

Case No. BZA 65-85 - Mid Kansas Acousticon, Inc. requests a variance to reduce the rear yard setback from 10 feet to 8 feet on property zoned the "IC" Light Commercial District and generally located on the northeast corner of Central &

5088 C

200'4 Sec 1-15-86

Shot 1-16-4

Record

Posted  
11-19-85 cc.

ACTION

B.Z.A. 65-85 APPROVED 12/17/86  
DATE

5648 C

300'4 Sec 1-15-86  
Shot 1-16-4  
Record ✓

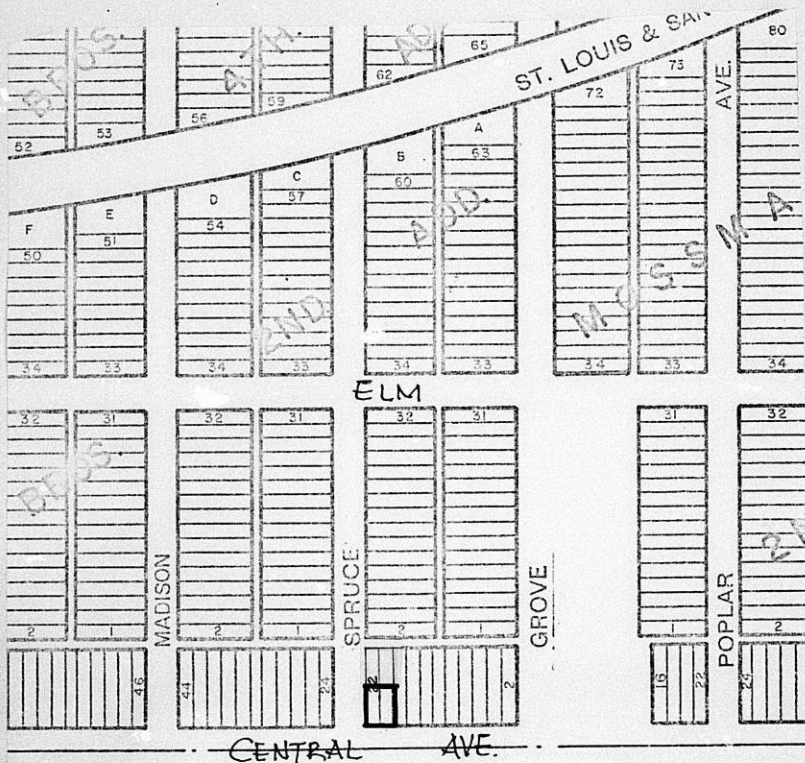
Case No. BZA 65-85 - Mid Kansas Account-  
con, Inc. requests a variance to reduce  
the rear yard setback from 10 feet to  
8 feet on property zoned the "LC" Light  
Commercial District and generally located  
on the northeast corner of Central &

Map No. 5648-C

BZA 65-85  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E LC S LC W LC N A
3. Land Use: East Comm. South Comm.  
West Comm. North L-F
4. Area (is) (~~is not~~) platted.



LOS ANGELES, CHICAGO, LOGAN, OH  
MORNINGTON, TX, CLEVELAND GROVE, GA  
USA



No. 2193C

HASTINGS, MN

December 26, 1985

A. D. Bollinger  
Mid Kansas Acousticon, Inc.  
2302 East Central  
Wichita, Kansas 67214

Re: BZA 65-85 - Request for Variance  
(2302 East Central)

Dear Mr. Bollinger:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 17, 1985.

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,

Glen E. Lytle  
Assistant Secretary

GEL:lw  
Encl.

cc: Monty Robson, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION CASE NO. 65-85

WHEREAS, Mid Kansas Acousticon, Inc., c/o A.D. Bollinger, 2302 East Central, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 10 feet to 8 feet on property zoned the "LC" Light Commercial District and legally described as follows:

The south 72 feet of Lots 20 and 22, and the south 72 feet of the west 5 feet of Lot 18, on Central Avenue, in Stites Brothers Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Central and Spruce (2302 East Central).

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 December 17, 1985, 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 existing building is only eight feet from the north property line and the expansion to the east at the same distance will not create any greater nonconformity; 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 construction of the building at eight feet rather than at ten feet from the north property line will not in anyway interfere with the use of adjacent properties to the east or 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 applicant would be required to make an offset in the north wall of the building that would serve no useful purpose to anyone; 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 reduction of the required rear yard will not interfere with any needed right-of-way or easements nor the need for separation to comply with fire or building codes; 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 adequate space will be provided between the new building wall and the adjacent property to not interfere with light, air or space for maintenance; 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 rear yard setback from 10 feet to 8 feet on property zoned the "LC" Light Commercial District and legally described as follows:

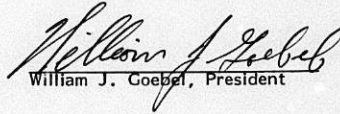
The south 72 feet of Lots 20 and 22, and the south 72 feet of the west 5 feet of Lot 18, on Central Avenue, in Stites Brothers Second Addition to Wichita, Sedgwick

County, Kansas. Generally located on the northeast  
corner of Central and Spruce (2302 East Central).

be approved subject to the following conditions:

1. The rear yard shall be reduced from ten feet to eight feet for the entire north property line, but only if the property remains in its present configuration of ownership.

ADOPTED AT WICHITA, KANSAS, this 17th day of December,  
1985.

  
William J. Goebel, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE    December 11, 1985

TO      Glen Lytle, Special Assistant for Zoning

FROM    Barry L. Carroll, Administrative Aide III

SUBJECT    BZA 65-85: Northeast corner of  
                 Central and Spruce (2302 E. Central)

On December 17, 1985, CPO Council "K" was scheduled to consider the captioned case, a request for a "variance" to reduce the rear yard setback from 10 feet to 8 feet on property zoned the "LC" Light Commercial. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

Due to a conflict in scheduling, CPO Council Area "K" will be unable to provide an official recommendation (the Board of Zoning Appeals will meet on December 17th at 1:30 p.m. while Council Area "K" meets at 7:30 p.m.)

Council members were encouraged to attend the BZA hearing should they wish to make comments.

Please provide this information to the Board of Zoning Appeals when BZA 65-85 is considered.

*Barry L. Carroll*  
Barry L. Carroll  
Administrative Aide III

BLC:dm

Noted:

*Annie K. Montgomery*  
Annie K. Montgomery  
CRS Director

**RECEIVED**

DEC 11 1985

METROPOLITAN PLANNING

ROUTE

RE: AGENDA ITEM NO. 4

SECRETARY'S REPORT  
CASE NO. BZA 65-85

APPLICANT: Mid Kansas Acousticor., Inc., 2302 East Central, Wichita, KS 67214

AGENT: A. D. Bollinger, Same.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 10 feet to 8 feet.

GENERAL LOCATION: On the northeast corner of Central and Spruce (2302 East Central).

ZONING: Subject property is zoned the "LC" Light Commercial District as are all adjacent properties.

LAND USE: Subject property is occupied by the applicant's hearing aid business. Adjacent properties are all developed with office and commercial uses, except to the north which is vacant.

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 a variance to to reduce the required rear yard setback from ten feet to eight feet in order to construct an addition to the building on line with the existing building. This present structure on the property was originally constructed as a service station and at some point in time, the north 68 feet of the property was sold to the owners to the east for off-street parking. Unfortunately, the owners of the service station should have retained ten feet as a rear yard to comply with the regulations.

The applicant has owned the property for a number of years in its present configuration and was unaware of any requirements until he tried to secure a building permit for the addition. The person designing the addition also ignored the requirement for the rear yard and designed the addition eight feet from the north property line.

It is the Secretary's opinion that the existing conditions had been established before the applicant acquired the property and to extend an addition at the same line would not create additional nonconformity. Central Inspection has advised the Secretary that the property to the east does not have adequate off-street parking to comply with the ordinance, and it appears that the property to the north of the application area is used for parking. The property is not improved for parking in conformance with the city's off-street parking standards.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the existing building is only eight feet from the north property line and the expansion to the east at the same distance will not create any greater nonconformity.

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 construction of the building at eight feet rather than at ten feet from the north property line will not in anyway interfere with the use of adjacent properties to the east or 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 would be required to make an offset in the north wall of the building that would serve no useful purpose to anyone.

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 rear yard will not interfere with any needed right-of-way or easements nor the need for separation to comply with fire or building codes.

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 adequate space will be provided between the new building wall and the adjacent property to not interfere with light, air or space for maintenance.

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 conditions:

1. The rear yard shall be reduced from ten feet to eight feet for the entire north property line, but only if the property remains in its present configuration of ownership.

BZA CASE NO. 65-85

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>15</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>16</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>18</u>	TOTAL NOTICES SENT <u>12/2/85</u>

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

November 25, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 65-85

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 Mid Kansas Acousticon, Inc., c/o A. D. Bollinger, 2302 East Central, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the rear yard setback from 10 feet to 8 feet on property zoned the "LC" Light Commercial. A legal description of the applicant's property is as follows:

The south 72 feet of Lots 20 and 22, and the south 72 feet of the west 5 feet of Lot 18, on Central Avenue, in Stites Brothers Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Central and Spruce (2302 East Central).

This application has been assigned Case No. BZA 65-85. It will be considered by the Board of Zoning Appeals on December 17, 1985 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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

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

Glen E. Lytle  
Assistant Secretary

MID-KANSAS



*Acousticon, INC.*

2302 EAST CENTRAL  
WICHITA, KANSAS 67214

Telephone 267-4973

November 22, 1985

RECEIVED

NOV 25 1985

METROPOLITAN PLANNING

ROUTE

Planning Dept.  
10th Floor City Hall  
455 N. Main  
Wichita, Kansas 67202

Attn: Glen Lytle

Dear Sirs:

We are requesting a permit for a variance at 2302 E. Central for Acousticon, Inc. We are desiring to expand our present structure to the east.

The problem arises on the north end of the proposed addition. There is a ten foot setback from the property line. If we adhere to this, it would compel us to indent the new structure two foot short of the old structure, thereby affecting the architectural line of the present structure and limiting our ability to get the maximum use of the present structure.

The neighboring properties do not object to our proposal, nor will it have an adverse effect on the health, safety, morals, order, convenience, prosperity or general welfare of the public in general.

Sincerely,

A.D. Bollinger

ADB/nm

Encl.: Legal Description for 2302 E. Central.

**MID-KANSAS... the company that repairs all makes of hearing aids**

ACOUSTICON...SINCE 1902...WORLD'S FIRST ELECTRICAL HEARING AID

LEGAL DESCRIPTION FOR 2302 E. CENTRAL, WICHITA, KANSAS 67214:

The South 72 Feet of Lots Twenty (20) and Twenty-Two (22), and the South 72 Feet of the West 5 Feet of Lot Eighteen (18), on Central Avenue, in Stites Bros. 2nd Addition to Wichita.

BOARD OF ZONING APPEALS

CASE NO. 65-85

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

- I. Name of Applicant MID Ks. ACOUSTICON INC.  
Mailing Address 2302 E. Central Phone 267-4973  
Name of Authorized Agent A.D. Bollinger  
Mailing Address Same Phone Same  
Relationship of applicant to property is that of owner  
(Owner, Tenant, Lessee, Other)

- II. The variance requested is to reduce the required rear yard setback from 10 feet to 8 feet

for property located on the northeast corner of Central and Spruce (2302 E. Central).  
and legally described as: The south 72 feet of Lots 20 and 22, and the south 72 feet of the west 5 feet of Lot 18, on Central Avenue, in Stites Bros. Second 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:
- 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 2.12.560 of the Code of the City of Wichita (Ordinance No. 39-285); 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 \_\_\_\_\_

Authorized Agent A.D. Bollinger

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:45 (a.m./p.m.), Nov. 18, 1985, together with appropriate fee of 300.00.

Signed [Signature]

OWNERSHIP LIST

Lot	Addition	Property Owner
Lot 2 and 4	Stites Bros. Second Addition, on Central	Wayne Sharp Helen Sharp 351 N. Estelle Wichita, KS 67214
All Lots 6, 8, 10, 12, 14 and 16	"	Robert A. Nicholson Sandra E. Nicholson 11548 Valley Hi Drive Wichita, KS 67209
Lot 18, except the West 5 feet of the South 72 feet and the North 68 feet of Lots 20 and 22	"	Same As Above
The West 5 feet of the South 72 feet of Lot 18 and the South 72 feet of Lots 20 and 22	"	A. D. Bollinger Doris M. Bollinger 2302 E. Central Wichita, KS 67214
Lots 24 and 26	"	Planned Parenthood of Kansas, Inc. 2226 E. Central Wichita, KS 67214
Lots 28 and 30	"	Donald E. Shaw Beulah M. Shaw 1720 E. 2nd Wichita, KS 67214
Lots 32 and 34	"	Don's Radio-TV, Inc. 1720 E. 2nd Wichita, KS 67214
Lots 1 and 3	Stites Bros. Second Addition, on Grove	James A. Catron 6545 Bella Rd. Wichita, KS 67204 AND Daryl L. Catron Address Unkown AND Vernon D. Kirk 2033 Ventoso Rd. Wichita, KS 67204
Lots 5 and 7	"	Joseph Stefan Inez Stefan 519 N. Grove Wichita, KS 67214
Lots 1 and 3	Stites Bros. Second Addition, on Spruce	Lewis A. Smith Delores G. Smith 1702 N. Clarence Wichita, KS 67203
Lots 5 and 7	"	Marie Elizabeth Basom 822 N. Glendale Wichita, KS 67208
Lot 9	"	Thomas V. Whiting Marcy C. Whiting 527 N. Spruce Wichita, KS 67214

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 2 and 4, except the South 2 feet	Stites Bros. Second Addition, on Spruce	James A. Catron 6545 Bella Rd. Wichita, KS 67204 AND Daryl L. Catron Address Unknown AND Vernon D. Kirk 2033 Ventoso Rd. Wichita, KS 67204
Lots 6 and 8	"	Mary Jane Worth Address Unknown
Lot 10	"	James A. Catron 6545 Bella Rd. Wichita, KS 67204 AND Daryl L. Catron Address Unknown AND Vernon D. Kirk 2033 Ventoso Rd. Wichita, KS 67204
Lots 11 and 13	Field & Carmichael's Subdivision of Lot 5 in Butler and Fisher's Out-Lots	The Salvation Army 3601 S. St. Francis Wichita, KS 67219
Lots 15, 17, 19 and 21	"	Central Assembly of God, Inc. 2225 E. Central Wichita, KS 67214
Lots 1, 2, 3, 4 and 5	Smyth's Subdivision of the W $\frac{1}{2}$ of Lot 7 in Butler & Fisher's Addition	Florence G. Fortney Harold R. Fortney 2303 E. Central Wichita, KS 67214
Lots 6, 7, 8, 9 and 10	Roach's Subdivision of the E $\frac{1}{2}$ of Lot 7 in Butler & Fisher's Addition	H. Herbert Cohlmia 2323 E. Central Wichita, KS 67214

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

The South 72 feet of Lots 20 and 22, and  
the South 72 feet of the West 5 feet of  
Lot 18, on Central Avenue, in Stites Bros.  
Second Addition to Wichita, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 15th day of November, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Mary Gable*  
Sr. Vice-President

Order No: 353261

nj

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 29-01 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 624 Var	300.00
NAME	A.D. BOWLINGER
ADDRESS	2302 E CENTRAL
FUND	175-4070-003
COMMENTS	
DATE	Nov 18 1985
BY	[Signature]

**WICHITA - SEDGWICK COUNTY**

METROPOLITAN AREA PLANNING  
DEPARTMENT  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688



JEN\*21 17041191 12/04/85  
RETURN TO SENDER  
MOVED LEFT NO ADDRESS

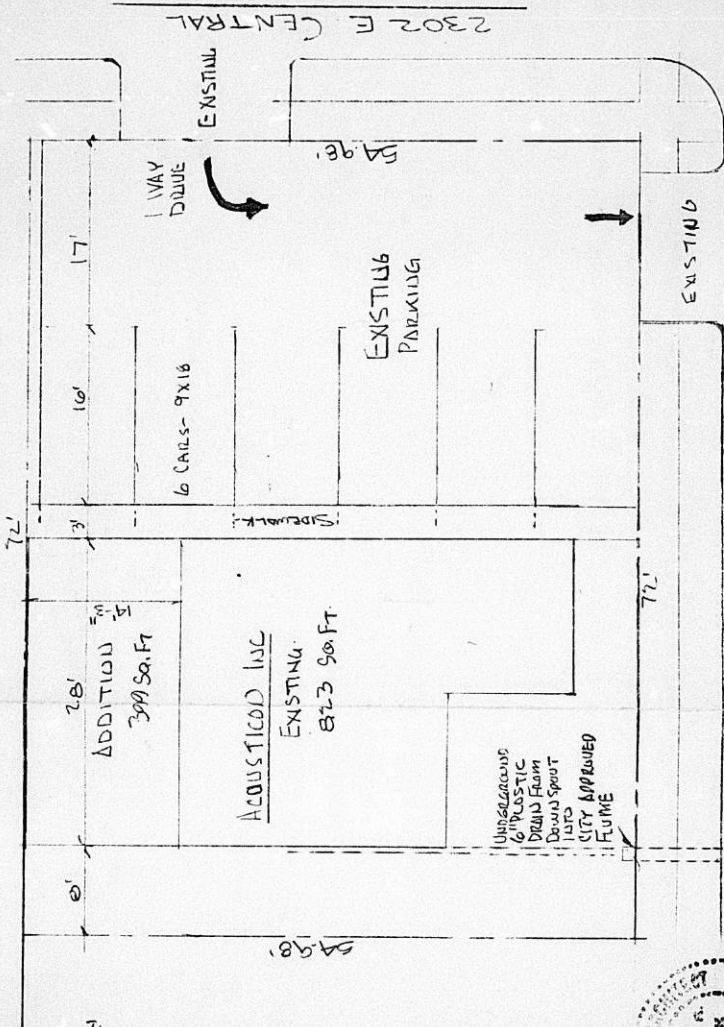
**RECEIVED**

DEC 09 1985  
METROPOLITAN PLANNING  
ROUTE  624 66-85

Ricky L Jenkins JEN\*32 21032641 12/03/85  
Teresa S Jenkins NOTIFY SENDER OF NEW ADDRESS  
532 N Estelle JENKINS' RICKY L  
Wichita KS 67214 4321 S HAMBLEY #3  
WICHITA KS 67217-4633

Important! Notice of Meeting Enclosed

EXISTING ADJACENT BLDG.



North

ADDITION 399 SQ. FT.

ACQUSTICOD INC. EXISTING 823 SQ. FT.

UNDERGROUND 6" PLASTIC DRAIN FROM DOWN SPURT INTO CITY APPROVED FLUME

LEGAL

SOUTH 72 FT OF LOTS 20 & 22 & SOUTH 72 FT OF THE WEST 5 FT OF LOT 18 - ON CENTRAL LINE, IN STATES CROSS. SECOND ADDITION NICOLETTA KS

ZONED L.C.

Plot Plan  
SCALE - 1" = 10' 0"



SPRUCE

2302 E CENTRAL

