

BZA 1-72 - Warren G. Willenberg
et.al. req. Variance to reduce
front setback on N side of Wassal
in area between Lulu & Victoria

POSTED
1-24-72
S

BZA 2-22-72 Slony

Map No. 5544
 Sec. A
 Twp. 28
 Range 1E

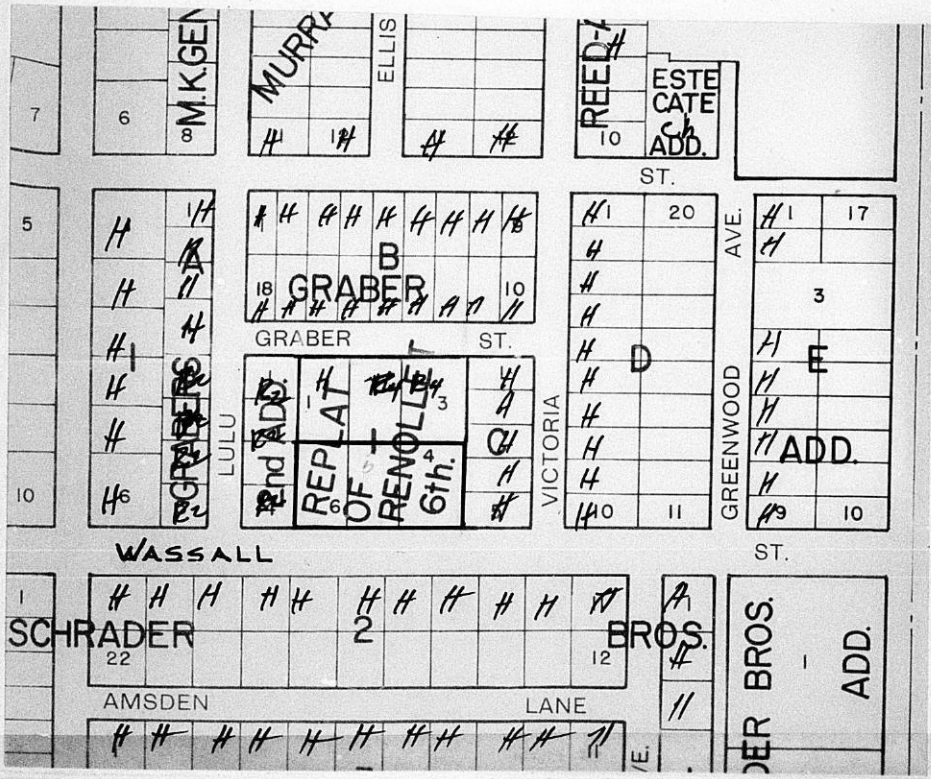
BZA- 1-72
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 2.06 (300 ft. by 300 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FARM South SINGLE FARM
 West TWO FARM North SINGLE FARM
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: SINGLE & MULTI FARM
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



RESOLUTION NO. BZA 1-72

WHEREAS, Warren G. Willenberg, 1255 Wood, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only, on property zoned "B" Multiple Family, and legally described as follows:

Lots 4, 5 and 6, Replat of Renollet 6th Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Wassall in an area between Lulu and Victoria.

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 February 22, 1972, 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 there is nothing unique about this request inasmuch as adequate parking can be provided on subject property without the waiver of the front yard setback requirement; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance would adversely affect the rights of adjacent property owners or residents inasmuch as there are residences on three sides of the application and the paving of the lots to the front property line and the elimination of the landscape area would have an adverse affect on them; 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 not constitute unnecessary hardship upon the property owner represented in the application inasmuch as 15 off-street parking spaces in excess of that required by the Zoning Ordinance, can be provided without the granting of the variance requested; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as the paving would extend into the area normally maintained as a landscaped yard; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as adequate parking can be provided for the proposed development without waiving this setback requirement; and

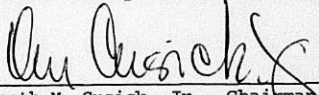
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, cannot be found to exist.

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 front yard setback from 20 feet to 0 feet, on property zoned "B" Multiple Family, and legally described as follows:

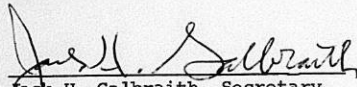
Lots 4, 5 and 6, Replat of Renollet 6th Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Wassall in an area between Lulu and Victoria.

be denied.

ADOPTED AT WICHITA, KANSAS, this 22nd day of February, 1972.


Kenneth M. Cusick, Jr., Chairman

ATTEST:


Jack H. Galbraith, Secretary

March 8, 1972

Mr. Warren G. Willenberg
1255 Wood
Wichita, Kansas 67212

Subject: Case No. BEA 1-72
Request for Variance

Dear Mr. Willenberg:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 22, 1972, in connection with your request for a variance to reduce the required front yard setback from 20 feet to 0 feet, on property zoned "B" Multiple Family, and generally located on the north side of Wassall in an area between Lulu and Victoria.

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your information and files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

Enclosure

cc Homer W. Sloan, 1255 Wood 67212
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

February 24, 1972

Mr. Warren G. Willenberg
1255 Wood
Wichita, Kansas 67212

Subject: Case No. BEA 1-72
Request for Variance

Dear Mr. Willenberg:

At the regular meeting of the Board of Zoning Appeals on February 22, 1972, your request for a variance to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only, on property zoned "B" Multiple Family, and generally located on the north side of Wassall in an area between Lulu and Victoria, was considered.

It was the action of the Board to deny 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,

Jack H. Galbraith
Secretary

JMG:ls

cc Helen E. Pratt, 1401 Wassall 67216
Mrs. Mildred R. Schubs, 1419 Wassall 67216
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 1-72

APPLICANT: Warren G. Willenberg, et. al., 1255 Wood, Wichita,
Kansas 67212

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City
of Wichita, to reduce the required front yard setback from
20 feet to 0 feet for off-street parking purposes only

GENERAL LOCATION: On the north side of Wassall in an area between
Lulu and Victoria

ZONING: Subject property is zoned "B" Multiple Family as is that
property to the north; west is "A" Two Family; east and
south is "AA" Single Family

LAND USE: Subject property is undeveloped; north is single and
multiple family; south and east is single family; west
is two family

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 hard-
ship 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 of the variance desired will not be opposed to
the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned "B" Multiple Family.

In his statement of justification the applicant points out that the proposed project consists of 60 apartment units with 70 on-site parking spaces. He further points out that he feels that if 15 additional spaces are provided as per the variance request it will assure no off-site parking. It should be pointed out that the Traffic Engineer states that the applicant can accommodate 75 parking spaces without encroaching into the required 20 foot setback area, and therefore the granting of the variance would permit an additional 10 spaces.

UNIQUENESS:

It is the opinion of the Secretary that there is nothing unique about this request inasmuch as adequate parking can be provided on subject property without the complete waiver of the front yard setback requirement.

ADJACENT PROPERTY:

It is the opinion of the Secretary that inasmuch as there are residences on three sides of the application area, the paving of the lots to the front property line and the elimination of the landscape area, would have an adverse affect on adjacent properties.

HARDSHIP:

It is the opinion of the Secretary that no hardship can be found to exist inasmuch as 15 off-street parking spaces in excess of that required by the Zoning Ordinance, can be provided without the granting of the variance requested.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would affect the public interest inasmuch as the paving would extend into the area normally maintained as a landscaped yard.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance would be opposed to the spirit and intent of Title 28

inasmuch as adequate parking can be provided for the proposed development without waiving this setback requirement.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of a variance cannot be found to exist and, therefore it is recommended that the request not be approved.

In the event the Board should determine that all five conditions can be found to exist necessary to take jurisdiction and vote to approve the request, the granting of the variance should be subject to the following conditions:

1. A four foot high solid fence constructed of masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be erected along the south 20 feet of the east and west property lines and along the south property line except for points of ingress and egress.
2. The parking areas shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle equipment, materials or supplies.
3. Only such signs as are necessary for the proper operation of the parking lots shall be permitted.
4. In no case shall a fee be charged for parking facilities provided hereunder.
5. The off-street parking lots and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash, and debris.
6. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
7. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.

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

February 2, 1972

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 1-72

An application has been filed by Warren G. Willenberg, et. al., 1255 Wood, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only, on property zoned "B" Multiple Family, and legally described as follows:

Lots 4, 5 and 6, Replat of Renollet 6th Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Wassall in an area between Lulu and Victoria.

This application has been assigned Case No. BZA 1-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 22, 1972, at 1:30 p.m., 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

42 Notices mailed 2-2-72

BOARD OF ZONING APPEALS

CASE NO. 1-72

CITY OF WICHITA, KANSAS

FILED 1-19-72

APPLICATION FOR VARIANCE

I. Name of Applicant ✓ Warren G. Willenberg & Homer W. Sloan

Mailing Address 1255 Wood, Wichita, Kansas 67212 Phone 722-2420

Name of Authorized Agent NA

Mailing Address NA Phone NA

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

II. The variance requested is waiving the 20 foot front setback as

to allow parking to reduce the required front yard setback from
20' to 0' for off street parking purposes only

for property located 1500 Block East Wessall

Wichita, Kansas 67216

and legally described as: _____

Lots 4, 5, and 6, Replat of Renollet 6th

Addition, Wichita, Sedgwick County, Kansas

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

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.

Warren G. Willenberg
Applicant

NA
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 1:40 (~~pm~~ - p.m.), January 19 1972 together with appropriate fee of \$50.00.

Jack H. Selbach
Signed

T9-402

Map #5544

TO: City of Wichita
Board of Zoning Appeals

Our proposed project consists of 60¹⁰ apts. units with 70¹⁵ on-site parking spaces. However, we feel if we provide 15 additional spaces as per the variance request, it will assure no off-site parking.

I hereby feel that this variance request is justifiable since our property is located such that there is only one house at each end of the block. The houses located at each end of the block either face the East or the West and that their setback is not 20 feet as our project.

Hence, using the 20 foot setback as parking will in no way adversely affect the other property owners.

Warren G. Willenberg

Warren G. Willenberg

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO., INC. hereby certified the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds of Sedgwick County, Kansas, of the following described real estate, together with all property lying within 200 feet radius thereof.

Lots 4, 5, and 6, Replat of Renollet 6th Addition, Wichita, Sedgwick County, Kansas.

DESCRIPTION	OWNER/OWNERS/ADDRESS	
<u>Replat of Renollet 6th</u>		
Lot 1 & W.50' of Lot 2	✓William H. Van Deventer & Arlene E. 1423 East Graber	67216
Lot 2, exc. W.50' & all Lot 3.	✓Roy H. Garrett & F. Mozelle 1411 Graber	67216
Lots 4, 5 & 6	✓O. J. Baalman & Janet 3301 Ida	67216
<u>Schrader Bros. 2nd Addition</u>		
<u>Block 2</u>		
E.41' Lot 2 & West 21' Lot 3	✓George Alvin Pond & Bette L. 1315 Wassall	67216
E.62' of Lot 3.	✓Daniel Anthony Crowe & Naomi B. 1321 Wassall	67216
West 70' of Lot 4	✓Mrs. B. Helen Barnes 1327 Wassall	67216
E.13' of Lot 4 & W.56' of Lot 5	✓Helen E. Pratt 1401 Wassall	67216
E.27' of Lot 5 & W.42' of Lot 6	✓Nusry B. Farha & Ruth A. 1409 Wassall	67216
E.41' of Lot 6 & W.28' of Lot 7	✓Ted R. Schuhs & Mildred R. 1419 Wassall	67216
E.55' of Lot 7 & W.14' of Lot 8	✓Frank L. Rehm & Tressie P. 1425 Wassall	67216
E.69' of Lot 8	✓Administrator of Veterans Affairs 5500 E. Kellogg	67218
W. 62' of Lot 9	✓Victor W. Pilcher 1507 Wassall	67216
E.21' of Lot 9 & W.41' of Lot 10	✓Ike Grooman & Ruth 1515 Wassall	67216
E.42' of Lot 10 & W.20' of Lot 11	✓William Frank Barlow & Betty R. 1521 Wassall	67216
W.41' of Lot 13 & E.21' of Lot 14	✓Alfa K. Rusher 1514 Amsden	67216
W.62' of Lot 14	✓William W. Broadie & Joann J. 1508 Amsden	67216
E.69' of Lot 15	✓Billie E. McCandless & Kitty J. 1502 Amsden	67216
W.14' of Lot 15 & E.55' of Lot 16	✓Coy L. Hooten & Hazel E. 1426 Amsden	67216

DESCRIPTION	OWNER/OWNERS/ADDRESS	
<u>Schrader Bros. 2nd Addition</u>		
<u>Block 2</u>		
W.28' of Lot 16 & E.41' of Lot 17	✓Rose Furey & Francis 1420 Amsden	67216
W.42' of Lot 17 & E.27' of Lot 18	✓Keith Joy & Hannah Bell Joy 994 Westlink	67212
W.56' of Lot 18 & E.13' of Lot 19	✓Roy H. Graham 1402 Amsden	67216
W.70' of Lot 19	✓Dorothy E. Bestgen 1326 Amsden	67216
E.62' of Lot 20	✓William Robert Snook, Jr. & Rosemary 3908 E. Funston	67218
<u>Graber Addition</u>		
<u>Block C</u>		
Lot 1	✓Harold D. Rhoades & Martha B. 2731 Victoria	67216
Lot 2	✓Bob J. Shanks and Janet S. 2737 Victoria	67216
Lot 3	✓Michael D. Wilson & Rita C. 2743 Victoria	67216
Lot 4	✓Bernice M. Hitzeman 2749 Victoria	67216
Lot 5	✓James T. Green & Esther 2755 Victoria	67216
<u>Graber Addition</u>		
<u>Block D</u>		
Lot 6	✓Charles Robert Bales & Betty L. 2732 Victoria	67216
Lot 7	✓Michael J. Lesperance & Barbara L. 2738 Victoria	67216
Lot 8	✓Joy L. Brooks 2742 Victoria	67216
Lot 9	✓James H. Foster & Virginia A. 2748 Victoria	67216
Lot 10	✓Vera E. Storch 1005 S. Menlo, Sioux Falls, S.D.	57105
<u>Graber 2nd Addition</u>		
Lot 1 & No.24.37' of Lot 2	✓Charles Louis Brandt & Patricia Ann 2133 Bella Vista	67203
S.51.26' of Lot 2 & N.48.74' of Lot 3.	✓W. Katherine Sims 2738 Lulu	67216
S.26.89' of Lot 3 & All of Lot 4	✓Dennis M. Schulte & Virginia 8300 Bekemeyer	67212
Lot 5 & S.26.89' of Lot 6	✓Flossie E. Burns 2753 Lulu	67216
N.48.74' of Lot 6 & S.51.26' of Lot 7	✓Richard R. Hardison & Patty J. 5944 Jones	67217
N.24.36' of Lot 7 & All of Lot 8	✓Rellah T. Allen 2733 Lulu	67216
	✓Bevin G. Allen & Dott J. 2727 S. Mead	67216
	✓Elvin E. Roberts & Beulah A. 2738 Rose Marie Ct.	67216

Page 3 of Certificate of Ownership for Lots 4-5-6, Replat of Renollet 6th Addition
Wichita, Sedgwick County, Kansas.

GUARANTEE TITLE CO. Inc., hereby certifies the above and foregoing
to be true and correct.

Dated this 12th day of January, 1972 at 6:00 o'clock A.M.

GUARANTEE TITLE CO. Inc.,

By

Nellie M. Leasing
Vice-President.

Order No. 36118

FORM 223-221

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

450.00

DESCRIPTION	AMOUNT

Name

Address

Type	Due Date
------	----------

Comments:

Date	By
------	----

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1