

Case No. BZA 63-79 - Sandra
Steven requests variance to vary
the fencing requirement between
commercial development and
residential zoning districts on

*Posted
11-27-79*

**BZA
63-79**

ACTION

COMMITTEE Approved 5-0 DATE 11-27-79

M.A.P.C. _____

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

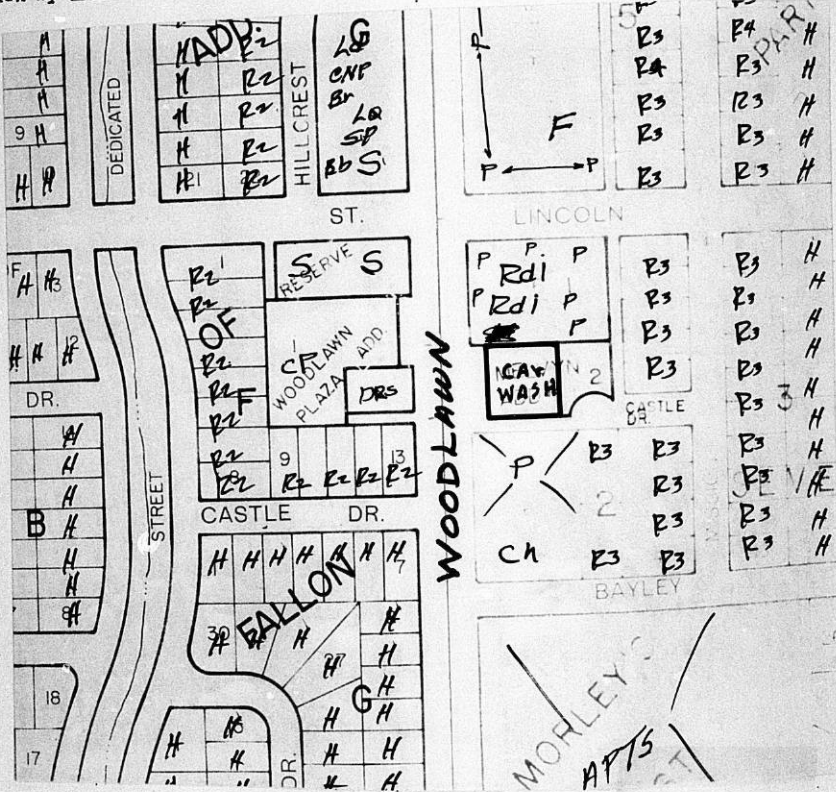
*300' MAPD 12-7-79
1000' CI, IC, IN 4
1283300000*

Map No. 5746
 Sec. 30
 Twp. R7
 Range 2E

BZA- 63-79
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA: _____ (130 ft. by 130 ft.)
1. Acres: _____
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East _____ South PARKING LOT
 West DAIRY QUEEN North DRIVE-IN RESTAURANT
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: _____
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



63-79
 45-79
 62-54

Smith & Sons
 No. 2153C
 MARTIN, VAN LEE, ANGLES
 LOAN OFF. MEMPHIS, TN U. S. A.

December 6, 1979

Sandra Steven
1700 N. Nevada
Wichita, Kansas

Re: Case No. EZA 63-79
Request for Variance

Dear Mrs. Steven:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 27, 1979, in connection with your request for a variance to vary the fencing requirement between Commercial development and the Residential Zoning Districts on property zoned the "LC" Light Commercial District and generally located on the east side of Woodlawn approximately 200' south of Lincoln.

This Resolution reflects the official action of the Board to approve this 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:sad
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisdick, City Clerk

RESOLUTION NO. BZA 63-79

WHEREAS, Sandra Steven, 1700 N. Nevada, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to vary the fencing requirement between Commercial development and the Residential Zoning Districts on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Melvyn Addition, to Wichita, Sedgwick County, Kansas. Generally located on the east side of Woodlawn approximately 200 feet south of Lincoln (936 S. Woodlawn).

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 November 27, 1979, 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 property to the south is not developed as residential but with an institutional use, a church and parking lot; 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 church and the property owner to the east have agreed to the variance; 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 use is existing and the fences were previously omitted by the Board when the use first developed; 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 use is existing and there will be little significant change in the operation of the car wash facility; 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 intent of the ordinance is to protect residential development from commercial and institutional uses; and

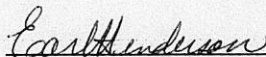
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to vary the fencing requirement between commercial development and the residential zoning district on property zoned the "LC" Light Commercial District and legally described as:

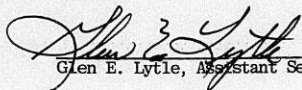
Lot 1, Melvyn Addition to Wichita, Sedgwick County,
Kansas. Generally located on the east side of
Woodlawn approximately 200 feet south of Lincoln
(936 South Woodlawn)

be approved.

ADOPTED AT WICHITA, KANSAS, this 27th day of November,
1979 .


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

November 28, 1979

Sandra Steven
1700 N. Nevada
Wichita, Kansas

Re: Case No. BZA 63-79
Request for Variance

Dear Mrs. Steven:

At the regular meeting of the Board of Zoning Appeals on Tuesday, November 27, 1979, your request for a variance to vary the fencing requirement between commercial development and residential zoning districts on property zoned "LC" Light Commercial, and generally located on the east side of Woodlawn approximately 200' south of Lincoln (936 S. Woodlawn) was considered.

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

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

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE November 20, 1979

RECEIVED

NOV 26 1979

METROPOLITAN PLANNING

ROUTE

TO Jack Galbraith, Chief Planner, Current Plans

FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 63-79: East side of Woodlawn,
200 feet south of Lincoln

On November 19, 1979, CPO Council "H" considered the captioned case. The Council voted 6-0 to recommend the following:


- (1) That the fencing requirement along the south line of the property be waived, if there is no objection from the church to the south.
- (2) That the fencing requirement on the east property line be retained.

It was the Council's opinion that the screening is needed on the east to block car lights, noise, trash, etc., from reaching the apartments to the east.


Bill Morris
CPO Administrative Aide

BM:m1

Noted:


Sarah Gilbert
Assistant CP Coordinator

SECRETARY'S REPORT
CASE NO. BZA 63-79

APPLICANT: Sandra Steven, 1700 N. Nevada, Wichita, Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to vary the fencing requirement between commercial development and residential zoning districts.

GENERAL LOCATION: East side of Woodlawn approximately 200 feet south of Lincoln (936 S. Woodlawn).

ZONING: Subject property is zoned "LC" Light Commercial as are those properties to the north, east and west. South is "RB" Four Family Zoning.

LAND USE: Subject property is occupied by a car wash facility, west is commercial development; north is a fast food restaurant; south is a church and parking lot; east is an office for the car wash.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

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

PAGE 2
Case No. BZA 63-
BZA AGENDA
11-27-79

COMMENTS BY THE SECRETARY:

At the regular meeting of the Board of Zoning Appeals on September 26, 1979, and exception (BZA No. 45-79) to permit the expansion of an existing self-service car wash on this same property was considered. Action of the Board was to approve the request subject to compliance with the requirements of the zoning ordinance, one of which is the requirement of screening between commercial development and adjoining residential zoned property.

The applicant is now requesting a variance of the screening requirement. In her statement of justification she points out that the church located to the south has indicated that they do not want a fence facing their church. She also states that at this time fencing the property could result in such vandalism or burglary due to the grounds becoming more secluded and protective for a burglar.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness can be justified along the south property line inasmuch as the property to the south is not developed as residential but with an institutional use, a church and parking lot.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance along the south property line would not affect the adjacent property owner inasmuch as the church has agreed to the variance, however a screening fence to the east to protect the residential property is desirable.

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 fence to the south was previously omitted at the request of the church.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not affect the public interest inasmuch as the use is existing and there will be little significant change in the operation of the car wash facility.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the partial granting of the variance may not be opposed to the spirit and intent of

PAGE 3
Case No. BZA 63-79
BZA AGENDA
11-27-79

the zoning ordinance inasmuch as the intent of the ordinance is to protect residential development from commercial and institutional uses.

RECOMMENDATION:

If the Board determines that the five conditions necessary for the granting of a variance can be found to exist, it is the recommendation of the Secretary that the variance be granted only for the fence along the south property line.

BZA CASE NO. 63-79

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

12 NOTICES SENT TO ADJOINING PROPERTY OWNERS

24 TOTAL NOTICES SENT 11-6-79

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

November 5, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 63-79

An application has been filed by Sandra Steven, 1700 N. Nevada, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to vary the fencing requirement between commercial development and residential zoning districts and legally described as follows:

Lot 1, Melvyn Addition, to Wichita, Sedgwick County, Kansas. Generally located on the east side of Woodlawn approximately 200 feet south of Lincoln (936 S. Woodlawn).

This application has been assigned case No. BZA 63-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 27, 1979, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

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

Jack H. Galbraith
Secretary

APPLICATION FOR VARIANCE

I. Name of Applicant Sandra Steuen
 Mailing Address 1700 N Nevada Phone 9435454
 Name of Authorized Agent Sandra Steuen
 Mailing Address 1700 N Nevada Phone 9435454
 Relationship of applicant to property is that of Owner
 (Owner, Tenant, Lessee, Other)

II. The variance requested is to vary the zoning requirement
~~to vary the zoning requirement~~
on South & East Property lines
between commercial development and residential zoning districts.

for property located 936 S Woodlawn
on the east side of Woodlawn approximately 200 feet south
of Lincoln (936 S Woodlawn)
 and legally described as: Acres Subdiv Par 1 Wash
Lot 1, Malvyn Addition, to Wichita,
Sedgwick County, Kansas

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

- 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 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.

RECEIVED

OCT 29 1979
 METROPOLITAN PLANNING
 ROUTE _____

Sandra Steuen
 Applicant
Sandra Steuen
 Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 1:00 ~~am~~ - p.m.), OCT. 29 1979 together with appropriate fee of \$50.00.

[Signature]
 Signed

RECEIVED

OCT 29 1979

METROPOLITAN PLANNING

ROUTE

Lytle

Oct 24, 1979

Board Members:

Enclosed please find my application for Variance, properly completed.

I should like to explain my reasons for requesting your approval of my Variance request:

I have been operating my business for eleven years without any fence enclosing any part of the property, I feel that by not having fencing any possible vandalism or burglary have been kept to a very minimum.

I think at this time fencing the property could result in such vandalism or burglary due to the grounds becoming more secluded and protective for a burglar. I certainly cannot afford running the risk of burglary at this stage of the game.

The neighboring church on the south side of my property has indicated by letter to me that they do not want a fence facing their church.

Adjacent to me on the east
are apartment dwellings. I
believe that by not throwing
a fence this many years
that this wide open space
with clear vision to the street
has been a protection to
my car wash.

I sincerely hope that you
will favorably act on this
request.

Thank you
Sandra Steuen
Rainbow Car Wash
936 S Woodlawn
Wichita, KS 67212

OWNERSHIP LIST

Lot	Addition	Property Owner
lot 1 & 2	Melvyn Addition	✓ Melvyn Steven and Sandra Steven 1700 North Nevada 67212
lot 1	Woodlawn Plaza	✓ McClellan-Fallon Inc. 1302 Iroquois Road 67203
lots 1 and 2 Block 1 lot 3 except south 27.3 ft, Block 1	Eastridge 7th Addition	✓ C. S. Properties Company c/o Robert C. Foster 3039 Benjamin Court 67204
south 27.3 ft lot 3 all lots 4 & 5 Block 1	Same	✓ Oliver Burton & Ruth Ann 7424 Rockwood Road 67206
north 100 ft of west 100 ft lot 6 Block 1	Same	✓ Harry Pollak and Lindy Andeel 5900 East Central, Room 201 67208
north 100 ft lot 6 except west 100 ft Block 1	Same	D C. S. Properties Company c/o Robert C. Foster 3039 Benjamin Court 67204
south 75 ft of north 175 ft lot 6, Block 1	Same	✓ John Clark Stevens and Annmaria J. Stevens 5810 East 17th St. 67208
lot 1, Block 2	Same	✓ Haven L. Coyer 1000 South Woodlawn, Apt. 130- 67208
lot 2, Block 2	Same	✓ Daniel John Jackson 4141 South Seneca, Apt. 114 67217
lot 3, Block 2	Same	✓ Garth M. Kennedy & Carol A. 7942 Dublin Court 67206
lot 5, Block 2	Same	✓ Ralph D. Milner, Ronald D. Eyres, Donald F. Lindsley, Charles Allen Conner 526 South Ridge Road 67209

*returned
left no add.
11-14-79*

*returned
67208*

Lot	Addition	Property Owner
lot 6, Block 2	Eastridge 7th Addition	Woodlawn Avenue Baptist Church, 960 S. Woodlawn 67218
lot 7, Block 2	Same	<i>Returned add. unknown 11-14-79</i> Ted Lovett 6401 Castle Drive 67218
lots 12 and 13 Block F	Replat of Trollope-Fallon	McClellan-Fallon Inc. 1302 Iroquois Road 67203
south 100 ft of east 100 ft of Reserve A	Same	Same
East 100 ft of north 100 ft of Reserve A	Same	The American Oil Company 7542 North Meridian 67204

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

Use for legal

A 200 foot radius of [Lot 1, Melvyn Addition, Wichita, Sedgwick County, Kansas]

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 20th day of August, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

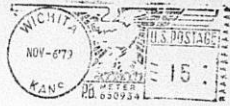
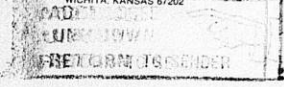
Mary Stahl
Vice President

Order No. 280283
wh

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



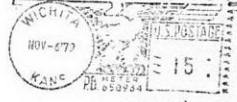
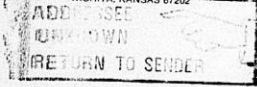
John Clark & Annamaria J. Stevens
5810 East 17th Street
Wichita, Ks. 67208

*John
6/8/79*

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



Ted Lovett
6441 Castle Drive
Wichita, Ks. 67218

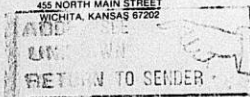
*703
W 11-8*

The Lamp Lighter Club

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



COY 00 210711N1 11/07/79

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Helen L. Coyer
1000 South Woodlawn, Apt. 130
Wichita, Ks. 67218

*Shirley
11-8-79
1821*



*Be sure
Brookway
Wichita
6441
Castle Dr.*

*resent to
11-15-79*

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
City Plan Fee	50.00
NAME: STEVEN	
ADDRESS: 10 N. ...	
FUND:	DUE DATE:
COMMENTS:	
DATE: 8/11/71	BY: [Signature]

*

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

Roll # 2