

BZA 23-73 - Wesley Medical Center  
requests VARIANCE of front & side  
yard setbacks between Murdock &  
Pine on the west side of Rutan.

*POSTED*  
*8-7-73*  
*W.S.V.*

**ACTION**

	DATE
BZA COMMITTEE	<i>8-18-73</i>
BZA Comm.	<i>9-25-73</i>
BZA MARG.	<i>Approved subject to conditions</i>

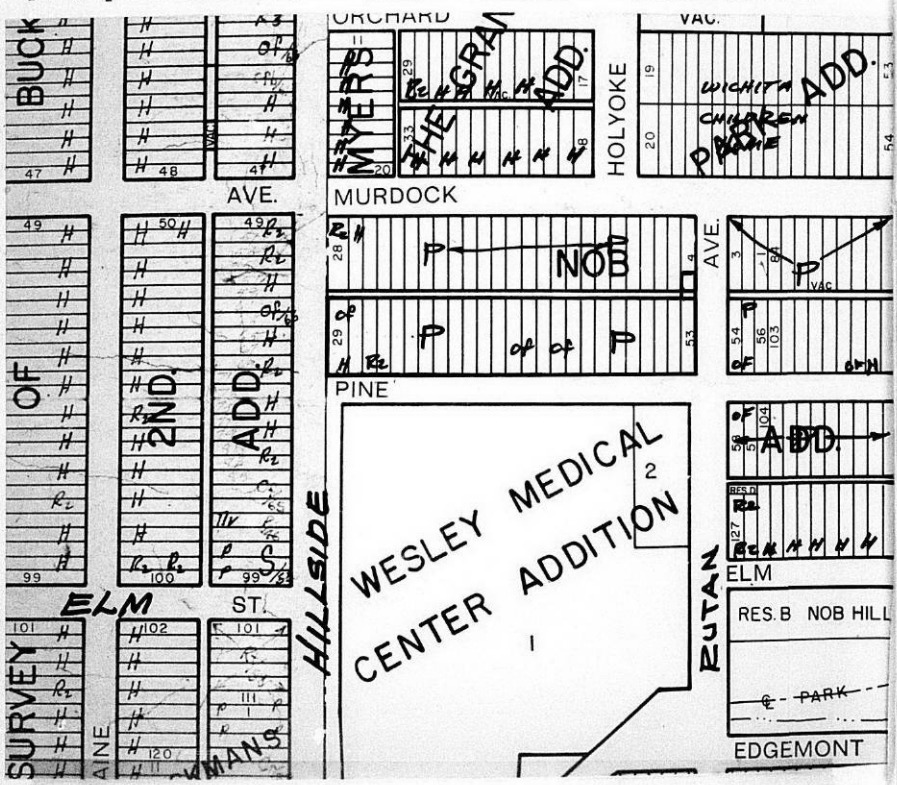
B.C.C./B. CO. C. \_\_\_\_\_

p No. 5748  
 ec. 14  
 fwp. 27  
 Range 1E

BZA- 23-73  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

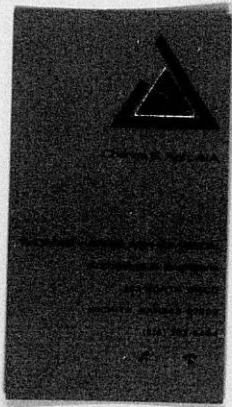
AREA DATA:  
 1. Acres: 2.02 ( 135 ft. by 650 ft.)  
 2. Adjoining Zoning: E R2 S R2 W B NABA R2  
 3. Land Use: East SINGLE Fam South HOSPITAL  
 West OFFICE & SINGLE FAM North PARKING LOT  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: PARKING LOT  
 6. Area (is) (is not) platted. \_\_\_\_\_

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



1/31/78  
Mr. Ash and Mr. Don  
Roberts discussed adding 2 stories  
onto their present building plans.  
After reviewing the files, we  
concluded that there were no  
problems as the height would  
still not exceed that approved  
by the BZA.

JHS



December 16, 1974

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

BZA 23-73 - Wesley Medical Center

Jim Jorgensen asked that I respond by memo our thoughts on the permit requested for the medical tower on the Wesley Hospital property.

The Board of Zoning Appeals, at its October 23, 1973 meeting, approved a request for a variance by Wesley Medical Center to increase the maximum building height from 55 feet to 140 feet on property then described as Lots 46 through 53 inclusive in the Nob Hill Addition. This property has since been included in two replats and is now part of Lots 2 and 3 of Wesley Medical Center Third Addition.

It is my understanding that you have received building plans for a high-rise office building, which extends north of the property previously approved for variance and which comes in close proximity to the north and east lot line of Lot 2. Pine Street, adjacent to the south and Rutan Avenue, approximately 80 feet east of the proposed building, are both to be vacated as of January 1, 1975. With the vacation of Pine Street, Lot 2 becomes an interior lot, with no direct public ingress or egress. Lot 2 and all surrounding property is either owned or controlled by Wesley Medical Center. In working with representatives of Wesley on both replats of subject property and the BZA variance, their intent has been clearly communicated, but due to the complexity of their overall plan, changes have been required from time to time. However, it is my opinion that the proposed building location does not violate the intent of the Board in granting them the variance as to the height of this building and since as of January 1, 1975, this will be an interior lot with a private access easement to Murdock Street, it would seem reasonable that the public street Murdock would be considered the boundary line from which building height would be determined. If this were so, the applicant would not even need BZA approval after January 1, 1975. We would, therefore, concur in the issuance of the permit without their having to refile before the Board of Zoning Appeals.

JHG:js

cc: Jim Jorgensen, Central Inspection  
Kenneth Stewart, Attorney, First National Bank Building 67202



WICHITA-SEDGWICK COUNTY

DATE

May 6, 1974

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO The Files  
FROM Jack H. Galbraith, Chief Planner *JHG*  
SUBJECT BZA 23-73 - Request for Variance

On February 26, 1974, the Board of Zoning Appeals instructed me to advertise for public hearing the above captioned case for consideration of revoking the original variance granted in the event the associated plat was not recorded by May 1, 1974. Inasmuch as the City Commission considered the associated plat at their regular meeting of April 30, 1974, Ken Stewart called during last week on several occasions inquiring as to the procedure to follow so that I would not readvertise the case for public hearing as he felt confident that the plat would be recorded within the week. After discussing the matter with him he called members of the Board to see if they would advise me not to advertise for hearing, as they were confident also that the plat would be recorded prior to their next meeting. Ken's position was, and I concurred, that notices should not be sent out to interested people advising them of the hearing, if we all felt the plat would be recorded and thus the item would be stricken from their agenda on May 28, 1974.

On Friday afternoon both Mr. Richardson and Mr. Clonts called and advised that they were agreeable not to readvertise the case. Mrs. Taylor's position was that the case should be re-advertised as previously instructed. Mrs. Murphy called prior to discussing the matter with Mr. Stewart and after my explanation was agreeable to not advertising the case as it was agreed there was no use to notify people if we felt confident that the plat would be recorded. I did not hear from Mrs. Lee. Therefore, based on the direction from three Board members, I did not re-advertise the case. I provided this information to Mr. Stewart on this date.

JHG:js

LAW OFFICES OF  
BOYER, DONALDSON & STEWART

1030 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202

JOHN E. BOYER  
GEORGE J. HONDROS (1910-1962)  
KENNETH P. STEWART  
JAMES R. HANSON  
ROBERT L. SMITH  
JOHN H. GIBSON

PAUL J. DONALDSON  
OF COUNSEL

April 24, 1974

264-7321  
AREA CODE 316

Mrs. Marjorie Taylor, Chairperson  
Metropolitan Area Planning Commission  
City of Wichita  
104 South Main  
Wichita, Kansas 67202

Ms. Priscilla Lee, Chairperson  
Board of Zoning Appeals  
City of Wichita  
104 South Main  
Wichita, Kansas 67202

Re: Wesley Medical Center Second Addition

Ladies:

Please be advised that The Wesley Medical Center Second Addition Final Plat is to appear on the agenda of the Board of City Commissioners on April 30, 1974. We are hopeful that all requirements are satisfied so that the plat may be recorded soon after May 1, 1974.

I recognize the timing connected with the action of the Board of Zoning Appeals that would require the actual filing of the plat on May 1. It is our intention to do everything possible to actually make that filing. If that cannot be accomplished on the exact day, we respectfully request the indulgence of the Board of Zoning Appeals for a few days longer. Thanks very much.

Very truly yours,

BOYER, DONALDSON & STEWART

By 

KPS:cpf

cc: Mr. Roy C. House, Mr. Verne Laing, Mr. Thomas Kitch,  
Metropolitan Area Planning Department, Baughman Company,  
Oblinger and Smith, Mr. Robert Harris

LAW OFFICES OF  
**BOYER, DONALDSON & STEWART**

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284-7321  
AREA CODE 316

April 24, 1974

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Very truly yours,

BOYER, DONALDSON & STEWART

By *Kenneth P. Stewart*

KPS:cpf

cc: Mr. Roy C. House, Mr. Verne Laing, Mr. Thomas Kitch,  
Metropolitan Area Planning Department, Baughman Company,  
Oblinger and Smith, Mr. Robert Harris

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April 24, 1974

284-7321  
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Mrs. Marjorie Taylor, Chairperson  
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Very truly yours,

BOYER, DONALDSON & STEWART

By *Kenneth P. Stewart*

KPS:cpf

cc: Mr. Roy C. House, Mr. Verne Laing, Mr. Thomas Kitch,  
Metropolitan Area Planning Department, Baughman Company,  
Oblinger and Smith, Mr. Robert Harris

February 27, 1974

Mr. Kenneth P. Stewart  
Boyer, Donaldson & Stewart  
1030 First National Bank Building  
Wichita, Kansas 67202

Dear Mr. Stewart:

As an off-agenda item at the meeting of February 26, 1974, the Board of Zoning Appeals raised the question of Wesley Medical Center's failure to record the final plat of Wesley Medical Center Second Addition. Based on the letters the Chairman of the Board has been receiving from you regarding the status of the plat and the one from Mr. Kitch requesting that the matter be scheduled for the purpose of revocation of the variance due to Wesley's failure to record the plat, the Board reviewed Resolution No. BZA 23-73 which contains the following condition of approval:

3. The applicant will proceed, with all due diligence, to record the plat of Wesley Medical Center Second Addition with the Register of Deeds by January 1, 1974.

The members of the Board recognized the circumstances which may have caused some delay. However, their action was to instruct me to write you stating that they are desirous of Wesley's continuing its efforts to record the plat; and they further instructed that in the event the plat is not recorded by May 1, 1974, the case is to be readvertised and scheduled for the meeting of May 28, 1974, for the Board to consider

Mr. Kenneth F. Stewart  
February 27, 1974

revoking the variances. If you have any questions concerning  
this matter, please contact this office.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:MM:js

cc: Mr. Thomas Kitch, 3740 Sleepy Hollow, 67208  
Mr. Roy C. House, President, Wesley Medical Center, 550  
North Hillside, 67214  
Mr. Verne Laing, 200 West Douglas, 67202  
Mr. William Tinker, Jr., R. H. Garvey Bldg., 67202  
Dr. George Mastio, 3333 East Central, 67206

LAW OFFICES OF  
**BOYER, DONALDSON & STEWART**

1030 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202

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JOHN H. GIBSON

PAUL J. DONALDSON  
OF COUNSEL

264-7321  
AREA CODE 316

February 23, 1974

Mrs. Marjorie L. Taylor, Chairperson  
Metropolitan Area Planning Commission  
104 South Main Street  
Wichita, Kansas 67202

Mrs. Priscilla Lee, Chairperson  
Board of Zoning Appeals  
104 South Main Street  
Wichita, Kansas 67202

Re: SD 70-57 and BZA 23-73  
Final Plat of Wesley Medical  
Center Second Addition



Dear Mrs. Taylor and Mrs. Lee:

I do not intend to use a means of communication with you and the members of the Planning Commission to answer in dialogue the serious question raised by Mr. Kitch in his recent letter of February 15. Nevertheless, it does seem appropriate to respond to that letter in terms of explanation for the apology which was attempted in my last previous letter.

Included in the action taken by the Metropolitan Area Planning Commission on October 25, evidenced by Mr. Galbraith's letter of October 29 addressed to me, were sixteen conditions including some which were not wholly within the control of The Wesley Medical Center.

No time limit for the performance of these conditions was provided, but the plat was to be recorded within thirty days after approval by the Board of City Commissioners.

Mrs. Marjorie L. Taylor  
Mrs. Priscilla Lee

February 23, 1974  
Page . . . . .2

Contemperaneously, the Medical Center secured a variance evidenced by Resolution No. BZA 23-73, which essentially reduced building set-back lines in order to accommodate a medical office building and a parking garage to be concurrently built by the Medical Center. That resolution, at our specific request, allowed us the exercise of due diligence "to record the plat . . . by January 1, 1974."

In both the action of the Planning Commission and the Board of Zoning Appeals, it was contemplated that the Medical Center would provide a minimum total of 1700 on-site spaces for The Wesley Medical Center facilities, including the planned medical office building. As a matter of fact, the Resolution provided "the medical office building and the parking garage are to be built concurrently."

Despite all due diligence it was not possible to comply with the conditions for final approval of the plat before January 1, and we so notified the Planning Commission and the Board of Zoning Appeals. It was in that same spirit of responsibility that I wrote my most recent letter indicating some further delay. For the same reasons we attempted to copy those persons responsible to the various groups who were primarily interested in the future development of the Medical Center site and the filing of the plat.

Reference in my letter of February 13 to the professional office building financing was made to advise both the Planning Commission and the Board of Zoning Appeals that the method of financing that had been planned did not materialize. Obviously, if the financing cannot be arranged, the professional office building cannot be constructed. To this extent I felt compelled to advise the Planning Commission and the Board of Zoning Appeals of this public information. Whether or not other financing will make possible the professional office building still remains unresolved.

Mrs. Marjorie L. Taylor  
Mrs. Priscilla Lee

February 23, 1974  
Page . . . . .3

However, the other conditions relating to the plat itself I think are now in the process of final resolution and it is hoped that the various instruments and documents required in the sixteen conditions can be completed within the next several weeks so that the plat will be ready to be forwarded to the Board of City Commissioners.

This letter is intended to inform both the Planning Commission and the Board of Zoning Appeals that due diligence is still being exercised by the Medical Center to complete this process. In the event that some formal action is required by the Board of Zoning Appeals, we respectfully request a deferral of the recording requirement contained in the Resolution of the Board of Zoning Appeals. Thanks very much for your consideration.

Very truly yours,

BOYER, DONALDSON & STEWART

BY *Kenneth P. Stewart*

KPS:cpf

cc: Messrs. Jack Galbraith, Roy C. House, Verne Laing, William Tinker, Jr., Alvin J. Hennessy, Harlan Kamen, Robert E. Blakely, Theodore H. Hill, Dwight Hopper, Sam Arnholz, Michael D. Gragert, Mrs. Jo Gardenhire, Dr. George Mastio, Messrs. Austin Rising, Harlan Clonts, Rosemarie Murphy, James Richardson, Thomas Kitch, Kenneth Cusick, Norman Doke, James Richardson

**Sleepy Hollow, Inc.**

3740 Sleepy Hollow  
Wichita, Kansas 67208

February 15, 1974

Mrs. Priscilla Lee, Chairperson  
Board of Zoning Appeals  
104 South Main Street  
Wichita, Kansas 67202

Re: BZA 23-73  
Final Plat of Wesley Medical  
Center Second Addition

Dear Mrs. Lee:

I enclose a copy of a letter which I have written to Mrs. Marjorie L. Taylor in connection with the failure of Wesley Medical Center to file its final plat of Wesley Medical Center Second Addition in a timely manner. I believe the letter has direct application to the variance previously granted to Wesley in the above captioned matter. If the final plat has not been filed by February 28, 1974, we ask that this matter be placed upon the agenda of the meeting of the Board of Zoning Appeals scheduled next thereafter for the purpose of considering the revocation of the granting of the variance due to the failure of Wesley Medical Center to meet the conditions originally attached thereto.

Very truly yours,  
SLEEPY HOLLOW, INC.

By Thomas 

TDK:jb

Enclosure

cc: Messrs. Jack Galbraith, Roy C. House, Verne Laing, William Tinker, Jr., Dr. George Mastio, Alvin J. Hennessy, Harlan Kamen, Robert E. Blakely, Theodore H. Hill, Dwight Hopper, Sam Arnholz, Michael D. Gragert, Mrs. Joe Gardenhire, Austin Rising, Harlan Clonts, Rosemarie Murphy and James Richardson Mr. Kenneth D. Stewart



## Sleepy Hollow, Inc.

3740 Sleepy Hollow  
Wichita, Kansas 67208

February 15, 1974

Mrs. Marjorie L. Taylor, Chairperson  
Metropolitan Area Planning Commission  
104 South Main Street  
Wichita, Kansas 67202

Re: S/D 70-57  
Final Plat of Wesley Medical  
Center Second Addition

Dear Mrs. Taylor:

I am in receipt of a letter dated February 13, 1974, addressed to yourself by Kenneth D. Stewart as attorney for Wesley Medical Center. The Board of Directors of Sleepy Hollow, Inc. has directed me to voice our objection to any additional delay in the filing of the final plat of Wesley Medical Center Second Addition. This matter has now been dragging on for nearly four years. Absolutely no mention was made of the intended application for industrial revenue bonds at any of the hearings of the Metropolitan Area Planning Commission and, certainly, the commitment given by the hospital to file the plat by January 1 was not conditioned upon approval or disapproval of such a bond issue.

We are shocked and dismayed by the overt disdain which the hospital has shown for the entire zoning process. We ask only that the neighborhood represented by Sleepy Hollow, Inc. receive the same treatment as any other applicant or beneficiary of the existing zoning ordinance. Wesley Medical Center has not manifested a similar attitude.

We ask that this matter be placed upon your agenda within the near future if the final plat has not been filed by February 28, 1974.

Very truly yours,

SLEEPY HOLLOW, INC.

  
PRESIDENT

TDK:jb

cc: Messrs. Jack Galbraith, Roy C. House, Verne Laing, William Tinker, Jr., Dr. George Mastio, Alvin J. Hennessy, Harlan Kamen, Robert E. Blakely, Theodore H. Hill, Dwight Hopper, Sam Arnholz, Michael D. Gragert, Mrs. Joe Gardenhire, Austin Rising, Harlan Clonts, Rosemarie Murphy and James Richardson  
Mr. Kenneth D. Stewart

LAW OFFICES OF  
BOYER, DONALDSON & STEWART

1030 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202

JOHN E. BOYER  
GEORGE J. HONDROS (1910-1968)  
KENNETH R. STEWART  
JAMES H. HANSON  
ROBERT L. SMITH  
JOHN H. GIBSON

PAUL J. DONALDSON  
OF COUNSEL

February 22, 1974

264-7321  
AREA CODE 316

TO: Mr. Starnes Walker  
Mr. R. L. Nicholas  
Mr. George Ecknor  
Mr. Fred Guy  
Mr. Bill Otten  
Mr. Robert Blevins



Re: Wesley Medical Center Second Addition Plat

Gentlemen:

Included in the conditions for the final plat of Wesley Medical Center Second Addition was the requirement:

"J. The applicant shall furnish a letter from all utility companies having service lines located within the rights-of-way being vacated by the plat, stating that satisfactory arrangements have been made with regard to the removal, re-location guarantees, etc. for their facilities."

We have now had the final plat revised in what we believe is the final form and a copy is enclosed in case it differs from the last copy you have been furnished by the Planning Department. It would be appreciated if you would advise me in writing any requirements which you have to be satisfied by the Medical Center in order to permit your response with a letter as called for in condition "J" as quoted.

As you know, Mr. Bill Korber of Baughman Company is the engineer. If questions need to be taken up with him, please contact him at 262-7271. Thanks very much.

Very truly yours,

BOYER, DONALDSON & STEWART

*Kenneth R. Stewart*  
B

KPS:cpf

cc: Mr. Roy C. House, Mr. Bill Korber, Mr. Jack Galbraith, Mr. Bob Harris, Mr. John Gist

LAW OFFICES OF  
**BOYER, DONALDSON & STEWART**

1030 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202

JOHN E. BOYER  
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ROBERT L. SMITH  
JOHN H. GIBSON

JO  
PAUL J. DONALDSON  
OF COUNSEL

264-7321  
AREA CODE 316

February 13, 1974



Mrs. Priscilla Lee, Chairperson  
Board of Zoning Appeals  
104 South Main  
Wichita, Kansas 67202

Re: BZA 23-73  
Final Plat of Wesley Medical  
Center Second Addition

Dear Mrs. Lee:

I apologize for the necessity to further report the progress before completion of requirements in connection with the recording of the final plat of the Wesley Medical Center Second Addition.

As you may know, the Medical Center plan for the development of a professional office building to be financed under an Industrial Revenue Bond Issue on behalf of the doctors on the medical staff of the Medical Center has not materialized as it was proposed. This portion of the proposed improvements is still under exploration by the Medical Center.

Other matters relating to the final plat are still in process and we hope can be concluded within the next several weeks, so that the final plat with all other requirements can be submitted to the Board of City Commissioners for recording. We shall keep you advised.

Yours very truly,

BOYER, DONALDSON & STEWART

By: 

KPS:bdr

cc: Messrs. Jack Galbraith, Roy C. House, Verne Laing, Thomas Kitch, William Tinker, Jr., and Dr. George Mastio

February 25, 1974

Joe Bogle, Legal Counsel, Board of Zoning Appeals  
Jack Galbraith, Secretary, Board of Zoning Appeals

Authority of Board of Zoning  
Appeals to consider revocation  
of variance previously granted

Attached is a copy of a letter from Tom Kitch of Sleepy Hollow, Inc. requesting that at its next meeting the Board of Zoning Appeals consider revocation of the variances granted to the Wesley Medical Center in Case No. BEA 23-73, due to Wesley's failure to record the final plat for Wesley Medical Center Second Addition. Also attached is a copy of a letter from Ken Stewart, representing Wesley Medical Center, explaining why the plat has not yet been recorded, and a copy of the BEA resolution of approval of the variances.

After examining the motion for approval contained in the minutes of the meeting, the resolution, the Rules and Regulations of the Board, and Section 2.12.600, the Code of the City of Wichita, and since no error has been found in the proceedings, we fail to find the Board has any authority to reopen a case once a decision has become final. However, we would appreciate your looking into this matter so that you can respond to questions that I am sure will be raised tomorrow.

JHG:ber

Attachment

cc: John Dekker  
Director of Law

LAW OFFICES OF  
BOYER, DONALDSON & STEWART

1030 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202

PAUL J. DONALDSON  
OF COUNSEL

JOHN E. BOYER  
GEORGE J. HONDROS (1910-1962)  
KENNETH R. STEWART  
JAMES R. HANSON  
ROBERT L. SMITH  
JOHN H. GIBSON

264-7321  
AREA CODE 316

December 20, 1973



Ms. Priscilla Lee, Chairman  
Board of Zoning Appeals  
City Building Annex  
Wichita, Kansas 67202

Re: S/D 70-57  
Final Plat of Wesley Medical Center  
Second Addition

Dear Ms. Lee:

I want to report progress on the completion of requirements before recording of the final plat.

Although we have attempted to work with all due diligence in bringing together various items necessary, we will not have items completed so that the plat could be recorded before the first of January. There has been unexpected delay in the integration of the proposed building project of Wesley and that of the medical doctors who have proposed the medical office building complex. We have likewise experienced some delay in coordinating the various offices and persons involved in numerous considerations pertinent to the requirements.

At the present time I am hopeful that the platting might still be completed so that recording is possible by February 1.

Very truly yours,

BOYER, DONALDSON & STEWART

By *Kenneth R. Stewart*

KPS:cpf

cc: Messrs. Jack Galbraith, Roy C. House, Verne Laing, Thomas Kitch, William Tinker, Jr., and Dr. George Mastio

December 13, 1973

Mr. Kenneth P. Stewart  
1st National Bank Building  
Wichita, Kansas 67202

Case No. BEA 23-73  
Request for Variance

Dear Mr. Stewart:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 23, 1973, in connection with your request for a variance to reduce the required side yard setback adjacent to the west line of Lot 34 from 5 feet to 0 feet; the required side yard setback adjacent to the east line of Lot 33 from 5 feet to 0 feet; the required side yard setback adjacent to the east line of Lot 53 and the south 30 feet of Lot 4, from 5 feet to 0 feet; the required front yard setback from 20 feet to 0 feet on Lots 29 through 53 inclusive; and an increase of the maximum building height from 55 feet to 140 feet on Lots 46 through 53 inclusive; on property zoned the "B" Multiple Family Dwelling District and the "BB" Office District, and generally located between Murdock and Pine on the West side of Kolan.

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 any questions concerning this matter, please call our office.

Very truly yours,

Jack M. Galbraith  
Secretary

JMG:rw  
Enclosures

M . Kenneth F. Stewart  
Page 2

cc: William T. Tinker, Jr., R. H. Garvey Bldg., 67202  
Verne Laing, 200 West Douglas, 67202  
Roy C. House, President, Wesley Medical Center, 550 North  
Hillside, 67214  
Thomas Kitch, 3740 Sleepy Hollow, 67208  
Dr. George J. Mastio, 3333 East Central, 67208  
Robert B. Harris of Thomas, Harris, Ash and Mason, 262 North  
Waco, 67202  
Robert L. Howard, Attorney, 4th National Bank Building, 67202  
Byron Kenyon, 3908 Edgemont, 67208  
Dr. Willard J. Kiser, 1446 Willow Road, 67208  
Mr. Dennis C. Brimhall, 323 North Rutan, 67208  
Mrs. Donald R. Newkirk, 3705 Sleepy Hollow, 67208  
Mrs. Henry Amsden, 3711 Sleepy Hollow, 67208  
Mr. Bert F. Kirkpatrick, 3433 Edgemont, 67208  
Mr. Herschel Skaggs, 3430 Sleepy Hollow, 67208  
Mr. Hubert Dye, 129 North Pershing, 67208  
Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 23-73

WHEREAS, Wesley Medical Center, 550 North Hillside, Wichita, Kansas, and Kiser, Inc., 1446 Willow Road, Wichita, Kansas, request a variance to reduce the required side yard setback adjacent to the West line of Lot 34 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 33 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 53 and the South 30 feet of Lot 4, from 5 feet to 0 feet; the required front yard setback from 20 feet to 0 feet on Lots 29 through 53 inclusive; and an increase of the maximum building height from 55 feet to 140 feet on Lots 46 through 53 inclusive; on property zoned the "B" Multiple Family Dwelling District and the "BB" Office District, and legally described as follows:

The South 30 feet of Lot 4 and Lots 29 through 53 inclusive in the Nob Hill Addition to Wichita, Sedgwick County, Kansas. Generally located between Murdock and Pine on the West side of Rutan.

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 on August 28, 1973, in considering said application, deferred it until the meeting of September 25, 1973; and

WHEREAS, the Board of Zoning Appeals considered said application on September 25, 1973, and inasmuch as the motion to deny the request failed to receive the required three affirmative votes, the request was deferred until the meeting of October 23, 1973; and

WHEREAS, the Board of Zoning Appeals did at the meeting of October 23, 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 Pine Street and Rutan Avenue are to be vacated and the area is to be replatted, which would locate the Medical Center buildings 50 feet from the proposed lot line on the south and eliminate the setback requirement and height limitation on the east. With respect to the height variance, the building will not be adjacent to a public street and will be interiorly located near another multi-story building. With regard to the variances requested adjacent to the west line of Lot 34 and the east line of Lot 33, uniqueness is due to the limited area for construction which would remain after future right-of-way purchases for Hillside from the Kiser property.

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 applicants own the surrounding property.

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 Wesley Medical Center would have to postpone construction until completion of platting and vacation; and, with respect to the requested variances of the sideyard setbacks adjacent to the east line of Lot 33 and the west line of Lot 34, only a limited area would remain for construction following the acquisition of additional right-of-way for Hillside.

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 areas for which the variances are requested are interiorly located, and the Medical Center will be providing additional off-street parking.

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) since the applicant's own the adjoining property, and thus the variances will be interiorly located.

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 side yard setback adjacent to the West line of Lot 34 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 33 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 53 and the South 30 feet of Lot 4, from 5 feet to 0 feet; the required front yard setback from 20 feet to 0 feet on Lots 29 through 53 inclusive; and an increase of the maximum building height from 55 feet to 140 feet on Lots 46 through 53 inclusive; on property zoned the "B" Multiple Family Dwelling District and the "BB" Office District, and legally described as:

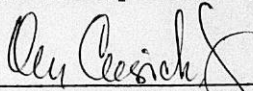
The South 30 feet of Lot 4 and Lots 29 through 53 inclusive in the Nob Hill Addition to Wichita, Sedgwick County, Kansas. Generally located between Murdock and Pine on the West side of Rutan.

be approved subject to the following conditions:

1. The parking garage is to provide a minimum of 750 parking spaces, and a minimum total of 1700 spaces is to be provided for the Wesley Hospital complex and medical office building.
2. The medical office building and the parking garage are to be built concurrently.

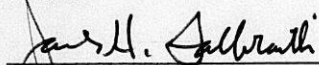
3. The applicant will proceed, with all due diligence, to record the plat of Wesley Medical Center Second Addition with the Register of Deeds by January 1, 1974.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October, 1973.



Kenneth M. Cusick, Temporary  
Chairman

ATTEST:



Jack H. Galbraith, Secretary

LAW OFFICES OF  
**BOYER, DONALDSON & STEWART**

1030 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202

JOHN E. BOYER  
GEORGE J. HONDROS (1910-1982)  
KENNETH P. STEWART  
JAMES R. HANSON  
ROBERT L. SMITH  
JOHN H. GIBSON

PAUL J. DONALDSON  
OF COUNSEL

October 29, 1973

284-7321  
AREA CODE 316

Mr. Jack H. Galbraith, Secretary  
Board of Zoning Appeals  
City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

Re: Case No. BZA 23-73  
Request for Variance  
Our File No. W-64



Dear Mr. Galbraith:

This will acknowledge receipt of your letter of October 26 reporting the action of the Board respecting the above case on behalf of The Wesley Medical Center.

I wish to acknowledge the statement in Item No. 1 as stating very accurately the intention with respect to the provision of the 1700 spaces. I do not know if it is necessary to relate such provision of spaces to the now-proposed medical office building in some more definitive way. If this were to be done, then it is my understanding that the now-proposed office building is described as follows:

One below ground level devoted to Wesley Clinic purposes;

One below ground level (shell) designated for future hospital services;

One ground level for leased space relating to doctors' offices;

Seven above ground levels occupied by doctors' offices.

Mr. Jack H. Galbraith

October 29, 1973

Page . . . . . 2

If I can be of any assistance in connection with the resolution respecting this action, please advise.

Very truly yours,

BOYER, DONALDSON & STEWART

By 

KPS:cpf

cc: Mr. Roy C. House  
cc: Mr. Bob Harris  
cc: Mr. John Gist

October 26, 1973

Mr. Kenneth F. Stewart  
1st National Bank Building  
Wichita, Kansas 67202

RE: Case No. BMA 23-73  
Request for Variance

Dear Mr. Stewart:

At the regular meeting of the Board of Zoning Appeals on October 23, 1973, your request for a variance to reduce the required side yard setback adjacent to the West line of Lot 34 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 33 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 53 and the South 30 feet of Lot 4, from 5 feet to 0 feet; the required front yard setback from 20 feet to 0 feet on Lots 29 through 53 inclusive; and an increase of the maximum building height from 55 feet to 140 feet on Lots 46 through 53 inclusive; on property zoned the "B" Multiple Family Dwelling District and the "EM" Office District, and generally located between Hardeck and Pine on the West side of Rutan, was considered.

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

1. The parking garage is to provide a minimum of 750 parking spaces, and a minimum total of 1700 spaces is to be provided for the Wesley Hospital complex and medical office building.
2. The medical office building and the parking garage are to be built concurrently.

Mr. Kenneth P. Stewart  
Page 2

3. The applicant will proceed, with all due diligence, to record the plat of Wesley Medical Center Second Addition with the Register of Deeds by January 1, 1974.

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.

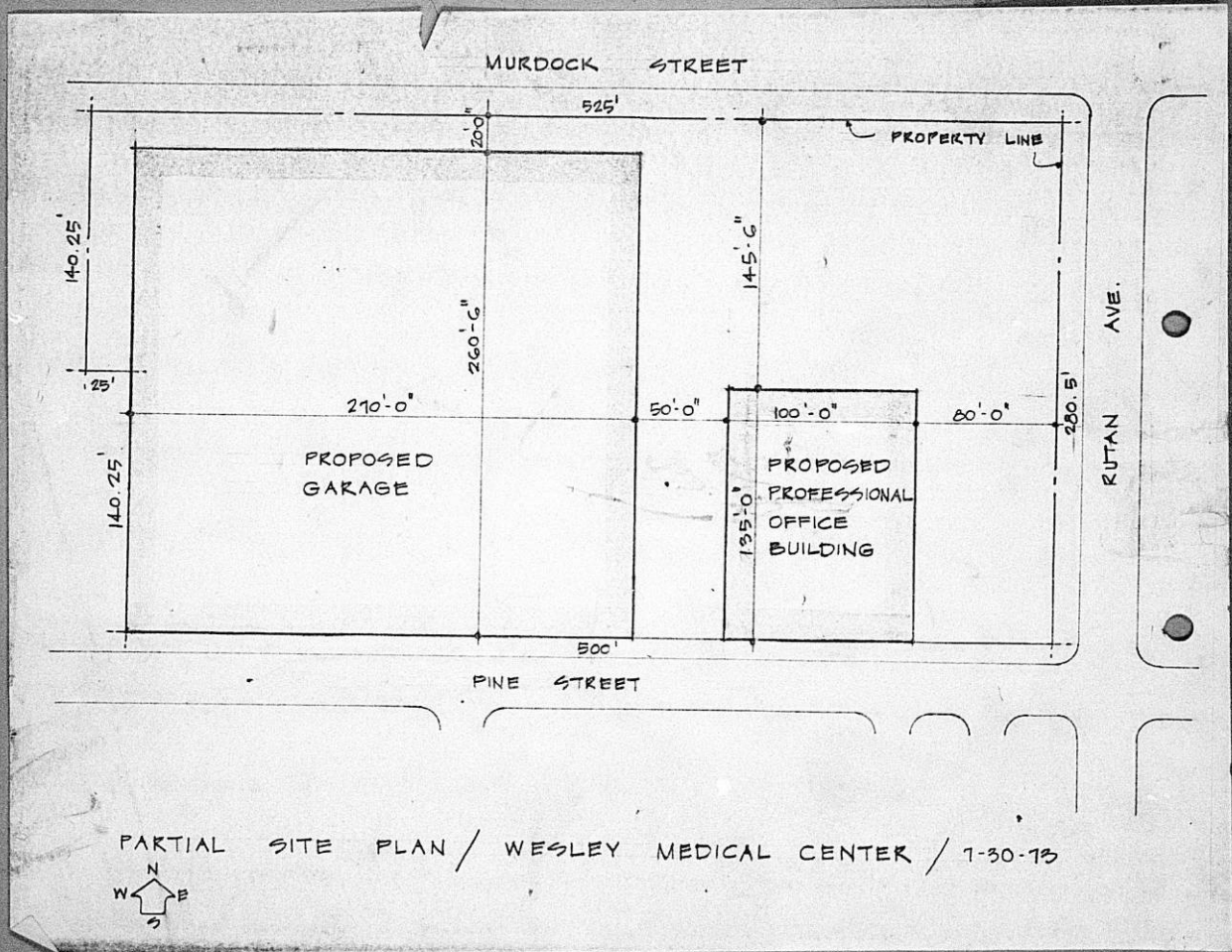
If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:rv

cc: William T. Tinker, Jr., N. E. Garvey Bldg., 67202  
Verne Laing, 300 West Douglas, 67202  
Roy C. House, President, Wesley Medical Center, 550 North  
Hillside, 67214  
Thomas Kitch, 3740 Sleepy Hollow, 67208  
Dr. George J. Mastie, 3333 East Central, 67208  
Robert B. Harris of Thomas, Harris, Ash and Mason, 362 North  
Waco, 67202  
Robert L. Howard, Attorney, 4th National Bank Bldg., 67202  
Byron Keayon, 3908 Edgemont, 67208  
Dr. Willard J. Kiser, 1446 Willow Road, 67208  
Mr. Dennis C. Brinkhall, 323 North Rutan, 67208  
Mrs. Donald A. Newkirk, 3705 Sleepy Hollow, 67208  
Mrs. Henry Amsden, 3711 Sleepy Hollow, 67208  
Mr. Bart F. Kirkpatrick, 3433 Edgemont, 67208  
Mr. Marcel Shaggs, 3430 Sleepy Hollow, 67208  
Mr. Robert Eys, 129 North Pershing, 67208  
Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection



Agendas sent  
10-18-73 to  
Stewart +  
The Wesley Med. Center

BOARD OF ZONING APPEALS

AGENDA

OCTOBER 23, 1973

The regular meeting of the Board of Zoning Appeals will be held on Tuesday, October 23, 1973, at 1:30 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas. The following items will be considered:

Deferred Cases

1. Case No. BZA 23-73 - (Deferred from meeting of September 25, 1973).

Request: Variance

Reason: To reduce the required side yard setback adjacent to the west line of Lot 34 from 5 feet to 0 feet; the required side yard setback adjacent to the east line of Lot 33 from 5 feet to 0 feet; the required side yard setback adjacent to the east line of Lot 53 and the south 30 feet of Lot 4, from 5 feet to 0 feet; the required front yard setback from 20 feet to 0 feet on Lots 29 through 53 inclusive; and an increase of the maximum building height from 55 feet to 140 feet on Lots 46 through 53 inclusive.

Existing zoning: "B" Multiple Family Dwelling District and the "BB" Office District.

Location: Between Murdock and Pine on the West side of Rutan.

2. Case No. BZA 27-73 - (Deferred from meeting of September 25, 1973).

Request: Exception

Reason: To permit the establishment of a new and used car sales lot

Existing zoning: "LC" Light Commercial District

Location: On the North side of Orme in an area between Lexington Road and Brookside Drive.

Rehearings

3a. Case No. BZA 28-73

Request: Exception

Reason: To permit the operation of a child care center

Existing zoning: "A" Two Family Dwelling District

Location: On the West side of Holyoke in an area South of  
16th Street

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3b. Case No. BZA 35-73

Request: Variance

Reason: To reduce the required front yard setback from 25  
feet to 5 feet for off-street parking purposes only.

Existing zoning: "A" Two Family Dwelling District

Location: On the West side of Holyoke in an area South of  
16th Street.

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4. Case No. BZA 13-72

Request: Exception

Reason: To permit the installation or construction of an  
off-street parking lot

Existing zoning: "A" Two Family Dwelling District and "BB"  
Office District

Location: On the North side of Oakland in an area between  
Rutan and Clifton

---

New Cases

5. Case No. BZA 25-73

Request: Variance

Reason: To reduce the required number of parking spaces from 168 to 63.

Existing zoning: "LC" Light Commercial District and the "BB" Office District

Location: At the Northeast corner of Oliver and English.

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6. Case No. BZA 30-73

Request: Variance

Reason: To reduce the required front yard setback adjacent to the north line of Lot 3 from 25 feet to 0 feet; the required front yard setback adjacent to the east line of Lot 2 for the north 65 feet of the south 95 feet of said Lot 2 from 25 feet to 0 feet; and the required front yard setback adjacent to the south property line for Lots 2 and 3 from 25 feet to 0 feet.

Existing zoning: "AA" One Family Dwelling District

Location: On the West side of Seneca between 27th Street South and Regal Street.

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7. Case No. BZA 31-73

Request: Exception

Reason: To permit the installation of a sales and rental lot for motor vehicles, motor homes, travel trailers, and motorcycles.

Existing zoning: "LC" Light Commercial District

Location: On the East side of West Street in an area North of Maple.

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8. Case No. BZA 32-73

Request: Variance

Reason: To reduce the required side yard setback adjacent to the east line of Lot 13 from 6 feet to 5 feet.

Existing zoning: "AA" Single Family Dwelling District

Location: On the North side of Birch Lane in an area between Wood Avenue and Tyler Road.

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9. Case No. BZA 33-73

Request: Variance

Reason: To reduce the required side yard setback adjacent to the west property line from 6 feet to 4 feet.

Existing zoning: "AA" Single Family Dwelling District

Location: On the North side of Birch Lane in an area between Wood Avenue and Tyler Road.

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10. Case No. BZA 34-73

Request: Variance

Reason: To reduce the required side yard setback adjacent to the north line of Lot 18 from 6 feet to 3 feet.

Existing zoning: "AA" Single Family Dwelling District

Location: On the East side of Birch Lane in an area between Wood Avenue and Tyler Road.

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11. Other Matters.

Jack H. Galbraith  
Secretary

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

October 2, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case NO. BZA 23-73

An application has been filed by Wesley Medical Center, 550 North Hillside, Wichita, Kansas, 67214, and Kiser, Inc., 1446 Willow Road, Wichita, Kansas, 67208, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required side yard setback adjacent to the West line of Lot 34 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 33 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 53 and the South 30 feet of Lot 4, from 5 feet to 0 feet; the required front yard setback from 20 feet to 0 feet on Lots 29 through 53 inclusive; and an increase of the maximum building height from 55 feet to 140 feet on Lots 46 through 53 inclusive; on property zoned the "B" Multiple Family Dwelling District and the "BB" Office District, and legally described as follows:

The South 30 feet of Lot 4 and Lots 29 through 53 inclusive in the Nob Hill Addition to Wichita, Sedgwick County, Kansas. Generally located between Murdock and Pine on the West side of Rutan.

At the regular meeting of September 25, 1973, the Board of Zoning Appeals considered Case No. BZA 23-73. Inasmuch as a motion to deny the request for variance resulted in a tie vote, this constituted a failure to reach a decision, and the case will again be considered by the Board on October 23, 1973, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you so desire, you may write to the Board at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting.

If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith  
Secretary

6 notices sent to Property Owners 10.2.73  
10 " " " Plng. Comms. 10.3.73

October 1, 1973

Mr. Kenneth P. Stewart  
1st National Bank Building  
Wichita, Kansas

RE: Case No. BZA 23-73  
Request for Variance

Dear Mr. Stewart:

At the regular meeting of September 25, 1973, the Board of Zoning Appeals considered the above captioned request for variance. Inasmuch as a motion to deny the variance request resulted in a tie vote, this constituted a failure to reach a decision and thus, the Chairman announced that the case would again be presented before the Board of Zoning Appeals on October 23, 1973, the meeting to begin at 1:30 p.m. in Room 401 City Building Annex. 104 South Main.

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

Sincerely,

Jack H. Galbraith  
Secretary

JHG:rw

cc: Thomas Kitch, 3740 Sleepy Hollow, 67208  
Dr. George J. Mastio, 3333 East Central, 67208  
William T. Tinker, Jr., R. H. Garvey Bldg., 67202  
Robert B. Harris of Thomas Harris, Ash and Mason, 262 North  
Waco, 67202  
Verne Laing, 200 West Douglas, 67202  
Mr. Roy C. House, President, Wesley Medical Center, 550 North  
Hillside, 67214  
Byron Kenyon, 3908 Edgemont, 67208  
Dr. Willard J. Kiser, 1446 Willow Road, 67208  
Mr. Dennis C. Brimhall, 323 North Rutan, 67208  
Mrs. Donald R. Newkirk, 3705 Sleepy Hollow, 67208  
Mrs. Henry Amsden, 3711 Sleepy Hollow, 67208  
Mr. Bert F. Kirkpatrick, 3433 Edgemont, 67208

Mr. Kenneth P. Stewart  
Page 2

cc: Mr. Herschel Skaggs, 3430 Sleepy Hollow, 67208  
Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

cc: Robert L. Howard, Attorney, 4th National Bank Building, 67202  
(sent 10-3-73)

SECRETARY'S REPORT

CASE NO. BZA 23-73

APPLICANT: The Wesley Medical Center, 550 North Hillside, Wichita, Kansas, 67214, and Kiser, Inc., 1446 Willow Road, Wichita, Kansas, 67208

AGENT: Kenneth P. Stewart, 1030 First National Bank Building, Wichita, Kansas, 67202, and Robert L. Howard, Suite 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 side yard setback adjacent to the West line of Lot 34 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 33 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 53 and the South 30 feet of Lot 4, from 5 feet to 0 feet; the required front yard setback from 20 feet to 0 feet on Lots 29 through 53 inclusive; and an increase of the maximum building height from 55 feet to 140 feet on Lots 46 through 53 inclusive.

GENERAL LOCATION: Generally located on the North side of Pine in an area between Hillside and Rutan Avenue.

ZONING: The subject property is zoned the "B" Multiple Family Dwelling District and the "BB" Office District. To the east and south there is "BB" zoning, and to the west is the "B" classification. The properties to the north are zoned the "A" Two Family Dwelling District, the "B" Multiple Family Dwelling District and the "BB" Office District.

LAND USE: Subject property contains offices, off-street parking, a duplex, and a single family home. To the north is off-street parking, the Wichita Children's Home, a duplex and single family home. Property to the east contains offices and off-street parking, and to the west is undeveloped property, medical offices, and single family homes.

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 the applicant.
  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 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:

Since 1970, Wesley Medical Center has been in the process of platting Wesley Medical Center Second Addition, which includes most of the subject property. A preliminary plat has been approved which contains a provision for contingent vacation of all interior streets between Hillside, Vassar, Murdock, and Central including Pine Street and Rutan Avenue which are adjacent to the application area. Although the vacation of Pine and Rutan would eliminate the need for some of the requested variances, Wesley's attorney has indicated that the various problems affecting the approval of the plat cannot be worked out in sufficient time to accommodate the development schedule which involves this particular block. An application has also been filed to vacate the east-west alley located in the same block in order to prepare for the construction of a parking garage and professional office building on the site. The vacation case is scheduled to be considered by the Board of City Commissioners on September 18, 1973.

On August 28, 1973, Case No. BZA 23-73 was considered by the Board of Zoning Appeals. Due to the complex issues involving platting, adjacent property and neighborhood opposition which must be taken into consideration, it was the Board's decision to defer the case for 30 days. Subsequently, an amended application was filed to include the Kiser property adjacent to the west of the original application area.

The applicants request a variance of the required front yard setback on Pine Street from 20 feet to 0 feet in conjunction with the Medical Center's plans to construct both the parking garage and high rise office building. Wesley owns the adjoining property to the south, and the buildings would be located 50 feet from the lot line established by the vacation of Pine Street and the completion of the plat. The Kiser property fronting Pine Street has been included in the request in order that any buildings constructed on it could observe the same setbacks as the adjacent Medical Center property. Following the vacation of Pine Street, all buildings located along present lot lines would be served by a private street system adjacent to the south, and a setback from a public street would no longer be necessary.

Wesley Medical Center is also requesting a variance to increase the maximum building height for the "BB" classification from 55 feet to 140 feet on Lots 46 through 53 inclusive to permit the construction of the office building adjacent to the south line of these lots. Section 28.04.080.B, Code of the City of Wichita, provides that "no building shall exceed fifty-five feet in height at the required front, side and rear yard lines, but above the height permitted at such yard lines, one foot may be added to the height of the building for each one foot that the building or portion thereof is set back from the required yard lines."

If the variance to reduce the required front yard setback from 20 feet to 0 feet is granted, a variance to increase the permitted height from 55 feet to 140 feet on Lots 46 through 53 would therefore also become necessary. Using the above formula, the proposed structure would be located a sufficient distance from both the north and west property lines to permit construction to 140 feet in height, but since a setback of 85 feet would be necessary to allow the height increase, a variance of the required side yard from 5 feet to 0 feet would be necessary adjacent to the east lines of Lot 53 and the south 30 feet of Lot 4. Vacation of Rutan would eliminate any setback requirements or height limitations with regard to Lots 53 and 4.

The applicants are also requesting a variance to reduce the required side yard setback adjacent to the west line of Lot 34 from 5 feet to 0 feet to permit construction of the parking garage in the setback area. In addition, they are requesting the reduction of the required side yard setback adjacent to the east line of Lot 33 from 5 feet to 0 feet to also permit construction to the property line on the Kiser property. Due

to the unusual configuration of the property owned by Wesley, a 25 foot side yard will exist adjacent to the north half of the west property line even if the variance is granted adjacent to the west line of Lot 34 (the south half of Wesley's west property line). Since a 50 foot separation between the proposed structures is indicated on the Medical Center's plans, there does appear to be sufficient area to provide the required side yard setback adjacent to the west line of Lot 34. However, the Department of Public Works indicates that present plans for the improvement of Hillside include the acquisition of an additional 46 feet of right-of-way from the Kiser property. This would leave approximately 91 feet adjacent to Pine Street and approximately 66 feet adjacent to Murdock. Also, assuming the normal setback from the major street (Hillside), this would further limit the area of the Kiser property usable for building purposes. Variance of the 5 foot side yard setback adjacent to Lot 33 therefore becomes more justified. Since the building code requires a one-hour fire wall when a building is constructed adjacent to a side or rear lot line, and the code further provides that the walls shall be void of any openings, perhaps a variance of the setback requirements for the adjoining lots permitting a common wall would provide a workable solution to the problems of both applicants.

Uniqueness:

It is the opinion of the Secretary that uniqueness arises from the fact that Pine Street and Rutan Avenue are to be vacated and the area is to be replatted, which would locate the Medical Center buildings 50 feet from the proposed lot line on the south and eliminate the setback requirement and height limitation on the east. With respect to the height variance, the building will not be adjacent to a public street and will be interiorly located near another multi-story building. If uniqueness can be found to exist with regard to the variances requested adjacent to the west line of Lot 34 and the east line of Lot 33, it would be due to the limited area for construction which would remain after future right-of-way purchases for Hillside from the Kiser property.

Adjacent Property:

It is the opinion of the Secretary that granting of the requested variances of height limitation and required front yard and side yard adjacent to the east property line of the Medical Center property would not adversely affect adjoining property owners inasmuch as the applicant owns the surrounding property. The

inclusion of a request for variance to waive the required side yard adjacent to the east line of Lot 33 should tend to offset any adverse effect the granting of a variance to eliminate the required side yard setback adjacent to the west line of Lot 34 might have.

Hardship:

It is the opinion of the Secretary that if hardship can be found to exist with regard to the Medical Center property it would be because construction would have to be postponed until completion of the platting process. If a hardship exists with regard to the requested variances of the side yard setbacks adjacent to the east line of Lot 33 and the west line of Lot 34, it would be because of the limited area which will remain for construction following the acquisition of additional right-of-way for Hillside.

Public Interest:

It is the opinion of the Secretary that granting the requested variances will have no adverse effect on the general welfare of the public due to the fact that the areas for which the variances are requested are interiorly located, and the Medical Center will be providing additional off-street parking.

Spirit and Intent:

It is the opinion of the Secretary that the variances requested will not be opposed to the spirit and intent of the zoning ordinance since the applicants own the adjoining property, and thus the variances will be interiorly located.

RECOMMENDATION:

Although it is recognized that there are traffic congestion problems in the area, it is hoped that those problems will eventually be resolved when the plat for the area is completed and filed. With regard to these requests, it is the opinion of the Secretary that all five conditions can be found to exist and therefore, it is the recommendation of the Secretary that the requested variances be granted.

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

August 31, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 23-73

An amended application has been filed by Wesley Medical Center, 550 North Hillside, Wichita, Kansas, 67214, and Kiser, Inc., 1446 Willow Road, Wichita, Kansas, 67208, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required side yard setback adjacent to the West line of Lot 34 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 33 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 53 and the South 30 feet of Lot 4, from 5 feet to 0 feet; the required front yard setback from 20 feet to 0 feet on Lots 29 through 53 inclusive; and an increase of the maximum building height from 55 feet to 140 feet on Lots 46 through 53 inclusive; on property zoned the "B" Multiple Family Dwelling District and the "BB" Office District, and legally described as follows:

The South 30 feet of Lot 4 and Lots 29 through 53 inclusive in the Nob Hill Addition to Wichita, Sedgwick County, Kansas. Generally located between Murdock and Pine on the West side of Rutan.

This application retains the Case No. BZA 23-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 25, 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

5 Notices sent to Property Owners 9.7.73  
10 " " " " Planning Comms 9.7.73

September 5, 1973

Mr. Robert L. Howard  
Foulston, Siefkin, Powers & Eberhardt  
Suite 600 Fourth National Bank Building  
Wichita, Kansas 67202

RE: Case No. BZA 23-73

Dear Mr. Howard:

Pursuant to our telephone conversation Friday, we amended the legal description and variance request for Case No. BZA 23-73 to include the request of Kiser, Inc. for a variance request to reduce the required side yard setback adjacent to the east line of Lot 33, Nob Hill Addition, from five feet to zero feet. As I understood our conversation, your request was in conjunction with the Wesley Medical Center's request to reduce the side yard setback adjacent to the west line of Lot 34, Nob Hill Addition, from five feet to zero feet. (Wesley did not request a variance in the side yard setback adjacent to Lot 24, Nob Hill Addition; therefore, Lot 25, Nob Hill Addition, of the Kiser property was not included in the variance request.) The case has been readvertised for public hearing at 1:30 p.m. on September 25, 1973, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas.

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

Sincerely,

Jack H. Galbraith  
Secretary

JHG:rw

cc: Mr. Kenneth P. Stewart, 1st National Bank Building, 67202  
Mr. Roy C. House, Wesley Medical Center, 550 North Hillside,  
67214  
Dr. Willard J. Kiser, 1446 Willow Road, 67208

SECRETARY'S REPORT  
CASE NO. BZA 23-73

APPLICANT: The Wesley Medical Center, 550 North Hillside, Wichita, Kansas, 67214

AGENT: Kenneth P. Stewart, 1030 First 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 side yard setback adjacent to the West line of Lot 34 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 53 and the South 30 feet of Lot 4, from 5 feet to 0 feet; the required front yard setback from 20 feet to 0 feet on Lots 34 through 53 inclusive; and an increase of the maximum building height from 55 feet to 140 feet on Lots 46 through 53 inclusive on property zoned the "BB" Office District.

GENERAL LOCATION: Generally located on the North side of Pine in an area between Hillside and Rutan Avenue.

ZONING: The subject property is zoned the "BB" Office District, as are those properties to the east, west, and south. To the north are the "BB" classification and the "B" Multiple Family Dwelling District.

LAND USE: Subject property contains offices and off-street parking, as does the property to the east. To the north is off-street parking and the Wichita Children's Home; to the south is Wesley Hospital; and to the west is an office, single family home, and duplex.

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 the applicant.

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 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

Since 1970, the applicant has been in the process of platting Wesley Medical Center Second Addition, which includes the subject property. A preliminary plat has been approved which contains a provision for contingent vacation of all interior streets between Hillside, Vassar, Murdock and Central, including Pine Street and Rutan Avenue which are adjacent to the application area. Although the vacation of Pine and Rutan would eliminate the need for some of the requested variances, the applicant's attorney has indicated that the various problems affecting the approval of the plat cannot be worked out in sufficient time to accommodate the development schedule which involves this particular block. The applicant has also filed an application to vacate the east-west alley located in the same block in order to prepare for the construction of a parking garage and professional office building on the site.

The applicant requests a variance of the required front yard setback on Pine from 20 feet to 0 feet on Lots 34 through 53 inclusive in order to construct both the parking garage and high rise office building. The applicant owns the adjoining property to the south, and the buildings would be located 50 feet from the lot line to be established by the vacation of Pine Street and the completion of the plat. Both buildings would then be served by a private street system adjacent to the south, and a setback from a public street would no longer be necessary.

The applicant is also requesting a variance to increase the maximum building height for the "BB" classification from 55 feet to 140 feet on Lots 46 through 53 inclusive to permit the construction of the office building adjacent to the south line of these lots. Section 28.04.080.B, Code of the City of Wichita, provides that "no building shall exceed fifty-five feet in height at the required front, side and rear yard lines, but above the height permitted at such yard lines, one foot may be added to the height of the building for each one foot that the building or portion thereof is set back from the required yard lines."

If the variance to reduce the required front yard setback from 20 feet to 0 feet is granted, a variance to increase the permitted height from 55 feet to 140 feet on Lots 46 through 53 would therefore also become necessary. Using the above formula, the proposed structure would be located a sufficient distance from both the north and west property lines to permit construction to 140 feet in height, but since a setback of 85 feet would be necessary to allow the height increase, a variance of the required side yard from 5 feet to 0 feet would be necessary adjacent to the east lines of Lot 53 and the south 30 feet of Lot 4. Vacation of Rutan would eliminate any setback requirements or height limitations with regard to Lots 53 and 4.

In addition, the applicant is requesting a variance to reduce the required side yard adjacent to the west line of Lot 34 from 5 feet to 0 feet to permit the construction of the parking garage in the side setback area. Due to the unusual configuration of the property owned by the applicant, a 25 foot side yard will exist adjacent to the north half of the west property line even if the variance is granted adjacent to the west line of Lot 34 (the south half of the west property line). Since a 50 foot separation between the proposed structures is indicated on the plot plan, however, there appears to be sufficient area to provide the required side yard adjacent to the west line of Lot 34. It should also be noted that the building code requires a one-hour fire wall when a building is constructed adjacent to a side or rear lot line, and the code further provides that the walls shall be void of any openings.

Uniqueness:

It is the opinion of the Secretary that uniqueness arises from the fact that Pine Street and Rutan Avenue are to be vacated and the area is to be replatted, which would locate the buildings 50 feet from the proposed lot line on the south and eliminate the setback requirement and height limitation on the east. With respect to the height variance, the building will not be adjacent to a public street and will be interiorly located near another multi-story building. If uniqueness can be found to exist with regard to the variance requested adjacent to the west line of Lot 34, it would be due to the unusual configuration of the area owned by the applicant.

Adjacent Property:

It is the opinion of the Secretary that granting of the requested variances of height limitation and required front

yard and side yard (adjacent to the east property line) would not adversely affect adjoining property owners inasmuch as the applicant owns the surrounding property. It is possible, however, that the granting of the requested variance of the required side yard adjacent to the west line of Lot 34 may have an adverse effect on adjacent property owners as it would be impossible to construct and maintain the exterior of the building without being on the properties of adjacent owners.

Hardship:

It is the opinion of the Secretary that the failure to grant these variances will constitute undue hardship for the applicant because construction would have to be postponed until completion on the platting process, and a side yard of 30 feet would have to be provided for a portion of the west property line in order to provide the required 5 foot side yard adjacent to the west line of Lot 34.

Public Interest:

It is the opinion of the Secretary that granting the requested variances will have no adverse effect on the general welfare of the public due to the fact that the areas for which the variances are requested are interiorly located, and the applicant will be providing additional off-street parking.

Spirit and Intent:

In the opinion of the Secretary, the variances requested with regard to height, front and side yard (adjacent to the east property line) will not be opposed to the spirit and intent of the zoning ordinance since the applicant owns the adjoining property, and these variances would be interiorly located. It is, however, difficult, to find that a total waiver of the side yard requirement adjacent to the west line of Lot 34 for the construction of a building in the setback will not be opposed to the spirit and intent of the zoning ordinance inasmuch as the intent of the structure setbacks is to provide an area for maintenance and a separation between buildings on adjacent properties.

RECOMMENDATION:

It is the opinion of the Secretary that it is difficult to justify the five conditions necessary before the request can be

Page 5 - Secretary's Report  
BZA Case No. 23-73

granted with regard to the variance to reduce the required side yard from 5 feet to 0 feet adjacent to the west line of Lot 34. However, all five conditions may be found to exist for the other variances requested, and it is the recommendation of the Secretary that the variances relating to height, front yard and side yard adjacent to the east property line be granted.

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
49	Hillside	Resurvey of Buck's 2nd Addition	<del>Charles R. Craft &amp; Ida Alice Craft Address unknown</del>
51	"	"	"
53	"	"	D Mary J. Blood 647 N. Hillside Wichita, Kansas, 67214
75	"	"	D The Fourth National Bank And Trust Company 200 E. Douglas Wichita, Kansas, 67202
77	"	"	"
79	"	"	"
N 15' of 81	"	"	"
81 exc. N. 15'	"	"	<del>Jack W. Kice Address unknown</del>
83	"	"	"
85	"	"	"

This ownership list supplements ownership list certified under Certificate No. 205270 to include owners of lots within a 200 foot radius of lots 29, 30, 31, 32 and 33, in Nob Hill Addition to Wichita, Sedgwick County, Kansas. The only owners of lots within this 200 foot radius other than those set out in the aforementioned ownership list are set out above.

Dated this 30th day of August, 1973 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*John Byron*  
Asst. Vice-President

Order No. 206552

GEORGE B. POWERS  
JOHN F. EBERHARDT  
STUART R. CARTER  
ROBERT C. FOULSTON  
MALCOLM MILLER  
ROBERT N. HARTBRIDGE  
ROBERT H. SIEFKIN  
RICHARD C. HARRIS  
GERALD SAMATYEV  
DONALD L. GORDES  
ROBERT L. HOWARD  
CHARLES J. WOODIN  
MIKEL L. STOUT  
BENJAMIN C. LANGEL  
JERRY D. ELLIOTT  
WILLIAM H. DYE  
PHILLIP R. FAICK  
JOHN E. FOULSTON  
STANLEY G. ANDEEL  
FREDERICK L. HAAS  
RICHARD D. EWY  
DARRELL L. WARTA  
RODNEY R. HATTER  
ROBERT E. SHIELDS  
THOMAS W. POOS  
RICHARD D. MULLIN  
CHARLES E. COLE, JR.

LAW OFFICES

FOULSTON, SIEFKIN, POWERS & EBERHARDT

SUITE 600 FOURTH NATIONAL BANK BUILDING

WICHITA, KANSAS 67202

TELEPHONE 267-6371, AC 316

August 31, 1973

ROBERT C. FOULSTON 1880-1947  
GEORGE SIEFKIN 1898-1954

PAUL H. WHITE  
OF COUNSEL

Mr. Jack H. Galbraith  
Secretary, Board of Zoning Appeals  
City Building Annex  
104 S. Main Street  
Wichita, Kansas 67202

Re: Case No. BZA 23-73


Dear Mr. Galbraith:

This will confirm our telephone conference of Friday, August 31, 1973, in which I advised you that Kiser, Inc. would like to join in the request for variance BZA 23-73 so as to also eliminate the five foot setback requirement on Kiser, Inc. property.

The Kiser, Inc. property involves the east line of lot 33 and the east line of lot 25. It is my understanding that the delivery of this letter to you is sufficient for you to amend the notices and that such matter could then be proposed before the Board at the next meeting on September 25th, at 1:30 p.m.

Thank you for your assistance in this regard. If there is anything further you want us to do, please advise.

Very truly yours,

  
Robert L. Howard

OF FOULSTON, SIEFKIN, POWERS & EBERHARDT

RLH/ksw  
cc:

Mr. Kenneth P. Stewart  
Mr. Roy C. House  
Dr. Willard J. Kiser



LAW OFFICES OF  
**BOYER, DONALDSON & STEWART**

1030 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202

JOHN E. BOYER  
GEORGE J. HONDROS (1910-1962)  
KENNETH P. STEWART  
JAMES R. HANSON  
ROBERT L. SMITH  
JOHN H. GIBSON

PAUL J. DONALDSON  
OF COUNSEL

264-7321  
AREA CODE 316

August 29, 1973

Mr. Jack H. Galbraith, Secretary  
Board of Zoning Appeals  
Room 402 - City Building Annex  
Wichita, Kansas 67202



Re: BZA 23-73

Dear Mr. Galbraith:

On behalf of my client, The Wesley Medical Center, and Kiser, Inc., represented by Mr. Robert Howard, I am authorized to formally amend our Application for Variance to include the property abutting Wesley's property on the west, located on Hillside between Murdock and Pine, owned by Kiser, Inc., to the Request for Variance to a zero set-back on the north side of Pine. Appropriately, the description in our application would be changed:

" Zero set-back on north side of Pine from west line of Rutan to east line of Hillside Avenue, Nob Hill Addition."

In terms of the notice to adjacent property owners, the amendment would be stated:

*Note:*

→ "The required front yard set-back from 20 feet to zero feet on Lots 29-53, inclusive . . . "

Except for this, the application is affirmed.

It is my understanding that appropriate legal notices will be advertised to include this amendment. We have ordered

Mr. Jack H. Galbraith


August 29, 1973

Page . . . . .2

an addendum to the ownership list to include Lots 29-33,  
inclusive, on Pine Street in Nob Hill Addition and will  
get it to you as soon as it is available.

Very truly yours,

BOYER, DONALDSON & STEWART

By 

KPS:cpp

cc: Mr. Roy C. House  
cc: Mr. Robert Howard

LAW OFFICES OF  
BOYER, DONALDSON & STEWART

1000 FIRST NATIONAL BANK BUILDING

WICHITA, KANSAS 67202

JOHN E. BOYER  
GEORGE J. DONALDSON (1910-1962)  
KENNETH P. STEWART  
JAMES R. HANSON  
ROBERT L. SMITH  
JOHN H. GIBSON

PAUL J. DONALDSON  
OF COUNSEL

August 30, 1973

264-7524  
AREA CODE 316

Security Abstract and Title  
Company  
434 North Main  
Wichita, Kansas 67202

Order No. 295270

You furnished an ownership list for property owners within a 200 foot radius of Lots 34 to 53 odd and even inclusive in Nob Hill Addition.

We need an Addendum to the ownership list to enlarge the total description so that it will include Lots 29 to 33 odd and even inclusive in Nob Hill Addition so that the ownership list will cover the following complete description:

A 200 foot radius of Lots 29 to 53 odd and even inclusive, in NOB HILL ADDITION, Sedgwick County, Kansas.

Please deliver the Addendum to this office with your statement. Thank you.

Very truly yours,

BOYER, DONALDSON & STEWART

By: *Kenneth P. Stewart*

KPS:yjt

cc: Mr. Jack H. Galbraith



August 28, 1973

The Wesley Medical Center  
550 North Hillside  
Wichita, Kansas 67214

RE: Case No. BEA 23-73  
Request for Variance

Dear Sirs:

At the regular meeting of the Board of Zoning Appeals on August 28, 1973, your request for a variance to reduce the required side yard setback adjacent to the West line of Lot 34 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 53 and the South 30 feet of Lot 4, from 5 feet to 0 feet; the required front yard setback from 20 feet to 0 feet on Lots 34 through 53 inclusive; and an increase of the maximum building height from 55 feet to 140 feet on Lots 46 through 53 inclusive on property zoned the "BB" Office District, and generally located on the North side of Pine in an area between Hillside and Rutan Avenue, was considered.

It was the action of the Board to defer this request to the meeting of September 25, 1973, to begin at 1:30 p.m. in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHS:rv

cc: Kenneth F. Stewart, 1st National Bank Bldg., 67202  
Mr. Roy C. House, President, Wesley Medical Center, 550 North Hillside, 67214  
Mr. Robert B. Harris, Architect, 262 North Waco, 67202

cc: Mr. Hubert Dye, 129 North Pershing, 67208  
Mr. Robert L. Howard, Attorney, 4th National Bank Bldg., 67202  
- Dr. Willard J. Kiser, 1446 Willow Road, 67208  
- Mr. Dennis C. Brinkhall, 323 North Rutan, 67208  
- Mrs. Donald R. Newkirk, 3705 Sleepy Hollow, 67208  
- Mrs. Henry Amsden, 3711 Sleepy Hollow, 67208  
- Mr. Bert F. Kirkpatrick, 3433 Edgemont, 67208  
- Mr. Herschel Skaggs, 3430 Sleepy Hollow, 67208  
- Robert Feldner, Supt. of Central Inspection  
- Ralph Eberly, City Clerk  
- Joe Donnelly, Central Inspection

bcc: Mr. Verne Laing, 200 West Douglas, 67202  
Mr. Thomas D. Kitch, 3740 Sleepy Hollow, 67208



LAW OFFICES OF  
**BOYER, DONALDSON & STEWART**

1030 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202

JOHN E. BOYER  
GEORGE J. HONDROS (1910-1962)  
KENNETH R. STEWART  
JAMES R. HANSON  
ROBERT L. SMITH  
JOHN H. GIBSON

PAUL J. DONALDSON  
OF COUNSEL

264-7321  
AREA CODE 316

August 3, 1973



Mr. Lynn Shirkey  
Metropolitan Area Planning Department  
City of Wichita  
104 South Main  
Wichita, Kansas 67202

RE: Wesley Medical Center Application  
for Variance -- Pine Street between  
Hillside and Rutan

Dear Mr. Shirkey:

This will acknowledge the correction of our  
Application for Variance at the East line of Lot 53,  
Nob Hill Addition so that the request now reads:

"Zero on East line, Lot 53 and South 30  
feet of Lot 4, Nob Hill Addition"

We acknowledge receipt of the description of  
Item 5 on the Agenda proposed for a hearing on this item  
describing the Application:

"5. Case No. BZA 23-73 -- Wesley Medical Center,  
550 North Hillside, Wichita, Kansas 67214, pursuant  
to Section 2.12.590.B, Code of the City of Wichita,  
requests a variance to reduce the required side-  
yard setback adjacent to the west line of Lot 34  
from five feet to zero feet; the required sideyard  
setback adjacent to the east line of Lot 53 (and  
the South 30 feet of Lot 4) from five feet to zero  
feet; the required front yard setback from 20 feet  
to zero feet on Lots 34 thru 53 inclusive; and an  
increase of the maximum building height from 55  
feet to 140 feet on Lots 46 thru 53 inclusive; on  
property zoned the "BB" Office District, and legally  
described as follows:

Mr. Lynn Shirkey  
Metropolitan Area Planning Department

August 3, 1973

Page . . . . 2

Lots 34 thru 53 inclusive (and the south 30 feet of Lot 4) in the Nob Hill Addition to Wichita, Sedgwick County, Kansas. Generally located between Murdock and Pine on the West side of Rutan.

An addendum to the Certificate of Ownership is under preparation by the Security Abstract and Title Co., Inc. and should be delivered on Monday of this week. Thanks very much.

Very truly yours,

BOYER, DONALDSON & STEWART

BY:

KPS:mjw

cc: Roy C. House  
A. B. Davis, Jr.  
Robert Harris  
Lowell Richardson

LAW OFFICES OF  
**BOYER, DONALDSON & STEWART**

1030 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202

PAUL J. DONALDSON  
OF COUNSEL

JOHN E. BOYER  
GEORGE J. MONDROS (1910-1962)  
KENNETH R. STEWART  
JAMES R. HANSON  
ROBERT L. SMITH  
JOHN H. GIBSON

264-7321  
AREA CODE 316

July 31, 1973

Mr. Jack H. Galbraith  
Chief Planner  
Metropolitan Area Planning Department  
City Building Annex  
Wichita, Kansas 67202

RE: Wesley Medical Center Second Addition

Dear Mr. Galbraith:

We likewise attach a sketch of a partial site  
plan for the subject property.

Yours very truly,

BOYER, DONALDSON & STEWART

By: *Kenneth R. Stewart*

KPS:ss

Enclosure

cc: Mr. Roy C. House  
Mr. A. B. Davis, Jr.

LAW OFFICES OF  
BOYER, DONALDSON & STEWART

1030 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202

JOHN E. BOYER  
GEORGE J. HONDROS (1910-1962)  
KENNETH R. STEWART  
JAMES R. HANSON  
ROBERT L. SMITH  
JOHN H. GIBSON

PAUL J. DONALDSON  
OF COUNSEL

264-7321  
AREA CODE 316

July 27, 1973

Mr. Jack H. Galbraith  
Chief Planner  
Metropolitan Area Planning Department  
City Building Annex  
Wichita, Kansas 67202

RE: Wesley Medical Center Second Addition

Dear Mr. Galbraith:

As attorney and authorized agent for The Wesley Medical Center we enclose application for variance, accompanied by our check in the amount of \$50.00 filing fee. The application is accompanied by a statement and the ownership list furnished by the abstract company. The duplicate sketch will be separately submitted.

If the application requires an additional filing fee, please advise and a check will be promptly delivered.

This will acknowledge our prior filing of a request for vacation of the alley in subject block. Both the variance and the v. ation requests are made in order to accommodate our possible needs for construction which might occur in advance of our ability to work out the various contingencies and requests involved in the prospective approval of The Wesley Medical Center Second Addition plat.

We are proceeding with the requests of the Subdivision Committee respecting the preliminary plat but are unable to determine that these matters can be satisfactorily resolved in ample time to accommodate the possible time schedule proposed for construction development of these premises.

Yours very truly,

BOYER, DONALDSON & STEWART

By: *Kenneth R. Stewart*

KPS:ss  
cc: Mr. Roy C. House  
Mr. A. B. Davis, Jr.

BOARD OF ZONING APPEALS

CASE NO. 530-23-73

CITY OF WICHITA, KANSAS

FILED 7-31-73

APPLICATION FOR VARIANCE

I. Name of Applicant The Wesley Medical Center  
Mailing Address 550 North Hillside, Wichita <sup>67214</sup> Phone 685-2151  
Name of Authorized Agent Kenneth P. Stewart  
Mailing Address 1030 1st Nat'l Bank Bldg <sup>67202</sup> Phone 264-7321  
Relationship of applicant to property is that of owner  
(Owner, Tenant, Lessee, Other)

II. The variance requested is Area: (Front yard 28.04.080-C1.2 and Side yard 28.04.080-C 2.2)  
"0" set-back on North side of Pine from West line of Rutan to Southeast corner of Lot 33, Nob Hill Addition  
"0" set-back on West line of Lot 34 extended across East-West alley through West line, Lot 23, Nob Hill Addition  
"0" on East line, Lot 53, Nob Hill Addition  
Height: (28.04.080 B.)  
Approximately 140' height on North side of Pine approximately 80' from West line of Rutan extending West approximately 100'.  
Approximately 40' height on North side Pine extending from West line, Lot 33, east for approximately 275'. (As shown by attached sketch) and legally described as: Lots 34 to 53, off and even inclusive  
in Nob Hill Addition to Wichita, Sedgwick County, Kansas

5. Case No. BZA 23-73 - Wesley Medical Center, 550 North Hillside, Wichita, Kansas 67214, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required side yard setback adjacent to the west line of Lot 34 from five feet to zero feet; the required side yard setback adjacent to the east line of Lot 53 and the south 30 feet of Lot 4, from five feet to zero feet; the required front yard setback from 20 feet to zero feet on Lots 34 thru 53 inclusive; and an increase of the maximum building height from 55 feet to 140 feet on Lots 46 thru 53 inclusive; on property zoned the "BB" Office District, and legally described as follows:

The South 30 ft. of Lot 4 and Lots 34 thru 53 inclusive in the Nob Hill Addition to Wichita, Sedgwick County, Kansas. Generally located between Murdock and Pine on the west side of Rutan.

2, 3, 4, and 5 of the instructions.

The Wesley Medical Center  
Applicant

Kenneth P. Stewart  
Authorized Agent Kenneth P. Stewart, of  
Boyer, Donaldson & Stewart

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 8:45 (a.m. - p.m.), July 31 19 73  
together with appropriate fee of \$50.00.

T9-402

M. C. Murray  
Signed

STATEMENT IN SUPPORT OF APPLICATION FOR VARIANCE

The applicant seeks variance from enforcement of Zoning Ordinance 28.04.080, Subparagraphs B, Height Regulations, and C, Area Regulations 1.2.

"B. HEIGHT REGULATIONS.

No building shall exceed fifty-five feet in height at the required front, side and rear yard lines, but above the height permitted at such yard lines, one foot may be added to the height of the building for each one foot that the building or portion thereof is set back from the required yard lines.

"C. AREA REGULATIONS.

1. Front yard. . .

1.2 In all other locations in the "BB" office district, the minimum front yard setback shall be twenty feet. . .

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width;. . ."

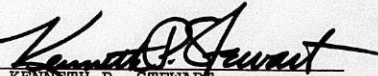
Applicant has pending a platting of Wesley Medical Center Second Addition which includes all of its property located east of Hillside and south of Murdock which is not already been platted. Included in the preliminary plat is a provision for contingent vacation of all interior streets to the peripheral boundaries of Hillside, Vassar, Murdock and Central. Applicant's long-range plan calls for circumferential traffic around the Medical Center campus and interior development of all streets and other rights-of-way consistent with the long-range development plan. This application for variance along with a similar application to vacate the alley located in the same block is necessitated to prepare the land for development which is now being planned.

Applicant is in the process of meeting the requirements and suggestions for approval of the Second Addition plat but is not confident that the various problems affecting the approval of that plat can be worked out in sufficient time to accommodate possible development schedule which involves this particular block.

Inasmuch as the vacation of Pine Street and Rutan Avenue is anticipated in order to permit interior development by the applicant, the waiver of area and height regulations seems appropriate.

THE WESLEY MEDICAL CENTER,  
Applicant

By



KENNETH P. STEWART,  
Attorney and Authorized Agent  
1030 First National Bank Bldg.  
Wichita, Kansas 67202

OWNERSHIP LIST

Lot	Addition	Property Owner
1	Nob Hill Addition	P The Wesley Medical Center
2	"	"
3	"	"
4	"	"
5	"	"
6	"	"
7	"	"
8	"	"
9	"	"
10	"	"
11	"	"
12	"	"
13	"	"
14	"	"
15	"	"
16	"	"
17	"	"
18	"	"
19	"	"
20	"	"
21	"	"
22	"	"
23	"	"
24	"	"
25	"	Kiser, Inc., Address unknown Dr. Willard J. Kiser
26	"	" 1446 Willow Rd
27	"	" 67208
28	"	"

Continued page 2

Lot	Addition	Property Owner
29	Nob Hill Addition	D Kiser, Inc., Address unknown
30	"	" 1446 Willow Road
31	"	"
32	"	"
33	"	"
34	"	D The Wesley Medical Center 550 N. Hillside Wichita, Kansas, 67214
35	"	"
36	"	"
36	"	"
37	"	"
38	"	"
39	"	"
40	"	"
41	"	"
42	"	"
43	"	"
44	"	"
45	"	"
46	"	"
47	"	"
48	"	"
49	"	"
50	"	"
51	"	"
52	"	"
53	"	"

Continued page 3

Lot	Addition	Property Owner
54	Nob Hill Addition	<i>D</i> The Wesley Medical Center
55	"	"
56	"	"
57	"	"
58	"	"
84	"	"
85	"	"
86	"	"
101	"	"
102	"	"
103	"	"
104	"	"
105	"	"
106	"	"
107	"	"
1	Wesley Medical Center Addition	City of Wichita, City Bldg, Wichita, Kans. 67202
2	"	<i>JP</i> The Wesley Medical Center
55	Hillside Resurvey of Buck's Second Addition	<i>JP</i> Mary J. Blood, 647 N. Hillside Wichita Kansas, 67214
57	"	"
59	"	"
61	"	"
63	"	"
65	"	<i>W</i> The Fourth National Bank and Trust Company, 200 E. Douglas Wichita, Kansas, 67202
67	"	"
69	"	"
71	"	"
73	"	"

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 34 to 53 odd and even inclusive, in Nob Hill Addition, Sedgwick County, Kansas as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 30th day of July, 1973 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Mary Isable*

Vice-President

Order No. 205270

OWNERSHIP LIST

Lots	Street	Addition	Property Owner
✓ 20 thru 34 even	Murdock	Sunrise Park Addition ✓	Wichita Childrens Home 810 N. Holyoke 67208

The Security Abstract and Title Company, Inc.,  
hereby certifies the foregoing to be a true and correct list of  
property owners of:

Lots 20 thru 34 even on Murdock,  
Sunrise Park Addition, Sedgwick  
County, Kansas

as shown by the records on file in the Office of the Register of  
Deeds of Sedgwick County, Kansas, on this 1st day of August, 1973  
at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*John Ryan*  
ant Vice President

To supplement  
Order No. 205270  
wh



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

\*

This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm  
Roll # 1