" and would permit the use of the property up to the property line without the necessity of front-yard setback.

Strict application of the provisions of the present code from which variance is requested would constitute a hardship on the applicant in that it finds that square footage is precious and every square foot of property available should be utilized in connection with its building or parking or related hospital programs.

The variance desired will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare, and granting of this application for variance is not in opposition to the general spirit and intent of the zoning ordinance.

Granting such variance will permit the hospital to make maximum use of its property, and will, in fact, be a benefit to the general public.

Dated this 26th day of February, 1976.,

ST. FRANCIS HOSPITAL AND SCHOOL OF NURSING, INC.

By J. Francis Hesse  
J. Francis Hesse - Attorney and Agent

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 51 & 53	Emporia Ave.	Burleigh's 2nd Addition	St. Francis Hospital and School of Nursing, Inc. 929 N. St. Francis Wichita, Kansas, 67214
2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52 & 54	St. Francis	"	"
1, 3, 5 & 7	"	"	"
9 & 11	"	"	✓ Louis J. Seidl & Anne Marie Seidl, 856 N. St. Francis Wichita, Kansas, 67214
13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 45, 47, 49, 51 & 53	"	"	✓ St. Francis Hospital and School of Nursing, Inc. 929 N. St. Francis Wichita, Kansas, 67214
1, 3 & 5	Emporia	Murdock Grove Addition	"
7	"	"	✓ Lawrence E. Travis & Mary R. Travis, 824 N. St. Francis Wichita, Kansas, 67214
9, 11 & 13	"	"	X O K E M O Properties Address unknown <i>not in phone book, city Dir, city</i>
15	"	"	✓ Ernest F. Schroer & Arlene E. Schroer 4000 N. Athenian Wichita, Kansas, 67204
17	"	"	✓ Kansas Geological Society Insurance Building Wichita, Kansas, 67202
2, 4, 6, 8 & 10	St. Francis	"	✓ St. Francis Hospital and School of Nursing, Inc. 929 N. St. Francis Wichita, Kansas, 67214
12	"	"	✓ Earl Wallace & Esther Wallace, 817 N. St. Francis Wichita, Kansas, 67214
14, 16 & 18	"	"	✓ Max M. Coe & Rachel Beverly Coe, 403 Courtleigh Drive Wichita, Kansas, 67218

Continued page 2

Lot	Street	Addition	Property Owner
1		Pool's 2nd Add.	St Francis Hospital and School of Nursing, Inc. 929 N. St. Francis Wichita, Kansas, 67214 <i>D</i>
2		Homestead Add.	✓ M. A. Srader, 910 S. Market Wichita, Kansas 67211 <i>not in phone book</i>
3 & 4 exc. N 36'		"	Em-To Development, Inc. X Address unknown <i>not in phone book</i>
N 36' of 4, all of 5 & 6		"	N A K Properties, X Address unknown <i>not in phone book</i>
7 & 8		"	St. Francis Hospital and School of Nursing, Inc. 929 N. St. Francis, Wichita, Kansas, 67214 <i>D</i>
2 & S. 50' of 4	Emporia	Tuttles Add.	✓ F. F. & S., Inc. 905 N. Emporia Ave. Wichita, Kansas, 67214 <i>not in phone book</i>
N 16' of 4 all of 6	"	"	X E. F. Siggs and Helen Siggs Address unknown <i>not in phone book</i>
1 & 3	"	Clio Add.	✓ Nine Fifty Nine, Inc. 959 N. Emporia Ave. Wichita, Kansas, 67214 <i>not in phone book</i>
5, 7, 9, 11, 13, 15 & 17	"	"	X Em-To Development, Inc. Address unknown <i>not in phone book</i>
19 & 21	"	"	✓ Helen Patricia Cobb 917 N. Emporia Wichita, Kansas, 67214
S. 9' of 5, all of 7, 9, 11, 13, 15 & 17	"	Millers Add.	<i>D</i> Nine Fifty Nine, Inc. 959 N. Emporia Ave. Wichita, Kansas, 67214
Beginning 150 ft. S. of the SW corner of Lot 1, on St. Francis in Burleigh's 2nd Add., thence E. 140', th. S. 50', th. W. 140', th. N 50' to place of beginning			✓ Samuel T. Luinstra & Helen Luinstra, 1102 N. Gow Wichita, Kansas, 67203
Beginning 200' S. of the SW corner of Lot 1, on St. Francis, in Burleigh's 2nd Add., thence E. 140', th. S. 50', th. W. 140', th. N 50' to beginning			Earl C. McDaniel & Cleatice I. McDaniel Address unknown <i>not in phone book</i>
Beginning 250' S. of SW cor of lot 1, St. Francis in Burleigh's 2nd Add., thence S. 50', thence E. 140', thence N. 50', thence W. 140' to p.o.b.			<i>D</i> St. Francis Hospital and School of Nursing, 929 N. St. Francis Wichita, Kansas, 67214



434 NORTH MAIN  
WICHITA, KANSAS 67202  
267-8371

Continued page 3

Description	Property Owner
Beginning 300 ft. S. of the SW cor. of Lot 1, on St. Francis in Burleigh's 2nd Add., thence E. 140', thence S. 50', thence W. 140', thence N 50' to beginning	✓ Cifford H. Quallo & Eva M. Quallo, 806 N. St. Francis Wichita, Kansas, 67214
Beginning 350' S. of the SW cor. of Lot 1, on St. Francis Ave., in Burleigh's 2nd Add., thence E. 100', th. S. 72.4', thence W. 100', thence N. 72.4' to beginning	✓ Sheldon Kamen & Toba Kamen 616 E. Murdock Wichita, Kansas, 67214

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 the following property to-wit:

Lots 1, 3 and 5, on Emporia Avenue and lots 2, 4, 6, 8 and 10, on St. Francis Avenue, in Murdock Grove Addition and Even lots 2 through 40 on St. Francis Avenue and Odd lots 1 through 39 on Emporia Avenue, in Burleigh's 2nd Addition.

as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 26th day of February, 1976 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Mary Deble*

Vice-President

Order No. 234303

Form 23-021

**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	Sever	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>Young Woods</i>	

Name

Address

Type

Due Date

Comments:

Date

By

*3-26-76*

*E. Fakin*

\*

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