

Case No. BZA 38-83 - The Independent School, Inc., 937 Bluffview, requests variances to (1) reduce the required side yard setback from 25' to 6'; (2) reduce the required front yard setback from 20' to 0' for off-street parking

*POSTED
7-11-83
SBB*

ACTION

BZA. ~~38-83~~ APPROVE Var #1 7-26-83
DATE

DEFER VAR #2

BZA ~~Nothing submitted~~ 8-23-83

*for Cds consideration
see file.*

2004 Sec 12-1-83

Checked 12-1

Slot 12-1

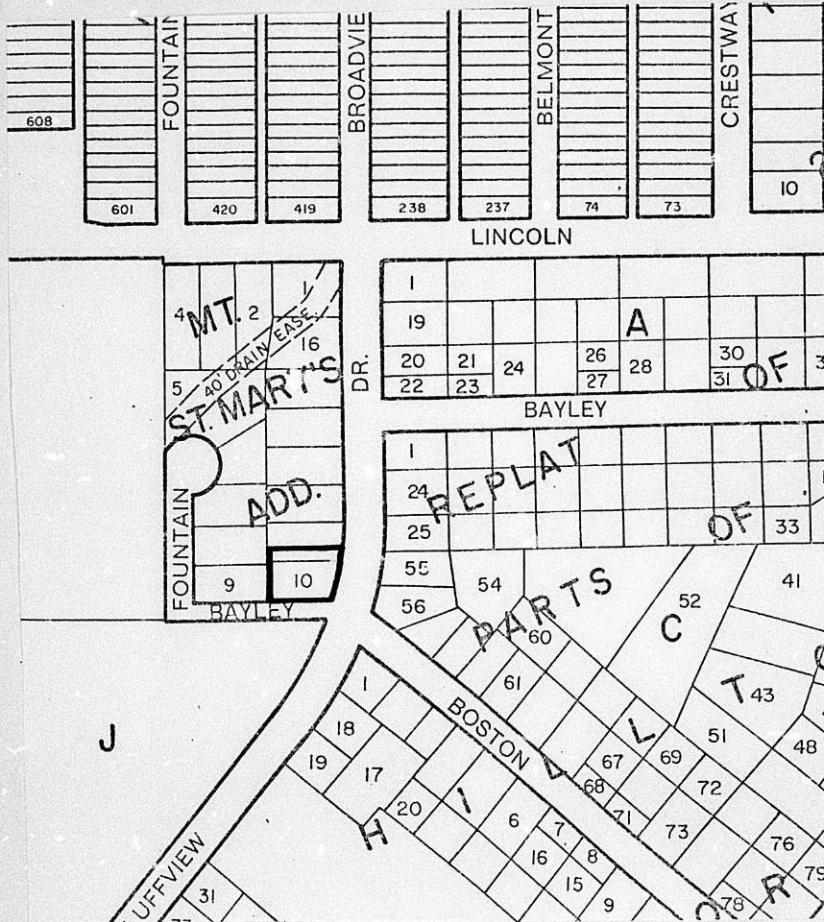
Record 12-6

Map No. 5746 B

BZA 38-83
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E B S B W B N B
3. Land Use: East H-F South Vac.
West I-F North I-F
4. Area (is) (is not) platted.



Standard
No. 2-153C
HASTINGS, MN
LOS ANGELES, CHICAGO, LOGAN, OH
McMORRIS, TX, LACRUFT, SHREVE, OR
USA

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

July 6, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 38-83

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by The Independent School, Inc., 937 Bluffview, Wichita, Kansas, requesting variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting variances to (1) reduce the required side yard setback from 25' to 6'; (2) reduce the required front yard setback from 20' to 0' for off-street parking purposes only, on property zoned the "B" Multiple-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 10, and the south 25' of Lot 11, Mt. St. Mary's Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Bluffview and Bayley (937 South Bluffview).

This application has been assigned Case BZA 38-83. It will be considered by the Board of Zoning Appeals on July 26, 1983 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variances, 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

I KEPT ORIGIN

RESOL. FOR

JACOB SIGNATURE

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fe
Di

Bluffview, Wichita,
2.12.590.B, Code of
setback from 25
family Dwelling

Lot 10, and the south 25' of Lot 11, Mt. St. Mary's
Addition to Wichita, Sedgwick County, Kansas. Generally
located on the northwest corner of Bluffview and Bayley
(937 South Bluffview).

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 July 26, 1983, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the structure was originally built as a nursing home in compliance with the side yard regulations and to convert the use to a school requiring a 25 foot side yard is impossible unless the adjacent property is acquired and the structure removed; 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 structure has been at this location and the conversion to an elementary school should not adversely affect the property to the north; 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 cannot comply with the side yard requirement unless additional property is obtained; 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 reduction of the side yard will not affect any easements nor will any additional construction be in the area adjacent to the side yard; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the facility has been in existence for a number of years and the change of use will not reduce the light and air to the adjacent property; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the side yard setback from 25 feet to 6 feet on property zoned the "B" Multiple-family Dwelling District and legally described as:

Lot 10, and the south 25' of Lot 11, Mt. St. Mary's
Addition to Wichita, Sedgwick County, Kansas. Generally
located on the northwest corner of Bluffview and Bayley
(937 Bluffview).

RESOLUTION NO. BZA 38-83

WHEREAS, The Independent School, Inc., 937 Bluffview, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 25 feet to 6 feet on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lot 10, and the south 25' of Lot 11, Mt. St. Mary's Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Bluffview and Bayley (937 South Bluffview).

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 July 26, 1983, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the structure was originally built as a nursing home in compliance with the side yard regulations and to convert the use to a school requiring a 25 foot side yard is impossible unless the adjacent property is acquired and the structure removed; 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 structure has been at this location and the conversion to an elementary school should not adversely affect the property to the north; 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 cannot comply with the side yard requirement unless additional property is obtained; 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 reduction of the side yard will not affect any easements nor will any additional construction be in the area adjacent to the side yard; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the facility has been in existence for a number of years and the change of use will not reduce the light and air to the adjacent property; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the side yard setback from 25 feet to 6 feet on property zoned the "B" Multiple-family Dwelling District and legally described as:

Lot 10, and the south 25' of Lot 11, Mt. St. Mary's Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Bluffview and Bayley (937 Bluffview).

be approved subject to the following condition:

1. The reduction of the side yard shall apply only to the existing building and should the building be removed, the variance will become null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of July, 1983.


Tom Jacob, Chairman

ATTEST:


Glenn E. Lytle, Assistant Secretary

November 29, 1983

Lawrence E. Wells, Architect
254 Laura, Suite 205
Wichita, Ks. 67211

Re: BZA 38-83 - Request for Variances
Independent School - 937 Bluffview

Dear Mr. Wells:

Attached hereto is a copy of the resolution setting forth the action of the Board of Zoning Appeals on July 26, 1983 to approve the variance to reduce the side yard from 25 feet to 6 feet.

Since you have not submitted any information concerning the required off-street parking spaces for the school, the additional variance request to vary the front yard setback from 20 feet to 0 feet must be refiled if your client desires to use any of the required front yard for such a use.

As we have discussed with you, the required number of off-street parking spaces for an elementary school is one space for each teacher and employee which would be 10 to 12 spaces. Until these spaces have been provided, your client is in violation of the requirements of the zoning ordinance.

If you have any question on this matter, please give me a call.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Independent School, Inc., 937 Bluffview, Wichita 67218
Robert Feldner, Superintendent of Central Inspection
Don Gisick, City Clerk

RESOLUTION NO. BZA 38-83

WHEREAS, The Independent School, Inc., 937 Bluffview, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 25 feet to 6 feet on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lot 10, and the south 25' of Lot 11, Mt. St. Mary's Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Bluffview and Bayley (937 South Bluffview).

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 July 26, 1983, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the structure was originally built as a nursing home in compliance with the side yard regulations and to convert the use to a school requiring a 25 foot side yard is impossible unless the adjacent property is acquired and the structure removed; 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 structure has been at this location and the conversion to an elementary school should not adversely affect the property to the north; 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 cannot comply with the side yard requirement unless additional property is obtained; 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 reduction of the side yard will not affect any easements nor will any additional construction be in the area adjacent to the side yard; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the facility has been in existence for a number of years and the change of use will not reduce the light and air to the adjacent property; and

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

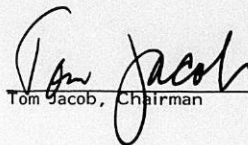
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the side yard setback from 25 feet to 6 feet on property zoned the "B" Multiple-family Dwelling District and legally described as:

Lot 10, and the south 25' of Lot 11, Mt. St. Mary's Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Bluffview and Bayley (937 Bluffview).

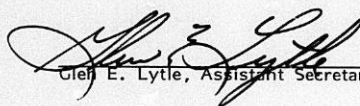
be approved subject to the following condition:

1. The reduction of the side yard shall apply only to the existing building and should the building be removed, the variance will become null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of July, 1983.


Tom Jacob, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

July 28, 1983

Mr. Lawrence E. Wells, Architect
254 Laura, Suite 205
Wichita, Ks. 67211

Re: Case No. BZA 38-83
Request for Variances
Independent School - 937 Bluffview

Dear Mr. Wells:

At the regular meeting of the Board of Zoning Appeals on July 26, 1983, it was the action of the Board to approve the variance to reduce the required side yard from 25' to 6'. However, the request to vary the front yard setback from 20' to 6' for off-street parking purposes was deferred until such time as the off-street parking for the facility can be provided. This deferral shall not exceed 90 days or a new application must be filed.

As you noted at the meeting, the Board did not take any action that would allow the issuance of any permits to expand the facility, and it will be necessary to resolve the off-street parking problem prior to the issuance of any permits.

If you have any questions, please don't hesitate to call me.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Independent School, Inc., 937 Bluffview, Wichita 67218
Robert Feldner, Superintendent of Central Inspection
Don Gisick, City Clerk

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE July 20, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Dean Kruthof, Administrative Aide III

SUBJECT BZA 38-83, 937 South Bluffview

At its July 18th meeting, CPO Neighborhood Council Area "F" considered the captioned request for variances to (1) reduce the required side yard setback from 25' to 6'; and (2) reduce the required front yard setback from 20' to 0' for off-street parking purposes only, on property zoned "B" Multiple Family Dwelling District. Karen Norton, 8309 Castle Drive, was present representing the applicant. No area residents attended the meeting concerning the case.

The Council voted unanimously, 8-0, to recommend approval of the variances subject to the conditions recommended in the BZA Secretary's report.

Please provide the Board of Zoning Appeals with the Council's recommendation when the case is considered on July 26th.


Dean Kruthof
Administrative Aide III

DK:fr

LAWRENCE E. WELLS

Architect

224 LAURA - SUITE 205
WICHITA, KANSAS 67211
PHONE (316) 262-3649

25 July 1983

Mr. Tom Allen, Director
Board of Park Commissioners
City Building, 11th Floor
455 N. Main
Wichita, Ks. 67202

Re: Block J
Hilltop Manor Sub-division

Dear Mr. Allen:

Attached to this letter are two copies of a proposal to add parking spaces for daytime use of the Independent School, 937 Bluffview Drive. It includes the Basic Proposal and an Alternate suggested by the City of Wichita Engineering Department. My client's preference is the Basic Proposal which I understood to be yours also, as we visited about the matter last week.

The Independent School proposes to install this parking space at no cost to the Park Department or the City of Wichita. The parking spaces would be available for use by the public at times other than school hours, which is the main time they are needed by the public.

This Proposal is made to assist the Independent School in providing parking spaces to comply with current City Standards. Approval of the building for use as a private school was given by Central Inspection four years ago. A small addition is planned for the school and a request is made by Central Inspection and the Planning Department to bring the car parking requirements up to code. There just is not sufficient space on the School's property to do this.

Other variances have been requested and are in process. A copy of the Planning Department's Secretary's Report is attached for your information.

If additional information or additional copies of the plan are needed, please let me know.

Sincerely,

Lawrence E. Wells

Lawrence E. Wells, Architect

LEW:iw

Attachments - Parking Study & Planning Dept. Report

CC: Glen Lytle, Planning Department w/copies of Parking Study
The Independent School

SECRETARY'S REPORT
CASE NO. BZA 38-83

APPLICANT: The Independent School, Inc., 937 Bluffview, Wichita, Kansas.

AGENT: Lawrence Wells, 254 Laura, Suite 205, Wichita, Kansas.

REQUEST: Variances pursuant to Section 2.12.590.B, Code of the City of Wichita, to (1) reduce the side yard setback from 25' to 6'; and (2) reduce the front yard setback from 20' to 0' for off-street parking purposes only.

GENERAL LOCATION: On the northwest corner of Bluffview and Bayley (937 South Bluffview).

ZONING: Subject property and all adjacent properties are zoned the "B" Multiple-family Dwelling District.

LAND USE: Subject property is a private school. To the north and west are one-family dwellings. To the east are two-family dwellings and to the north is vacant 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 conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting two separate variances in order to expand an existing structure and increase the number of classrooms for a private elementary school. The building was originally constructed as a nursing home and therefore required less parking and did not require a 25-foot side yard. Approximately 4 years ago the property was converted to a residential facility for the handicapped. In September 1980, a permit was issued to convert the building to an elementary school, which, in accordance with the records of Central Inspection was issued in error as far as compliance with the side yard requirement.

The site plan submitted with the application indicates eight classrooms, a multipurpose room, a kitchen, a library and an office on the first floor. Central Inspection also, by on-site inspection, advises that a small apartment and a classroom is in the basement of the structure. It is required that an elementary school provide at least one off-street parking space for each teacher and employee. In this case, it would appear that at least 11 or 12 parking spaces would be required to comply with the minimum requirements. The applicant shows only 4 parking spaces that are in compliance with the City of Wichita standards for off-street parking.

In viewing the site, it is apparent that a drive thru is nearly essential for the convenience of the public in the use of the facility. Bayley Street is narrow, and it is necessary to go one block west and north to the cul-de-sac to turn around unless a driveway is provided on the property for turning movements.

It is the Secretary's opinion that the property is overdeveloped at the present time, and to grant additional variances to allow expansion would be detrimental to the neighborhood, particularly if the parking situation is not alleviated. At the present time, cars line the streets in the area due to the lack of off-street parking being provided at the present time.

In response to the requested variance to reduce the side yard setback from 25' to 6' the following is submitted for the Board's consideration.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the structure was originally built as a nursing home in compliance with the side yard regulations and to convert the use to a school requiring a 25' side yard is impossible unless the adjacent property is acquired and the structure removed.

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 structure has been at this location and the conversion to an elementary school should not adversely affect the property to the north.

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 cannot comply with the side yard requirement unless additional property is obtained to the north at a considerable expense.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the required side yard will not affect any easements as no additional structure will be constructed in the area adjacent to the side yard.

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 the facility has been in existence for a number of years and the change of use will not reduce the light and air to the adjacent property.

RECOMMENDATION:

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

1. The reduction of the side yard shall apply only to the existing building and should the building be removed, the variance will become null and void.

In response to the requested variance to reduce the front yard setback from 20' to 0' for off-street parking purposes only, the following is submitted for the Board's consideration.

UNIQUENESS:

It is the opinion of the Secretary that this property is not unique, but the request is made to further develop an already crowded site that cannot comply with the requirements of the zoning regulations.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will adversely affect the rights of adjacent property owners inasmuch as the present usage as a school is not in compliance with the off-street parking regulations and compounds the on-street congestion in the neighborhood and would be further compounded unless the applicant provides additional parking for the use.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance does not constitute an unnecessary hardship upon the applicant inasmuch as the granting of the variance will not alleviate the need for additional parking, but only permit the applicant to create parking spaces that are not in compliance with the standards of the city.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would adversely affect the public interest inasmuch as the applicant would be providing parking spaces in an area adjacent to a collector street that would require the vehicles to back into traffic to leave the parking spaces.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as it would be contrary to the intent of the regulations to create a traffic hazard in what is a residential neighborhood.

RECOMMENDATION:

It is the recommendation of the Secretary that the five conditions necessary to the granting of a variance cannot be found to exist and the application be denied. However, should the applicant find property to provide the required number of off-street parking spaces for the use in accordance with the zoning ordinance, and wishes to provide a circular driveway with off-street loading in the area as shown by the applicant's site plan, and the Board determines that the five conditions necessary to the granting of the variance can be found to exist, then it is recommended that the variance be granted subject to the following conditions:

1. The applicant shall submit a site plan in triplicate showing surfaced off-street parking in conformance with all provisions of the zoning ordinance for approval.
2. The parking and circulation drives on the application area shall be in conformance with the off-street parking standards as set forth by the Traffic Engineer.
3. The release of this resolution authorizing the variance shall be subject to the conditions above.

IMPORTANT MESSAGE

FOR Men
DATE 4-27-03 TIME 2:00 A. M.
P. M.

WHILE YOU WERE AWAY

Lawrence Will

OF 262
PHONE No. 3649

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE 8 Teachers
1 Pin
1 Say in apt.
main 10 or 11 parking
SIGNED [Signature]

BZA CASE NO. 38-83

2 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

19 NOTICES SENT TO ADJOINING PROPERTY OWNERS

31 TOTAL NOTICES SENT 7-6-83

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

July 6, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 38-83

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by The Independent School, Inc., 937 Bluffview, Wichita, Kansas, requesting variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting variances to (1) reduce the required side yard setback from 25' to 6'; (2) reduce the required front yard setback from 20' to 0' for off-street parking purposes only, on property zoned the "B" Multiple-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 10, and the south 25' of Lot 11, Mt. St. Mary's Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Bluffview and Bayley (937 South Bluffview).

This application has been assigned Case BZA 38-83. It will be considered by the Board of Zoning Appeals on July 26, 1983 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variances, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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

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

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 38-83

CITY OF WICHITA, KANSAS

FILED 6-27-83

APPLICATION FOR VARIANCE

I. Name of Applicant The Independent School, Inc.

Mailing Address 937 Bluffview Phone 686-0152

Name of Authorized Agent Lawrence E. Wells, Architect

Mailing Address 254 Laura, Suite 205 Phone 262-3649

Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variances requested ~~are~~ are (1) Waiving of 25' side yard requirement as outlined in Section 28.04.070, Sec. 2.3 of Zoning Ordinance (2) Allow parking in the front yard setback. Section 28.04.140 of Zoning Ordinance

see legal order

for property located on the southwest corner of Bluffview & Douglas
(937 Bluffview)

and legally described as: Lot 10 and S. 25' of Lot 11

Mt. St. Mary's Addition to City of Wichita, Sedgwick, Kansas

B Multi-
in the City of Wichita; and which is presently zoned Family.

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 The Independent School, Inc.

Authorized Agent Lawrence E. Wells
Lawrence E. Wells

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:30 ~~4:30~~ 4:30 p.m.), June 27, 1983.
Together with appropriate fee of 150.00
300.00

Signed [Signature]

ATTACHMENT TO APPLICATION FOR VARIANCE

THE INDEPENDENT SCHOOL

937 BLUFFVIEW

Approximately four years ago an application was made to Central Inspection Department to change occupancy of this structure from a Nursing Home to Private School. Inspections were made by Central Inspection and the Fire Department and permission was granted.

In early June 1983, preliminary discussions were held with Central Inspection to discuss the possible addition of an 815 sq.ft. addition to the building, a 200 sq.ft. existing porch included in this space and would be removed to make way for the addition. At that time Central Inspection expressed concern about the side yard requirement and parking. No apparent problems existed with building construction that were not resolved. A visit to the Planning Department indicated that variances need be requested. The variances requested are to update and put on record the situation that had prior approval and has been in existence for four years. This variance had not been brought to the attention of the Owner until now. The side yard is the same today as it was the. Parking in the front yard setback existed then, as now.

These variances, if not granted, would put the School in non-compliance with the Zoning Ordinance and force them to close after having been in operation for four years. The School would never have opened if these conditions or requirements had been made known to them.

Therefore, the Owner calls to attention:

- (1) That the variance requested is unique because of the fact of prior approval and operation for four years, a condition not created by the Owner or Applicant; and
- (2) The granting of the permit for variance will not adversely affect the right of the adjacent property owners or residents. The addition planned is on opposite sides of adjacent land. And, the School has been in operation compatibly with its neighbors and
- (3) The strict application of the Provision of Title 28 will constitute unnecessary hardship upon the property Owner, as the School Planning for the Fall Term is nearly completed; and
- (4) The variance desired will not adversely affect the Public Health, Safety, Morals, Order, Convenience, Prosperity, or General Welfare; and
- (5) The granting of the variance will not be in opposition to the General Spirit and Intent of Title 28, Zoning Ordinance,



Deliver to Metropolitan Planning

10th floor

Att: Glenn Lytle



In Re: Ownership
for Independent School, Inc.
% Lawrence E. Wells

Q25

SECURITY ABSTRACT AND TITLE CO., INC.

434 North Main • Wichita, Kansas 67202 • Telephone (316) 267-8371

SECURITY IS KNOWING

OWNERSHIP LIST

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 6	Mount St. Mary's Addition	✓ Oscar R. Eshleman Luella A. Eshleman 924 S. Fountain 67218
Lot 7 and the North 40 feet of Lot 8	"	✓ Michael Sauerwein Magdalene Sauerwein 928 S. Fountain 67218
South 30 feet of Lot 8 and all of Lot 9	"	✓ Charles E. Barenberg M. Marlene Barenberg 940 S. Fountain 67218
Lot 10 and Lot 11, except the North 43 feet	"	D The Independent School, Inc. 937 Bluffview 67218
The North 43 feet of Lot 11 and Lot 12 except the North 42 feet	"	✓ Carl E. Smith Anna Smith 933 Bluffview Drive 67218
The North 42 feet of Lot 12, and The South 13 feet of Lot 13	"	✓ Aaron R. Hastings Sharon A. Hastings 929 Bluffview Drive 67218
Lot 13 except the South 13 feet	"	✓ William N. Lies Patricia A. Lies 925 Bluffview Drive 67218
Lot 14	"	✓ George F. Payne Rogene J. Payne 921 Bluffview Drive 67218
Lot 1	Block C Hilltop Manor, A Replat of parts of Hilltop Manor and Hilltop Manor 2nd Addition	✓ Dirse H. Merriman, Jr. Helen M. Merriman 1239 Waverly 67218

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 23	C	Hilltop Manor a Replat of parts of Hilltop Manor and Hilltop Manor 2nd Addition	James A. Klee Catherine Klee 838 S. Chautauqua 67211
Lot 24	C	"	Marvin L. Small 2644 Wedgewood Drive 67204
Lot 25	C	"	Earl Dean Reid Rachel Louise Reid 1022 Bluffview Drive 67218
Lot 26	C	"	Mark M. Suellentrop Jalaine G. Suellentrop 632 Seville Ave. 67209
Lot 54	C	"	Harlin Mullins Velma Mullins Address Unknown
Lot 55	C	"	John C. Beach Elaine M. Beach 918 Bluffview Drive 67218
Lot 56	C	"	Louise M. Duckworth 4210 Boston 67218
Lot 57	C	"	Ann L. Gardner Michael R. Gardner 4214 Boston 67218
Lot 1	E	"	Ballas C. Lloyd (dec.) June LLOYD 4209 Boston Drive 67218
Lot 2	E	"	Edmond C. Fiedler Beverly Ann Fiedler 2309 George Washington Blvd. 67218
Lot 18	E	"	Sidney H. Bailey Hattie E. Bailey 4623 Boston Drive 67218

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
All of Reserve J except that part beginning at the NW corner of said Reserve thence North 89°51' East, 90 feet; thence South 01°21'10" West 390.18 feet; thence South 41°30'55" West 120.41 feet to a point on the west line of said Reserve; thence along the west line of said Reserve North 00°07' West 480 feet to the point of beginning and except the north 30 feet of the East 312.76 feet of said Reserve for street purposes.		Hilltop Manor a Replat of parts of Hilltop Manor and Hilltop Manor 2nd Addition	Board of Park Commissioners 455 North Main 67202

Tract Description

A tract in Lot 4, Duff's Subdivision in the Southeast Quarter of Section 26, Township 27 South, Range 1 East, Beginning at the intersection of the extended West line of Fountain Avenue as platted in the Fairfax Addition to the City of Wichita, and the South line of said Lot 4; thence West along said South line of Lot 4, 150 feet; thence North 102.18 feet, thence Northeasterly with a deflection of 43°32' approximately 217.38 feet to said extended West line of Fountain Avenue; thence South to the point of beginning.

Property Owner

Board of Park Commissioners, City of Wichita,
455 North Main
67202

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

Lot 10 and the South 25 feet of Lot 11
Mount St. Mary's Addition, Sedgwick
County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 29th day of June, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Dable
Vice-President

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 021

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT

NAME Lawrence W. Hays

ADDRESS 154 Lawrence St. #205

FUND _____ DUE DATE _____

COMMENTS _____

DATE 4/1/80 BY [Signature]

*

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

Roll # 2