

BZA 4-63 - DR. JAMES L. KASTENS
REQUESTS EXCEPTION FOR SMALL ANIMAL
CLINIC IN B2 ON S SIDE OF 13TH BET.
CUSTER AND SHERIDAN.

ACTION

By COMMITTEE *App.* DATE *1-22-63*

M.A.P.C. _____

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

RESOLUTION NO. 4-63

WHEREAS, Dr. James L. Kastens, 3059 West 13th Street, Wichita, Kansas, requests an exception to permit the installation or construction of a small animal clinic, as provided in Section 28.04.180.A.12 of the Code of the City of Wichita, Kansas; and

WHEREAS, the above request applies to property legally described as the west 120 feet of the east 336 feet of the Northwest quarter of Northwest quarter of Northeast quarter of Section 13, Township 27, Range 1 West, except the south 300 feet thereof, which is generally located on the south side of 13th Street in an area between Custer and Sheridan; and

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, in regular meeting, consider said application on the 22nd day of January, 1963; and

WHEREAS, the said Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590 of the Code of the City of Wichita, Kansas; and

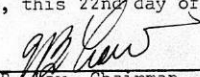
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS of the City of Wichita, Kansas, that the request for an exception as described above for property legally described as

The West 120 feet of the east 336 feet of the Northwest quarter of Northwest quarter of Northeast quarter of Section 13, Township 27, Range 1 West, except street, and except the south 300 feet thereof, in the City of Wichita, Kansas,

being generally located on the south side of 13th Street in an area between Custer and Sheridan, is hereby approved and the Superintendent of Central Inspection is hereby authorized to issue a permit for a small animal clinic, subject to the following:

1. No noise or odors shall be discernible at any exterior building line.
2. Treatment shall be limited to dogs, cats and other small animals. All animals shall be harboured indoors.
3. Submission of the parking plan, complete with adequate means of ingress and egress to the Traffic Engineer for his approval. Such plans shall be approved by the Traffic Engineer in accordance with the provisions set forth in the Zoning Ordinance. (Section 28.04.140.A).

ADOPTED at Wichita, Kansas, this 22nd day of January, 1963.



E. B. Law, Chairman

ATTEST:



R. A. Lakin, Secretary

February 4, 1963

Dr. James L. Kastens
3059 West 13th Street
Wichita, Kansas

Dear Dr. Kastens:

Subject: BZA 4-63

On January 24, 1963, we advised you that the Board of Zoning Appeals had approved subject application for an exception to the Zoning Ordinance to permit the construction of a small animal clinic in an area generally located on the south side of 13th Street in an area between Custer and Sheridan. We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before February 1, 1963.

The City Clerk has advised that no appeal was filed on or before the date indicated, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Robert A. Lakin
Secretary

RAL:ber

Attachment

cc: Glen Lytle, Superintendent
Central Inspection

Board of Zoning Appeals

January 28, 1963

C. H. Funk, City Clerk

Robert A. Lakin, Secretary

Case BZA 4-63

Attached is a copy of BZA Resolution 4-63,
covering action taken by the Board of Zoning
Appeals on the above case.

This case was heard on January 22, 1963, and
an appeal may be filed in your office on or
before February 1, 1963.

If an appeal is filed, please advise.

Robert A. Lakin
Secretary

RAL:ber

Attachment

SECRETARY'S REPORT

BZA CASE NO. 4-63

GENERAL DESCRIPTION

THIS CASE INVOLVES A TRACT OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF 13TH STREET BETWEEN MT. CARMEL AND CUSTER. SUBJECT PROPERTY IS CURRENTLY ZONED "AA" SINGLE FAMILY, "B" MULTIPLE FAMILY AND "BB" OFFICE DISTRICT. THE EXISTING ZONING TO THE NORTH IS "LC" LIGHT COMMERCIAL. THE PROPERTY TO THE EAST, SOUTH AND WEST IS ZONED "AA" SINGLE FAMILY. IMMEDIATELY TO THE NORTH OF THE PROPERTY IN QUESTION IS A DRIVE-IN RESTAURANT, TWO OFFICES, LAUNDRY AND A RESTAURANT. TO THE EAST, SOUTH AND WEST ARE SINGLE FAMILY DWELLINGS.

REQUEST

THIS REQUEST IS FOR AN EXCEPTION TO ALLOW A SMALL ANIMAL HOSPITAL IN A "BB" OFFICE DISTRICT CLASSIFICATION AS PROVIDED IN SECTION 28.04.180.A.12.

JURISDICTION

AS PROVIDED IN SECTION 28.04.180.A.12, THE BOARD OF ZONING APPEALS IS GRANTED JURISDICTION TO CONSIDER THIS APPLICATION WHEN THE FOLLOWING CONDITIONS PREVAIL:

- A. PRIOR TO GRANTING OF SUCH PERMIT THE BOARD SHALL FIND FROM PLANS AND SPECIFICATIONS SUBMITTED THAT NO NOISE OR ODORS SHALL BE DISCERNIBLE AT ANY EXTERIOR BUILDING LINE.
- B. TREATMENT SHALL BE LIMITED TO DOGS, CATS AND OTHER SMALL ANIMALS. ALL ANIMALS SHALL BE HARBOURED INDOORS.

HISTORY

THIS SAME AREA WAS THE SUBJECT OF ZONE CASE NO. Z-0420 WHICH WAS A REQUEST FOR A ZONE CHANGE FROM "AA" SINGLE FAMILY TO "LC" LIGHT COMMERCIAL. THE METROPOLITAN AREA PLANNING COMMISSION CONSIDERED THE APPLICATION ON DECEMBER 6, 1962, AND RECOMMENDED TO THE BOARD OF CITY COMMISSIONERS THAT THE APPLICATION FOR "LC"

BE DENIED AND FURTHER RECOMMENDED THAT THE FRONT 20 FEET OF SUBJECT PROPERTY BE LEFT "AA", THE SOUTH 30 FEET OF THE NORTH 50 FEET BE ZONED "B", EXCEPT FOR THE WEST 30 FEET, AND THAT THE BALANCE OF THE PROPERTY BE ZONED "BB". THE PLANNING COMMISSION POINTED OUT THAT A SMALL ANIMAL CLINIC COULD BE ERECTED IN A "BB" ZONING DISTRICT WITH THE APPROVAL OF THE BOARD OF ZONING APPEALS. THE BOARD OF CITY COMMISSIONERS APPROVED THE APPLICATION AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION.

COMMENTS BY THE SECRETARY

THE APPLICANT HAS SUBMITTED A STATEMENT OF JUSTIFICATION AND A PLOT PLAN WHICH ARE SHOWN AS ATTACHMENTS 1, 2 AND 3, OF THIS REPORT.

THE APPLICANT PROPOSES TO CONSTRUCT A NEW BUILDING ON THE FRONT OF AN ALREADY EXISTING CONCRETE BLOCK GARAGE. THE APPLICANT HAS STATED IN HIS LETTER OF APPLICATION THAT "THE NEW PORTION INCLUDES A LARGE RECEPTION ROOM, EXAM ROOM, SURGERY, DARK ROOM AND CORRIDOR. THE REMODELED PORTION WILL BE UTILIZED AS AN AREA FOR KENNELS AND INDOOR RUNS AND WILL CONTAIN A LAVATORY, LABORATORY AND A PLACE FOR HEATING AND AIRCONDITIONING." THE APPLICANT FURTHER MAINTAINS THAT THE PROPOSED CLINIC WILL BE CONSTRUCTED LARGELY OF CONCRETE BLOCK MATERIAL AND WILL BE FULLY AIRCONDITIONED WHICH WILL MAKE IT VIRTUALLY SOUNDPROOF.

IN CONVERSATIONS WITH THE APPLICANT, IT WAS FOUND THAT HE PROPOSES TO HAVE OFF-STREET PARKING IMMEDIATELY NORTH OF THE PROPOSED CLINIC. SECTION 28.04.140 PROVIDES THAT IN DWELLING DISTRICTS, PARKING SPACE SHALL NOT OCCUPY ANY PART OF ANY REQUIRED FRONT YARD. AFTER CONSULTING WITH THE CENTRAL INSPECTION DIVISION, IT WAS FOUND THAT OFF-STREET PARKING CAN BE PROVIDED ON THE SOUTH 25 FEET OF "B" ZONING

BUT THERE CAN BE NO PARKING ON THE FRONT 25 FEET OF SUBJECT PROPERTY SINCE THIS IS THE REQUIRED FRONT YARD. THE REQUIRED FRONT YARD INCLUDES ALL OF THE "AA" ZONING ON THE FRONT OF THE PROPERTY, PLUS THE NORTH 5 FEET OF "B" ZONING.

IT IS THE OPINION OF THE SECRETARY THAT THE PROPOSED USE IS COMPATIBLE TO OTHER USES IN THIS GENERAL AREA. THE ANIMAL HOSPITAL WILL PROVIDE FACILITIES FOR THE GENERAL AREA WHICH ARE NOT NOW AVAILABLE EXCEPT BY TRAVELING LONG DISTANCE. IT APPEARS THAT THE INTENT OF THE PLANNING COMMISSION AT THE TIME THIS ORDINANCE WAS PASSED, WAS TO RESTRICT PRIMARILY THE LOCATION OF SMALL ANIMAL HOSPITALS TO AREAS WHERE THEY WOULD BE COMPATIBLE WITH SURROUNDING USES. IN VIEW OF THE ALREADY EXISTING USES ALONG 13TH STREET IN THE IMMEDIATE VICINITY (LARGELY COMMERCIAL AND AGING RESIDENCES) AND THE PLANNING COMMISSION'S RECOMMENDATION TO LOOK WITH FAVOR ON OTHER "BB" APPLICATIONS IN THIS GENERAL AREA, IT APPEARS THAT THIS USE WOULD BE WELL SUITED FOR THIS AREA.

IN CHECKING WITH THE CENTRAL INSPECTION DIVISION, IT WAS FOUND THAT THE EXISTING GARAGE IS OF CONCRETE BLOCK MATERIAL SO ADDITIONAL CONSTRUCTION AND REMODELING TO THE EXISTING GARAGE WILL BE ALLOWED.

IT IS ALSO THE OPINION OF THE SECRETARY THAT SCREENING SHOULD NOT BE A REQUIREMENT FOR THIS PARTICULAR CASE SINCE THE ADJOINING AREA WILL MOST LIKELY DEVELOP ALONG THE SAME TYPE OF USE AS THAT PROPOSED IN THIS CASE.

IN VIEW OF THE AFOREMENTIONED REASONS, IT IS THE RECOMMENDATION OF THE SECRETARY THAT THIS APPLICATION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A. NO NOISE OR ODORS SHALL BE DISCERNIBLE AT ANY EXTERIOR BUILDING LINE.

PAGE 4 - SECRETARY'S REPORT
CASE BZA No. 4-63

- B. TREATMENT SHALL BE LIMITED TO DOGS, CATS AND OTHER SMALL ANIMALS. ALL ANIMALS SHALL BE HARBOURED INDOORS.
- C. SUBMISSION OF THE PARKING PLAN, COMPLETE WITH ADEQUATE MEANS OF INGRESS AND EGRESS TO THE TRAFFIC ENGINEER FOR HIS APPROVAL. SUCH PLANS SHALL BE APPROVED BY THE TRAFFIC ENGINEER IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN THE ZONING ORDINANCE. (SECTION 28.04.140.A).

3059 W. 13th St.
Wichita 3, Kansas
December 28, 1962

Office of the Secretary
Board of Zoning Appeals
Room 402, City Building Annex
104 S. Main
Wichita, Kansas

Gentlemen:

Please consider this letter an application for an exception as provided in Section 28-04.180 A12 of the Wichita, Kansas Zoning Ordinance. It is our hope to construct a small animal clinic on our property located at 3059 W. 13th Street. The property upon which the proposed construction would take place is presently zoned (BB) Office District. We understand that this zoning district permits an animal clinic with approval of the Board of Zoning Appeals and with this in mind we will attempt to describe our proposed building.

The proposed clinic will consist of a remodeled concrete block garage with an additional building which extends some 26' in front of the garage. The new portion includes a large reception room, an exam room, a surgery, a dark room and a corridor. The remodeled portion will be utilized as an area for kennels and indoor runs and will contain a laboratory, a lavatory, and a place for heating and air conditioning. The building will be largely of concrete block construction and will have few window and door openings to the outside. Thus, the building will be fully air-conditioned and will depend largely on artificial ventilation, rendering it virtually sound-proof. The odorproof condition of animal hospitals and clinics is easily met with modern methods of sanitation and good housekeeping practices.

Please find sketches of our plot plan and proposed floor plan attached to our application.

With the above described plans we feel that this usage of our property will conform with appropriate regulations and should be favorably considered.

Sincerely,

James L. Kastens, D. V. M.

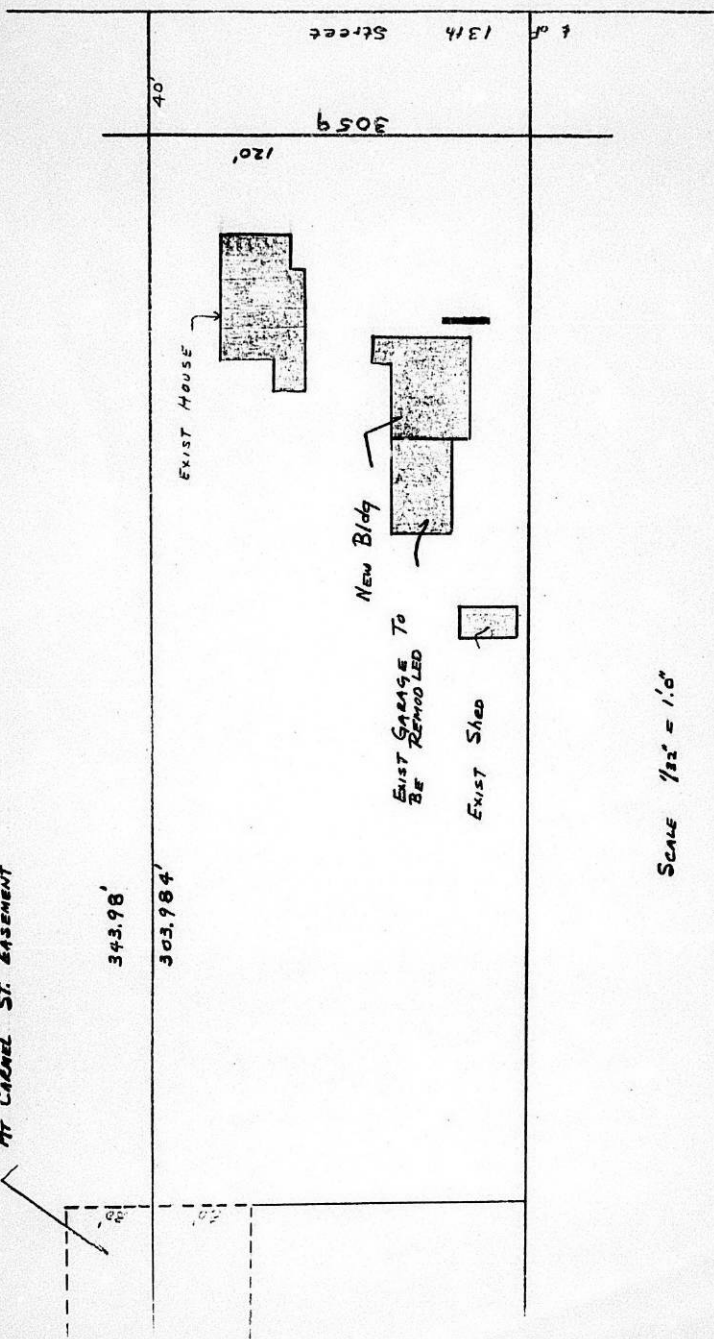
JLK/pk

ATTACHMENT #1

Mt. Carmel St. EASEMENT

343.98'

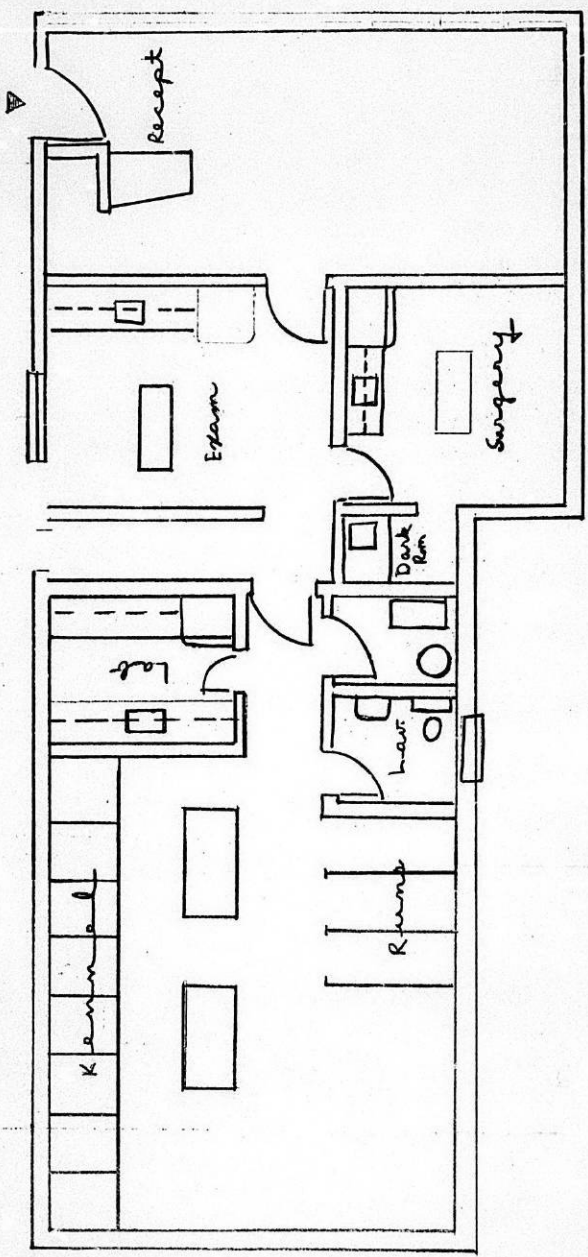
303.984'



SCALE 1/32" = 1.0'

BZA 4-63 ATTACHMENT # 2

Scale 1/4" = 1'



BZA - 4 - 63 ATTACHMENT #3

BZA - 4 - 63

CONDITIONS TO APPROVAL OF BZA 4-63

1. No noise or odors shall be discernible at any exterior building line.
2. Treatment shall be limited to dogs, cats and other small animals. All animals shall be harbored indoors.
3. Submission of the parking plan, complete with adequate means of ingress and egress to the Traffic Engineer for his approval. Such plans shall be approved by the Traffic Engineer in accordance with the provisions set forth in the Zoning Ordinance. (Section 28.04.140.A).

CASE NO. BZA 4-63 - 11 NOTICES MAILED JANUARY 4, 1963

BOARD OF ZONING APPEALS
ROOM 402 CITY BUILDING ANNEX
104 SOUTH MAIN
WICHITA, KANSAS

JANUARY 3, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

CASE No. BZA 4-63

AN APPLICATION HAS BEEN FILED BY DR. JAMES L. KASTENS, 3059 WEST 13TH STREET, WICHITA, KANSAS, AS PROVIDED IN SECTION 2.12.560, ET SEQ; AND SECTION 28.04.180.A.12 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

THE APPLICATION REQUESTS EXCEPTION TO PERMIT THE INSTALLATION OR CONSTRUCTION OF A SMALL ANIMAL CLINIC ON PROPERTY ZONED "BB" AND LEGALLY DESCRIBED AS:

THE WEST 120 FEET OF THE EAST 336 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 27, RANGE 1 WEST, EXCEPT STREET, AND EXCEPT THE SOUTH 300 FEET THEREOF,

GENERALLY LOCATED ON THE SOUTH SIDE OF 13TH STREET IN AN AREA BETWEEN CUSTER AND SHERIDAN.

THE BOARD MAY GRANT APPROVAL IF IT DESIRES, SUBJECT TO THE FOLLOWING CONDITIONS:

1. PRIOR TO GRANTING OF SUCH PERMIT, THE BOARD SHALL FIND FROM PLANS AND SPECIFICATIONS SUBMITTED THAT NO NOISE OR ODORS SHALL BE DISCERNIBLE AT ANY EXTERIOR BUILDING LINE.
2. TREATMENT SHALL BE LIMITED TO DOGS, CATS AND OTHER SMALL ANIMALS, ALL ANIMALS SHALL BE HARBOURED INDOORS.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 4-63. A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, JANUARY 22, 1963, AT 2 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, TO EXPRESS YOUR VIEWS AND WISHES IN THIS CASE.

ROBERT A. LAKIN
SECRETARY

3059 W. 13th St.
Wichita 3, Kansas
December 28, 1962

Office of the Secretary
Board of Zoning Appeals
Room 402, City Building Annex
104 S. Main
Wichita, Kansas

Gentlemen:

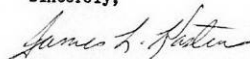
Please consider this letter an application for an exception as provided in Section 28-04.180 A12 of the Wichita, Kansas Zoning Ordinance. It is our hope to construct a small animal clinic on our property located at 3059 W. 13th Street. The property upon which the proposed construction would take place is presently zoned (BB) Office District. We understand that this zoning district permits an animal clinic with approval of the Board of Zoning Appeals and with this in mind we will attempt to describe our proposed building.

The proposed clinic will consist of a remodeled concrete block garage with an additional building which extends some 26' in front of the garage. The new portion includes a large reception room, an exam room, a surgery, a dark room and a corridor. The remodeled portion will be utilized as an area for kennels and indoor runs and will contain a laboratory, a lavatory, and a place for heating and air conditioning. The building will be largely of concrete block construction and will have few window and door openings to the outside. Thus, the building will be fully air-conditioned and will depend largely on artificial ventilation, rendering it virtually sound-proof. The odor-proof condition of animal hospitals and clinics is easily met with modern methods of sanitation and good housekeeping practices.

Please find sketches of our plot plan and proposed floor plan attached to our application.

With the above described plans we feel that this usage of our property will conform with appropriate regulations and should be favorably considered.

Sincerely,



James L. Kastens, D. V. M.

JLK/pk

ATTACHMENT #1

CITY OF WICHITA, KANSAS

Case No. _____

BOARD OF ZONING APPEALS

Filed _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Dr. James L. Kastens
Mailing Address 3059 W. 13th St., Wichita, Kansas Phone WH 2-3900
Name of Authorized Agent N. A.
Mailing Address N. A. Phone N. A.
Relationship of Applicant to Property is that of Owner
(Owner, lessee, tenant, other)

II. Application is made for an exception as provided in Section 28.04.18C.112
Code of the City of Wichita, Kansas (Zoning Ordinance); to permit
the installation or construction of Small Animal Clinic on
property zoned EB; located at 3059 W. 13th St.
and legally described as Lot(s) _____, Block(s) _____,

(Give metes & Bounds description if appropriate)

The W 120' of the E 336' of the NW quarter of the NW quarter
of the NE quarter of Sect. 13-27-1W exc. street, except the
S 300' thereof.

III. The applicant herein, or his authorized agent:

- a. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- b. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved:
- c. Acknowledges that he has been advised of his right of appeal of the decision of the Board of Zoning Appeals to the Board of City Commissioners within ten (10) days of the date of that decision.

James L. Kastens
Applicant

Authorized Agent

OFFICE USE ONLY:

Received in office of Secretary, Board of Zoning Appeals,
5:50 (a.m., p.m.) Dec. 28, 1962, together with
appropriate fee of \$30.00.

Dr. Martin
Signed

BZA - 2A



16

CERTIFICATE OF OWNERSHIP

GUARANTEE ABSTRACT COMPANY, INC., hereby certifies the owner/owners as shown by the last deed of record in the office of the Register of Deeds of Sedgwick County, Kansas, are as set forth opposite each described lot or parcel of land, and as all of the property lying within a 200 foot radius of the following described property:

E 336' of NW/4 NW/4 NE/4, except E 216'
and except the South 300' 13-27-1 West.

Description	Owner/Owners
E 336' of NW/4 NW/4 NE/4 exc. E 216' 13-27-1 West.	James L. Kastens and Patricia <i>3059 W. 13th</i>
beg. 144' W of NE/cor NW/4 NW/4 NE/4, 13-27-1 W, S 200', W 72', N 200', E 72' to beg.	James L. Harvey, <i>7316 E. Gilbert</i>
beg. NE/cor NW/4 NW/4 NE/4 13-27-1 W, S 470', W 216', N 270', E 72', N 200', E 144' to beg.	Ruth, Elvora Frey <i>3001 W. 13th</i>
beg. 470' S NE/cor NW/4 NW/4 NE/4 13-27-1 West, S 861', W 216', N 45', E 216' to beg.	Gidney H. Perry and Berothy A. <i>1305 N. Custer</i>
<u>Parcel Addition</u>	
Lot 4 and N 100' E	Fred E. Seibel and Mary L. <i>1231 Jewellen</i>
Lot 4, exc. N 100'	Gordon A. Wainscott and Maxine <i>1318 N. Sheridan</i>
Lot 5	Raymond E. and Angela Roper <i>1314 N. Sheridan</i>
S 66.66' of Lot 6	X Floyd K. Anderson & Ruth E.
S 33.34' of Lot 6	Paul W. Cotten & Marceline C. <i>1306 N. Sheridan</i>
<u>Home Addr.</u> Block 1	
Lots 1-2-3	Matthew Lav. Inc. <i>3108 W. 13th</i>
<u>Pleasantview Heights 2nd.</u> Block A	
Lot 13	Ruth Spooner Stone <i>1317 N. Market</i>

G
U
A
R
A
N
T
E
E
A
B
S
T
R
A
C
T
O
R
I
N
C

Owner/Owners

Beg. 40' E and 50' N of SW/cor SW/4 SE/4
12-27-1 West, N 125', E 125' S 125' W to beg.

W. H. Rex, Eldorado, Kansas
with joint

Beg. 40' E and 175' N of SW/cor SE/4, N 42', E 137.07' N 106' E 103.4',
S 323', W 115.5', N 175' W 125' to beg.

Floyd O. Moore and Edna V.
322 E W, 15th

Beg. 430' E of SW/cor SE/4 12-27-1 W,
N 150' W 149.5', S 150.0', E 149.5' to beg.

* Ruth Spooner Stone

WITNESS our Hand and Seal this the 16th day of October, 1962.

GUARANTEE ABSTRACT COMPANY, INC.,

By

Vice-President.

Order No. 53573-P

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE -- FIRST FLOOR

Bid'g & Elev. _____ Elec. _____ Elev. Insp. _____
 Exam Fees _____ Hse. Mvr. _____ Hse. Moving _____
 Licse. _____ Mech. _____ Oil Well _____ Pav. Cuts _____
 Plan. _____ Plb'g. _____ Plb'g Cert. _____
 Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
 Street _____ Trailers _____

DESCRIPTION	AMOUNT
<i>Water</i>	<i>500</i>

Name *W. J. ...*

Address *...*

Type _____ Due Date *...*

Comments _____

Date *...* By *...*