

28-31-87

ACTION

B.Z.A. 38-87 approved 8/25/87
DATE

SA 18A

200' Dec 9-23-87

Slot 10-22-87

OK Record ✓

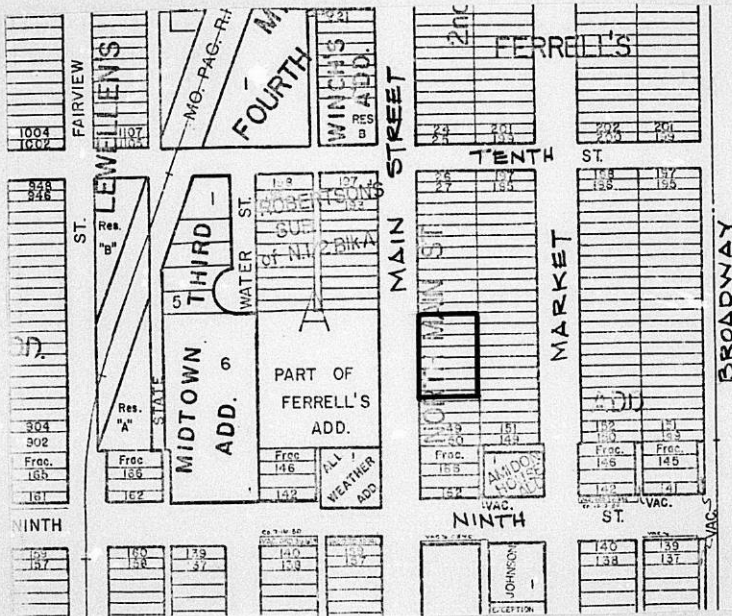
Case No. BZA 38-87 - Frazier Const. Co. requests a variance to increase the maximum lot coverage from 40% to not more than 44% on property zoned the "OC" Office Commercial District, generally located on the east side of Main Street

Map No. 5448A

BZA 38-87
Filed 7-31-87

AREA DATA:

1. Acres: _____ (192 ft. by 137 ft.)
2. Adjoining Zoning: E B S B W B N B
3. Land Use: East residences South office (medical)
West school North residences
4. Area (is) (is not) platted.



LOS ANGELES - CHICAGO - LOGAN, OH
MCGREGOR 7X LOCUST GROVE GA
USA

Signal
No. 2-153C

BZA 38-87

info from Dolores 8-3-87

27,138# land area

11,959# floor area

44% coverage

(My figures show land area
to be 26,304#

$25' \times 7 \text{ lots} + 17' = 192'$

$\times \frac{137' \text{ depth}}{26,304}$

46.5%

August 27, 1987

Frazier Construction Company
Harry J. Frazier, Jr.
Box 17164
Wichita, Kansas 67217

Re: BZA 38-87 - Variance of lot coverage at 1020 N. Main

Dear Mr. Frazier:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 25, 1987.

This Resolution reflects the official action of the Board to grant 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,

Louise Olivarez
Assistant Secretary

LO/lw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

RESOLUTION CASE NO. 38-87

WHEREAS, Frazier Construction Co., P. O. Box 17164, Wichita, Kansas 67217, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the maximum lot coverage from 40 percent to not more than 44 percent on property zoned the "OC" Office Commercial District and legally described as follows:

Lots 39 thru 45 and the north 17 feet of Lot 46 on Main Street, North Main Street 2nd Addition to Wichita, Kansas. Generally located on the east side of Main Street between Ninth and Tenth 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 August 25, 1987, 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 interior space enclosed by walls is less than 40 percent but the roof covering the entrance walk along the west side of the building brings the total lot coverage to more than 40 percent; 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 property will be screened along the north, east and south property lines, as specified by ordinance, and the required parking can still be provided on the remaining 56 percent of the site; 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 building would have to be redesigned which would change the entire appearance of the building and cause delays in the construction of the project; 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 additional 4 percent of lot coverage will not encroach any utility easements or street right-of-way; 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 one of the main reasons for the lot coverage limitations is to reserve adequate area for on-site parking but the required on-site parking can still be provided even with the 4 percent increase in lot coverage; 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.

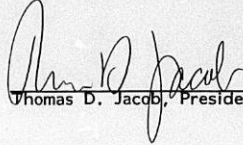
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the maximum lot coverage from 40 percent to not more than 44 percent on property zoned the "OC" Office Commercial District and legally described as follows:

Lots 39 thru 45 and the north 17 feet of Lot 46 on Main Street, North Main Street 2nd Addition to Wichita, Kansas. Generally located on the east side of Main Street between Ninth and Tenth Streets.

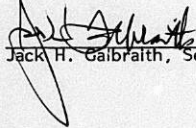
be approved subject to the following condition:

1. The proposed covered walkway shall remain and shall not be incorporated as useable area within the building.

ADOPTED AT WICHITA, KANSAS, this 25th day of August, 1987.


Thomas D. Jacob, President

ATTEST:


Jack H. Gaibraith, Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION DATE August 25, 1987

TO Louise Oliverez, Principle Planner

FROM Stanley J. Scott, CP Coordinator *Stan Scott*

SUBJECT BZA 38-87: East side of
Main Street between 9th and
10th Streets

On Tuesday, August 18, CPO North Central Neighborhood Council 1A considered the captioned case, a request for a zoning variance to increase the maximum lot coverage from 40% to not more than 44% on property zoned "OC" Office Commercial District. After discussion, a motion to recommend approval of the requested variance failed on a 3-3 moot vote. No further action was taken.

Harry Frazier, Jr., representing Frazier Construction Company, was present to describe the request and respond to questions. No area residents or property owners were present to address the request. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

Those members who voted against the motion to support the request did not site any of the five criteria required for the granting of a variance. Their primary concern is the construction of a non-residential structure on the property (even though zoned "OC" Office Commercial).

Please provide this information to the Board of Zoning Appeals when BZA 38-87 is considered.

SJS:dm

RECEIVED

AUG 25 1987

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT

CASE NUMBER: BZA 38-87

OWNER/APPLICANT/AGENT: Frazier Construction Company (applicant)
Harry J. Frazier, Jr. (agent)

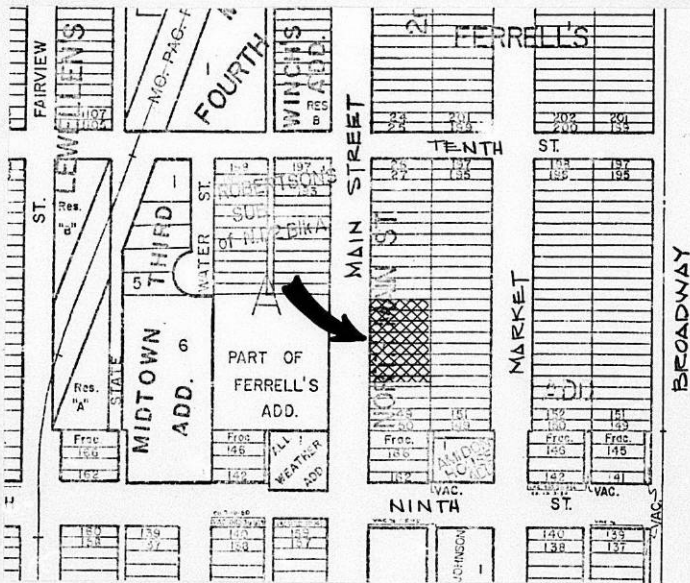
REQUEST: Variance to increase the maximum lot coverage from 40 percent to not more than 44 percent.

CURRENT ZONING: "OC" Office Commercial District

SITE SIZE: 192 feet by 137 feet

LOCATION: On the east side of Main Street between Ninth and Tenth Streets.

PROPOSED USE: Office building



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.

BZA 38-87 SR

BACKGROUND: The applicant is requesting a variance to increase the maximum lot coverage from 40 percent to not more than 44 percent on property zoned the "OC" Office Commercial District and located on the east side of Main Street between Ninth and Tenth Streets. Although the interior space within the proposed building is slightly less than 40 percent of the lot area, the area under roof has been calculated by Central Inspection to be 44 percent and it is this area which constitutes lot coverage. Adequate parking can be provided as required by City code.

ADJACENT ZONING AND LAND USE:

NORTH	B	One-family dwelling
SOUTH	B	Office building parking lot
EAST	B	Multi-family dwellings
WEST	B	School

UNIQUENESS: Although there appears to be nothing unique about the size or shape of the lot, the proposed development plans are unique inasmuch as the interior space enclosed by walls is less than 40 percent but the roof covering the entrance walk along the west side of the building brings the total lot coverage to more than 40 percent.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the property will be screened along the north, east and south property lines, as specified by ordinance, and the required parking can still be provided on the remaining 56 percent of the site.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the building would have to be redesigned which would change the entire appearance of the building and cause delays in the construction of the project.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the additional 4 percent of lot coverage will not encroach any utility easements or street right-of-way.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as one of the main reasons for the lot coverage limitations is to reserve adequate area for on-site parking but the required on-site parking can still be provided even with the 4 percent increase in lot coverage.

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 proposed covered walkway shall remain and shall not be incorporated as useable area within the building.

BZA CASE NO. 38-87

1 NOTICES SENT TO APPLICANT/AGENT
14 LEGAL ADVERTISEMENT SENT TO MAPC & BZA
1 NOTICES SENT TO CPO
13 NOTICES SENT TO ADJOINING PROPERTY OWNERS
15 TOTAL NOTICES SENT 8/3/87

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

August 3, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 38-87

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 Frazier Construction Company 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 increase the maximum lot coverage from 40 percent to not more than 44 percent on property zoned the "OC" Office Commercial District. A legal description of the applicant's property is as follows:

Lots 39 thru 45 and the north 17 feet of Lot 46 on Main Street, North Main Street 2nd Addition to Wichita, Kansas. Generally located on the east side of Main Street between Ninth and Tenth Streets.

This application has been assigned Case No. BZA 38-87. It will be considered by the Board of Zoning Appeals on August 25, 1987, 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 in or objections to 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.

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

NOTE: We have been advised by the Citizen Participation Organization staff that CPO North Central Neighborhood Council "1A" will consider this case at their meeting to be held on Tuesday, August 18, 1987, at 7 p.m. at the Evergreen Recreation Center, 2700 North Woodland. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



FRAZIER

CONSTRUCTION CO.

3707 W. 30TH ST. S. - P.O. BOX 17164 - WICHITA, KANSAS 67217 - PHONE 943-2306

August 3, 1987

Board of Zoning Appeals
City of Wichita
Wichita, Kansas

Chairman and Members of Board of Zoning Appeals:

I respectfully request a variance from the percentage limitation of building to property at the described location: 1022 North Main, Wichita, KS.

This variance arises from conforming to the perimeters of the instant property to develop an office building that would best utilize the property.

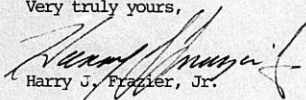
1. The main request for variance arises from the roof overhang constituting the percentage of building per total ground area. There is a walk on the west side of the building to cover those entering or exiting the building to and from their vehicles and we feel that this is standard construction for this particular project. Further be it noted that the roof overhang on the west side of the building does not project in a westerly direction any further than the offset shown on the northwest corner of the building.
2. The granting of this variance will not adversely affect the rights of adjacent property owners or residents due to the fact that there is an existing screening fence on the south property line and new screening fences will be added, if required by code, on the other two sides (north and east) of the property.
3. To redesign this project satisfying Title 28 completely will constitute a hardship on the property owner. The contractor is proceeding on conditional permits and to completely redo the building porch on the west and roof overhang on all other sides will not only cause delays in this project but will, in effect, change the entire appearance of this building. To comply with these changes at this time to satisfy Title 28 will, in effect, constitute a hardship on the owner.
4. Should this variance be accepted by the Board it will in no way adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of those in this area. It will in effect upgrade the entire area with a new facility.

Board of Zoning Appeals
Page 2
August 3, 1987

5. It is not our intent to be opposed to the spirit or intent of Title 28. It is only that we are within such a few feet of being in compliance with this article that we are making this request for a variance.

Thanking you in advance for your consideration in this matter, I remain

Very truly yours,


Harry J. Frazier, Jr.

APPLICATION FOR VARIANCE

I. Name of Applicant Frazier Construction Co.
Harry Frazier
Mailing Address Box 17164, Wichita, Kansas 67217 Phone 943-2306
Name of Authorized Agent Harry Frazier
Mailing Address Box 17164, Wichita, Kansas 67217 Phone 943-2306
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is The percentage limitation of building to
property.

for property located 1020 North Main, Wichita, Kansas, Lots 39,40,41,42,43
44,45, and the north 17 feet of Lot 46 on Main Street, North Main Street,
Second Addition to the City of Wichita, Kansas.
and legally described as:

in the City of Wichita; and which is presently zoned OC.

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

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- 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;
- 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.
- That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant [Signature]

Authorized Agent [Signature]

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
3:30 (a.m./p.m.), 7-31, 1987, together with appropriate
fee of 3.00.

Signed [Signature]

FRAZIER

CONSTRUCTION CO.

3707 W. 30TH ST. S. - P.O. BOX 17164 - WICHITA, KANSAS 67217 - PHONE 943-2306

July 30, 1987

Board of Zoning Appeals
City of Wichita, Kansas

Chairman and Members of Board of Zoning Appeals

I respectfully request a variance from the percentage limitation of building to property at the described location.

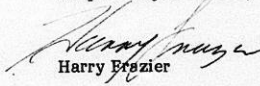
This variance arises from conforming to the perimeters of the instant property to develop a office building that would best utilize the property.

Adjacent property owners will not be adversely affected because of the various setbacks incorporated into the project. If the limitations are strictly applied the project will be severely compromised in appearance.

Granting the variance will not have any effect upon the public health, safety, morals, order, convenience, prosperity, or general welfare; and granting this desired variance will not oppose the general spirit and intent of Title 28 of the zoning ordinance.

Thanking you in advance for your consideration in this matter, I remain

Respectfully submitted,


Harry Frazier

OWNERSHIP LIST

North Main Street
2nd Addition

Lot	Street	Addition	Property Owner
Lot 31 Lot 32	Main	"	✓ Steven B. Goevert 15835 Sharon Lane Andover 67002
Lot 33 Lot 34	Main	"	✓ Samuel T. Luinstra Helen L. Luinstra as Co-Trustees of Samuel T. Luinstra and Helen L. Luinstra Trusts 1102 North Gow 67203
Lot 35 Lot 36	Main	"	✓ Norman E. Harris (dec.) Valerie A. Harris 1040 North Main 67203
Lot 37 Lot 38	Main	"	✓ Jose Lerma Frances Lerma 1238 North Main 67203
Lot 39 Lot 40 Lot 41 Lot 42 Lot 43 Lot 44 Lot 45 and the North 17 feet of Lot 46	Main	"	✓ Frazier Construction Co. 3707 West 30th South 67217
The South 8 feet of Lot 46, and all of Lot 47 Lot 48 Lot 49 Lot 50 Lot 51 Lot 52, and vacated ½ alley adjacent on the east of Lots 51 and 52	Main	"	✓ D. Erik Hedstrom Linda Lee Hedstrom 7811 Donegal 67206

application area

Lot	Street	Addition	Property Owner
		Hyde and Ferrell's Addition	
Lot 149 Lot 151	Market	"	✓ J. A. Hendrickson 1010 North Main 67203
Lot 153, and the South 14 feet of Lot 155		"	Same as above
The North 11 feet of Lot 155, and Lot 157 Lot 159 Lot 161 Lot 163	Market	"	✓ H-R-K Company 322 Laura 67211
Lot 165 Lot 167 Lot 169	Market	"	✓ J. A. Hendrickson 1010 North Main 57203
Lot 171 Lot 173 Lot 175	Market	"	✓ Farmers and Merchants State Bank of Derby 330 East Madison Derby 67037
Lot 177 Lot 179	Market	"	Alan A. Dyck Sharon K. Dyck Address unknown
Lot 181 Lot 183	Market	"	✓ Deral Thomas Kunce Shirley A. Kunce 1057 North Market 67214
Lot 185 Lot 187	Market	"	Same as above
		The Amidon House	
Lot 1		"	✓ The Amidon House partnership 1005 North Market 67214
A tract described as: beginning at the Northeast corner of Lot 145 on Chisholm Street, now Market Street in Mungers Origin 1 Town, now City of Wichita, thence West along the North boundary line of said Lot 145 to the Northwest corner of said Lot 145; thence North 10 feet; thence East parallel with the North boundary line of said Lot 145 to a point 10 feet North of the Northeast corner of said Lot 145; thence south 10 feet to the point of beginning, together with fractional lot adjacent now plated as a portion of The Amidon House.		"	Same as above

Lot	Street	Addition	Property Owner
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Mungers Original Town

Lot 166	Main	"	D. Erik Hedstrom Linda Lee Hedstrom 7811 Donegal 67206
Lot 164			
Lot 162			
and the North 16.95 feet of vacated 9th street adjacent on the south of Lot 162.			

All Weather Addition

Lot 1		"	All Weather Products Company Inc. 1011 North Main 67203
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Park School

Park Elementary School at 1025 North Main		"	Wichita Unified School Dist. #259 428 South Broadway 67202
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Robertson's Sub-Division

Lot 175	Main	"	Same as above
Lot 177	Main	"	Kimmel Investment and Development Corporation 1059 North Main 67203
Lot 179			
Lot 181	Main	"	Same as above
Lot 183			
Lot 185	Main	"	Same as above
Lot 187			

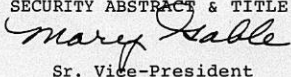
We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 200 foot radius of:

Lots 39, 40, 41, 42, 43, 44, 45, and the North 17 feet of Lot 46, on Main Street, North Main Street 2nd Addition to Wichita, Kansas, 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 30th day of July, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By


 Sr. Vice-President

Order No: 384139
ap

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
BCA Admin (1120 71 711)	\$ 311.00
NAME	Henry F. ...
ADDRESS	Box 17114
FUND	758-4071-1003
COMMENTS	7-21-87
DATE	7-31-87
BY	K.C.

*

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

Roll # 3