

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

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

BZA 22-73 - Bruce Meeker, II re-  
quests VARIANCE to reduce rear  
yard setback for west side of  
Hillside in area so. of 3rd St.

POSTED  
8-1-73  
C.I.V.  
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# ACTION

B2a COMMITTEE Approved DATE 8-28-73

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

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

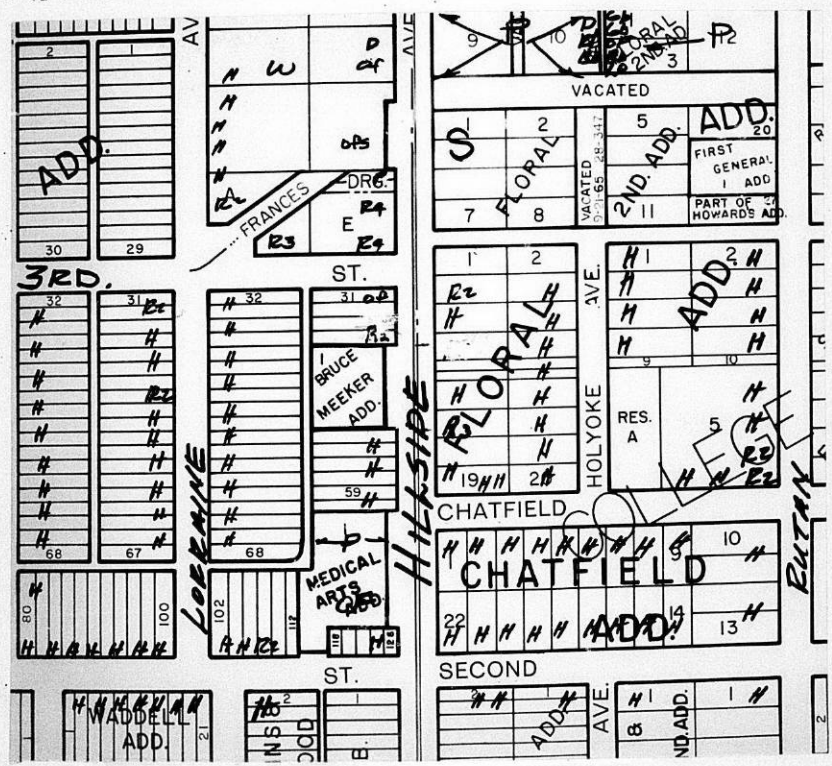
BZA 22-73 - Bruce Meeker. II re-  
quests VARIANCE to reduce rear  
yard setback for west side of St.  
Hillside in area 80. Of 3rd St.

Map No. 5647  
 Sec. 22  
 Twp. R7  
 Range 1E

BZA- 22-73  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 0.44 ( 130 ft. by 150 ft.)  
 2. Adjoining Zoning: E RB S RB W A N RB  
 3. Land Use: East SINGLE FAM South SINGLE FAM  
 West SINGLE FAM North Two Family + MEDICAL OFF  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: Medical Offices  
 6. Area (is) (is ~~not~~) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



November 1, 1973

Mr. Bruce P. Meeker II  
345 North Hillside  
Wichita, Kansas 67214

RE: Case No. BZA 22-73  
Request for Variance

Dear Mr. Meeker:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 28, 1973, in connection with your request for a variance to reduce the required rear yard setback from 15 feet to 10 feet on property zoned the "BB" Office District, and generally located on the West side of Hillside in an area South of Third Street.

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

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:rw  
Enclosure

cc: Phillip S. Frick, 600 Fourth National Bank Bldg., 67202  
Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 22-73

WHEREAS, Bruce P. Meeker, II, 345 North Hillside, Wichita, Kansas, 67214, by Phillip S. Frick, 600 Fourth National Bank Building, Wichita, Kansas, 67202, 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 10 feet on property zoned the "BB" Office District, and legally described as follows:

Lot 1, Bruce Meeker Addition, Wichita, Sedgwick County, Kansas. Generally located on the West side of Hillside in an area South of Third 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 August 28, 1973, 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 alley is substandard in width, and the dedication of additional right-of-way was not required at the time of platting, it may be assumed that the alley will not be widened, and sufficient separation would be provided between the building and alley; 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 since it is interiorly located and the building will be separated from the property to the west by the alley; 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 since it would deprive him of the use of the west part of his property as the area to the required rear yard setback is not sufficient in width for a reasonable expansion; 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 inasmuch as the requested variance is interiorly located and will not interfere with either access or circulation; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance), inasmuch as the four previous requirements have been met; and

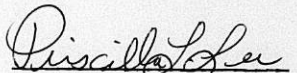
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

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 rear yard setback from 15 feet to 10 feet, on property zoned the "BB" Office District, and legally described as:

Lot 1, Bruce Meeker Addition, Wichita, Sedgwick County, Kansas. Generally located on the West side of Hillside in an area South of Third Street

be approved.

ADOPTED AT WICHITA, KANSAS, this 28th day of August, 1973.

  
Priscilla L. Lee, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

August 28, 1973

Mr. Bruce P. Meeker II  
345 North Hillside  
Wichita, Kansas 67214

RE: Case No. BZA 22-73  
Request for Variance

Dear Mr. Meeker:

At the regular meeting of the Board of Zoning Appeals on August 28, 1973, your request for a variance to reduce the required rear yard setback from 15 feet to 10 feet on property zoned the "BB" Office District, and generally located on the West side of Hillside in an area South of Third Street was considered.

It was the action of the Board to approve this request as requested.

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

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:rw

cc: Phillip S. Frick, 600 Fourth National Bank Bldg., 67202  
Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

SECRETARY'S REPORT  
CASE NO. BZA 22-73

APPLICANT: Bruce P. Meeker, II, 345 North Hillside, Wichita, Kansas, 67214

AGENT: Phillip S. Frick, 600 Fourth National Bank Building, Wichita, Kansas, 67202

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 10 feet.

GENERAL LOCATION: Generally located on the West side of Hillside in an area South of Third Street.

ZONING: Subject property is zoned the "BB" Office District; to the west is "A" Two Family zoning, and to the north, south, and east is "RB" Four Family zoning.

LAND USE: Subject property contains a medical office building. To the south and west are single family homes; to the north is a duplex; and to the east is undeveloped property, a single family home and a three-family home.

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.

4. That the variances 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 has requested a variance to reduce the required rear yard setback from 15 feet to 10 feet in order to expand an existing medical office building. Section 28.04.020 of the Zoning Ordinance states that "in those locations where an alley is platted in the rear of the lots, half the width of the platted alley may be included in the rear yard requirement. The depth of the rear yard is the minimum horizontal distance between the rear lot line or the center of alley in the rear of the lot where such an alley is platted, and the rear of the main building, not including steps, unenclosed balconies, and unenclosed porches." The "BB" Office District requires a rear yard of 15 feet, and the existing rear yard from the present building is 22.5 feet, as measured from the center of the alley. By observing the required setback, the applicant would only be able to enlarge his building 7.5 feet. In his statement of justification, he states that in order to obtain usable space for examining rooms, an addition of 12.5 feet is necessary. This would leave a rear yard of 10 feet.

The alley is substandard in width, being only 15 feet wide instead of the usual 20 feet dedicated for alley purposes. However, neither the applicant nor the Medical Arts Addition, located in the same block, were required to dedicate additional right-of-way for the alley at the time of platting. The alley has recently been paved to the 15 foot width, and it is unlikely that additional right-of-way will ever be acquired. If the variance were granted, however, sufficient area would remain to make the additional dedication. Due to the front yard setback of 20 feet and off-street parking requirements, expansion cannot take place to the north, south or east.

Uniqueness:

It is the opinion of the Secretary that uniqueness is difficult to justify, however, since the alley is substandard in width and the dedication of additional right-of-way was not required at the time of platting, it may be assumed that the alley will not be widened, and sufficient separation would be provided between

the building and alley.

Adjacent Property:

It is the opinion of the Secretary that the granting of the variance would not have an adverse effect upon adjoining property owners since it is interiorly located and the building will be separated from the property to the west by the alley.

Hardship:

It is the opinion of the Secretary that failure to grant the variance will constitute undue hardship upon the applicant since it would deprive him of the use of the west part of his property as the area to the required rear yard setback is not sufficient in width for a reasonable expansion.

Public Interest:

In the opinion of the Secretary, the granting of this variance will have no adverse effect on the general welfare of the public since the requested variance is interiorly located and will not interfere with either access or circulation.

Spirit and Intent:

It is the opinion of the Secretary that the requested variance will not be opposed to the spirit and intent of the Zoning Ordinance inasmuch as the four previous requirements have been met.

RECOMMENDATION:

Although the Secretary finds uniqueness somewhat difficult to justify, it is recommended that the Board approve the request for a variance to reduce the required rear yard setback from 15 feet to 10 feet.

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

August 10, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 22-73

An application has been filed by Bruce P. Meeker, II, 345 North Hillside, Wichita, Kansas, 67214, 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 ten feet on property zoned the "BB" Office District, and legally described as follows:

Lot 1, Bruce Meeker Addition, Wichita, Sedgwick County, Kansas. Generally located on the West side of Hillside in an area South of Third Street.

This application has been assigned Case No. BZA 22-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 28, 1973, 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

30 notices to Property Owners sent 8.14.73  
10 " " " " " to MAPC  
8.14.73

BOARD OF ZONING APPEALS

CASE NO. 22-73

CITY OF WICHITA, KANSAS

FILED 7-31-73

APPLICATION FOR VARIANCE

I. Name of Applicant Bruce P. Meeker, II  
Mailing Address 345 North Hillside Phone 682-7539  
Name of Authorized Agent Phillip S. Frick  
Mailing Address 600 Fourth Nat'l. Bank Bldg. phone 267-6371  
Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other)

II. The variance requested is reduction of rear yard depth from  
fifteen (15) feet as required by Section 28.04.080 of the Code  
of the City of Wichita to a depth of ten (10) feet from the  
center line of the platted alley.  
for property located 345 North Hillside

and legally described as: Lot 1, Bruce Meeker Addition

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

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.

Bruce P. Meeker II

Applicant

By Phillip S. Frick

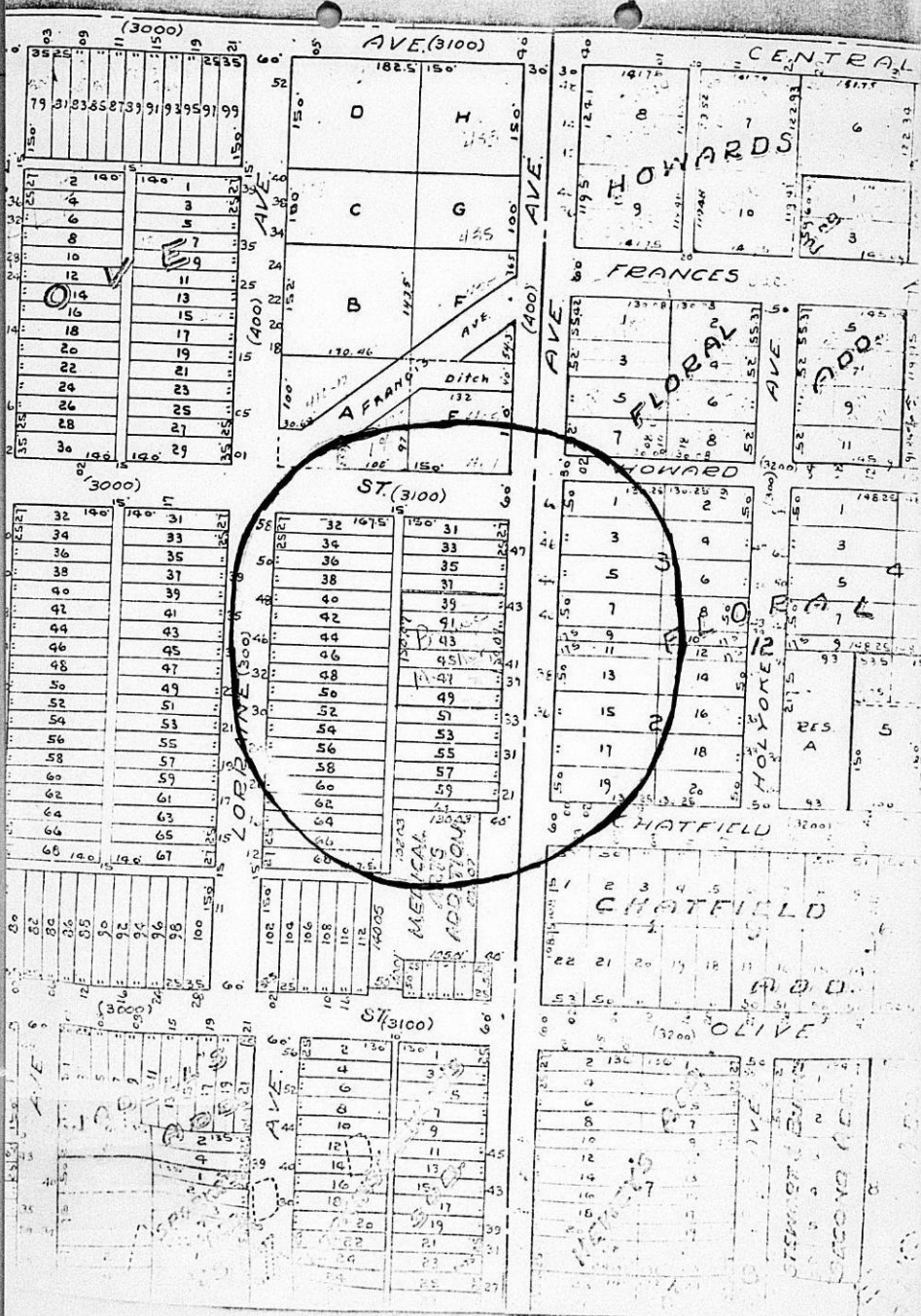
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:00 (a.m. - p.m.), July 31 19 73 together with appropriate fee of \$50.00.

T9-402

M. Murry  
Signed

The need for the variance requested is illustrated by the attached diagrams of the proposed addition to the existing building located on the premises. In order to obtain usable additional space, it is necessary that the addition extend twelve and one-half (12-1/2) feet to the rear of the present building. Inasmuch as this is the only reasonable way of expanding the existing structure, the variance is necessary in order to avoid hardship upon the applicant. Applicant further believes that such a variance will in no way affect the rights of adjacent property owners or residents in the area and that, therefore, the application meets all the requirements of Section 2.12.590.B Code of the City of Wichita.




## STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
 SEDGWICK COUNTY )

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

## BRUCE MEEKER ADDITION

  
 Fidelity  
 Title  
 Company  
 Inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

LEGAL	ADDITION	OWNER & ADDRESS
Lot 1	Bruce Meeker	✓ Bruce P. & Joanne Meeker 345 North Hillside Wichita, Kansas 67214
Lot 31 & North 23' of Lot 33 on Hillside	Maple Grove	✓ C. T. & Gwen Whitman Hinshaw 357 North Hillside Wichita, Kansas 67214
South 2' of Lot 33 and all Lots 35 - 37 on Hillside	Maple Grove	✓ Almeda Day Fasnacht 355 North Hillside; AND LaVonne Hawley 353 North Hillside Wichita, Kansas 67214
Lots 51 & 53 on Hillside	Maple Grove	✓ Katherine Louise Van Keuren 5827 East Second Wichita, Kansas 67208
Lots 55 & 57 on Hillside	Maple Grove	✓ Medical Arts Building Inc. % Bruce P. Meeker, M.D., Pres. 345 North Hillside Wichita, Kansas 67214



LEGAL	ADDITION	OWNER & ADDRESS
Lot 59 and North 15' of Lot 61, on Hillside	Maple Grove	✓ Ray E. and Thadene R. Watts 321 North Hillside Wichita, Kansas 67214
Lot 1	Medical Arts	Medical Arts Inc. ① % Bruce E. Meeker, M.D., Pres. 345 North Hillside Wichita, Kansas 67214

Part of Res. E in Maple Grove Add. desc. as follows: Beg. at a pt. on the East line of said Res. 40' South of the NE corner of said Res., thence West on a line parallel with the North line of said Res. a distance of 132', thence SWly to a point on the West line of said Res. 97.3 feet North of the SW corner of said Res. thence South 97.3 feet to the SW corner of said Res. thence East 150' to the SE corner of said Res. thence North on the East line of said Res. to pt. of beg.



✓ Lloyd L. & Fern Peterson  
202 North Edgemoor  
Wichita, Kansas 67208

Part of Reserve A, Maple Grove Addition to Wichita, Sedgwick County, Kansas, described as follows: Beg. at the SE corner of said Res. A, thence West 100 feet; thence North 25.8 feet; thence Northeasterly to a point on the East line of said Reserve A, 97.3 feet North of the Southeast corner of said Reserve A thence South to beginning.

✓ Clyde M. & Mildred T. Damron  
327 North Broadway  
Wichita, Kansas 67202

Lot 32 and 34, on Lorraine Maple Grove

✓ Ethel B. Smith  
339 North Lorraine  
Wichita, Kansas 67214

Lot 36 and 38, on Lorraine Maple Grove

✓ Walter K. & Dola D. Ewing  
350 North Lorraine  
Wichita, Kansas 67214

Lot 40 and 42, on Lorraine Maple Grove

X Charles E. Jones & Louis Denton  
Address Unknown

LEGAL	ADDITION	OWNER & ADDRESS
Lot 44 and 46, on Lorraine	Maple Grove	✓ Crayton Cummings 1738 Lulu Wichita, Kansas 67211
Lots 48 and 50, on Lorraine	Maple Grove	✓ William F. & Regina F. Keller 332 North Lorraine Wichita, Kansas 67214
Lots 52 and 54, on Lorraine	Maple Grove	X V. K. & Virginia Zumbunn Address Unknown
Lots 56 and 58, on Lorraine	Maple Grove	X Forrest C. Kirkpatrick Address Unknown
Lots 60 and 62, on Lorraine	Maple Grove	✓ James R. & Della M. Strange 1227 University Ave. Wichita, Kansas 67213
Lots 64 & North 13½ feet of Lot 66, on Lorraine	Maple Grove	o Medical Arts Building Inc. % Bruce P. Meeker, M.D., Pres. 345 North Hillside Wichita, Kansas 67214
South 11½ feet of Lot 66 and Lot 68, on Lorraine	Maple Grove	X C. W. Miller Address Unknown
Lot 5, Hillside	Floral	✓ Fred W. Hurd 344 North Hillside Wichita, Kansas 67214
Lot 3, Hillside	Floral	✓ Patricia A. Gettle P.O. Box 1760 Wichita, Kansas 67202
Lot 1, Hillside	Floral	X National Investment Trust Address Unknown
Lot 2, Holyoke	Floral	X National Investment Trust Address Unknown
Lot 4, Holyoke	Floral	X Helen M. Smith Address Unknown
Lot 6, Holyoke	Floral	✓ Olin A. & Ruth McConnell 345 North Holyoke Wichita, Kansas 67214



LEGAL	ADDITION	ADDRESS & OWNER
South 5 feet of Lot 8 and all of Lot 10 and 12, on Holyoke	Floral	✓ Leslie and Melba A. DeWitt 340 North Hillside Wichita, Kansas 67214
Lot 8, except South 5 feet on Holyoke	Floral	✓ Lillian M. Harmon & Roy M. Harmon 335 North Holyoke Wichita, Kansas 67214
Lot 14, on Holyoke	Floral	✓ Helen G. Meilert 3620 East English, Apt. 106B Wichita, Kansas 67218
South ½ of Lot 3, all of Lot 5 & 7, on Hillside	Floral 2nd	✓ National Investment Trust Address Unknown
Lots 2, 4, 6 and 8, on Holyoke	Floral 2nd	✓ National Investment Trust Address Unknown
West 50 1/4' of Lot 17 and 19, on Holyoke	Floral	✓ Daniel J. & Myrtle C. Fisher 6503 Jacqueline Street Wichita, Kansas 67206; AND ✓ Roy A. & A. Mae Forbes 930 North Crestway Wichita, Kansas 67208
West 40 feet of East 80 feet of Lot 17 and 19, on Hillside	Floral	✓ Stephen L. Clark P.O. Box 18125 Wichita, Kansas 67202
East 40 feet of Lot 17 and 19, on Hillside	Floral	✓ Ethel Margery Koch and ✓ Mary Leigh Koch 1115 South Osage Wichita, Kansas 67213
Lot 15, on Hillside	Floral	✓ L. A. Lallement 2011 Porter, Apt. 140 Wichita, Kansas 67203
Lot 13, on Hillside	Floral	✓ Lawrence A. and Alma A. Lallement 2011 Porter, Apt. 140 Wichita, Kansas 67203
Lots 7, 9 and 11, on Hillside	Floral	✓ Leslie and Melba A. DeWitt 340 North Hillside Wichita, Kansas 67214
Lot 16, on Holyoke	Floral	✓ Ray M. Harmon 335 North Holyoke Wichita, Kansas 67214



LEGAL	ADDITION	ADDRESS & OWNER
Lot 18, on Holyoke	Floral	✓ F. M. & E. Ruth Snodgrass 333 North Holyoke Wichita, Kansas 67214
Lot 20, on Holyoke	Floral	✓ John N. Roberts % Robco Inc. 717 North Emporia Wichita, Kansas 67202
Lot 1, on Chatfield	Chatfield	✓ Clifton C. and Lena F. Wilson Address Unknown



This statement made for the benefit of Bruce Meeker,  
% Phil Frick.

Dated at Wichita, Kansas, this 30th day of July, 1973,  
at 7:00 O'clock A.M.

FIDELITY TITLE COMPANY, INC.  
By *Chita Mason*  
Asst. Sec.

Tracer No. 20492



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		

DESCRIPTION AMOUNT

Name

Address

Type

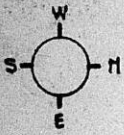
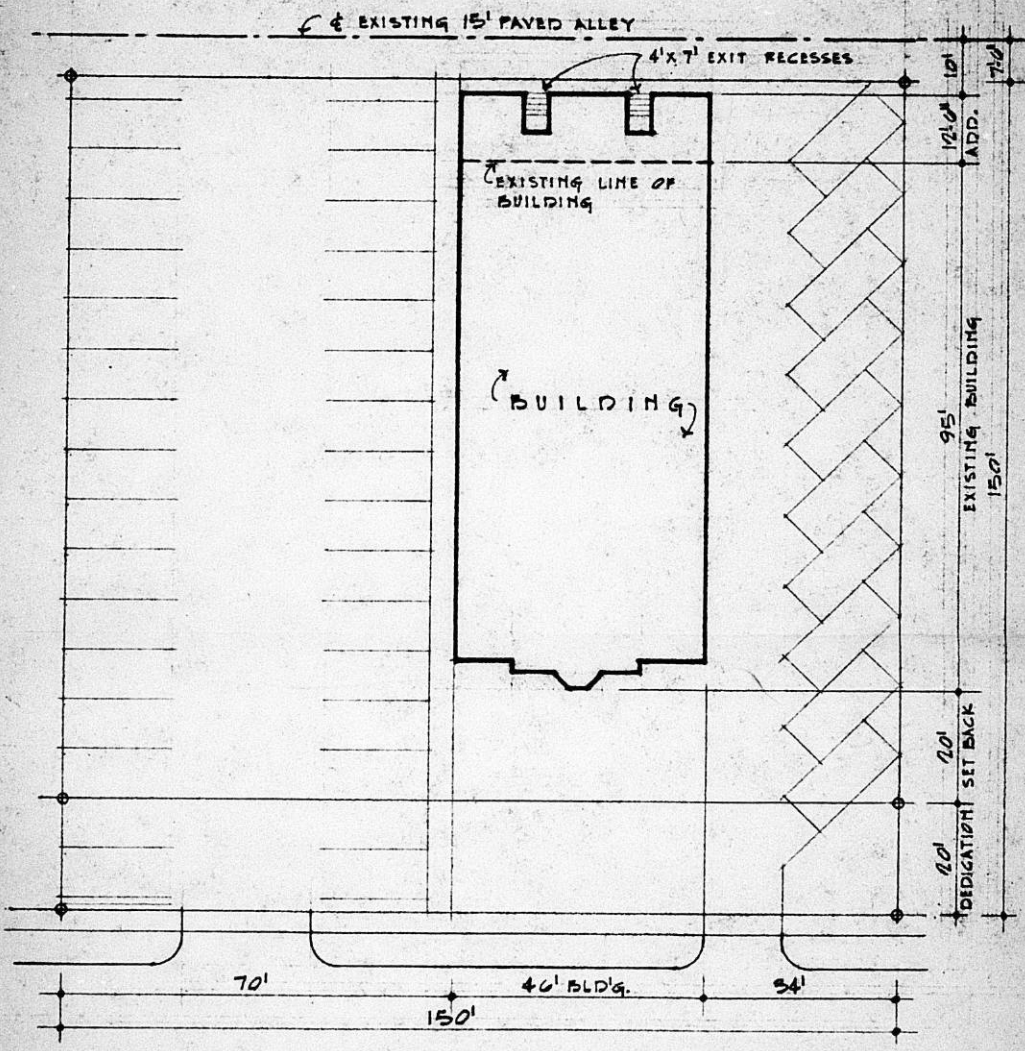
Due Date

Comments:

Date

By





MEEKER MEDICAL OFFICE

345 N. HILLSIDE  
 BRUCE MEEKER ADDITION  
 WICHITA, KANSAS

SCALE 1" = 20'

B20 92-73