

5448B

200'4Sec. 6-9-83
Checked 6-9 ant
Shot 6-9
Recorded 6-16 ant

Case No. BZA 19-83 - Mr. & Mrs. Harold Perry, 355 North Waco, Wichita, Kansas requests a variance to reduce the front yard setback from 20' to 0' for off-street parking purposes only, on property zoned the "B" Multiple-family

ACTION

B.Z.A. 19-83 APPROVED 5-31-83
DATE

POSTED
5-12-83
211

5448B

200' 4 Sec. 6-9-83
Checked 6-9 ant
Shot 6-9
Recorded 6-16 ant

Case No. BZA 19-83 - Mr. & Mrs. Harold Perry, 355 North Neco, Wichita, Kansas requests a variance to reduce the front yard setback from 20' to 0' for off-street parking purposes only, on property zoned the "g" multiple-family

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

May 11, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 19-83

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 Mr. & Mrs. Harold Perry, 355 North Waco, 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 reduce the front yard setback from 20' to 0' for off-street parking purposes only on property zoned "B" Multiple-family Dwelling District and the "C" Commercial District. A legal description of the applicant's property is as follows:

Lots 124, 126, 128, 130, 132, and 134 on Waco in Munger's Original Town, Wichita, Sedgwick County, Kansas. Generally located on the east side of Waco between Ninth & Eighth Streets.

This application has been assigned Case BZA 19-83. It will be considered by the Board of Zoning Appeals on May 31, 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 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, 268-4516.

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

June 6, 1983

Mr. & Mrs. Harold Perry
355 North Waco
Wichita, Ks. 67202

Re: BZA 19-83 - Request for Variance

Dear Mr. & Mrs. Perry:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 31, 1983.

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
Encl.

cc: Jeff Krehbiel Associates, Architects, 1300 East Lewis, Wichita
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 19-83

WHEREAS, Mr. & Mrs. Harold Perry, 355 North Waco, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned the "B" Multiple-family and "C" Commercial Districts and legally described as follows:

Lots 124, 126, 128, 130, 132, and 134 on Waco in Munger's Original Town, Wichita, Sedgwick County, Kansas. Generally located on the east side of Waco between Ninth & Eighth Streets.

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 31, 1983, 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 bounded on the south by the applicant's property that has been approved for a similar variance and the property to the north is zoned "C" Commercial without limitation of parking in the front yard setback.

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 properties on each side can already use the property in the manner requested; 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 would be an undue restriction on a small amount of the block when the remainder of the block is already developed; 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 parking would be adjacent to an arterial street on which the entire block would be developed in the same manner; 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 restriction is to provide a landscaped area adjacent to public right-of-way, whereas this project is developed with approximately a 50' building setback; 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 front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned the "B" Multiple-family and "C" Commercial Districts and legally described as:

Lots 124, 126, 128, 130, 132, and 134 on Waco in Munger's Original Town, Wichita, Sedgwick County, Kansas. Generally located on the east side of Waco between Ninth & Eighth Streets.

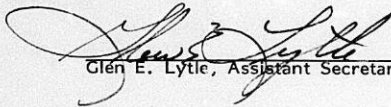
be approved subject to the following condition:

1. The reduction of the front yard from 20 feet to 0 feet shall be for off-street parking purposes only.

ADOPTED AT WICHITA, KANSAS, this 31st day of May, 1983.


Tom Jacob, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE May 18, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT BZA 19-83: West Side of Waco
Between 8th and 9th Streets

On Monday, May 16th CPO Council "L" considered a request for a variance to reduce the front yard setback from 20' to 0' for off-street parking purposes only on property zoned "B" Multiple-Family Dwelling District and the "C" Commercial District for property at the captioned location. The Council voted 8-0 to recommend approval of the requested variance.

Neither the applicant, area residents or property owners were present. Council members were provided the notice to adjoining property owners and MAPD staff comments. Staff presented the Council a copy of the site plan as provided by the applicants, Mr. and Mrs. Harold Perry.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 19-83 is considered on Tuesday, May 31st.



Stan Scott
Administrative Aide III

RECEIVED

MAY 18 1983

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT
CASE NO. BZA 19-83

APPLICANT: Mr. & Mrs. Harold Perry, 355 North Waco, Wichita, Kansas.

AGENT: Jeff Krehbiel Associates, Architects, 1300 East Lewis, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 20' to 0' for off-street parking purposes only.

GENERAL LOCATION: On the east side of Waco between Eighth Street and Ninth.

ZONING: Subject property is zoned the "B" Multiple-family Dwelling District and the "C" Commercial District. Adjacent properties are zoned "B" and "C".

LAND USE: Subject property is vacant. Property to the south and east are additional apartments. To the north is commercial and to the west are residences and a church.

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 conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the front yard setback from 20' to 0' for off-street parking purposes only in order to expand the existing apartment complex, located to the south, on the same general line. The property to the south has been approved for the same variance in order to fully utilize the property.

In this block, there is "C" Commercial zoning on each end of the block with "B" Multiple-family zoning in the middle of the block. The setbacks for buildings would be 20' for the entire block, but the use of the front yard setback in the "B" Multiple-family Dwelling District is restricted to provide for a landscaped yard. Since the property to the south has already been varied to permit parking, and there is no restriction on the use of the setback on the property to the north, this property is definitely unique.

The applicant has improved the overall area with the development of apartments in the two block area. Although several variances have been granted over the period of time, they have permitted a certain amount of continuity to the project. It now would appear that the adjacent properties would not be affected in any way by this variance.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is bounded on the south by the applicant's property that has been approved for a similar variance and the property to the north is zoned "C" Commercial without limitation of parking in the front yard setback.

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 adjacent properties on each side can already use the property in the manner requested.

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 would be an undue restriction on a small amount of the block when the remainder of the block is already developed.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the parking would be adjacent to an arterial street on which the entire block would be developed in the same manner.

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 restriction is to provide a landscaped area adjacent to public right-of-way, whereas this project is developed with approximately a 50' building setback.

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 reduction of the front yard from 20' to 0' shall be for off-street parking purposes only.

BZA CASE NO. 19-83

2 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

8 NOTICES SENT TO ADJOINING PROPERTY OWNERS

20 TOTAL NOTICES SENT 5-11-83

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

May 11, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 19-83

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Lots 124, 126, 128, 130, 132, and 134 on Waco in Munger's Original Town, Wichita, Sedgwick County, Kansas. Generally located on the east side of Waco between Ninth & Eighth Streets.

This application has been assigned Case BZA 19-83. It will be considered by the Board of Zoning Appeals on May 31, 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 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, 268-4516.

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

BOARD OF ZONING APPEALS

CASE NO. 19-83

CITY OF WICHITA, KANSAS

FILED 4-29-83

APPLICATION FOR VARIANCE

I. Name of Applicant Mr. and Mrs. Harold Perry

Mailing Address 355 N. Waco, Wichita, Ks-67202 Phone 267-5367

Name of Authorized Agent Jeff Krehbiel Associates, AIA

Mailing Address 1300 E. Lewis, Wichita, Ks Phone 267-8233

Relationship of applicant to property is that of Owner under contract (Owner, Tenant, Lessee, Other) to Urban Renewal with the CITY of Wichita.

II. The variance requested is To reduce the required front yard

Setback on Waco Ave. from 20 ft. to zero ft. and to reduce the
required side yard setback from 5 ft. to zero ft. both for
off-street parking purpose only.

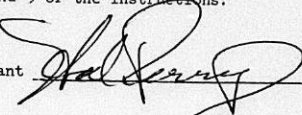
for property located on the east side northeast corner of Waco Ave. between Ninth
and Eighth Streets.

and legally described as: Lots 124, 126, 128, 130, 132, and 134
on Waco in Munger's Original Town, Wichita, Sedgwick County,
Kansas.

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


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 

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 2:30 (~~4:30~~ P.M.), April 29, 1983.
Together with appropriate fee of \$ 750.

Signed 



April 29, 1983

Mr. Glen Lytle
City of Wichita
Planning Department
455 North Main
Wichita, Kansas 67202

RE: Board of Zoning Appeals
Waco and Eighth Street

Dear Glen,

The intent of this requested variance is to gain relief from Section 28.04.140 restricting parking in the front and side yard setbacks and 28.04.070 requiring screen fences to be no closer to the property lines than the setback lines.

The variance requested arises from conditions unique to our property due to current zoning. Our property is located in an area zoned predominately "E" Light Industrial which permits buildings and parking in front yard setbacks up to the property lines. Many adjacent buildings are located such that the buildings are constructed on the property line. The property is also located in an area with a high traffic volume operating on Waco Ave., which necessitates effective screening of our building both visually and acoustically.

The granting of this variance will not adversely affect the rights of adjacent property owners because most are commercial and industrial type areas which will not affect their property by granting this variance.

Strict application of the provisions of Title 28 will constitute unnecessary hardship upon the owner because it would greatly reduce the permitted density allowed by the "B" zoning and would be less compatible with buildings to the south and east which have proven successful in the area.

The variance will not adversely affect the public health, safety, morals, owners, convenience, prosperity or general welfare if approved as requested.

Granting the variance desired will not oppose the intent of Title 28 because multi-family housing is permitted in BB, LC, C and D zoning districts which require no setbacks, and are probably more appropriate zoning for districts similar to this location.

1300 east lewis

wichita, kansas 67211

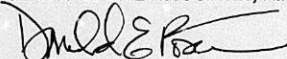
(316) 267-8233

The intent of the owner is to provide compatible multi-family housing with his project to the south and east of the property under consideration. The owners intent is to improve the architectural character of the area and provide a more viable project. By placing the parking west of the building, more effective sound and visual isolation can take place from vehicular traffic along Waco Ave.

Should you have any questions, do not hesitate to contact me.

Sincerely,

JEFF KREHBIEL ASSOCIATES, AIA



Donald E. Rosemann, AIA

cc. Hal Perry

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
the north 15 feet of lot 120 & all lot 122	Waco	Mungers Original Town	Harold Perry Shirley Ann Perry 6406 E. 11th St. Wichita, Kansas 67206
Lots 124, 126, & 128	Waco	"	same as above
Lots 130, 132 & 134	Waco	"	same as above
Lots 136, 138 & 140	Waco	"	Thomas M. Vickers Rhonda H. Vickers 606 N. Brookfield St. Wichita, Kansas 67226
odd lots 129 through 141	Wichita	"	Harold Perry Shirley Ann Perry 6406 E. 11th St. Wichita, Kansas 67206
odd lots 143 through 151	Wichita	"	same as above
Lots 153 & 155 & west 1/2 of lots 157 & 159	Wichita	"	Thomas M. Vickers Rhonda H. Vickers 606 N. Brookfield St. Wichita, Kansas 67226
East 1/2 lots 157 & 159	Wichita	"	<i>returned 5-16-83</i> Olaya Walker 933 N. Waco Wichita, Kansas 67203
Lot 142	Waco	"	T. E. McDonald 1000 N. Waco Wichita, Kansas 67202
Lot 161	Wichita	"	George Lay Signs Inc. 1011 N. Wichita Wichita, Kansas 67202
Tract beginning 764 feet east & 112.5 feet south of the center of Section 17-27-1E, thence south 50 feet, thence west 140 feet, thence north 50 feet, thence east 140 feet to the point of beginning.			Robert F. Randle Phyllis J. Randle 962 Back Bay Wichita, Kansas 67203

<u>Tract</u>	<u>Property Owner</u>
Tract beginning 112.5 feet South & 411.43 feet east of the center of Section 17-27-1 E, thence south 137.5 feet, thence east 229 feet, thence north 68.5 feet, thence east 125 feet, thence north 19 feet, thence west 140 feet, thence north 50 feet, thence west 214 feet to the point of beginning.	D Robert F. Randle Phyllis J. Randle 962 Back Bay Wichita, Kansas 67203
Tract beginning 105 feet north of the southeast corner of Lot 111, on Waco, Mungers Original Town, thence north 83 feet, thence west 140 feet, thence south 83 feet, thence east 140 feet to the point of beginning, being in the Southeast Quarter of Section 17-27-1 E.	Back Bay Inc. 404 Back Bay Blvd. Wichita, Kansas 67203
Tract in the southeast quarter of Section 17-27-1 E described: Beginning 212 feet north of the northeast corner of Lot 111, on Waco, Mungers Original Town, thence west 200 feet, the south 54 feet, thence east 200 feet, thence north 54 feet to beginning.	St. Pauls English Evangelical Lutheran Church 925 N. Waco Wichita, Kansas 67203
Beginning 569 feet east & 250 feet south of the center of Section 17- 27- 1 E, thence west parallel to the north line Southeast Quarter 78.08 feet, thence south 100 feet, thence east 78.08 feet, thence north 100 feet to beginning.	same as above
Beginning 764 feet east & 250 feet south of the center of Section 17-27-1 E, thence west 195 feet, thence south 100 feet, thence east 195 feet, thence north 100 feet to beginning.	same as above
Beginning 269 5/12 feet north of the northeast corner of Lot 111, on Waco, in Mungers Original Town, thence north 96 feet, west 273 1/12 feet, south 96 feet, thence east to beginning, being in the Southeast Quarter of Sec. 17-27-1 E.	same as above
East 200 feet of Beginning 206 feet north of the northeast corner of Lot 111, on Waco, Mungers Original Town, being the southwest corner of intersection of Waco & Walnut, thence north 63.5 feet, thence west to center of Little Arkansas River, thence southeasterly following meanderings of said river to point west of beginning, thence east to beginning, except the south 6 feet of East 200 feet, being in the Southeast Quarter of Section 17-27-1E.	same as above

Tract

Property Owner

Beginning at a point on the west line of Waco Avenue, 764 feet east & 181.5 feet south of center of Section 17-27-1E, thence south on the west line of Waco Avenue 68.5 feet, thence west 125 feet, thence north 68.5 feet, thence east 125 feet to point of beginning.

St. Pauls Evangelical
Lutheran Church
925 N. Waco
Wichita, Kansas 67203

Beginning 25 feet north of the southeast corner of Lot 111, on Waco, Mungers Original Town, thence north 50 feet, thence west to the east bank of the Little Arkansas River, thence southeasterly along the bank of said River to point directly west of point of beginning, thence east to point of beginning, being in the Southeast Quarter of Section 17-27-1 E.

Byron W. Boothe
2817 Timber Creek Circle
Wichita, Kansas 67204

Lot 1, McClelland Sound Addition

Harold Perry
Shirley Ann Perry
6406 E. 11th St.
Wichita, Kansas 67206

Page 4

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described tracts and lots within a 200 foot radius of:

Lots 124, 126, 128, 130, 132 and 134, on Waco, Mungers Original Town, in Wichita, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 27th day of April, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Isable

Vice President

Order No: 319401
cf

**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
<i>7A</i>	<i>1.50</i>

NAME _____
 ADDRESS _____
 FUND _____ DUE DATE _____
 COMMENTS _____
 DATE _____ BY *[Signature]*

WICHITA - SEDGWICK COUNTY



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

1983

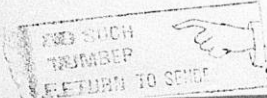
~~Clara Walker
939 North Waco
Wichita, Ks. 67203~~

NS# 0223



RECEIVED

MAY 16 1983
METROPOLITAN PLANNING
ROUTE



*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 2