

BZA 69-79 - Robert Redd - Variance to vary the screening requirement between industrial development and the residential zoning district on property zoned 'E' Light Industrial and generally located

200' CI - 3-12-80
200' MAPD - 3-12-80
200' 1/4 Sec - 5-12-80
900' 1/4 Record
POSTED
12-5-79

ACTION

DATE 1-22-80

COMMITTEE Appl

M.A.P.C. _____

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

BZA
69-79

Map No. 5548
 Sec. 16
 Twp. 27
 Range 1E

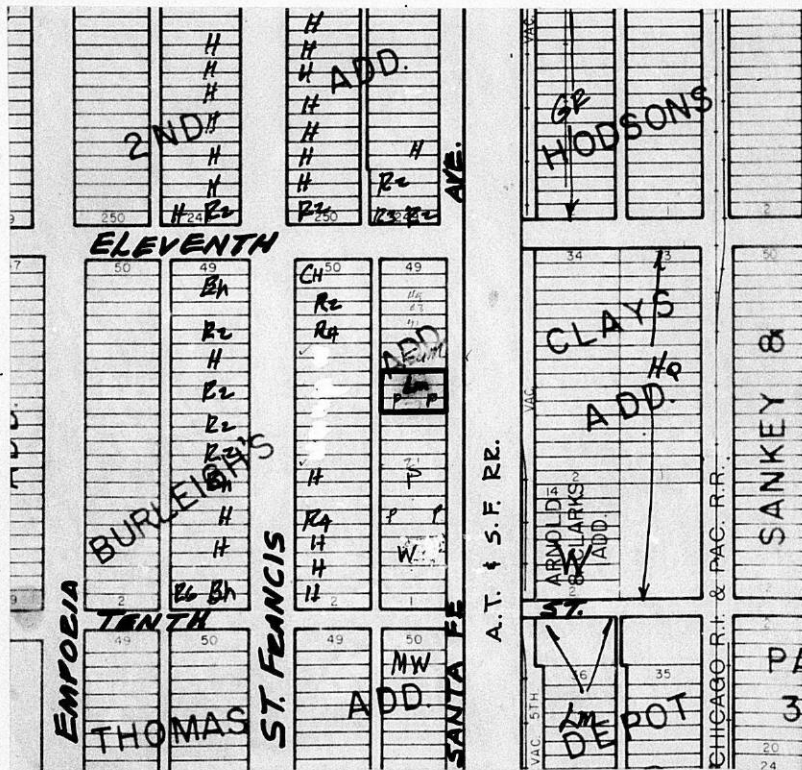
BZA- 69-79
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.04 (25 ft. by 75 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East A.T. & S.F. RR. South _____
 West SINGLE & TWO FAM North _____
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 _____



January 30, 1980

Robert R. Redd
1141 N. Santa Fe
Wichita, Kansas 67213

Re: Case No. BZA 89-79
Request for Variance

Dear Mr. Redd:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 22, 1980, in connection with your request for a variance to vary the screening requirement between industrial development and the residential zoning district on property zoned the "E" Light Industrial District and generally located on the west side of Santa Fe between 10th & 11th Street (1139 N. Santa Fe).

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 Gisick, City Clerk
Garrett Addison, Vice President, Smith Const. Co., Inc.
P. O. Box 13213, Wichita, Ks. 67213

RESOLUTION NO. BZA 69-79

WHEREAS, Robert R. Redd, 1141 N. Santa Fe, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to vary the screening requirement between industrial development and the residential zoning district on property zoned the "E" Light Industrial District and legally described as follows:

Lots 29, 31 & 33 on Santa Fe in Burleigh's Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Santa Fe between 10th & 11th Street (1139 N. Santa Fe).

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 January 22, 1980, 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 business has been in operation at this location for a number of years without any solid screening adjacent to the alley on the west and the planned expansion should not appreciably alter the circumstances that have existed over this time; 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 to the west is being utilized as an asphalt parking for St. Francis Hospital employees and will in all probability continue to be used for that purpose or other nonresidential uses; 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 existing 6' chain link fence would have to be removed and replaced by a solid fence/wall to provide screening for a parking lot from which it is separated by an unpaved alley; 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 variance is interiorly located; 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 screening provision is to provide protection to residential property; 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.

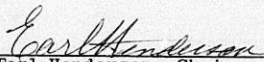
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to vary the screening requirement between industrial development and the residential zoning district on property zoned the "E" Light Industrial District and legally described as follows:

Lots 29, 31 & 33 on Santa Fe in Burleigh's Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Santa Fe between 10th & 11th Street (1139 N. Santa Fe).

be approved subject to the following condition:


1. In the event the property to the west is developed with a residential use, this resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 22nd day of January, 1980 .



Earl Henderson, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

January 24, 1980

Robert R. Redd
4102 W. 19th
Wichita, Kansas 67212

Re: Case No. BZA 69-79
Request for Variance

Dear Mr. Redd:

At the regular meeting of the Board of Zoning Appeals on Tuesday, January 22, 1980, your request for a variance to vary the screening requirement between industrial development and the residential zoning district on property zoned "E" Light Industrial District and generally located on the west side of Santa Fe Between 10th and 11th Street (1139 N. Santa Fe) was considered.

It was the action of the Board to approve this request subject to the following condition:

1. In the event the property to the west is developed with a residential use, this resolution shall become null and void.

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
Garrett Addison, Vice Pres., Smith Const. Co., Inc.,
P. O. Box 13213, Wichita, Ks. 67213

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE January 22, 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, CPO Administrative Aide

SUBJECT BZA 69-79 (West side of Santa
Fe between 10th and
11th Street).

At their January 21 meeting CPO Neighborhood Council "L" considered the captioned zoning case involving a requested variance to vary the screening requirement between industrial development and the residential zoning district.

Council "L" voted 6-0 not to oppose the requested variance. Neither a representative of the individual requesting the variance or an adjoining property owner was present to discuss the case with the Council.

Please provide their information to the Board of Zoning Appeals when they consider this case at their January 22 meeting.

Stan Scott
Stan Scott
CPO Administrative Aide

SS:rs

NOTED: *Sarah Gilbert*
Sarah Gilbert
Assistant CP Coordinator

RECEIVED

JAN 22 1980

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BEA 69-79

APPLICANT: Robert R. Redd, 1141 N. Santa Fe, Wichita, Kansas

AGENT: Garrett H. Addison, 4620 Esthner, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to vary the screening requirement between industrial development and the residential zoning district.

GENERAL LOCATION: West side of Santa Fe between 10th and 11th Streets (1139 N. Santa Fe).

ZONING: Subject property is zoned "E" Light Industrial as are the properties to the north, south and east. West is "B" Multiple Family zoning.

LAND USE: Subject property is developed with a manufacturing business. North and east is undeveloped. South and west is parking.

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).

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BZA 69-79
BZA AGENDA
1-22-80

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to waive the required screening adjacent to the west property line, in connection with the expansion of an existing manufacturing facility located on the property.

The existing manufacturing facility was constructed prior to the screening requirements being adopted as a part of the zoning ordinance. The applicant is now desirous of expanding the present facility, however, in order to obtain a building permit, he is required to provide screening, in accordance with Section 28.04.160.E, along the west property line which would require removal of an existing 6' high chain link fence.

The applicant states that the property is now used for industrial purposes and the new building would not change this use. He also notes that although the property to the west is zoned the "B" Multiple Family Dwelling District all structures have been removed and the property is being utilized as an asphalt parking lot for St. Francis Hospital employees.

UNIQUENESS:

It is the opinion of the Secretary that this may be a unique situation inasmuch as the existing business has been in operation at this location for a number of years without any solid screening adjacent to the alley on the west and the planned expansion should not appreciably alter the circumstances that have existed over this time.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the requested variance should not adversely affect the rights of adjacent property owners inasmuch as the property to the west is being utilized as an asphalt parking for St. Francis Hospital employees and will in all probability continue to be used for that purpose as the hospital expands.

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 existing 6' chain link fence would have to be removed and replaced by a solid fence/wall to provide screening for a parking lot from which it is separated by an unpaved alley.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the public interest inasmuch as it is interiorly located.

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BZA 69-79
BZA AGENDA
1-22-90

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested may not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the screening provision is to provide protection to residential development.

RECOMMENDATION:

If the Board concurs that the above five conditions can be found to exist, it is recommended that the variance be granted subject to the following condition:

1. In the event the property to the west is developed with a residential use, this resolution shall become null and void.

4620 ESTHNER
WICHITA, KANSAS

PHONE: (316) 942-7889

13213
P.O. BOX 13213
WICHITA, KANSAS 67213

CHIEF
METAL BUILDINGS

SMITH CONSTRUCTION CO., INC.

December 4, 1979

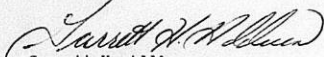
City of Wichita
Board of Zoning Appeals
455 N. Main
Wichita, Kansas 67202

Attention: Glen Shirkey

STATEMENT OF JUSTIFICATION

1. The property is now is use as industrial property. The new building addition will not change this use. Although the property at the west property line zoned residential all structures have been removed and the property is being utilized as an asphalt parking lot for St. Francis Hospital employees.
2. The granting of the variance will not in any way affect adjacent property areas. The property to the north & south is zoned industrial and used for industrial purposes.
3. The strict application of the provisions of Title 28 would require the applicant to remove an existing 6' high chain link fence at his property line and replace it with a solid wood fence. The wood fence is unnecessary, more expensive, less secure and would require far more maintenance.
4. The variance desired pertains entirely to private property and will have no effect what so ever on public health, safety, morals, order, convenience, prosperity or general welfare.
5. Under the conditions previously stated granting the variance desired will not in any way be opposed to the general spirit and intent of Title 28.

Sincerely,



Garrett H. Addison,
Vice President
SMITH CONSTRUCTION CO., INC.

GHA/jjs

RECEIVED

DEC 10 1979

METROPOLITAN PLANNING
ROUTE Shirkey

BZA CASE NO. 69-79

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

10 NOTICES SENT TO ADJOINING PROPERTY OWNERS

23 TOTAL NOTICES SENT 12-27-79

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

December 27, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. EZA 69-79

An application has been filed by Robert R. Redd, 1141 N. Santa Fe, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to vary the screening requirement between industrial development and the residential zoning district, on property zoned "E" Light Industrial and legally described as follows:

Lots 29, 31 & 33 on Santa Fe in Burleigh's Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Santa Fe between 10th & 11th Street (1139 N. Santa Fe).

This application has been assigned case No. EZA 69-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 22, 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

BOARD OF ZONING APPEALS

CASE NO. 69-79

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Robert R. Redd *R & R Spraying & business*
 Mailing Address 4102 W. 19th 67212
1141 N. Santa Fe, Wichita, Ks. 67214 Phone 264-6841
 Name of Authorized Agent Garrett H. Addison, Vice Pres., Smith Const. Co., Inc.
 Mailing Address P.O. Box 13213, Wichita, Ks. 67211 Phone 942-7989

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

II. The variance requested is to vary the screening requirement between
Zoning ordinance 28,04-160(K) Screening
between lt. industrial development and the residential zoning district.
not needed only Applicants property is now in use as
industrial property. There is an existing 6' high chain link fence at west property
line at the existing 15' alley. The residential property abutting applicant's prop-
erty at the west property line and separated by the 15' alley is now an asphalt
parking lot for St. Francis Hospital employees.
 for property located 1139 N. Santa Fe, Wichita, Ks.
 ✓ on the west side of Santa Fe between 10th & 11th Street

and legally described as: Lots 29, 31 & 33 Burleigh's Addition
 ✓ to Wichita, Sedgewick County, Kansas
on Santa Fe in

in the City of Wichita; and which is presently zoned "E" Lt. Ind.

- 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 Sedgewick 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.

Robert R. Redd
 Applicant

Garrett H. Addison, Vice Pres. Smith Const. Co. Inc.
 Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 3:20 (a.m. - P.M.), November 28 19 79 together with appropriate fee of \$50.00.

G. Lynn Shirkley
 Signed

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

Lot	Addition	Property Owner
lots 13,15,17 S½ lot 19, Santa Fe	Burleigh's Addition	Elca Enterprises Inc. Address Unknown
N½ lot 19, all lot 21, Santa Fe	Same	D Dwight Krehbiel 715 East 10th 67214
lots 23,25,27 Santa Fe	Same	Dwight Krehbiel and Wilma 715 East 10th 67214
lots 29,31,33 Santa Fe	Same	Robert R. Redd & Shirley A. 1141 North Santa Fe 67214
lot 35, Santa Fe	Same	M. W. McClure & Lois M. 907½ West Douglas 67213
lots 37,39,41,43 45,47,49 Santa Fe	Same	Alfred M. Tocker and Lilia Rodriguez Tocker 1111 North St. Francis 67214
lots 14,16,18, 20, St. Francis	Same	Paul E. Wakim 1030 North Emporia 67214
lots 22,24,26, 28,30,32,34,36, 38, St. Francis	Same	St. Francis Hospital and School of Nursing Inc. 929 North St. Francis 67214
lots 40 and 42 St. Francis	Same	Krishan K. Goyle & Vimal Goyle 1111 North St. Francis 67214
lots 44 and 46 St. Francis	Same	Sarah Estelle Bergen 1149½ N. St. Francis 67214
lots 48 and 50 St. Francis	Same	The Church of God 1156 North St. Francis 67214
even lots 16 thru 26, Santa Fe	Clay's Addition	Cargill Inc. 4800 Main, Kansas City, Mo.
Lot 4 except the east 0.5 ft, lot 6, except the east 0.5 ft of the south 21.05 feet, and all of lots 8, 10, 12 and 14, Clays Addition to the City of Wichita, and all of vacated Santa Fe adjacent to above said lots		Mobile Ads, Inc. 700 East 10th St. 67214

*sent to home add.
per business address
4102 W. 19th lot 19
returned
addresses
unknown
1-9-80*

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

A 200 foot radius of: Lots 29, 31 and 33,
on Santa Fe in Burleigh's Addition to
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 21st day of November, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Kable
Vice President

Order No. 283535
wh

WICHITA - SEDGWICK COUNTY



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

ADDRESSEE
UNKNOWN
RETURN TO SENDER

RED 41 030304N1 01/03/80

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD



Robert R. & Shirley A. Redd
1141 North Santa Fe
Wichita, Ks. 67214

RECEIVED

JAN 6 8 1980

METROPOLITAN PLANNING

ROUTE _____

1-9-80
672 JAN 7 AM 1980 WICHITA KS

resent to
4102 W. 19th
67212 SD

per his business receptionist

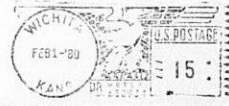
WICHITA - SEDGWICK COUNTY



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

RED 41 030209N1 02/02/80

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD



Robert R. Redd
1141 N. Santa Fe
Wichita, Kansas 67212

Handwritten signature

resent to W. 19th address
Resolution

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 200-21

PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hae 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
17724		
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	
11-21-71		

*

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

Roll # 2