

Poster
5-11-81
PH

Case No. BZA 17-81 - Paul K. & Mildred
Brooker & Riverfront Investments Co.
requests a variance to eliminate the
required screening fence adjacent to
the residential district and on a
common line and generally located on

ACTION

BZA 17-81

COMMITTEE **APPROVED** DATE **5-26-81**

M.A.P.C. _____

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

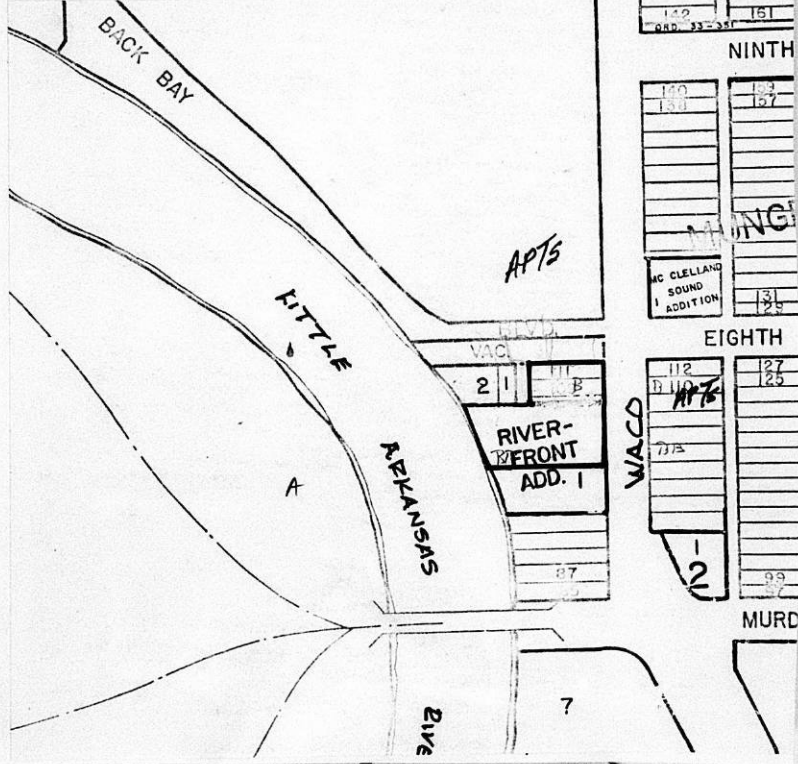
14 Sec
200
6-9-81
6-9-81
checked 6-10-81
6-11-81
Signature

Map No. 544 B
 Sec. 17
 Twp. 27
 Range 1E

BZA- 17-81
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
1. Acres: _____ (IRREGULAR) _____ 170 ft. by _____ 230 ft.
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East APARTMENTS South PARKING LOT
 West UNDEVELOPED North APTS
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: _____
 6. Area (is) (is not) platted: _____

PHOTO DATA:
 Taken by _____ Date _____ Time _____



SHAW-WALKER ENGINEERING, INC.
 LOS ANGELES, CHICAGO, HOUSTON, OHIO
 MEMPHIS, TEXAS, GULF BROOKS, TEXAS
 U.S.A.
 No. 2-153C
 S
 Standard

June 1, 1961

Steven J. Blaylock
833 North Waco
Wichita, Kansas

Re: Case No. BZA 17-61
Request for Variance

Dear Mr. Blaylock:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 26, 1961.

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

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosure

cc: Paul K. & Mildred Brooker, 912 St. James, Wichita, Kansas
Riverfront Investment Company, 833 North Waco, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection (2)
Don Sisick, City Clerk

RESOLUTION NO. BZA 17-81

WHEREAS, Paul K. & Mildred Brooker, 912 St. James, Wichita, Kansas and Riverfront Investments Co., 833 North Waco, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to eliminate the required screening fence adjacent to the residential zoning district and on a common property line on property zoned the "BB" Office and "B" Multiple-family Dwelling Districts and legally described as follows:

The north 105' of Lot 1 Riverfront Addition; and the north 1/2 of Lot 107 and all of Lots 109 and 111 on Waco Avenue, Mungers Original Town, now City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Waco approximately 300 feet north of Murdock (833 North Waco).

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 May 26, 1981, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as both ownerships in the application area are developed with uses other than residential; 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 both property owners are applicant's requesting the elimination of the fence; 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 to install the fence will not only be an unnecessary expense but will interfere with foot traffic between the properties; 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 fence being eliminated only affects the two properties included in the application; 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 screening fence is intended to protect residential properties from the adverse effects of commercial and industrial development; 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 fence adjacent to the residential zoning district and on a common property line on property zoned the "BB" Office and "B" Multiple-family Dwelling Districts and legally described as:

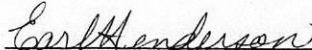
The north 105' of Lot 1 Riverfront Addition; and the north 1/2 of Lot 107 and all of Lots 109 and 111 on Waco Avenue, Mungers Original Town, now City of Wichita, Sedgwick County, Kansas. Generally located on the west

side of Waco approximately 300 feet north of Murdock
(833 North Waco).

be approved subject to the following condition:

1. The elimination of the screening fence shall only be for the entire north property line of Riverfront Addition.

ADOPTED AT WICHITA, KANSAS, this 26th day of May, 1981.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

May 28, 1981

Steven J. Blaylock
833 North Waco
Wichita, Kansas

Re: Case No. EEA 17-81
Request for Variance

Dear Mr. Blaylock:

At the regular meeting of the Board of Zoning Appeals on May 26, 1981, your request for a variance was considered.

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

1. The elimination of the screening fence shall only be for the entire north property line of Riverfront Addition.

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

If you have any questions, please call our office.

Sincerely yours,

Olen E. Lytle
Assistant Secretary

OEL:rad

cc: Paul K. & Mildred Brooker, 912 St. James, Wichita, Kansas
Riverfront Investment Company, 833 North Waco, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE May 19, 1981

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT BZA 17-81: West side of Waco
approximately 300 feet north of
Murdock (833 North Waco).

On Monday, May 18th, CPO Council "L" considered the captioned case, a request for a variance to eliminate the required screening fence adjacent to the residential district and a common property line. The Council voted 7-0 to recommend approval of the requested variance.

Neither the applicant, nor area property owners or residents were present to discuss the requested variance.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 17-81 is considered, May 26th.



Stan Scott
Administrative Aide III

SS:ml

Noted:



Sarah Gilbert
CP Coordinator

RECEIVED

MAY 21 1981

METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BEA 17-81

APPLICANT: Paul K. & Mildred Brooker, 912 St. James,
Wichita, Kansas & Riverfront Investment Company,
833 North Waco, Wichita, Kansas

AGENT: Steven J. Blaylock, 833 North Waco, Wichita,
Kansas

REQUEST: Variance pursuant to Section 2.12.590.B,
Code of the City of Wichita, to eliminate the
required screening fence adjacent to the
residential zoning district and a common property
line between the two ownerships.

GENERAL LOCATION: On the west side of Waco approximately 300 feet
north of Murdock (833 North Waco).

ZONING: Subject property is zoned "BB" Office and "B"
Multiple-family District as is the property to
the east. Property to the north is "B" Multiple-
family and to the south "BB" Office. To the west
across the river is "A" Two-family.

LAND USE: Subject property is occupied by an Office Build-
ing and parking. Property to the north is a
multiple-family dwelling, and to the east and
south offices or proposed office development.
To the west is a river and park.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita and the Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicants are requesting a variance to eliminate a required screening fence along the north line of the "BB" Office District which is a common property line between the applicants properties. The north property of the application area is required parking for an office building located on the northwest corner of Waco and Murdock. The south property of the application area is developed as an office and accompanying off-street parking. By a strict application of the ordinance, the screening fence is required even though both properties are developed other than residential which makes the properties somewhat unique.

The elimination of the fence is a common request by both property owners and should not have any adverse effect on any other property.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as both ownerships in the application area are developed with uses other than residential.

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 both property owners are a part of this application for the elimination of the fence.

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 to install the fence will not only be an unnecessary expense but will interfere with foot traffic between the properties.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the fence being eliminated only affects the two properties included in the application.

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 screening fence is intended to protect residential properties from the adverse effects of commercial and industrial development.

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 condition:

1. The elimination of the screening fence shall only be for the entire north property line of Riverfront Addition.

BZA CASE NO. 17-81

2 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

7 NOTICES SENT TO ADJOINING PROPERTY OWNERS

19 TOTAL NOTICES SENT 5-6-81

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

MAY 4, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 17-81

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Paul K. & Mildred Brooker and Riverfront Investments Company, 600 Century Plaza Building, Wichita, Kansas requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to eliminate the required screening fence adjacent to the residential district and on a common property line. A legal description of the applicant's property is as follows:

The north 105' of Lot 1 Riverfront Addition; and the north 1/2 of Lot 107 and all of Lots 109 and 111 on Waco Avenue, Mungers Original Town, now City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Waco approximately 300 feet north of Murdock (833 North Waco).

This application has been assigned Case No. BZA 17-81. It will be considered by the Board of Zoning Appeals on May 26, 1981 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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, 268-4381.

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

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 17-81
FILED April 27, 1981

APPLICATION FOR VARIANCE

I. Name of Applicant PAUL K & MILDRED BROOKER and RIVERFRONT INVESTMENT COMPANY

Mailing Address 600 Century Plaza Bldg. Phone 263-4958
as of May 18, 1981 833 N. Waco
Name of Authorized Agent Stephen J. Blaylock

Mailing Address 600 Century Plaza Bldg. Phone 263-4958
as of May 18, 1981, 833 North Waco

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

II. The variance requested is To eliminate the required screening

fence adjacent to the residential district and on a common
property line

for property located on the West Side of Waco commonly

known as 833 North Waco, Wichita, Kansas. and the Lot North
thereof
and legally described as:

The North 105'-0" of Lot 1 of Riverfront Addition

to Sedgwick County, Kansas. and The North 1/2 of Lot 107,

all of Lots 109 and 111, on Waco Avenue, Mungers Original Town,

now City, of Wichita, Sedgwick County, Kansas.

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

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

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- 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;
- 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.
- That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant PAUL K. & MILDRED BROOKER and RIVERFRONT INVESTMENT COMPANY

Authorized Agent Stephen J. Blaylock
STEPHEN J. BLAYLOCK

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:35 (a.m. (p.m.)), April 27, 1981.
together with appropriate fee of 150.00

Signed G. Lynn Shiskey

The variance requested to be released from putting up a screen on the North Side of the property is based on the following factors:

1. There is an agreement between the landowners requesting a variance and Midtown Association that the property will be left open as much as possible and that it will also be landscaped in a pleasing manner. A screen will only chop up the property which will violate the original agreement with Midtown Association
2. The adjacent property in question is a parking lot and the owner, Paul Brooker, prefers not to put a screen up between the two (2) parking lots.
3. If we were to put up a screen between the parking lots it would not only be a financial burden on the owners and it would possibly also require additional negotiations between Midtown Association and Riverfront Investment Company.
4. The screen was originally intended to protect family dwellings from business dwellings and parking lots, but in this case a screen would only be separating two (2) parking lots which would not only be costly to the owners but very unnecessary. Both of the parking lots are asphalt.

SUPPLEMENTAL

This Supplemental has been added to include a 200 foot radius of The North half of Lot 107, all of Lots 109 and 111, on Waco Avenue, Mungers Original Town, now City, of Wichita, Sedgwick County, Kansas

ADDITIONAL LEGAL

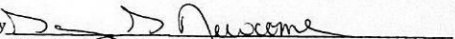
ADDITIONAL OWNER/ADDRESS

Beginning 212 feet North of the Northeast corner of Lot 111, on Waco Avenue, Mungers Original Town, now City of Wichita, thence West 200 feet, South 54 feet, East 200 feet, North 54 feet to the place of beginning, Woodmans Reserve

St. Pauls Evangical Lutheran Church
825 N. Waco
Wichita, Kansas 67203

COLUMBIAN NATIONAL TITLE INSURANCE OF WICHITA, INC.

By


Gary G. Newcome, Vice President

OWNERSHIP LIST

All Lots within 200 foot radius of Lot 1, Except the South 90.07 feet, RIVERFRONT ADDITION, Sedgwick County, Kansas.

<u>LOT & BLOCK</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lot 1, except the South 90.07 feet	RIVERFRONT ADDITION	Riverfront Investment Company 833 N. Waco Wichita, Ks 67203
The South 90.07 feet of Lot 1	"	H. Lee Turner and Eldon L. Boisseau #5 Sand Piper Wichita, Ks 67230
The South 70 feet of the North 75 feet of Lots 1 and 2, on Walnut Street, together with one-half of vacated alley on the east.	MUNGERS ORIGINAL TOWN, now City, of Wichita	Paul K. Brooker 912 St. James Wichita, Ks 67206
Lots 85, 87 and the South 1/2 Lot 89, on Waco Avenue.	"	Paul K. Brooker 912 St. James Wichita, Ks 67206
The North 1/2 Lot 89, all of Lots 91 and 93, on Waco Avenue.	"	Paul K. & Mildred Brooker 912 St. James Wichita, Ks 67206
The North 1/2 Lot 107, all of Lots 109 and 111, on Waco Avenue.	"	Paul K. Brooker 912 St. James Wichita, Ks 67206
Lots 94, 96, 98, 100, 102 and 104, on Waco Avenue.	"	Laverne N. & Mary Jane Lambertz 812 N. Waco Wichita, Ks 67203
Lots 106, 108, 110, and 112, on Waco Avenue.	"	Harold & Shirley Ann Perry 6406 E. 11th Wichita, Ks 67206
Lot 1, Block 2	PARK PLAZA FIRST ADDITION	Harold & Shirley Ann Perry 6406 E. 11th Wichita, Ks 67206

LEGAL DESCRIPTION

Beg. 105 feet North of the Southeast Corner of Lot 111, on Waco Avenue, MUNGERS ORIGINAL TOWN, thence North 83 feet, West 140 feet, South 83 feet, East 140 feet to beginning.

Back Bay, Inc.
404 Back Bay
Wichita, Ks 67203

Beg. 45 feet North of the Northeast corner of Lot 111, on Waco Avenue, MUNGERS ORIGINAL TOWN, thence South 45 feet; West 132 feet, South 5 feet, West to center of River, Northwest to a point west of beginning, East to beginning, except boulevard.

Bryon W. Booth
1010 N. Main
Wichita, Ks 67203

Beg. 206 feet North and 200 feet West of the Northeast corner of Lot 111, Waco Avenue, MUNGERS ORIGINAL TOWN, thence West 80 feet, Southwest to East line of Back Bay Blvd., Southeast along Blvd. to point 193 feet West of Waco Avenue, north 83 feet, West 7 feet, North to beginning.

Charles W. & Barbara L. Sloan
900 Back Bay Blvd.
Wichita, Ks 67203

COLUMBIAN NATIONAL TITLE INSURANCE OF WICHITA, INC. hereby certifies the foregoing to be a true and correct list of property owners of the above listed properties as shown by the last deeds of record in the office of the Register of Deeds of Sedgwick County, Kansas, on this 17th day of April, 1981 @ 7:00 A.M.

COLUMBIAN NATIONAL TITLE INSURANCE OF WICHITA, INC.

By: Gary G. Newcome
Gary G. Newcome, Vice-President

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 021 PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT

NAME _____

ADDRESS _____

FUND _____ DUE DATE _____

COMMENTS _____

DATE _____ BY _____