

Case No. BZA 68-79 - Roger M.
King requests variance to reduce
the required off-street parking
spaces from 22 to 0 on property
zoned "E" and generally located
on the north side of Douglas

100
BZA 68-79

BZA
68-79

POSTED
11-24-79

ACTION

COMMITTEE APPROVED DATE 12-18-79

M.A.P.C. _____

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

200' MAPD 3-12-80
200' C1 3-12-80
200' 1/4 SEC. 3-12-80
RECORDED

Case No. BZA 68-79 - Roger M. King requests variance to reduce the required off-street parking spaces from 22 to 0 on property zoned "E" and generally located on the north side of Douglas

January 27, 1980

Roger M. King
901 N. Broadway
Wichita, Kansas

Re: Case No. BEA 68-75
Request for Variance

Dear Mr. King:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 18, 1979, in connection with your request for a variance to reduce the required number of parking spaces from 22 to 0 on property zoned "E" Light Industrial with a pending application for "C" Commercial, and generally located on the north side of Douglas east of St. Francis.

This Resolution reflects the official action of the Board to approve the variance. 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 Gisick, City Clerk
Kenneth Kitchen, Urban Renewal Agency

RESOLUTION NO. BZA 68-79

WHEREAS, Roger M. King, 901 N. Broadway, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required off-street parking spaces from 22 to 0 on property zoned the "C" Commercial District and legally described as follows:

The west 23' of Lots 2, 4, 6, 8, and 10 on Santa Fe, J. R. Mead's Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Douglas in an area east of St. Francis (618 East Douglas).

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 18, 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 building was constructed prior to off-street parking being required and the demand for off-street parking under the provisions of the zoning ordinance is being reduced from 36 to 22 by converting the 24 sleeping rooms to 10 apartments; 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 it will upgrade the general area and provide an incentive for adjacent property owners to do the same; 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 he would be unable to upgrade his property as proposed; 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 inasmuch as there should be no increase in on-street parking over that which presently exists; 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 four previous conditions have been found to exist; and

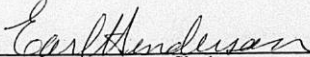
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

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 required off-street parking spaces from 22 to 0 on property zoned the "C" Commercial District and legally described as:

The west 23' of Lots 2, 4, 6, 8, and 10 on
Santa Fe, J. R. Mead's Addition to Wichita,
Sedgwick County, Kansas. Generally located
on the north side of Douglas in an area east
of St. Francis (618 East Douglas).

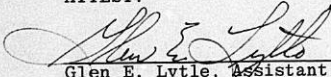
be approved.

ADOPTED AT WICHITA, KANSAS, this 18th day of December,
1979.



Earl Henderson, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

December 10, 1979

Roger M. King
901 N. Broadway
Wichita, Kansas

Re: Case No. BZA 68-79
Request for Variance

Dear Mr. King:

At the regular meeting of the Board of Zoning Appeals on Tuesday, December 18, 1979, the request for a variance to reduce the required number of parking spaces from 22 to 0 on property zoned "F" Light Industrial with a pending application for "C" Commercial, and generally located on the north side of Douglas east of St. Francis was considered.

The action of the Board was to approve the variance from 22 required off-street parking spaces to zero. A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy upon the obtaining of the requested "C" Commercial zoning.

As was previously stated to you by phone, the zoning ordinance requires a minimum lot area of 560 square feet per dwelling unit in the "C" zoning district. An application for a variance of this condition would also be in order.

If you have any questions, please call our office at 268-4421.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad

CC: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk
Kenneth Kitchen, Urban Renewal Agency

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE December 18, 1979

TO Jack Galbraith, Chief Planner, Current Plans

FROM Stan Scott, CPO Administrative Aide

SUBJECT BZA 68-79 (North side of Douglas
East of St. Francis)

At their December 17, 1979, meeting, CPO Council "L" considered the captioned case. The Council voted unanimously to recommend approval of the requested variance to reduce the required off-street parking spaces from 22 to 0.

Please provide this information to the Board of Zoning Appeals when the case is considered at the December 18 meeting.



Stan Scott
CPO Administrative Aide

SS:ml

Noted:



Sarah Gilbert
Assistant CP Coordinator

RECEIVED

DEC 18 1979

METROPOLITAN PLANNING

ROUTE _____

*Summary
7-20*

THE CITY OF WICHITA

OFFICE OF Urban Renewal

DATE November 21, 1979

TO Jack Galbraith, Planning

FROM Kenneth H. Kitchen, Executive Director

SUBJECT Zoning Changes - 600 Block
East Douglas, North Side

You have received an application from Roger King for a zoning change on the old Wheeler Hotel property. We have packaged a 312 Multi-Family Loan from the U.S. Government to Mr. King.

It is our intent to provide additional parking resources within this block. We have not yet completed our negotiations with the property owners in this block as to whether these parking resources will ultimately be public or private. In support of Mr. King's zoning change, we propose to provide at least ten (10) spaces on a long-term lease basis if we are unable to provide any other public or private resources.

The staff of this Agency would be happy to speak in behalf of Mr. King's application, if this is required.


Kenneth H. Kitchen
Executive Director

KHK/FES/jan

RECEIVED
NOV 27 1979
METROPOLITAN PLANNING
ROUTE 15

SECRETARY'S REPORT
CASE NO. BZA 68-79

APPLICANT: Roger M. King, 901 N. Broadway, Wichita,
Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of
the City of Wichita, to reduce the required off-
street parking spaces from 22 to 0

GENERAL LOCATION: North side of Douglas in an area east of St.
Francis (618 East Douglas)

ZONING: Subject property is zoned "E" Light Industrial
as are those properties to the north, south,
east and west

LAND USE: Subject property is occupied by a hotel/boarding
house as are those properties to the east and west;
south is a park; north is a parking lot

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 68-79
BZA AGENDA
12-18-79

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required number of off-street parking spaces from 22 to 0 for property located on the north side of Douglas in an area east of St. Francis.

In the statement of justification submitted with this request, the applicant states that the property is presently being used as an inexpensive hotel/boarding house on the second and third floors. He further states that it is proposed to convert the 24 sleeping rooms to a ten unit apartment complex with the ground floor being retained for future commercial use. Although the applicant has other properties in the general area they are fully occupied by structures.

The applicant has indicated that he is attempting to make arrangements to provide off-street parking within the general area thru the Urban Renewal Agency. The applicant may have something definite at the time of the meeting, but at the time the application was filed he did not know what might be available to him.

UNIQUENESS:

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the building was constructed prior to off-street parking being required and the demand for off-street parking under the provisions of the zoning ordinance is being reduced from 36 to 22 by converting the 24 sleeping rooms to 10 apartments.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance request would not adversely affect adjacent property owners inasmuch as it will upgrade the general area and provide an incentive for adjacent property owners to do the same.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may create an unnecessary hardship upon the applicant inasmuch as he would be unable to upgrade his property as proposed.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the requested variance would not adversely affect the public interest inasmuch as there should be no increase in on-street parking over that which presently exists.

Page 3
Case NO. BZA 68-79
BZA AGENDA
12-18-79

SPIRIT AND INTENT:

It is the opinion of the Secretary that if the four previous conditions can be found to exist, the granting of the variance would not be opposed to the 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 can be found to exist and, therefore, it is recommended that the variance to reduce the number of off-street parking spaces from 22 to 0, be approved.

BZA CASE NO. 68-79

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 11-26-79

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

November 26, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 68-79

An application has been filed by Roger M. King, 901 N. Broadway, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required off-street parking spaces from 22 to 0 on property zoned the "E" Light Industrial District, and legally described as follows:

The west 23' of Lots 2,4,6,8, and 10 on Santa Fe, J.R. Mead's Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Douglas east of St. Francis (618 East Douglas).

This application has been assigned case No. BZA 68-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 18, 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. If you have any questions about this application, please call 268-4421 and ask for Lynn Shirkey or Glen Lytle.

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

TOTAL Sq. Ft in Bldg,
(9315 sq ft)
all 3 floors.

1st Fl. Commercial

2nd fl. - 5 apts.

3rd fl. - 5 apts.

¹²
2105

Board of Zoning Appeals
City of Wichita, Kansas

RE: 618 E. Douglas

Gentlemen;

I hereby make application to the Board of Zoning Appeals for a variance on the off-street parking requirement. The building in question is currently being used as an inexpensive hotel/boarding house on the second and third floor. We purpose converting the 24 sleeping rooms to a ten unit apartment complex. The first floor would remain to be future commercial space.

It is believed that this application shall meet the requirements of Section 2.12.590.B, Code of the City of Wichita in the following manner:

1. The building has been used as an apartment/hotel for more than 40 years, long before the off-street parking requirement was in effect.
2. Granting of the permit for the variance will not adversely affect the rights of any adjacent property owners or residents. In fact the adjacent property owners will enjoy the benefits of a general face-lift of the building, adding to the other cleaning up now in process on the same block. Everyone will benefit with the closing down of a cheap hotel and the opening of a renovated apartment complex.
3. Unless the variance is approved, the hotel will continue to operate and the need for downtown apartment units shall go unnoticed.
4. The desired variance will not adversely affect the public health, safety, morals, order, convenience, or general welfare. More likely, due to the income level of the new tenants, the general public will benefit from the closing down of one of the last "skid row" holdouts.
5. Granting of the off-street parking variance will not be opposed to the general spirit and intent of the Zoning Ordinance, moreover, it will lead to a major face lift of the "Old Town Block".

It should also be noted that an application has been filed with Planning Department, City of Wichita, to change the existing zoning of the building from E to C to allow for the construction of multiple dwelling units.

Respectfully submitted,

Roger M. King

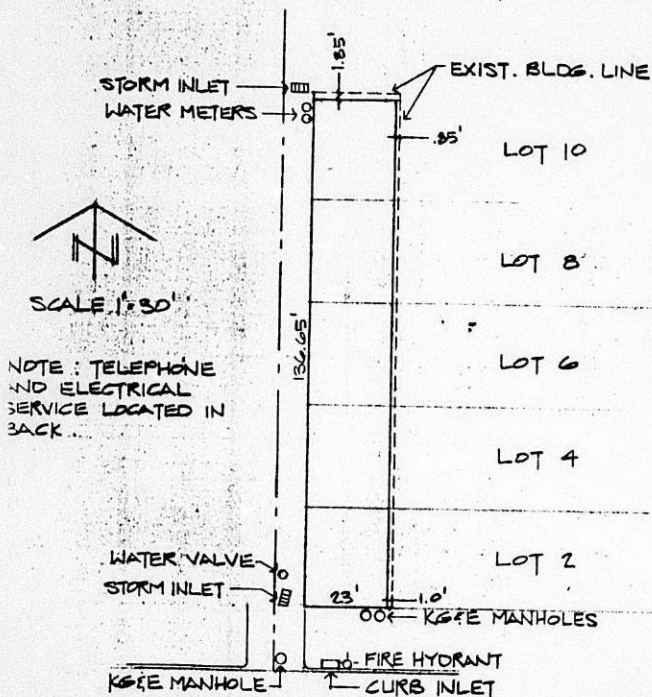
Roger M. King, owner

rdi HALL & ASSOC INC

LAND SURVEYORS

King Property Survey 79-552

November 8, 1979



SCALE 1" = 30'

NOTE: TELEPHONE AND ELECTRICAL SERVICE LOCATED IN BACK...

DOUGLAS AVE.

LEGAL DESCRIPTION:

The West 23 feet of Lots 2, 4, 6, 8, 10, 'J. R. Mead's Addition', to Wichita, Kansas.

100 S. ROCK ROAD WICHITA, KANSAS .67207 TELEPHONE 316 685-2304

BOARD OF ZONING APPEALS

CASE NO. 68-79

Dec 18, 1979 mty

CITY OF WICHITA, KANSAS

FILED 11-19-79

APPLICATION FOR VARIANCE

I. Name of Applicant Roger M. King

Mailing Address 901 N. Broadway, Wichita, Kan. 67214 Phone 684-0526 office
683-8377 home

Name of Authorized Agent N/A

Mailing Address N/A Phone N/A

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

II. The variance requested is: A VARIANCE ON THE PARKING
REQUIREMENTS OFF-STREET PARKING TO REDUCE THE
REQUIRED OFF-STREET PARKING SPACES FROM 22 TO 0.

on the north side of Douglas east of St. Francis
for property located at (618 E. Douglas, Wichita, Kansas).

and legally described as: The West 23 feet of Lots 2, 4, 6, 8, 10, on Santa Fe,

'J. R. Mead's Addition', to Wichita, Kansas.

in the City of Wichita; and which is presently zoned 'E'

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.

Roger M. King
Applicant

N/A
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:25 (a.m. - p.m.), Nov. 19 19 79 together with appropriate fee of \$50.00.

[Signature]
Signed

O W N E R S H I P L I S T

Lot	Addition	Property Owner
odd lots 73 thru 95 , Douglas and a tract beg. at NE corner lot 95 the south 128 ft, thence east 30 ft, thence north 128 ft, thence west 30 ft to pob.	N. A. English Addition	✓ Urban Renewal Agency 455 North Main 67202
Lots C & D Douglas	J. R. Mead's Addition	✓ Herbert Moses and Esther Moses 602 East Douglas 67202
lot 70, Douglas	Same	✓ Otto Woermke and Erna 604 East Douglas 67202
lot 72, Douglas	Same	✓ Dick Puryear 608 East Douglas 67202
lots 74 & 76 Douglas	Same	✓ Wesley C. Renfro 612 East Douglas 67202
lot 1, St. Francis	Same	✓ Huber Janitor Supplies Inc. 114 N. St. Francis 67202
lot 3 St. Francis	Same	✓ Carpenters Local Union No. 201 112½ N. St. Francis 67202
lot 5 St. Francis	Same	✓ L. D. Leland, Perry Eash etal as Trustees, 620 W. Douglas 67203
lot 7 St. Francis	Same	✓ Union Rescue Mission Inc. 130 N. St. Francis 67202
Beginning 62 ft west of the SE corner of lot 2 on Fifth now Santa Fe, J. R. Mead's Addition to Wichita, thence north 136.9 feet to the alley; thence west 25 feet; thence south to Douglas Avenue; thence east to pob, being a part of lots 2,4,6,8 and 10, on Fifth now Santa Fe., J. R. Mead's Addition		✓ Roger M. King & Martha O. King 419 S. Crestway 67218
Beginning 37 ft west of the Se corner of lot 2 on Fifth Now Santa Fe, J. R. Mead's Addition to the City of Wichita, thence north 136.9 feet, thence west 25 feet; thence south 136.9 feet; thence east to pob, being a part of lots 2,4,6 8 and 10, on Fifth now Santa Fe, J. R. Mead's Add.		Same



SECURITY IS KNOWING

Title Insurance • Escrow Closings • Abstracts

Lot	Addition	Property Owner
west 23 ft of lots 2,4,6,8,10 Santa Fe	J. R. Mead's Addition	D Roger M. King & Martha O. King 423 S. Crestway 67218
East 37 ft lots 2,4,6,8,10 Santa Fe and 5.3 ft adj. on east	Same	✓ Harry Lankford 3921 East Douglas 67218
East 25 ft of west 48 ft of lots 2,4, 6,8 and 10, Santa Fe	Same	✓ Durrell Armstrong 970 Back Bay Blvd. 67203
lots 14,16,18 Santa Fe	Same	✓ Automotive Distributing Co., Inc. 126 N. St. Francis 67202
lots 20 and 22 Santa Fe	Same	D Urban Renewal Agency 455 North Main 67202
lots 24 and 26 Santa Fe	Same	D Harry G. Lankford 3921 East Douglas 67218

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

A 200 foot radius of: The West 23 feet of
Lots 2, 4, 6, 8, and 10, on Santa Fe, J. R.
Mead's Addition

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 19th day of November, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Isable

Vice President

Order No. 283490

wh

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29- PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
57A - City	1.00

NAME R. M. King

ADDRESS 701 N. Lincoln

FUND 11-2000-4071 DUE DATE 11-1-57

COMMENTS

DATE 11/1/57 BY [Signature]