

BZA 13-75 - Leslie Griffith re-
quests variance for area bet.
Rock Rd. & Ks. Turnpike in area
north of Harry.

B.C.C./B. CC. C.

POSTED
4-8-75

~~MAFV~~
L.F.
06-2-75

ACTION

BZA COMMITTEE Approved DATE 4-22-75

M.A.P.C. _____

B.C.C./B. CO. C. _____

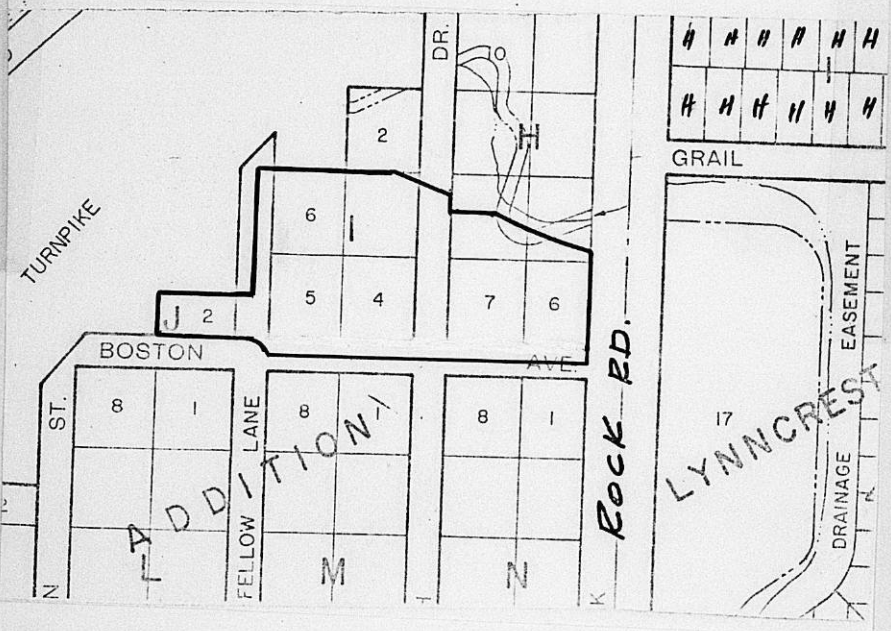
BZA 13-75 - Leslie Griffith re-
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Rock Rd. & Ks. Turnpike in area
north of Harry.

Map No. 5946
 Sec. 30
 Twp. 27
 Range 2E

BZA- 13-75
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 4.5 (325 ft. by 765 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East UNDEVELOPED South UNDEVELOPED
 West KANSAS TURNPIKE North UNDEVELOPED
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: _____
 6. Area (is) (is not) platted. _____

PHOTO DATA:
 Taken by _____ Date _____ Time _____



S
 No. 2153C
 HASTING, AM. LOS ANGELES
 LOGAN, OH. - WASHINGTON, TX U. S. A.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

March 31, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 13-75

An application has been filed by Leslie W. Griffith, P. O. Box 18147, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from 15 feet to 0 feet and to reduce the required side yard setback from 5 feet to 0 feet adjacent to the north property line, all on the "B" Multiple Family Dwelling District portion of property that has been approved for "B" and "LC" Light Commercial zoning, and leagally described as follows:

Lot 5, Captain's First Addition, Wichita, Kansas.
Generally located on the west side of Rock
Road in an area north of Harry.

This application has been assigned Case No. BZA 13-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 22, 1975, at 1:30 p.m., in Room 401 City Building Annex, 104 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

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Jack H. Galbraith
Secretary

June 2, 1975

Mr. Leslie W. Griffith
P. O. Box 18147
Wichita, Kansas 67218

Subject: Case No. BZA 13-75
Request for Variance

Dear Mr. Griffith:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 22, 1975, in connection with your request for a variance to reduce the required rear yard setback from 15 feet to 0 feet and to reduce the required side yard setback from 5 feet to 0 feet adjacent to the north property line on property zoned the "B" Multiple Family Dwelling District and generally located on the west side of Rock Road in an area north of Harry.

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 questions concerning this matter, please call our office.

Sincerely,

Larry Dobson
Assistant Secretary

LD:mb

cc: Robert Feldner, Supt. of Central Inspection
Don C. Gisick, City Clerk
Joe Donnelly, Central Inspection

Enclosure

RESOLUTION NO. BZA 13-75

WHEREAS, Leslie W. Griffith, P. O. Box 18147, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 15 feet to 0 feet and to reduce the required side yard setback from 5 feet to 0 feet adjacent to the north property line, on property zoned the "B" Multiple Family Dwelling District portion of property that is zoned the "B" and "LC" Light Commercial District, and legally described as follows:

Lot 5, Captain's First Addition to Wichita,
Kansas. Generally located on the west side of
Rock Road in an area north of Harry.

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 April 22, 1975, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the property is of irregular configuration and is located adjacent to drainage and turnpike right-of-ways; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the adjacent property, to the requested variance, is undeveloped turnpike and drainage right-of-way; 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 applicant would be required to maintain building setbacks adjacent to turnpike and drainage right-of-way that is not subject to future development; 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 area for which the variance is requested is interiorly located, adjacent to turnpike and drainage 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 undeveloped property adjacent to the requested variance will in and of itself provide open space around the proposed development; and

Resolution No. BZA 13-75

Page Two

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.

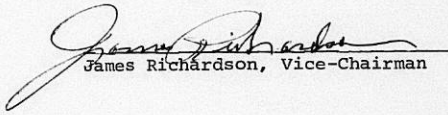
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard setback from 15 feet to 0 feet and to reduce the required side yard setback from 5 feet to 0 feet adjacent to the north property line, on property zoned the "B" Multiple Family Dwelling District portion of property that is zoned the "B" and "LC" Light Commercial District, and legally described as follows:

Lot 5, Captain's First Addition, Wichita,
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of Rock Road in an area north of Harry.

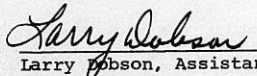
be approved subject to the following conditions:

1. Case No. BZA 12-75 shall have received the Board's approval.
2. The required rear yard setback shall be reduced for only that portion of the rear yard adjacent to buildings E and J, as shown on the applicant's plot plan approved by the Traffic Engineer on March 19, 1975.
3. The required side yard setback adjacent to the north property line shall be reduced for only that portion of the side yard adjacent to building E, as shown on the applicant's plot plan approved by the Traffic Engineer on March 19, 1975.

ADOPTED AT WICHITA, KANSAS, this 22nd day of April, 1975.


James Richardson, Vice-Chairman

ATTEST:


Larry Dobson, Assistant Secretary

April 22, 1975

Mr. Leslie W. Griffith
P. O. Box 18147
Wichita, Kansas 67218

Subject: Case No. BZA 13-75
Request for Variance

Dear Mr. Griffith:

At the regular meeting of the Board of Zoning Appeals on April 22, 1975, your request for a variance to reduce the required rear yard setback from 15 feet to 0 feet and to reduce the required side yard setback from 5 feet to 0 feet adjacent to the north property line on property zoned the "B" Multiple Family Dwelling District and generally located on the west side of Rock Road in an area north of Harry, was considered.

It was the action of the Board to approve this request subject to the conditions listed in the Secretary's report.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely,

Larry Dobson
Assistant Secretary

LD:js

cc: Robert Feldner, Supt. of Central Inspection
Don C. Gisick, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 13-75

APPLICANT: Leelie W. Griffith, P. O. Box 18147, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 15 feet to 0 feet and to reduce the required side yard setback from 5 feet to 0 feet adjacent to the north property line.

GENERAL LOCATION: West side of Rock Road in an area north of Barry.

ZONING: Subject property is zoned the "B" Multiple Family Dwelling District and the "LC" Light Commercial District. Property to the east is "LC". Properties to the north, west and south are all zoned the "AA" Single Family Dwelling District.

LAND USE: Subject property contains a single family residence. All surrounding property is undeveloped. West is turnpike right-of-way; and north is also partially turnpike right-of-way and drainage right-of-way.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. 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.

Secretary's Report
Case No. BZA 13-75
Page Two

- 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 and property involved in this case are the same as in the previous case BZA 12-75.

To briefly summarize what has already been mentioned in the previous case, the applicant proposes to establish a Residential Storage Warehouse facility on property that is zoned the "B" Multiple Family and "LC" Light Commercial District. The western portion of the application area is zoned "B" and it is this "B" zoned area that is involved in this variance request. The applicant requests that the required rear yard setback be reduced from 15 feet to 0 feet and that the required side yard be reduced from 5 feet to 0 feet adjacent to the north property line. As shown on the applicant's submitted plot plan, two of the proposed buildings are involved in the variance request (Buildings E & J). In his statement of justification the applicant emphasizes the fact that the requested variance lies adjacent to turnpike and drainage right-of-ways that would not be subject to future development.

If this variance is not granted and the applicant is required to comply with the setback requirements of the "B" zoning district, he could eliminate 4 of the 10x24 foot storage units and reduce the size of 16 units from the 10x24 foot size to a 10x20 foot size and be in compliance with the setback requirements. This is simply used as an illustration to show the impact of the requested variance on the applicant's proposed development.

UNIQUENESS

It is the opinion of the Secretary the uniqueness associated with subject property, which is not ordinarily found in this zone or district is the irregularity of the lot and its proximity to the drainage and turnpike right-of-ways.

Secretary's Report
Case No. BZA 13-75
Page Three

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the adjacent property, to the requested variance, is undeveloped turnpike and drainage right-of-way.

HARDSHIP

It is the opinion of the Secretary that if hardship exists it would be because the applicant would be required to maintain building setbacks adjacent to turnpike and drainage right-of-way that is not subject to future development.

PUBLIC WELFARE

In the opinion of the Secretary the variance desired will not adversely affect the public welfare inasmuch as the area for which the variance is requested is interiorly located, adjacent to turnpike and drainage right-of-way.

SPIRIT AND INTENT

The Secretary is of the opinion that the granting of the variance will not be opposed to the general spirit and intent of Title 28 (zoning ordinance) since the undeveloped property adjacent to the requested variance will in and of itself provide open space around the proposed development.

RECOMMENDATION

If the Board determines that all five conditions necessary to the granting of a variance can be found to exist, it is the recommendation of the Secretary that the variance be approved, to reduce the required rear yard setback from 15 feet to 0 feet and to reduce the required side yard setback adjacent to the north property line from 5 feet to 0 feet, subject to the following conditions:

Secretary's Report
Case No. BZA 13-75
Page Four

1. Case No. BZA 12-75 shall have received the Board's approval.
2. The required rear yard setback shall be reduced for only that portion of the rear yard adjacent to buildings E and J, as shown on the applicant's plot plan approved by the Traffic Engineer on March 19, 1975.
3. The required side yard setback adjacent to the north property line shall be reduced for only that portion of the side yard adjacent to building E, as shown on the applicant's plot plan approved by the Traffic Engineer on March 19, 1975.

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March 31, 1975

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Jack H. Galbraith
Secretary

3/31/75 19 Notices sent to adj prop. owners
10 " " " " MAPC members

BOARD OF ZONING APPEALS

CASE NO. 13-75

CITY OF WICHITA, KANSAS

FILED 3-26-75

APPLICATION FOR VARIANCE

I. Name of Applicant Leslie W. Griffith
 Mailing Address P.O. Box 78747, Wichita, Ks. 67218 Phone 682-5241
685-8760
 Name of Authorized Agent _____
 Mailing Address _____ Phone _____
 Relationship of applicant to property is that of Owner
 (Owner, Tenant, Lessee, Other)

II. The variance requested is 15 foot rear yard setback to zero on
Building E. and J., and a five foot sideyard setback to zero on
Building E.
 for property located A triangular partial west of Rock Road and
south east of the Kansas Turnpike.
 and legally described as: Lot 5, Captain's First Addition

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

- 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.

Leslie W. Griffith
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 10:00 (a.m.) - p.m.), 3/26 1975 together with appropriate fee of \$50.00.

T9-402

Larry Dobson
Signed

Accepted application one day late by pre-arrangement
Note: Use ownership list on associated Exception case

STORAGE UNITS - SOUTH ROCK ROAD

Lot 5 - Captains First Addition to the City of Wichita

The following variances are requested to permit construction of the above referenced project in accordance to the plans dated 1-8-75, and the site plan dated revised 3-18-75.

- a) Reduce the side yard setback required on the "B" zoned portion of this property from 5 feet to 0 feet. Thus effecting building "E".
- b) Reduce the rear yard setback required on the "B" zoned portion of this property from 15 feet to 0 feet. Thus effecting buildings "E" and "J".

Answers to the five conditions supporting acceptance of the variance request are as follow:

1. This property is unique in this district due to 1) being bound on the North by a drainage dedication of considerable size to permit natural drainage from the East to the West and to 2) being bound on the West by the Kansas Turnpike and K.S.T.A. owned and maintained property right of way.
2. The proposed variances in no way adversely effect the rights of adjacent property owners. There are no structures or residents on adjacent properties to the North or West.
3. The disallowance of the proposed variances would result in the following hardship to the property owner:
On site drive widths would be reduced below acceptable minimums for both fire lanes and the functional use of the storage units by the general public.
4. The proposed variances will in fact contribute to the public safety, order, convenience and general welfare, and will not adversely effect the public health, morals or prosperity.
5. The proposed variance will be within the spirit and intent of the zoning ordinance in that there will not be structural improvements made on the adjoining properties and appropriate open area will always exist.

Form 223-021

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		

450.00

DESCRIPTION	AMOUNT
-------------	--------

<i>BZA Variance</i>	<i>450.00</i>
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Name *Lake Park*

Address *P.O. Box 17147 Wichita, KS*

Type <i>AA-407103</i>	Due Date <i>3/20/75</i>
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Comments:

Date <i>3/20/75</i>	By <i>CD</i>
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