

*Posted
2-11-83*

ACTION

B.Z.A. 6-83 Approved 2-22-83
DATE

5548 D

200' 1/4 Sec 3-3-83
Checked 3-3-83 out
Shot 3-4-83
Recorded 3-16-83

Case No. BZA 6-83 - REMCO - requests variances to (1) eliminate the screening requirement adjacent to a residential zoning district and (2) reduce the required off-street parking from 39 spaces to 23 spaces on property zoned the "B" Multiple-family Dwelling District and the "B" zone.

March 1, 1983

Bruce E. Frazey
REMCO
100 South Main, Suite 135
Wichita, Ks. 67202

Re: Case No. EZA 6-83
Request for Variances

Dear Mr. Frazey:

The recently mailed resolution pertaining to the properties at 10th and Topeka contained an error in the legal description. The attached resolution has been corrected and the previous resolution should be discarded.

Please accept my apology for any inconvenience this might have caused.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sd

Encl.

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

RESOLUTION NO. BZA 6-83

WHEREAS, REMCO, Suite 135, 100 South Main, Wichita, Kansas, requests variances as provided in Section 2.12.590.B, Code of the City of Wichita, to (1) eliminate the screening requirement adjacent to a residential zoning district and (2) reduce the required off-street parking from 39 spaces to 23 spaces on property zoned the "B" Multiple-family Dwelling District and the "BB" Office District and legally described as follows:

Part of Harvey's Reserve in Stafford & Wright's Addition to Wichita, Sedgwick County, Kansas, described as:
Commencing 50' south of the southeast corner of Lot 215, on Topeka Avenue, in Stafford's & Wright's Addition to Wichita; thence west 150'; thence south 148'; thence east 150'; thence north 148' to the place of beginning and all of Lots 1, 3 & the north 10' of Lot 5, together with the east half of the vacated alley adjacent on the west, all on Topeka Avenue, Stone's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest & northwest corners of Topeka & 10th Street.

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 22, 1983, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance to eliminate the screening requirement adjacent to a residential zoning district 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 in a historic district and being developed as an office and residential complex, and to provide a fence down the middle of the property would not be beneficial to the project, and to move it to the north property line could be detrimental to the adjacent property; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the north parcel of the application area is being retained as residential and should provide the necessary buffer between office and the residential zoning district; 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 requirement of a screening fence in the middle of a project that would not provide any protection to adjacent properties would be an undue expenditure by the owner; 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 elimination of the screening fence would be in the best interests of retaining the general historic character of the neighborhood; 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 retention of the property to the north as residential and the retention of a landscaped front yard for the office building should provide a more aesthetically desirable project; 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 eliminate the required screening adjacent to a residential zoning district on property zoned the "BB" Office District and the "B" Multiple-family Dwelling District be approved subject to the following conditions:

1. No screening fence shall be required as long as the buildings on the north portion of the application remain residential.
2. Only one free standing identification sign not exceeding a height of 20 feet, nor exceeding 16 square feet in area, and limited in lighting to indirect or internal white light shall be permitted for the office structure on the north side of 10th Street. Lighting of the sign shall be prohibited from 11:00 p.m. to 7:00 a.m. In addition, small unlighted directional signs for the operation of the parking areas are permitted. No portable signs shall be permitted.

AND, WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance to reduce the required number of off-street parking spaces from 39 spaces to 23 spaces 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 reuse of former residential structures for general office space is not highly efficient and the utilization in approximately 50% of that generally provided by a new one story building; and the project also includes some residential units that will utilize the parking provided for the office buildings in the off hours; 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 present uses to the east and south have more parking than is required by ordinance and that public transportation is close which would reduce the demand for parking to some extent; 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 remodel the structures and preserve the character of the neighborhood as desired by the Historic Preservation Committee without the reduction in off-street parking requirements; 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 in actual number of parking spaces being provided will be insignificant as compared to the retention of the residential character of the Historic District; 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 joint use of space by offices and residential units along with the leased parking should provide ample parking for the entire project; 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.

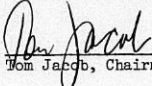
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 39 spaces to 26 spaces on property zoned the "BB" Office District and the "B" Multiple-family Dwelling District and legally described as:

Part of Harvey's Reserve in Stafford & Wright's Addition to Wichita, Sedgwick County, Kansas, described as: Commencing 50' south of the southeast corner of Lot 215, on Topeka Avenue, in Stafford's & Wright's Addition to Wichita; thence west 150'; thence south 148'; thence east 150'; thence north 148' to the place of beginning and all of Lots 1, 3 & the north 10' of Lot 5, together with the east half of the vacated alley adjacent on the west, all on Topeka Avenue, Stone's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest & northwest corners of Topeka & 10th Street.

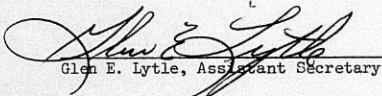
be approved subject to the following conditions:

1. This variance to reduce the required off-street parking from 39 spaces to 26 spaces shall only be applicable as long as the properties are held under one ownership and the use of the structures are maintained as offices at (1065 and 1103) and residential at (1109) North Topeka.
2. Any parking spaces provided in the public right-of-way must be covered by a minor street privilege permit.
3. The applicant shall remove the driveway along the north property line and remove the existing approach to Topeka.
4. The structures known as 1065 and 1103 North Topeka shall be utilized only as general offices and not medical offices, and at any time in the future any conversion of the structures to other uses, this variance shall become null and void and parking shall be provided as required by ordinance.

ADOPTED AT WICHITA, KANSAS, this 22nd day of February, 1983.


Tom Jacob, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

Corrected Copy 3-1-83

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

February 2, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 6-83

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 REMCO, Suite 135, 100 South Main, Wichita, Kansas, requesting variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting variances to (1) eliminate the screening requirement adjacent to a residential zoning district and (2) reduce the required off-street parking from 39 spaces to 23 spaces on property zoned the "B" Multiple-family Dwelling District and the "BB" Office District and legally described as follows:

Part of Harvey's Reserve in Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas, described as: Commencing 50 feet south of the southeast corner of Lot 215, on Topeka Avenue, in Stafford's and Wright's Addition to Wichita; thence west 150 feet; thence south 148 feet; thence east 150 feet; thence north 148 feet to the place of beginning and all of Lots 1, 3, ~~5, 7~~ and the north 10 feet of Lot 5⁰, together with the east half of the vacated alley adjacent on the west, all on Topeka Avenue, Stone's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest and northwest corners of Topeka and 10th Street.

This application has been assigned Case No. BZA 6-83. It will be considered by the Board of Zoning Appeals on February 22, 1983 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 variances you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

*Correct
Legal*

*Note -
Corrected 1/9/81*

February 23, 1983

Bruce E. Frazey
RESCO
100 South Main, Suite 135
Wichita, Ks. 67202

Re: Case No. EZA 6-83
Request for Variances

Dear Mr. Frazey:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 22, 1983.

This Resolution reflects the official action of the Board to approve your requests, and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosure

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

RESOLUTION NO. BZA 6-83

WHEREAS, REMCO, Suite 135, 100 South Main, Wichita, Kansas, requests variances as provided in Section 2.12.590.B, Code of the City of Wichita, to (1) eliminate the screening requirement adjacent to a residential zoning district and (2) reduce the required off-street parking from 39 spaces to 23 spaces on property zoned the "B" Multiple-family Dwelling District and the "BB" Office District and legally described as follows:

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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 22, 1983, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance to eliminate the screening requirement adjacent to a residential zoning district 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 in a historic district and being developed as an office and residential complex, and to provide a fence down the middle of the property would not be beneficial to the project, and to move it to the north property line could be detrimental to the adjacent property; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the north parcel of the application area is being retained as residential and should provide the necessary buffer between office and the residential zoning district; 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 requirement of a screening fence in the middle of a project that would not provide any protection to adjacent properties would be an undue expenditure by the owner; 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 elimination of the screening fence would be in the best interests of retaining the general historic character of the neighborhood; 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 retention of the property to the north as residential and the retention of a landscaped front yard for the office building should provide a more aesthetically desirable project; 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 eliminate the required screening adjacent to a residential zoning district on property zoned the "BB" Office District and the "B" Multiple-family Dwelling District be approved subject to the following conditions:

1. No screening fence shall be required as long as the buildings on the north portion of the application remain residential.
2. Only one free standing identification sign not exceeding a height of 20 feet, nor exceeding 16 square feet in area, and limited in lighting to indirect or internal white light shall be permitted for the office structure on the north side of 10th Street. Lighting of the sign shall be prohibited from 11:00 p.m. to 7:00 a.m. In addition, small unlighted directional signs for the operation of the parking areas are permitted. No portable signs shall be permitted.

AND, WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance to reduce the required number of off-street parking spaces from 39 spaces to 23 spaces 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 reuse of former residential structures for general office space is not highly efficient and the utilization is approximately 50% of that generally provided by a new one story building; and the project also includes some residential units that will utilize the parking provided for the office buildings in the off hours; 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 present uses to the east and south have more parking than is required by ordinance and that public transportation is close which would reduce the demand for parking to some extent; 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 remodel the structures and preserve the character of the neighborhood as desired by the Historic Preservation Committee without the reduction in off-street parking requirements; and

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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 joint use of space by offices and residential units along with the leased parking should provide ample parking for the entire project; 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.

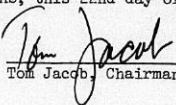
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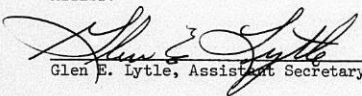
be approved subject to the following conditions:

1. This variance to reduce the required off-street parking from 39 spaces to 26 spaces shall only be applicable as long as the properties are held under one ownership and the use of the structures are maintained as offices at (1065 and 1103) and residential at (1109) North Topeka.
2. Any parking spaces provided in the public right-of-way must be covered by a minor street privilege permit.
3. The applicant shall remove the driveway along the north property line and remove the existing approach to Topeka.
4. The structures known as 1065 and 1103 North Topeka shall be utilized only as general offices and not medical offices, and at any time in the future any conversion of the structures to other uses, this variance shall become null and void and parking shall be provided as required by ordinance.

ADOPTED AT WICHITA, KANSAS, this 22nd day of February, 1983.


Tom Jacob, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE February 18, 1983

TO Glen Lytle, Special Assistant for Zoning

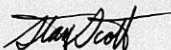
FROM Stan Scott, Administrative Aide III

SUBJECT BZA 6-83: Southwest and Northwest
Corners of Topeka and 10th Streets

On Monday, February 14th, CPD Neighborhood Council "L" considered two requests for zoning variances at the captioned locations. The Council voted 6-0 to recommend approval of a variance to eliminate the screening requirement adjacent to a residential zoning district. Regarding the requested variance to reduce the required number of off-street parking spaces from 39 spaces to 23 spaces on property zoned "B" Multiple Family Dwelling District, the Council voted 6-0 to make no recommendation due to the lack of information from the applicant, but to note the Council's general policy of opposing the reduction of parking space requirements which will lead to increased congestion on residential streets.

Neither the applicant, nor his agent were present. No area residents or property owners were in attendance. Council members were provided the notice to adjoining property owners and a map of the area.

Please provide the Council's recommendation and comments to the Board of Zoning Appeals when BZA 6-83 is considered on Tuesday, February 22nd.



Stan Scott
Administrative Aide III

RECEIVED

FEB 17 1983

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 6-83

APPLICANT: REMCO, Suite 135, 100 South Main, Wichita, Kansas.

AGENT: Bruce E. Frazey, REMCO, Suite 135, 100 South Main, Wichita, Kansas.

REQUEST: Variances pursuant to Section 2.12.590.B, Code of the City of Wichita, to (1) eliminate the screening requirement adjacent to a residential zoning district; and (2) reduce the required off-street parking spaces from 39 spaces to 23 spaces.

GENERAL LOCATION: On the northwest and southwest corners of 10th and Topeka.

ZONING: Subject properties are zoned the "BB" Office and the "B" Multiple-family Districts. Properties to the west are "LC" Light Commercial. Property to the north and south are "B" Multiple-family. Properties to the east are "LC" Light Commercial and "B" Multiple-family. The application area is in a Historic District.

LAND USE: Subject property is occupied by three older structures of which two are being converted to office usage, and the north property will remain residential. Properties to the west are commercial. To the south, a parking lot for a restaurant. To the east a medical office complex and residential. To the north is residential.

JURISDICTION:

The Board has jurisdiction to consider the variances requested 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 two separate variances in order to remodel three existing structures, two of which will be for offices, and the third property will be converted to an apartment structure. The applicant recently filed a zoning change request for "BB" Office zoning on both of the corner structures and the southwest corner has been approved. The northwest corner, most recently filed, will be heard by the Planning Commission after this case is acted on by the Board of Zoning Appeals. The present zoning would permit medical offices and the screening requirement would be the same. The off-street parking requirement for medical or dental offices could be higher than the 39 spaces set forth in the application.

The first variance requested is for the elimination of the screening requirement between the office building on the northwest corner of 10th and Topeka and the buildings that will remain residential to the north. The site plan indicates that most of the parking for the dwellings will be located in conjunction with the parking for the offices and would effectively eliminate the majority of the fence except that located on the front half of the property. With both buildings being more than one story, and the retention of the historic appearance of the structures, the introduction of a fence would distract from the complex. If the location of the fence would be required along the north property line of the entire complex, it would possibly interfere with the effective use of both driveways that are common to that property line.

It would appear that any signs to be located on the properties should be limited to preserve the historic character of the neighborhood, particularly on the north side of 10th Street. Under the terms of the zoning ordinance, identification signs in the "BB" District are limited to thirty-two square feet in area and be limited to indirect or internal illumination of white light only. Since the property on

the northeast corner of the intersection is located adjacent to residential on the north and east, the limitation on any sign should possibly be that of the "B" District if the screening is to be eliminated.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is located in a historic district and being developed as an office and residential complex, and to provide a fence down the middle of the property would not be beneficial to the project, and to move it to the north property line could be detrimental to the adjacent property.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the north parcel of the application area is being retained as residential and should provide the necessary buffer between office and the residential zoning district.

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 requirement of a screening fence in the middle of a project that would not provide any protection to adjacent properties would be an undue expenditure by the owner.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the elimination of the screening fence would be in the best interests of retaining the general historic character of the neighborhood.

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 retention of the property to the north as residential and the retention of a landscaped front yard for the office building should provide a more aesthetically desirable project.

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. No screening fence shall be required as long as the buildings on the north portion of the application remain residential.
2. Only one free standing identification sign not exceeding a height of 20 feet, nor exceeding 16 square feet in area, and limited in lighting to indirect or internal white light shall be permitted for the office structure on the north side of 10th Street. Lighting of the sign shall be prohibited from 11:00 p.m. to 7:00 a.m. In addition, small unlighted directional signs for the operation of the parking areas are permitted. No portable signs shall be permitted.

The second variance requested is to reduce the required number of off-street parking spaces from 39 spaces to 23 spaces. At the present time, the structure at 1109 North Topeka is used as a multiple-family dwelling without any off-street parking, while the buildings at 1065 and 1103 will be offices. Based on one space for each dwelling unit plus one space for each 250 square feet of floor area used for office space, the requirement would be 7 for the residential property at (1109), 16 spaces for (1065), and 18 for (1103).

The applicant's site plan indicates 7 spaces on the property at (1065), and 18 spaces on the properties of (1103 and 1109). With the dedication of the necessary right-of-way for 10th Street, two spaces would be on public right-of-way, leaving only 23 spaces on private property owned by the applicant.

In addition, the applicant has shown 12 additional spaces on property located to the west in the "LC" Light Commercial District that the Secretary has been informed verbally to be under lease. The Secretary has asked that verification be obtained from Central Inspection that the leased spaces are not spaces previously required for uses already established on the property. At the time of writing this report, no verification had been received.

UNIQUENESS:

It is the opinion of the Secretary that it is difficult to justify uniqueness, however, if it does exist, it would be on the basis additional parking will be provided on adjacent property and in order to preserve the character of the neighborhood, parking is not being provided adjacent to the street in the front yards, even though it is permitted in the "BB" Office District. Also the use of existing residential structures for office space does not provide the efficient space as would a new one story structure, therefore not demanding as much off-street parking.

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 present uses to the east and south have more parking than is required by ordinance and that public transportation is close which would reduce the demand for parking to some extent.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be unable to remodel the structures and preserve the character of the neighborhood as desired by the Historic Preservation Committee without the reduction in off-street parking requirements.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction in actual number of parking spaces being provided will be insignificant as compared to the retention of the residential character of the Historic District.

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 joint use of space by offices and residential units along with the leased parking should provide ample parking for the entire project.

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. This variance to reduce the required off-street parking from 39 spaces to 23 spaces shall only be applicable as long as the properties are held under one ownership and the use of the structures are maintained as offices at (1065 and 1103) and residential at (1109) North Topeka; and provided further, 10 additional spaces not previously required by other uses are kept under lease as set forth in the zoning ordinance.
2. Any parking spaces provided in the public right-of-way must be covered by a minor street privilege permit.

Page 4
EZA 6-83

3. Prior to the release of the Resolution, the applicant must submit substantiation of compliance with the conditions as set forth above along with the publication of the zoning change to "BB" zoning for the northwest corner of 10th and Topeka.

NOTE:

(Since this staff report was completed, the owner's architect has contacted the Secretary with new information that will be presented at the meeting.)

BZA CASE NO. 6-83

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

14 NOTICES SENT TO ADJOINING PROPERTY OWNERS

26 TOTAL NOTICES SENT 2-2-83

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

February 2, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 6-83

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 REMCO, Suite 135, 100 South Main, Wichita, Kansas, requesting variances.

Pursuant to Section 2.12.590.B. of the Code of the City of Wichita, the applicant is requesting variances to (1) eliminate the screening requirement adjacent to a residential zoning district and (2) reduce the required off-street parking from 39 spaces to 23 spaces on property zoned the "B" Multiple-family Dwelling District and the "BB" Office District and legally described as follows:

Part of Harvey's Reserve in Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas, described as: Commencing 50 feet south of the southeast corner of Lot 215, on Topeka Avenue, in Stafford's and Wright's Addition to Wichita; thence west 150 feet; thence south 148 feet; thence east 150 feet; thence north 148 feet to the place of beginning and all of Lots 1, 3, 5, and 7 and the north 10 feet of Lot 9, together with the east half of the vacated alley adjacent on the west, all on Topeka Avenue, Stone's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest and northwest corners of Topeka and 10th Street.

This application has been assigned Case No. BZA 6-83. It will be considered by the Board of Zoning Appeals on February 22, 1983 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 variances you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

January 27, 1983

Mr. David Burk
Watson Bridenthal & Associates Architects
3700 East Douglas
Wichita, Kansas 67208

Re: Case No. EZA 6-83
Request for Variances

Dear Mr. Burk:

As I confirmed with you by phone on January 25, 1983, I amended the legal description shown on the application to also include the property located on the southwest corner of 10th Street and Topeka. This was necessary since the application included 1065 North Topeka along with 1103 and 1109 North Topeka as the project for which the 39 off-street parking spaces are required.

You also indicated on the site plan that 36 off-street parking spaces would be provided. Of the 36 spaces shown, only 25 are on property under ownership of the applicant. In addition, two of the parking spaces shown on the 1103 property are in the needed right-of-way of 10th Street. The advertisement is to reduce the required number of off-street parking spaces from 39 to 23.

As I stated to you on the phone, it will be necessary to provide information on the leased parking area as to the terms of the lease; and provide verification from Central Inspection that the parking spaces on the property to the west are not previously required parking spaces for other uses as set forth in Section 28.04.140.3 of the code.

Please feel free to call if you have any questions on the above.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

cc: Robert Feldner, Superintendent of Central Inspection
REMCO Inc., 100 South Main, Wichita, Ks. 67202

BOARD OF ZONING APPEALS

CASE NO. 6-83

CITY OF WICHITA, KANSAS

FILED 1-24-83

APPLICATION FOR VARIANCE

I. Name of Applicant REMCO

Mailing Address Suite 135 - 100 South Main Phone 263-1100

Name of Authorized Agent Bruce E. Frazey

Mailing Address (same) Phone (same)

Relationship of applicant to property is that of Owner

(Owner, Tenant, Lessee, Other) (1)
(s) are (1)

✓ II. The variance requested to eliminate the screening requirement adjacent
to a residential zoning district between B and BB zoning, and to reduce the required parking

spaces from 39 to 23

for property located on the southwest end A the Northwest corner of 10th Street
(1065, 1103 & 1109 N. Topeka).

and legally described as: Refer to enclosed sheet.

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

III. The applicant herein, or his authorized agent, acknowledges:

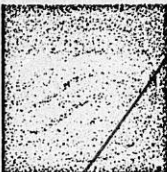
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- c. That 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 *Bruce E. Frazey*

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:30 (a.m. - p.m.), JAN 24, 1983, together with appropriate fee of \$300.00.

Signed *[Signature]*



WATSON
BREIDENTHAL
BURK
ASSOCIATES

use the
following

Legal Description:

for advertisement

Part of Harvey's Reserve in Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas, described as: Commencing 50 feet south of the Southeast Corner of Lot 215, on Topeka Avenue, in Stafford's and Wright's Addition to Wichita; thence west 150 feet; thence south ~~148~~ feet; thence east 150 feet; thence north ~~20~~ feet to the place of beginning. 148

and All of Lots 1, 3, 5, and 7 and the north 10 feet of Lot 9, together with the east half of the vacated alley adjacent on the west, all on Topeka Avenue, Stone's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Topeka and 10th Street.

and northwest

1-25-83

H27



WATSON
BREIDENTHAL
BURK
ASSOCIATES

Legal Description:

Part of Harvey's Reserve in Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas, described as: Commencing 50 feet south of the Southeast Corner of Lot 215, on Topeka Avenue, in Stafford's and Wright's Addition to Wichita; thence west 150 feet; thence south 70 feet; thence east 150 feet; thence north 70 feet to the place of beginning.

ALSO:

A part of Harvey's Reserve in Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas, described as: Beginning 120 feet south of the Southeast corner of Lot 215, on Topeka Avenue in said Addition; thence south 78 feet, west 150 feet; north 78 feet, east 150 feet to beginning.

amended by GEL

*notified David Burk
by phone 1-25-23*

3700 E. DOUGLAS
WICHITA, KS 67208
(316) 685-3383

ARCHITECTURE
INTERIOR DESIGN
PLANNING



WATSON
BREIDENTHAL
BURK
ASSOCIATES

SCREENING:

The two properties at 1103 and 1109 N. Topeka are being renovated. These two properties are directly North of the project recently renovated as offices at 1065. Both 1103 and 1109 are presently zoned B. We are presently proceeding with a zoning change on 1103 from B to BB to allow professional offices in that structure, as was accomplished at 1065. Under zoning ordinance section 28.04.080 (12) which refers to 28.04.070 (A)(13) a screen would be required to be installed between the two structures. The screening will defeat the visual continuity of the district which is the very asset we are trying to achieve. The variance will not adversely effect the public health, safety, morals, order, convenience, prosperity or general welfare and granting the variance will not be opposed to the general spirit and intent of title 28. We, therefore, ask that a variance to the required screening be granted.

3700 E. DOUGLAS
WICHITA, KS 67208
(316) 685-3181

ARCHITECTURE
INTERIOR DESIGN
PLANNING



WATSON
BREIDENTHAL
ASSOCIATES

PARKING:

Per section 28.04.141 of the zoning ordinance for the City of Wichita the off street parking requirement for this project is 39 stalls. This is based upon House 1065 (being used as offices) of 4,000 square foot divided by 250 for 16 spaces; House 1103 (used as office) of 4500 square foot divided by 250 for 18 spaces; 1109 (used as multi-family) of 5 units for 5 spaces; 1109A (existing duplex) of 2 units with 0 existing spaces.

We have provided a total of 36 spaces with an additional 2 spaces located on the street dedication area located North of 10th Street. We feel that this will be ample space due to the following reasons:

1. The project has a mixed use. 1103 and 1065 (offices) will be used during the normal workday and 1109 (multi-family) will have greatest use on weekends and at night during the week.
2. There is mass transportation close to the site, which should reduce the actual number of cars requiring parking.
3. 1109 is presently used as multi-family without any offstreet parking. We are actually adding 2 stalls for that building.

The site is in a historic district and what we are trying to accomplish is to tie all three houses together, as a project, thru restoration of the structures and landscaping between the three.

In our opinion, this variance will not adversely effect the public health, safety, morals, order, convenience, prosperity or general welfare and granting the variance will not be opposed to the general spirit and intent of title 28. We, therefore, ask that a variance of the required parking be granted.

3700 E. DOUGLAS
WICHITA, KS 67208
(316) 685-3383

ARCHITECTURE,
INTERIOR DESIGN,
PASSIVE AND
ACTIVE SOLAR DESIGN

Shirley → Add to notification list
for southwest corner of 10th & Topeka.

page 2

Lot	Street	Addition	Property Owner
1 in Block A	-	St. Francis Medical Park Addition	St. Francis Hospital and School of Nursing, Inc., 929 N. St. Francis, 67214
200, 202, 204 & 206	Topeka	Stafford & Wright's Addition	Beate B. Opsner, 1035 N. Emporia, 67214
208 & 210	Topeka	"	City of Wichita, 455 N. Main, 67202
The North 73 ft. of the East 150 ft. of the West 165 ft. of Harvey's Reserve	-	"	Marlin L. Spenk & Ned Ross Spenk, 7702 Regent, 67206
Part of Harvey's Reserve beg. 50 ft. south of the SE corner of Lot 215 on Topeka; then west 150 ft.; then south 70 ft.; then east 150 ft.; then north 70 ft. to beg.	-	"	Douglas L. Castleberry & Barbara M. Castleberry, 14 Lakeview Ct., Goddard, 67052 AND F. Clare Moore, 1209 N. Topeka, 67214
North 50 ft. of the East 150 ft. of Harvey's Reserve	-	"	L.H. Johnson & Mattie Johnson, 1113 N. Topeka, 67214
Part of Harvey's Reserve beg. 15 ft. north & 45 ft. east of the SW corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of 16-27-1E; then east 150 ft.; then north 125 ft.; then west 150 ft.; then south 125 ft. to beg.	-	"	E.C. Weathers, Etta A. Weathers, C.C. Weathers, & Lora M. Weathers, Address Unknown
Part of Harvey's Reserve beg. 120 ft. south of the SE corner of Lot 215 on Topeka; then south 78 ft.; then west 150 ft.; then north 78 ft.; then east 150 ft. to beg.	-	"	W.W. Rester & Jennie D. Rester, Address Unknown 1103 N. Topeka, April returned Not KNOWN
22	Broadway	"	L.J. Thompson, Inc., 611 E. Lincoln, 67211

OWNERSHIP LIST

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Block A		St. Francis Medical Park	St. Francis Hospital & School of Nursing, Inc. 929 N. St. Francis, 67214
1 & 3, & th N 10' of Lot 5	Topeka	Stone's	Topeka Street Properties, No. 1, Suite 135, Hardage Center, 100 S. Main, 67202
S 15' of 5, all of Lot 7, & the N 10' of Lot 9	"	"	Johansen, Inc., 2802 River Park Drive, 67203 <i>Returned Not KNOWN</i>
S 15' of Lot 9, all of Lots 11 & 13	"	"	McDonald's Corp., 916 S. Broadway, 67211
2,4 & 6	Broadway	"	Francis L. Jehle (Deceased) and Helen M. Jehle, 8 E. Lynwood Blvd., 67207
8	"	"	McDonald's Corp., 916 S. Broadway, 67211
10, 12 & 14	"	"	Same as above
Even Lots 216 thru 226	"	Stafford & Wright's	Mark 8 Inns, 1106 N. Armour, 67206
Odd Lots 215 thru 225	Topeka	"	Tyrone D. Artz, 1125 N. Topeka, 67214
200, 202, 204 & 206	"	"	Bruce B. Ochsner, 1035 N. Emporia, 67214
Even Lots 208 thru 220	"	"	<i>Book slip</i> City of Wichita, 455 N. Main, 67202
222 & 224	"	"	Same as above
226	"	"	Eva Mercer Gilham, <u>Address Unknown</u>
Part of Harvey's Reserve beg. 50' S of the SE corner of Lot 215 on Topeka; then W 150'; then S 70'; then E 150'; then N 70' to beg.		"	REMCO of Wichita, Suite 135, Hardage Center, 100 S. Main, 67202

Page 2.

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
Part of Harvey's Reserve beg. 120' S of the SE corner of Lot 215 on Topeka; th S 78'; then W 150'; then N 78'; th E 150' to beg.	Stafford & Wright's D	REMCO, Suite 135, Hardage Center, 100 S. Main, 67202
The N 73' of the E 150' of the W 165' of Harvey's Reserve	" "	✓ Marlin L. Shenk and Meri Rose Shenk, 7702 Pagent, 67206
N 50' of the E 150' of Harvey's Reserve	" "	✓ J. W. Johnson and Mattie Johnson, 1113 N. Topeka, 67214
Part of Harvey's Reserve beg. 15' N & 45' E of the SW corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 16-27-1E; then E 150'; then N 125'; then W 150'; then S 125' to beg.	" "	E. G. Weathers, Etta A. Weathers, C.C. Weathers and Edra M. Weathers, all <u>Addresses Unknown</u>

Page 3.

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

Part of Harvey's Reserve in Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas, described as: Commencing 50 feet south of the southeast corner of Lot 215, on Topeka Avenue, in Stafford's and Wright's Addition to Wichita; thence west 150 feet; thence south 70 feet; thence east 150 feet; thence north 70 feet to the place of beginning.

AND

A part of Harvey's Reserve in Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas, described as : Beginning 120 feet south of the southeast corner of Lot 215, on Topeka Avenue in said Addition; thence south 78 feet, west 150 feet; north 78 feet, east 150 feet to beginning.

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 17th day of January, 1983 at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Vice-President

Order No. 316028
ge

WICHITA - SEDGWICK COUNTY

W S C

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

UNRECEIVED
NOT KNOWN
RETURN TO SENDER

6-83

WICHITA, KS
PM
FEB 9 1983

NES 03 020729N1 02/07/83

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

W. W. Nester
1103 North Topeka, Apt. 1
Wichita, Ks. 67214

WICHITA
FEB 9 '83
KANS
U.S. POSTAGE
20

RECEIVED

FEB 11 1983
METROPOLITAN PLANNING
ROUTE

WICHITA - SEDGWICK COUNTY

W S C

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

FORWARDING
RETURN TO SENDER

Best 6-83

8/15

WICHITA, KS
PM
FEB 9 1983

Johansen, Inc.
2802 River Park Drive
Wichita, Ks. 67203

WICHITA
FEB 9 '83
KANS
U.S. POSTAGE
20

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-1

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
<i>Water Meter</i>	<i>7.00</i>

NAME *John J. ...*

ADDRESS *...*

FUND *...* DUE DATE *...*

COMMENTS

DATE *...* BY *...*

*

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

Roll # 2