

BZA 42-67 - Lakeview Development Co.,
Inc. requests Variance to reduce re-
quired front yard setback on the north
side of 18th Street from Porter to
Lisa Lane

Porter
11-30-67

ACTION

DATE *11-28-67*
By *Bya* **COMMITTEE** *approved*

M.A.P.C. _____

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

1025

5249

POSTED
11-30-67

ACTION

By COMMITTEE *approved* ^{DATE} *11-28-67*

M.A.P.C. _____

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

BZA 42-67 - Lakeview Development Co.,
Inc. requests Variance to reduce re-
quired front yard setback on the north
side of 18th Street from Porter to
Lisa Lane

December 11, 1967

Mr. W. F. Binter
Box 4026 North Wichita Station
Wichita, Kansas 67214

Dear Mr. Binter;

Re: BZA 42-67 - Request for Variance.

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 28, 1967, in connection with your request for a variance to reduce the required front yard setback from 20 feet to 5 feet for off-street parking and an open carport, on property zoned "B" Multiple Family Dwelling, and generally located on the North side of 18th from Porter to Lisa Lane.

This Resolution reflects the official action of the Board and indicates the reasons for approval. It is forwarded to you for your information and files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:skb

cc: Lakeview Development Company, Inc.
Box 4026 North Wichita Station 67214

Glen Lytle, Superintendent, Central Inspection

Ralph Eberly, City Clerk

R E S O L U T I O N N O . B Z A 4 2 - 6 7

WHEREAS, Lakeview Development Company, Inc., Box 4026 North Wichita Station, Wichita, Kansas 67214, agent W. F. Binter, Box 4026 North Wichita Station, Wichita, Kansas 67214, pursuant to Section 2.12.590.2, Code of the City of Wichita, requests a variance of the required front yard setback from 20 feet to 5 feet for off-street parking and an open carport, on property zoned "B" Multiple Family Dwelling and legally described as follows:

Beginning at a point 90 feet west of the southeast corner of Lot 3, Block "A", Lakeview Estates Second and Replat of part of Lots 2 and 3, Lakeview Addition, Wichita, Kansas: thence west along the south line of lots 3 and 4 of said addition to the west line of lot 4; thence north 20 feet; thence east along a line that is parallel to the south line of lots 3 and 4 to a point 90 feet west of the east line of lot 3 thence south 20 feet to a point of beginning, all in the city of Wichita, Sedgwick County, Kansas. Generally located on the North side of 18th from Porter to Lisa Lane.

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 consider said application of November 28, 1967; and

WHEREAS, the Board of Zoning Appeals has jurisdiction to consider said request for variance under the provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, the property is zoned "B" Multiple Family; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question in that as the applicant owns considerable area both to the North and West which is being developed into well-designed commercial and multi-family development and further the property in question is also adjacent to a lake, and the development which takes place thereon should be oriented in a suitable manner, both to the water's edge and the adjacent streets, and furthermore, if the carport is constructed to within five feet of the property line it will help to screen off the cars from the residences to the South; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance as requested will not adversely affect the rights of adjacent property owners or residents inasmuch as the applicants are merely expanding an already established high-quality apartment complex and intend to maintain a 5 foot landscaped buffer between the parking and the property line itself; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28, of which variance is requested, will constitute unnecessary hardship inasmuch as the applicants are attempting to provide more off-street parking than required by ordinance, and further, the proposed apartments are adjacent to the lake and cannot

be constructed any further to the north without actually filling in a portion of the lake; and

WHEREAS the Board of Zoning Appeals has found that the granting of the variance will not adversely affect the public health safety, morals order convenience, prosperity, or general welfare; and

WHEREAS the Board of Zoning Appeals has found that the granting of the variance will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance); and

WHEREAS, each of the five conditions required by Section 2.12.590.2, Code of the City of Wichita, to be present before a variance can be found to exist;

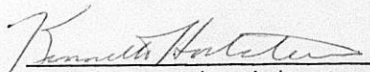
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the request for a variance of the front yard setback from the required 20 feet to 5 feet for the front yard setback on property zoned "B" Multiple Family and legally described as follows:

Beginning at a point 90 feet west of the southeast corner of Lot 3, Block "A", Lakeview Estates Second and Replat of part of Lots 2 and 3, Lakeview Addition, Wichita, Kansas; thence west along the south line of Lots 3 and 4 of said addition to the west line of lot 4; thence north 20 feet; thence east along a line that is parallel to the south line of lots 3 and 4 to a point 90 feet west of the east line of lot 3 thence south 20 feet to a point of beginning, all in the city of Wichita, Sedgwick County, Kansas. Generally located on the North side of 18th from Porter to Lisa Lane.

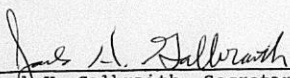
approved subject to the following:

1. The variance be approved for the purposes of off-street parking and for a carport which may extend to within 5 feet of the property line adjacent to the north line of 18th Street.
2. The applicant maintaining the 5 foot setback with the same type of fencing and plant materials as was used to the north in connection with the earlier segments of the complex.
3. The landscaping improvements as outlined above shall be installed prior to the occupancy of the setback area for off-street parking.

ADOPTED AT WICHITA, KANSAS, this 28th day of November, 1967.


Kenneth Hartstein, Chairman

ATTEST:


Jack H. Galbraith, Secretary

November 30, 1967

Mr. W. F. Binter
Box 4026 North Wichita Station
Wichita, Kansas 67214

Dear Mr. Binter;

Re: BZA 42-67 - Request
for Variance.

At the regular meeting of the Board of Zoning Appeals on November 28, 1967, your request for a variance to reduce the required front yard setback from 20 feet to 5 feet for off-street parking and an open carport, was considered.

It was the action of the Board to approve the variance as requested, subject to the following conditions:

1. The variance be approved for the purposes of off-street parking and for a carport which may extend to within 5 feet of the property line adjacent to the north line of 18th Street.
2. The applicant maintaining the 5 foot setback with the same type of fencing and plant materials as used to the north in connection with the earlier segments of the complex.
3. The landscaping improvements as outlined above shall be installed prior to the occupancy of the setback area for off-street parking.

A Resolution setting forth the official action of the Board is being prepared and a copy will be mailed to you as soon as the signatures of the

Page 2
Mr. W. F. Binter
November 30, 1967

Chairman and Secretary have been obtained.

If you have any questions, please call.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:skb

cc: Lakeview Development Company, Inc.
Box 4026 North Wichita Station 67214

Glen Lytle, Superintendent
Central Inspection

Ralph Eberly
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 42-67

APPLICANT: Lakeview Development Company, Box 4026 North Wichita Station, Wichita, Kansas.

AGENT: Bill Binter, Box 4026 North Wichita Station, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to reduce the required front yard setback from 20 feet to 5 feet for off-street parking and a carport.

GENERAL LOCATION: West side of Porter and north of 18th Street.

ZONING: Subject property is zoned "B" as is that to the north and west. To the south and east is "AA" Single family.

LAND USE: Subject property is vacant. To the north are multi-family apartments and to the south and east are single-family homes.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.2, Code of the City of Wichita. The Board may grant the variance request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28, of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance).

COMMENTS BY THE SECRETARY:

Subject application is on property being developed for multi-family apartments similar to those developed to the north. The variance request is to reduce the required front yard setback from 20 feet down to 5 feet which area the applicants are requesting to utilize for a carport and off-street parking.

The Board will recall that at its regular meeting in October they approved Case No. BZA 33-67, which was a request to allow parking to within 5 feet of the property line on the east and a portion of the south property line.

UNIQUENESS:

It is the opinion of the Secretary that the request is unique inasmuch as the applicant owns considerable area both to the north and west which is being developed into well-designed commercial and multi-family development. The property in question is also adjacent to a lake, and the development which takes place thereon should be oriented in a suitable manner, both to the water's edge and the adjacent streets. The carport and associated parking facilities will be separated from the existing residential development to the south by a planting strip and ornamental fence. Actually, if the carport is constructed to within five feet of the property line it will help to screen off the cars from the residences to the south. Uniqueness can also be justified on the basis that a variance has already been approved by the Board to allow parking to go to within 5 feet of the south property line for a distance of 310 feet west of Porter.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the applicants are merely expanding an already established high-quality apartment complex and intend to maintain a 5-foot landscaped buffer between the parking and the property line itself. The expansion area is to have the same fencing and plantings as do the previous projects, to allow continuity that is both pleasing and aesthetic when viewed from the adjoining streets.

HARDSHIP:

It is the opinion of the Secretary that a hardship would be placed on the applicant if the request is not granted since they are attempting to provide more off-street parking than required by

ordinance, but what they consider to be a minimum amount for good quality development. This development is one of the best local examples of the utilization of open space relating to the developing apartment complex and the variances requested will not distract from the assets of the overall complex. The applicant also points out that the proposed apartments are adjacent to the lake and cannot be constructed any further to the north without actually filling in a portion of the lake. It is also recognized that some type of facility is necessary for protection of cars in a high-quality development such as being proposed by the applicants. If the variance for the carport was denied the applications would not be able to continue the same type and design of development as that already in existence to the north.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would in no way have an adverse affect on the public interest.

SPIRIT AND INTENT:

As long as screening and landscaping is utilized with the parking lots, it is the opinion of the Secretary that the variance is in conformance with the general spirit and intent of the Zoning Ordinance.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance of the required front yard setback from 20 feet to 5 feet can be found to exist and, therefore, it is recommended that the variance be approved, subject to the following conditions:

1. The variance be approved for the purposes of off-street parking and for a carport which may extend to within 5 feet of the property line adjacent to the north line of 18th Street.
2. The applicant maintaining the 5-foot setback with the same type of fencing and plant materials as used to the north in connection with the earlier segments of the complex.
3. The landscaping improvements as outlined above shall be installed prior to the occupancy of the setback area for off-street parking.

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

November 8, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

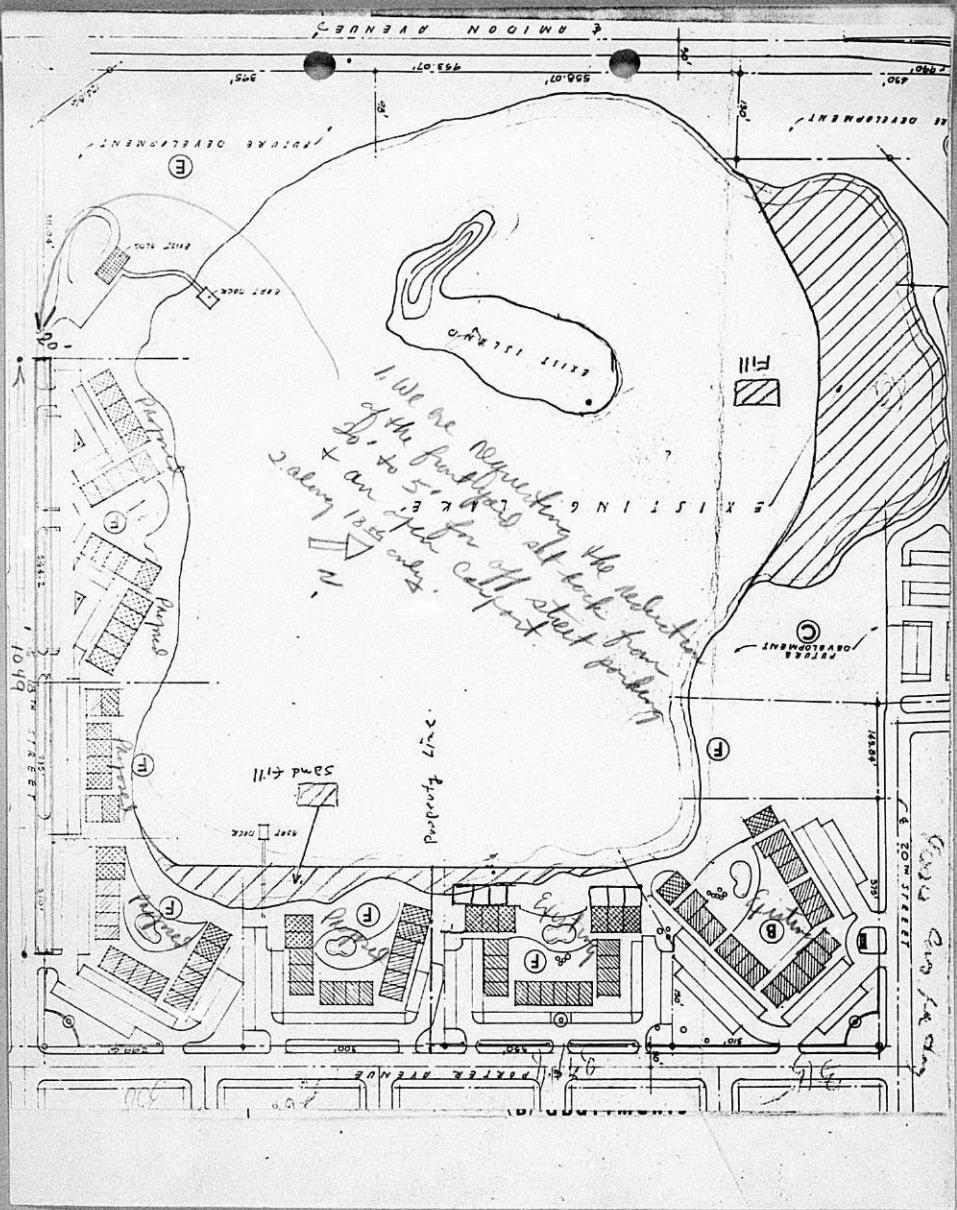
Case No. BZA 42-67

An application has been filed by Bill Binter, Box 4026, North Wichita Station, Wichita, Kansas, in behalf of Lakeview Development Company, Inc., Box 4026, North Wichita Station, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 20 feet to 5 feet for off-street parking and an open carport on property zoned "B" Multiple Family Dwelling and legally described as follows:

Beginning 90 feet West of the SE corner of Lot 3, Block A, Lakeview Estates 2nd Addition, thence West along the S. line of Lots 3 and 4, to a point 90 feet West of the East line of Lot 3, thence South 20 feet to the place of beginning. Generally located in an area on the N side of 18th from Porter to Lisa Lane.

This application has been assigned Case No. BZA 42-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 28, 1967, in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary



1. We are requesting the relocation
 of the front yard all back from
 50' to 55' E
 + an open off street parking
 2. along 12th only.

2-17 Eroad

12TH STREET

10TH STREET

MIDNIGHT AVENUE

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 42-67
FILED 10-31-67

APPLICATION FOR VARIANCE

I. Name of Applicant Lakeview Development Company, Inc.
Mailing Address Box 4026, North Wichita Station 67214 Phone AM 7-8277
Name of Authorized Agent Bill Binter
Mailing Address Box 4026, North Wichita Station 67214 Phone AM 7-8277
Relationship of applicant to property is that of owner
(owner, tenant, lessee, other)

II. The variance requested is to reduce the required front yard setback from
20 feet to 5 feet for off street parking and an open carport.

for property located North of
on 18th from Forter to Lisa Lane

and legally described as: see attached sheet

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

(Give metes and bounds description below if appropriate):

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. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

LAKEVIEW DEVELOPMENT COMPANY, INC.

Applicant

W. F. Binter *WFBinter*

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
10:15 (a.m. - p.m.), Oct 31, 1967, together with
appropriate fee of \$50.00.

T9-402

Jean Howe PIII
signed

Beginning at a point 90 feet west of the southeast corner of Lot 3, Block "A", Lakeview Estates Second and Replat of part of Lots 2 and 3, Lakeview Addition, Wichita, Kansas: thence west along the south line of lots 3 and 4 of said addition to the west line of lot 4; thence north 20 feet; thence east along a line that is parallel to the south line of lots 3 and 4 to a point 90 feet west of the east line of lot 3 thence south 20 feet to a point of beginning.



UNIQUENESS

Variance is requested from zoning ordinance 28.070Cl.2. We need to use 15 feet of this set back for parking in order that we can keep, what we consider a minimum parking ratio based on our experience from Phase I and II. We also found in building the Manor House and Kingsbrook, that carports are required in this price apartments. The only place we can build these would be along 18th Street. We feel this would give us our best advantage architectually. We would still continue our plantings and fencing as in our previous projects. We are unique in that we own all the area to the north, east, and west of this project. We are also adjacent to a lake and we cannot move our buildings any closer to the north without being in the lake.

ADJACENT PROPERTY

We do not believe this will be detrimental to the surrounding property because we will landscape the 5 feet between our parking and the property line. We will continue with the same fencing and plantings as in our previous projects. We will also build the carports of the same quality and design as are on the present site. This will allow us to have a continuity that is pleasing and aesthetic when viewed from the property to the south.

HARDSHIP

We believe that a hardship would be placed on us if the request is not granted since we feel we must have more off-street parking that is required by the city code. We also feel that in order to remain in the price bracket we are building, we must have carports.

PUBLIC INTEREST

We do not feel that the granting of this request would adversely affect the public interest.

SPIRIT AND INTEREST

We feel that by utilizing our screening, landscaping, and the lake itself creates a unique project and therefore the variance is in conformance with the general spirit and intent of the zoning ordinance.



28 P.O.N
mailed 11-8-67

LIST OF PROPERTY OWNERS

<u>LOT</u>	<u>STREET</u> <u>BLK</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
3	A	Lakeview Estates 2nd	Lakeview Development Co. Inc.
4	A	"	Same
5	A	"	Same
6	A	"	Same
1, exc. E 14.75 ft	6	Riverside Ranch	Forest M. Spencer and Mary E. Spencer 1533 Arizona 03
E. 14.75 ft Lot 1	6	"	Mina M. Smith and Alice Mills 1527 Arizona 03
8 exc E. 14.75 ft	6	"	Charles E. Wheeler and Lottie I. Wheeler 1528 W. 18th 03
E. 14.75 ft. Lot 8	6	"	William M. Graham III & Anita Graham 1520 W. 18th 03
1 (W. 80 ft) Porter		Ford & Cranes	Nellie E. Bohrer 1858 Porter 03
3	"	"	Same
1 (E. 70 ft)	"	"	Anna Helen Wightman 1517 W. 18th 03
3	"	"	Same
5	"	"	Same
7	"	"	Same
5 (W.80 ft)	"	"	Allie P. Close 1852 Porter 03
7 (W.80 ft)	"	"	Same
9	"	"	Laurence A. Parsons and Dorothy M. Parsons 3404 Countryside Plaza 18
11	"	"	Same

THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS 67202




- Moved, left no address
- No such number
- Moved, not forwardable
- Addressee unknown *me* 425



42
William M. Morris and
Esther J. Morris
1306 S. St. Paul
Wichita, Kansas 67213

no such persons here

RETURN
TO
WRITER 

MORRIS, William M. and Esther J. 42
City No
sub No
tele 1306 S. St Paul 67213

- continued - 2

<u>LOT</u>	<u>BLOCK STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
2	Porter	Ford & Cranes	Verl Y. Griffiths and Grace R. Griffiths 1849 Porter 03
4	"	"	Same
6	"	"	Same
8	"	"	Boyd B. Avery and Phyllis L. Avery 1845 Porter 03
10	"	"	Same
12	"	"	Same
1	Woodrow	"	William M. Morris and Esther J. Morris <i>total 306 A. St. Paul 13</i>
3	"	"	Same
5	"	"	Lorne I. Dexter and Phyllis Jean Dexter 1606 W. 20th 03
7	"	"	Same
9	"	"	Stephen B. Lee and Margueritte M. Lee 2900 N. Sedgwick 04
11	"	"	Same
2	"	"	Jerry L. Wright and Mary E. Wright 1717 W. 18th St. 03
4	"	"	Same
6	"	"	Same
8	"	"	Ruth O. West and Ralph E. West 1849 Woodrow 03
10	"	"	Same
12	"	"	Same
1	Woodrow Court	"	Delmer L. Staley and Karen D. Staley 1126 Beaumont Dr. 19
3	"	"	Same
5	"	"	Same

- continued - 3

<u>LOT</u>	<u>BLOCK STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
7	Woodrow Court	Ford & Cranes	Sam Schvien and Lufie Schwein 1848 Woodrow Court 03
9	"	"	Same
11	"	"	Same
1	1	Cook's River Ranch	Clara G. Frederick 1426 Garland 03
2	1	"	Everett C. Moss and Delpha A. Moss 1827 W. 18th 03
3	1	"	Wayne M. Armstrong and Zelma D. Armstrong 1809 W. 18th 03
4	1	"	David H. Stanley and Leora M. Stanley 1805 W. 18th 03
5	1	"	Jack D. Emel, Sr. and Val Emel 1855 Woodrow Court 03
6 exc S. 1 ft.	1	"	Harlan B. Dixon and Phyllis J. Dixon 1845 Woodrow Court 03
15	1	"	Bill B. Burrow and Doris J. Burrow 1813 Lisa Lane 03
16	1	"	Warren J. Rutledge III and Mary J. Rutledge 1840 Lisa Lane 03
1	2	"	Lakeview Development Co. Inc.
2	2	"	Arlene V. Root 1847 Lisa Lane 03
3	2	"	Same

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 feet of: Beginning 90 ft. West of the SE corner of Lot 3, Block A, Lakeview Estates 2nd Add., thence West along the S. line of 3 and 4, Blk A, to the West line of Lot 4; thence North 20 feet; thence East on a line parallel with the South line of Lots 3 & 4, to a point 90 feet West of the East line of Lot 3, thence South 20 feet to the place of beginning, as shown by the

- continued - 4

records in the office of the Register of Deeds of Sedgwick County, Kansas,
this 30th day of October A. D. 1967 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Samuel P. Brown*

Vice President.

Order No. 148441
(KPB)

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	License	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer	\$50.00	

DESCRIPTION	AMOUNT
37A Application	

Name: *Lewis and Development*

Address: *1820 W. Draberg*

Type: *R-71-C* Due Date: *10-31-67*

Comments:

Date: *10-31-67* By: *Alteyott*