

Case No. BZA 36-80 - J. K.
Gosling - requests a variance
to eliminate the required screen-
ing fence adjacent to the
residential zoning district
on property zoned the "E" Light

500 1/4 Sec 9-18-80
Checked At 9-18-80
Shot 9-23-80
Recorded 9-23-80

BZA
36-80

ACTION

Post 60
9-13-80
/11

COMMITTEE Approved DATE 8-26-80

M.A.P.C. _____

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

300 1/4 Sec 9-18-80
Checked at 9-18-80
Shot 9-23-80
Recorded 9-23-80

Case No. EZA 36-80 - J. K. Gosling - requests a variance to eliminate the required screening fence adjacent to the residential zoning district on property zoned the "E" Light

Map No. 5244
Sec. 1
Twp. 28
Range 1W

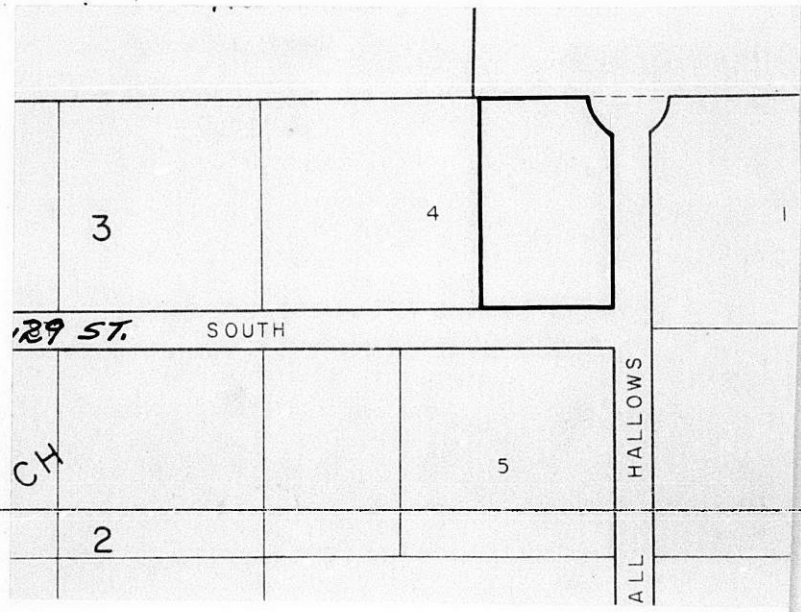
BZA- 36-80
SCZ- _____
CU- _____
Filed _____

AREA DATA:

1. Acres: 1.9 (230 ft. by 370 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East _____ South _____
West _____ North _____
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted. UP DATE LAND USE IN FIELD

PHOTO DATA:

Taken by _____ Date _____ Time _____



20mg map only

BZA 36

September 16, 1980

Willard B. Thompson
P. O. Box 997
Wichita, Kansas 67201

Re: Case No. BEA 16-80
Request for Variance

Dear Mr. Thompson:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 26, 1980, in connection with your request for a variance to eliminate the required screening fence adjacent to the residential zoning district on property zoned the "E" Light Industrial District and generally located on the northwest corner of 29th Street South and All Hallows.

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 questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosure

cc: J. K. Gosling, & Willard B. Thompson, P. O. Box 997, Wichita
67201
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 36-80

WHEREAS, J. K. Gosling, P. O. Box 997, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to eliminate the required screening fence adjacent to the residential zoning district on property zoned the "E" Light Industrial District and legally described as follows:

The east 229.63 feet of Lot 4, Block 3, Kessler-Koch Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of 29th Street South and All Hallows.

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 26, 1980, 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 adjacent property is best suited to industrial development and is proposed to be developed as such; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the adjacent residentially zoned property has been approved for industrial zoning; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the installation of the screening fence will not be required once the adjacent property is platted; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the variance requested is interiorly located; 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 it was not the intent of the ordinance to require screening except to protect residential development; and


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

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to eliminate the screening fence adjacent to the residentially zoned property along the north property line on property zoned the "E" Light Industrial District and legally described as:


The east 229.63 feet of Lot 4, Block 3,
Kessler-Koch Addition to Wichita, Sedgwick
County, Kansas. Generally located on the
northwest corner of 29th Street South and
All Hallows.

be approved.

ADOPTED AT WICHITA, KANSAS, this 26th day of August, 1980.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

August 28, 1980

Willard B. Thompson
P. O. Box 997
Wichita, Kansas 67201

Re: Case No. BEA 36-80
Request for Variance

Dear Mr. Thompson:

At the regular meeting of the Board of Zoning Appeals on August 26, 1980, your request for a variance to eliminate the required screening fence adjacent to the residential zoning district on property zoned the "E" Light Industrial District and generally located on the northwest corner of 29th Street South and All Hallows was considered.

It was the action of the Board to approve your request.

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

If you have any questions, please call our office.

Sincerely yours,

Jack H. Galbraith
Secretary

JHG:sad

cc: J. K. Gosling, & Willard B. Thompson, P.O. Box 997, Wichita 67201
Marlin Penner, V-Pres., John T. Arnold Assoc., Sutton Place Bldg.,
209 East William, Wichita 67202
Don Gisick, City Clerk
Robert Feldner, Superintendent of Central Inspection (2)

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE August 21, 1980

TO Glen Lytle, Special Assisant for Zoning
FROM Stan Scott, CPO Administrative Aide

SUBJECT BZA 36-80: Northwest Corner of
29th Street South and All Hollows

On Tuesday, August 19, CPO Neighborhood Council "B" considered the captioned case, a request for a variance to eliminate the required screening fence adjacent to the residential zoning district on property zoned "E" Light Industrial District.

After discussion the Council decided not to make a recommendation. The Council noted that the property was not near a residential neighborhood and did not involve an area to be developed for housing.

Stan Scott
Stan Scott
CPO Administrative Aide

SS:rs

Noted:

Sarah Gilbert/gaw
Sarah Gilbert
Assistant CP Coordinator

RECEIVED

AUG 21 1980

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BEA 36-80

APPLICANT: J. K. Gosling, P. O. Box 997, Wichita, Kansas.

AGENT: Willard B. Thompson, P. O. Box 997, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to eliminate the required screening fence adjacent to the residential zoning district.

GENERAL LOCATION: On the northwest corner of 29th Street South and All Hallows.

ZONING: Subject property is zoned "F" Light Industrial as are all adjoining properties except to the north which is zoned the "AA" One-family

LAND USE: Subject property is being developed industrial as is all adjacent property.

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 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).

Page 2
BZA 36-30
BZA AGENDA
8-26-80

COMMENTS BY THE SECRETARY:

The applicant is requesting that the screening fence required by the ordinance to be erected between an industrial development and a residential zoning district be eliminated. In this particular instance, the applicant's property is adjacent to the "AA" One-family zoning district to the north which has been approved for "E" Light Industrial zoning subject to the platting of the property.

It is the opinion of the Secretary that the intent of the screening provision of the ordinance is to provide a visual screen between institutional, commercial or industrial development and residential development. The property to the north is proposed to be developed industrially.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the entire area is suitable for industrial uses, and proposed to be developed as such.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the residentially zoned property is not platted for residential development.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the installation of the fence would not be required once the adjacent property is platted and developed.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the request is interiorly located between two private ownerships.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as it was not the intent of the ordinance to screen between an industrial use and property that will be developed as an industrial property.

RECOMMENDATION:

If the Board determines that the above five conditions can be found to exist it is recommended that the requested variance be granted.

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

August 6, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 36-80

An application has been filed by J. K. Gosling, P. O. Box 997, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to eliminate the required screening fence adjacent to the residential zoning district on property zoned the "E" Light Industrial District and legally described as follows:

The east 229.63 feet of Lot 4, Block 3, Kessler-Koch Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 29th Street South and All Hallows.

This application has been assigned case No. BZA 36-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 26, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

BZA CASE NO. 36-80

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

4 NOTICES SENT TO ADJOINING PROPERTY OWNERS

17 TOTAL NOTICES SENT 8-6-80

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. BZA 36-80
FILED 7-29-80

APPLICATION FOR VARIANCE

I. Name of Applicant J. K. Gosling
c/o Willard B. Thompson
Mailing Address P.O. Box 997, Wichita, KS Phone 267-7361
Name of Authorized Agent Willard B. Thompson
Mailing Address P. O. Box 997
Wichita, KS 67201 Phone 267-7361
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to eliminate the required
screening fence adjacent to the residential zoning district,
for property located at the northwest corner of 29th Street
South and All Hallows
and legally described as: the East 229.63 feet of Lot 4,
Block 3, Kessler-Koch Addition to Wichita, Sedgwick
County, Kansas

in the City of Wichita; and which is presently zoned "E"

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

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

J. K. GOSLING
Applicant By Willard B. Thompson
Willard B. Thompson
Authorized Agent Willard B. Thompson
Willard B. Thompson

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:30 (~~4:30~~ p.m.), July 29, 1980 together with appropriate fee of 150.00

Signed H. Lytle

JUSTIFICATION OF REQUESTED VARIANCE

The property immediately to the North of subject property is presently zoned "AA", although this Applicant understands that the owner of such property has requested its zoning classification to be changed to "E" zoning district and that such zoning classification was conditionally changed to "E" subject to such property being platted. It is this Applicant's further understanding that such property has not been platted.

This Applicant further states that the property immediately to the North of subject property is surrounded by property which is industrially zoned and used for industrial purposes and it is this Applicant's view that the probable and logical usage of the property to the North of subject property will be industrial usage.

Accordingly, it is alleged that each of the five enumerated conditions set forth in Section 2.12.590.B of the Code of the City of Wichita has been met.

OWNERSHIP LIST

Lot	Addition	Property Owner
lot 1	Western Control 3rd Addition	✓ Koch Industries Inc. 4111 East 37th St. No. 67220
lot 1 Block 1	Kessler-Koch Addition	<i>Dup.</i> Koch Industries Inc. 4111 East 37th St. No. 67220
lot 2 Block 1	Same	✓ The Law Co., Inc. 313 South Market 67202
lot 4 Block 2	Same	✓ Sarajan Partnership 209 East William, Suite 800 67202
lot 5 Block 2	Same	<i>Dup.</i> Koch Industries Inc. 4111 East 37th St. No. 67220
lot 4 exc. W 400 ft Block 3	Same	<i>Dup.</i> Jack Kenneth Gosling c/o Willard B. Thompson P. O. Box 997, 67201
west 400 ft lot 4 Block 3	Same	<i>Dup.</i> Koch Industries Inc. 4111 East 37th St. No. 67220
East 14 acres of the north half of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1-28-1W		✓ Earl Van Meter Long Jr. 1801 West 47th St. South 67217

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: Lot 4, Block 3,
Kessler-Koch Addition, except the west
400 feet thereof

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 30th day of July, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Hable

Vice President

Order No. 290070
wh

