

BZA 37-82 - Harold Perry - requests a variance to reduce the required front yard setback on Wichita Street from 20 feet to 0 feet and to reduce the required side yard setback on 8th Street from 5 feet to 0 feet both for off-street parking purposes only on property zoned

Posted 9/29/82

ACTION

9-28-82
DATE

APPROVED

BZA. 37-82

5448

200' Sec 11-38V
Checked 11-8-82 art
Shot 11-10
Recorded 11-17-82

PLANT LIST

code	quan	Plant Name	size	cont.
GT	5	GOLDEN RAIN TREE	13 1/2'	BB
MSA	3	Marshall Seedless Ash	13 1/2'	BB
CC	2	Cottonless Cottonwood	13 1/2'	BB
gvp	28	Golden Veiny Privet	5gal	cont.
sc	14	Spreading Osteaster	5gal	cont.
aj	34	Indorra Juniper	1gal	cont.
eci	24	Euonymus Coloratus	1gal	cont.
cp	38	Euonymus Pavli	5gal	cont.
lp	53	Lodense Privet	1gal	cont.
cs	14	Euonymus Suroxie	5gal	cont.
cc	140	Euonymus coloratus	2 1/4" pot	cont.
ege	4	Euonymus; Emerald Beauty	5gal	cont.
sjh	4	San Jose Holly	5gal	cont.
cm	12	Euonymus, Manhattan	5gal	cont.
pj	143	Procumbens Juniper	1gal	cont.

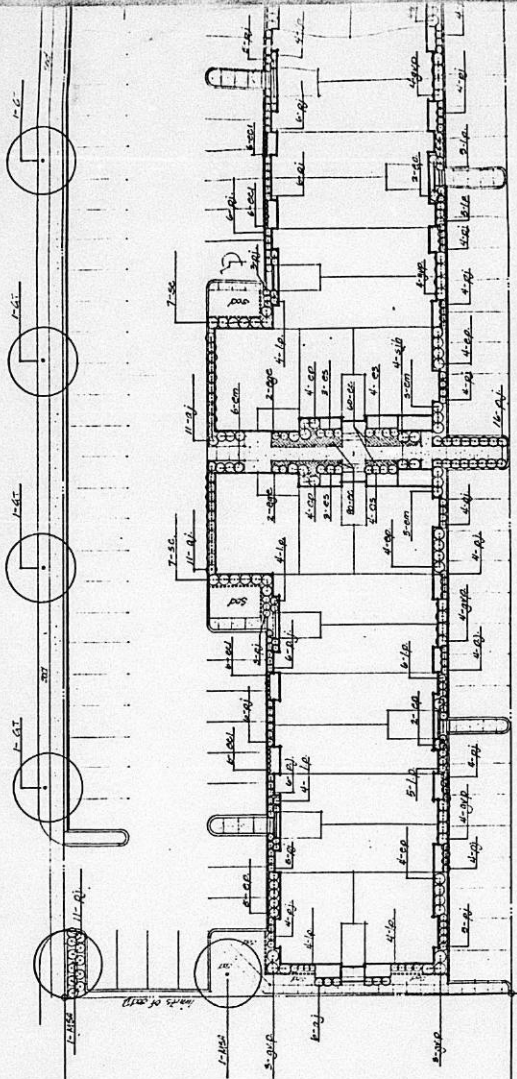
400 sq. yds of sod (w) sidewalk in along
Wichita St.

120 - 3 cu. ft. bags of bark mulch

150 - linear feet of mowing strip poly-
vinyl - denoted by

2 1/4" pot Euonymus to be planted 1' o.c.
triangular spacing. All other plants to
be spaced as shown.

WICHITA ST.



THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

April 30, 1984

Mr. Hal Perry
335 North Waco
Wichita, Kansas 67202

Re: BZA 37-82

Dear Mr. Perry:

At the request of your architects, Jeff Krehbiel Associates, to amend the requirement of street trees along Wichita Street, the following adjustment to Resolution BZA 37-82 is made. This adjustment is being made due to the inadequate space for landscaping of the public right-of-way between the sidewalk and the curb. At the time the case was submitted, it appeared that adequate space for some type of trees could be provided that would not interfere with pedestrian or vehicle traffic. Due to what was an apparent error in the previous sidewalk location, this space has been reduced 3 feet±.

Due to these conditions, it is impossible to provide trees in the limited amount of space that can comply with condition number 5 of the resolution in the area adjacent to Wichita Street. It is, therefore, the Secretary's decision that no landscape trees be required adjacent to Wichita Street.

Sincerely,

Glen E. Lytle
Assistant Secretary
Board of Zoning Appeals

GEL:jps

cc: Jeff Krehbiel Associates, 1300 East Waterman,
Wichita, Kansas 67211
Robert Feldner, Superintendent of Central Inspection
Don Gisick, City Clerk



JEFF KREHBIEL
ASSOCIATES, aia
architecture · planning

RECEIVED

APR 27 1984

METROPOLITAN PLANNING

ROUTE _____

April 26, 1984

Mr. Jack H. Galbraith
Planning Department
City of Wichita
455 North Main, Tenth Floor
Wichita, KS 67201

RE: Midtown Place Apts.
BZA #37-82

Dear Jack,

Per our telephone conversation yesterday concerning the installation of sidewalk and landscaping along Wichita Street, we are requesting release from installing required landscape trees along the east property line of subject property. Per BZA 37-82, adopted September 28, 1982, the applicant was required to provide street trees along Wichita Street. There is insufficient landscaping area between the sidewalk and the curb along Wichita Street to install landscaping and installation of trees would interfere with pedestrian or vehicular traffic.

We are requesting that you waive the requirement to provide landscape trees along Wichita Street. If you are in agreement, please forward a letter to the applicant, Mr. Harold Perry, and a copy to me granting said waiver.

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

Sincerely,

JEFF KREHBIEL ASSOCIATES, AIA


Donald E. Rosemann, AIA

DR/mj

cc: Hal Perry

1300 east lewis

wichita, kansas 67211

(316) 267-8233

October 22, 1982

Mr. Donald E. Rosemann
Jeff Krehbiel Associates
1021-1 East Waterman
Wichita, Ks. 67211

Re: BZA 37-82

Dear Mr. Rosemann:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 28, 1982.

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 questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:rad
Enclosure

cc: Harold Perry, 335 North Waco, Wichita 67202
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. EZA 37-82

WHEREAS, Harold Perry, 355 North Waco, Wichita, Kansas, requests variances as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 20 feet to 0 feet and to reduce the side yard setback from 5 feet to 0 feet both for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Odd Lots 129 through 151 inclusive, on Wichita Street, in Munger's Original Town on Wichita, Sedgwick County, Kansas. Generally located on the west side of Wichita Street in an area between 8th and 9th Streets.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of September 28, 1982, 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 variances arise from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the property is located adjacent to a street containing the main line of the Missouri-Pacific Railroad and is across the street from "E" Light Industrial property. The street is also wider than is usually found adjacent to residential property and is adjacent to industrial property in all directions that requires no setbacks; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variances will not adversely affect the rights of adjacent property owners or residents inasmuch as the property will be provided with a screening wall adjacent to Wichita Street and the adjacent property to the north is industrial and does not require any setback from Wichita Street; 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 applicant would be unable to provide the off-street parking as required by the urban renewal plan; and

WHEREAS, the Board of Zoning Appeals has found that the variances desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the use of the required setbacks for off-street parking purposes will not interfere with any public right-of-way or easements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variances desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the use of the yards adjacent to the streets when located across the streets from industrial zoning does not need to provide the protection that is normally required in a residential area; 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.

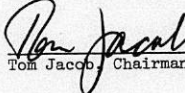
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for variances to reduce the front yard setback from 20 feet to 0 feet and to reduce the side yard setback from 5 feet to 0 feet both for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District and legally described as:

Odd Lots 129 through 151 inclusive, on Wichita Street, in Munger's Original Town on Wichita, Sedgwick County, Kansas. Generally located on the west side of Wichita Street in an area between 8th and 9th Streets.

be approved subject to the following conditions:

1. The applicant shall provide and maintain a six foot screening wall along the east property line except that any such walls on the property shall not extend closer to a driveway approach than 18 feet.
2. All parking spaces shall be in conformance to the off-street parking standards as established by the Traffic Engineer.
3. The applicant shall obtain a valid petition for the paving of the alley.
4. The applicant shall submit a landscape plan, of the public right-of-way, along Wichita and 8th Streets to the Secretary for approval prior to the release of the Resolution. This plan shall include street trees of sufficient size to not interfere with pedestrian or vehicular traffic.
5. The applicant shall agree to the installation of no parking signs along the west side of Wichita Street and the installation of one-way traffic signs on the divided Wichita Street.

ADOPTED AT WICHITA, KANSAS, this 28th day of September, 1982.


Tom Jacob, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary



October 13, 1982

Glen E. Lytle
Assistant Secretary
Board of Zoning Appeals
City Hall Tenth Floor
455 N. Main Street
Wichita, KS 67202

RECEIVED

OCT 14 1982

METROPOLITAN PLANNING
ROUTE Lytle

RE: BZA 37-82

Dear Glen,

I have reviewed your comments noted in your letter of October 6, 1982 and have the following comments.

1. I would like to review the height and location of the screen wall along Wichita Street with you at your convenience. I called your office yesterday and they informed me that you were on vacation.
2. We had our landscape architect contact the Park Department to review substitution of planting materials for along Wichita Street. The Park Department and the landscape architect recommended the use of golden rain trees. I have revised our landscape plan and submit the revised plan for your approval. Revised plan is enclosed with this letter.

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

Sincerely,

JEFF KREHBIEL ASSOCIATES, AIA

Donald E. Rosemann, AIA

Enclosure

cc: Hal Perry
Corr.
File

1021-1 east waterman wichita, kansas 67211 (316) 267-8233

October 6, 1982

Mr. Donald E. Rosemann
Jeff Krehbiel Associates
1021-1 East Waterman
Wichita, Kansas 67211

Re: BZA 37-82

Dear Mr. Rosemann:

I have reviewed the site plan SA-1 for the project at 8th and Wichita Streets on which variances of the setbacks were granted by the Board of Zoning Appeals on September 28, 1982. In response to the 5 items in your letter of September 30, 1982 I have the following comments.

1. It would appear that some adjustment in the distance of the 6 foot wall from the driveway approach adjacent to Wichita Street should be made to comply with the 18 foot requirement of the resolution.
2. The parking layout would be subject to Central Inspection approval in accordance with the off-street parking standards.
3. Engineering has verified the petition for the paving of the alley and indicated they are ready to proceed with the project.
4. It would appear that the area between the curb and the sidewalk is extremely narrow, and the use of honey locust trees that close to the curb would not be appropriate and would interfere with traffic along the street. The removal of the sidewalk would need to be cleared with the Engineering Department and Central Inspection. Our position is that the sidewalk should not be removed and you should select a plant material that can establish itself in the limited space. This should be done prior to the approval of

Page Two
Mr. Donald E. Rosemann
October 6, 1982

the Landscape Plan. Once this is accomplished, please submit two final plans for the Secretary's approval.

5. The installation of one-way and no parking signs will be handled by the Traffic Engineer.

Please revise your plan in accordance to items number 1 and 4. If you feel that the 18 feet distance cannot be complied with, it will be necessary to place the item on the agenda for reconsideration by the Board of Zoning Appeals. If you have any questions, please give me a call.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:el

cc: Bill McKinley, Traffic Engineer
Jim Jorgensen, Chief Plans Examiner
Hal Perry, 355 N. Waco, Wichita 67202



**JEFF KREHBIEL
ASSOCIATES, aia**
architecture - planning

September 30, 1982

Mr. Jack Galbraith
Secretary, Board of Zoning Appeals
Department of Planning
455 North Main
Wichita, KS 67202

RE: Midtown Place Phase II
Case Number BZA 37-82

Dear Jack,

The Board of Zoning & Appeals at its meeting of Tuesday, September 28, 1982, approved the request to reduce the required front and side yard setbacks. The request was approved subject to the five conditions listed in the recommendation by the Secretary. I would like to address each of the conditions in the following paragraphs.

1. We have provided a six foot high wall along Wichita Street and reduced the screen fence adjacent to the north entrance to three feet. The screen fence along 8th street will be three foot in height. Attached with this letter is a print of sheet SA-1 indicating the screen fence location, heights and design. It is our request to permit the construction of the screen fence as designed such that it may extend closer to the driveway approach than 18 feet.
2. Parking spaces have been designed to conform with City Traffic engineer standards.
3. The improvements to the alley have been completed by City Engineering under project number 472-76-245-80616-000-001. The owner has informed Jeff Krehbiel Associates that a petition for completion of work was signed two years ago.

1021-1 east waterman wichita, kansas 67211 (316) 267-8233

RECEIVED

OCT 4 1982

METROPOLITAN PLANNING

ROUTE

4 Enclosed with this letter is a print of the landscape plan for your approval. It has been recommended by Mr. Bill Yung that the required sidewalks along Wichita Street be omitted from the project to permit a larger area for the growth of required trees. Currently the planting area will only be approximately three to four feet wide.

5. The owner has no objection to the City installation of no parking and one way street signs along Wichita Street.

Your response and approval to the changes outlined in our letter would be greatly appreciated. If I can answer any questions, do not hesitate to contact me.

Sincerely,

JEFF KREHBIEL ASSOCIATES, AIA



Donald E. Rosemann, AIA

Enclosure

cc: Hal Perry
Jim Jorgensen
Bill McKinley

September 29, 1982

Harold Perry
335 North Vase, Suite 216
Wichita, Ks. 67202

Re: Case No. ZEA 37-82
Request for Variance

Dear Mr. Perry:

At the regular meeting of the Board of Zoning Appeals on September 28, 1982, your request for a variance was considered.

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

1. The applicant shall provide and maintain a six foot screening wall along the east property line except that any such walls on the property shall not extend closer to a driveway approach than 18 feet.
2. All parking spaces shall be in conformance to the off-street parking standards as established by the Traffic Engineer.
3. The applicant shall obtain a valid petition for the paving of the alley.
4. The applicant shall submit a landscape plan, of the public right-of-way, along Wichita and 8th Streets to the Secretary for approval prior to the release of the Resolution. This plan shall include street trees of sufficient size to not interfere with pedestrian or vehicular traffic.
5. The applicant shall agree to the installation of no parking signs along the west side of Wichita Street and the installation one-way traffic sign on the divided Wichita Street.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy upon submission of a landscape plan as set forth in condition number 4 and approval by the Secretary.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad
cc: Jeff Krehbiel, Associates, 1221-1 East Waterman, Wichita, Ks.
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE September 21, 1982



TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT BZA 37-82: West side of Wichita
Street, between 8th and 9th Streets

CPO Council "L" was unable to make a recommendation on the captioned request for a variance due to the lack of a quorum at their Monday, September 20th meeting.

The applicant, Harold Perry, appeared before the Council with his architect to describe the requested variance and planned apartment development. No area residents or property owners were in attendance.

Stan Scott
Administrative Aide III

RECEIVED

SEP 21 1982

METROPOLITAN PLANNING

ROUTE Lytle

SECRETARY'S REPORT
CASE NO. 37-82

APPLICANT: Harold Perry, 335 North Waco, Wichita, Kansas.

AGENT: Jeff Krehbiel, Associates, 1221-1 East Waterman, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback adjacent to Wichita Street from 20 feet to 0 feet, and to reduce the side yard setback adjacent to 8th Street from 5 feet to 0 feet, both for off-street parking purposes only.

GENERAL LOCATION: On the northwest corner of 8th Street and Wichita Street.

ZONING: Subject property is zoned the "B" Multiple-family Dwelling District. Property to the west is "C" Commercial and "B" Multiple-family. Property to the south and east is "E" Light Industrial and to the North "B" Multiple-family.

LAND USE: Subject property is vacant except for a former warehouse. To the south and north is vacant property. To the east across the railroad tracks are older one-family dwellings. To the west are apartments owned by the applicant.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required front yard setback adjacent to Wichita Street and the side yard setback adjacent to 8th Street. The setbacks are requested to be varied from 20 feet to 0 feet adjacent to Wichita Street and from 5 feet to 0 feet adjacent to 8th Street in order to provide surfaced parking to the property lines.

It should be noted that the property is located adjacent to Wichita Street that contains the main line of the Missouri-Pacific Railroad tracks. Across Wichita Street are older homes located in the "E" Light Industrial District. The applicant is proposing to provide a screening wall adjacent to Wichita street to provide not only a visual screen, but also to provide a sound barrier from the railroad noise.

Wichita Street is paved, but is not sufficient in width to accommodate parking and the increased traffic that will be introduced by the construction of the apartments. The street should also be designated as one-way on each side of the tracks and should not include parking in order to allow adequate turning movement from the driveway. Also in order to provide sight distance for vehicular traffic from the parking area the screening should be eliminated or reduced to 3 feet or less adjacent to the driveway approaches on Wichita and 8th Streets.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is located adjacent to a street containing the main line of the Missouri-Pacific Railroad and is across the street from "E" Light Industrial property. The street is also wider than is usually found adjacent to residential property and is adjacent to industrial property.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variances requested will not adversely affect the rights of adjacent property owners inasmuch as the property will be provided with a screening wall adjacent to Wichita Street and the adjacent property to the north is industrial and does not require any setback from Wichita Street.

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 applicant will be unable to provide the off-street parking as required by the urban renewal plan.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variances would not adversely affect the public interest inasmuch as the use of the required setbacks for off-street parking purposes will not interfere with any public right-of-way or easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the use of the yards adjacent to the streets when located across the streets from industrial zoning does not need to provide the protection that is normally required in a residential area.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of the variances can be found to exist, then it is the recommendation of the Secretary that the variances be granted subject to the following conditions:

1. The applicant shall provide and maintain a six foot screening wall along the east property line except that any such walls on the property shall not extend closer to a driveway approach than 18 feet.
2. All parking spaces shall be in conformance to the off-street parking standards as established by the Traffic Engineer.
3. The applicant shall obtain a valid petition for the paving of the alley.
4. The applicant shall submit a landscape plan, of the public right-of-way, along Wichita and 8th Streets to the Secretary for approval prior to the release of the Resolution. This plan shall include street trees of sufficient size to not interfere with pedestrian or vehicular traffic.
5. The applicant shall agree to the installation of no parking signs along the west side of Wichita Street and the installation one-way traffic sign on the divided Wichita Street.

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

September 6, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 37-82

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Harold Perry, 335 North Waco, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required front yard setback on Wichita Street from 20 feet to 0 feet and to reduce the required side yard setback on 8th Street from 5 feet to 0 feet both for off-street parking purposes only on property zoned the "E" Multiple-family Dwelling District and legally described as follows:

Odd Lots 129 through 151 inclusive, on Wichita Street, in Munger's Original Town of Wichita, Sedgwick County, Kansas. Generally located on the west side of Wichita Street in an area between 8th and 9th Streets.

This application has been assigned Case No. BZA 37-82. It will be considered by the Board of Zoning Appeals on September 28, 1982 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BZA CASE NO. 37-82

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

14 NOTICES SENT TO ADJOINING PROPERTY OWNERS

27 TOTAL NOTICES SENT 9-8-82

Greg Wilhite
to Jeff Krebbel

send copy of application

37-82

Sent 8-31-82
Shirley

5448 C
N-E
S-E
E-E
W-B+C

BZA

BOARD OF ZONING APPEALS

CASE NO. BZA 37-82

CITY OF WICHITA, KANSAS

FILED 8-30-82

APPLICATION FOR VARIANCE

I. Name of Applicant Mr & Mrs. Harold Perry
Mailing Address 355 N. Waco, Wichita, KS 67202 Phone 267-5367
Name of Authorized Agent Jeff Krehbiel Associates
Mailing Address 1021-1 E. Waterman, Wichita, KS. 67211 Phone 267-8233
Relationship of applicant to property is that of Owner Under (Owner, Tenant, Lessee, Other) contract to Urban Renewal City of Wichita.

II. The variance requested is To reduce the required front yard setback on Wichita St. from 20 ft. to zero ft. and to reduce the required side yard setback on 8th St. from 5 ft. to zero ft. both for off-street parking purposes only.
for property located on the northwest corner of Wichita St. & Eighth St.

and legally described as: Lots 129 thru 151 Odd on Wichita Mungers Original Town to Wichita, Sedgwick Count, Kansas

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

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

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

Applicant [Signature]

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:35 (a.m./p.m.) August 30, 1982 together with appropriate fee of \$75.00

Signed B. Lynn Shierkey



September 7, 1982

Mr. Glen Lytle
Dept. Of Planning
City Of Wichita

RE: Board of Zoning Appeals
Case #BZA 37-82
Wichita & 8th St.

Dear Glen,

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

The variance requested arises from conditions unique to our property which are not ordinarily required in adjacent property due to current zoning. Our property is located in an area zoned predominately "E" Light Industrial which permits buildings and parking in front yard setbacks up to the property lines. Many adjacent buildings are located such that the buildings are constructed on the property line to the north, east and south of our property. The property is also located in an area served with an active railroad operating on Wichita street which necessitates effective screening of our buildings both visually and acoustically.

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

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

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

1021-1 east waterman wichita, kansas 67211 (316) 267-8233

Glen Lyt
September 7, 1982
Page 2-

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

The intent of the owner is to provide compatible multi-family housing with his project to the west of the property under consideration, to construct, as a part of this variance, a screen wall at the perimeter of the property. Said screen wall will more effectively screen the property to the north, south and east. The owners intent is to improve the architectural character of the area and provide a more viable project. By placing the screen wall and parking east of the building, more effective sound and visual isolation can take place from vehicular and railroad traffic along Wichita street.

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

Sincerely,

JEFF KREHBIEL ASSOCIATES, AIA


Donald E. Rosemann, AIA

CC Hal Perry

OWNERSHIP LIST

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
142 & the vacated north 15 ft. of 9th St. adj. on the south	Waco	Munger's Original Town	✓ T.E. McDonald, 1000 N. Waco, 67203
161 & the vacated north 15 ft. of 9th St. adj. on the south	Wichita	"	✓ George Lay Signs, Inc., 1016 N. Waco, 67203
104	Waco	"	✓ LaVerne N. Lambertz & Mary Jane Lambertz, 812 N. Waco, 67203
106 & 108	"	"	✓ D Harold Perry & Shirley Ann Perry, 6406 E. 11th St., 67206
110 & 112	"	"	"
North 15 ft. of 120 and all of 122	"	"	"
124, 126, & 128	"	"	"
130, 132 & 134	"	"	"
136, 138 & 140	"	"	✓ Thomas M. Vickers & Rhonda H. Vickers, 606 N. Brookfield, 67206
119	Wichita	"	✓ D LaVerne N. Lambertz & Jane Lambertz, 812 N. Waco, 67203
121, 123, 125 & 127	"	"	✓ City of Wichita, 455 N. Main, 67202
Odd lots 129 thru 141	"	"	✓ Urban Renewal Agency of the City of Wichita, 455 N. Main, 67202
Odd lots 143 thru 149	"	"	"
151	"	"	"

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
All of 153 & 155, and the West ½ of 157 & 159	Wichita	Munger's Original Town	Thomas M. Vickers & Rhonda H. Vickers, 606 N. Brookfield, 67206
East ½ of 157 & 159	"	"	Clara ^{returned} Walker, Address Unknown By 202 N. 11th St. 67203 2321 W. Crader St. 67217
120 & 122	"	"	Alan C. Whetzel & Roberta A. Whetzel, 13414 W. 23rd St. North, 67223
124	"	"	J.B. Alberta, Address Unknown
126 & 128	"	"	Church of God in Christ, 219 W. 8th St., 67203
130 & 132	"	"	LaVerne N. Lambertz & Mary Jane Lambertz, 812 N. Waco, 67203
134	"	"	Robert C. Osby & Cleodene Osby, 305 W. 8th, 67203
136	"	"	Harold Perry & Shirley Ann Perry, 6406 E. 11th St., 67206
138	"	"	L. Ray Berry (Deceased) & Rosealee Berry (Deceased)
140 & 142	"	"	Lawrence Adair, Jr., 924 N. Wichita, 67203
144	"	"	Harold Perry & Shirley Ann Perry, 6406 E. 11th St., 67206
146	"	"	"
148	"	"	Elizabeth Reed, Clarence Reed, & Joseph Reed, 2617 E. 8th St., 67214
150	"	"	LaVerne N. Lambertz, 812 N. Waco, 67203
152	"	"	Lena Fields, 934 N. Wichita, 67203
154	"	"	LaVerne N. Lambertz & Mary Jane Lambertz, 812 N. Waco, 67203

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<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
156	Wichita	Munger's Original Town	Lena Fields, 934 N. Wichita, 67203
158	"	"	✓ E.E. Vliet & Mary Ann Vliet, 310 N. Mission, 67206
160	"	"	D E.E. Vliet, 310 N. Mission, 67206
1	-	McClelland Sound Addition	D Harold Perry & Shirley Ann Perry, 6406 E. 11th St., 67206

We hereby certify the foregoing to be a true and correct list of the property owners within a 200 foot radius of

Odd Lots 129 through 151 inclusive, on Wichita Street, in Munger's Original Town of Wichita, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 27th day of August, 1982, at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Galle
Vice-President

Order No. 312118
GE

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

Roll # 2