

BZA 13-69 - Willow Park Estates, Inc.
requests variance to reduce required
front yard setback from 26 to 10 ft.
on property requested for "BB" and
SS 21st in area W of Hood

POSTED
7/27/69

ACTION

COMMITTEE	DATE
<u>Approved</u>	<u>7-22-69</u>
<u>M.A.P.G.</u>	
<u>BARBARA B. COLE</u>	

POSTED
8-2-69
10-6-69

RESOLUTION NO. BZA 13-69

WHEREAS, Willow Park Estates, Inc., 2302 North Hood, by Verlyn Pinkham, 2302 North Hood, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 20 feet to 10 feet on property approved for "BB" Office District zoning by the Board of City Commissioners, and legally described as follows:

A tract of land beginning at the Northeast corner of Section 7, Township 27 South, Range 1 East of the 6th P.M. in Sedgwick County, Kansas; thence West 1.089 Feet; thence South to the center of the original channel of the Little Arkansas River; thence Northeasterly down the center of said river, to the East line of said Section 7, thence North on said Section Line to the place of beginning, being platted as Willow Park Estates Addition. Generally located on the south side of 21st Street in an area west of Hood.

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 July 22, 1969, 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 property in question is bounded on the north by a major street (21st Street) and on the other three sides by the little Arkansas River with its flood control reservations which severely limits the buildable space; 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 due to the physical location of the application area, adjacent properties could in no way be adversely affected; 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 constitute unnecessary hardship upon the property owner represented in the application inasmuch as the number of off-street parking spaces which could be provided on the site would be limited; 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 the applicant desires to provide additional off-street parking above that required by ordinance and thereby tend to eliminate possible on-street parking; 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 a variance can be justified in situations such as this when there are severe site limitations and no way to expand the property in any direction; and

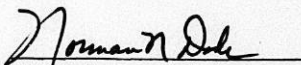
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have been found to exist.

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 front yard setback from 20 feet to 10 feet on property zoned "BB" Office District and legally described as:


A tract of land beginning at the Northeast corner of Section 7, Township 27 South, Range 1 East of the 6th P.M. in Sedgwick County, Kansas; thence West 1,089 Feet; thence South to the center of the original channel of the Little Arkansas River; thence Northeasterly down the center of said river, to the East line of said Section 7, thence North on said Section Line to the place of beginning, being platted as Willow Park Estates Addition. Generally located on the south side of 21st Street in an area west of Hood.

be approved.

ADOPTED AT WICHITA, KANSAS, this 22nd day of July, 1969.


NORMAN N. DOKE, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

July 25, 1969

Mr. Verlyn Pinkham
Willow Park Estates, Inc.
2302 North Hood
Wichita, Kansas 67205

Dear Mr. Pinkham:

Subject: Case No. BZA 13-69
Request for Variance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 22, 1969, in connection with your request for a variance to reduce the front yard setback from 20 feet to 10 feet on property approved for "BB" Office District zoning by the Board of City Commissioners and generally located on the south side of 21st Street in an area west of Hood.

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

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:so

Enclosure

cc: Robert E. Blase, 2302 North Hood
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

July 22, 1969

Mr. Verlyn Pinkham
Willow Park Estates, Inc.
2302 North Hood
Wichita, Kansas 67205

Dear Mr. Pinkham:

Subject: Case No. BZA 13-69
Request for Variance

At the regular meeting of the Board of Zoning Appeals on July 22, 1969, your request for a variance to reduce the front yard setback from 20 feet to 10 feet on property being requested for the "BB" Office District zoning and generally located on the south side of 21st Street in an area west of Hood was considered.

It was the action of the Board to approve this request as requested. 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

JHG:so

cc: Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

Case No. BZA 13-69

APPLICANT: Willow Park Estates, Inc., 2302 North Hood.

AGENT: Verlyn Pinkham, 2302 North Hood.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 20 feet to 10 feet on property being requested for the "BB" office district.

GENERAL LOCATION: South side of 21st Street in an area west of Hood.

ZONING: Subject property is being requested for "BB" zoning. Properties to the south, east and west are zoned "AA" with "BA" and "LC" to north.

LAND USE: Subject property is vacant. To the south, east and west is the Little Arkansas River with a church, service station and restaurants to the north.

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).

COMMENTS BY THE SECRETARY

1. Subject application is on property approved for "BB" zoning by the Board of City Commissioners subject to the land being platted and is the proposed site of an apartment complex. The applicant is requesting a reduction of the required front yard setback from 20 feet to 10 feet in order to provide parking to the rear of the complex which he feels will permit a better type of improvement.

UNIQUENESS

It is the opinion of the Secretary that this is somewhat of a unique situation in that the property in question is bounded on the north by a major street (21st Street) and on the other three sides by the Little Arkansas River with its flood control reservations which severely limits the buildable space.

ADJACENT PROPERTY

It is the opinion of the Secretary that due to the physical location of the application area, adjacent properties could in no way be adversely affected.

HARDSHIP

It is the opinion of the Secretary that if this variance is not granted it would create a hardship for the applicant inasmuch as the number of off-street parking spaces which could be provided on the site would be limited.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not affect the public interest in that the applicant desires to provide additional off-street parking above that required by ordinance and thereby tend to eliminate possible on-street parking.

Page 3 - Secretary's Report
BZA 13-69

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance would not be opposed to the spirit and intent of Title 28 inasmuch as a variance can be justified in situations such as this when there are severe site limitations and no way to expand the property in any direction.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary for the granting of the variance can be found to exist and, therefore, it is recommended that the variance be granted to reduce the front yard setback from 20 feet to 10 feet.

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

July 2, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 13-69

An application has been filed by Willow Park Estates, Inc., 2302 North Hood, 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 10 feet on property requested for "BB" Office District zoning, and legally described as follows:

A tract of land beginning at the Northeast corner of Section 7, Township 27 South, Range 1 East of the 6th P.M. in Sedgwick County, Kansas; thence West 1,089 Feet; thence South to the center of the original channel of the Little Arkansas River; thence Northeasterly down the center of said river, to the East line of said Section 7, thence North on said Section Line to the place of beginning, being platted as Willow Park Estates Addition. Generally located on the south side of 21st Street in an area west of Hood.

This application has been assigned Case No. BZA 13-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 22, 1969, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

7-2-69--6 NOTICES MAILED FOR 7-22-69 BZA MEETING

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. BZA 1369
FILED 6-16-69

APPLICATION FOR VARIANCE

1. Name of Applicant Willow Park Estates, Inc.
Mailing Address 2302 North Hood, Wichita, Kansas Phone TE 84263
Name of Authorized Agent Verlyn Pinkham
Mailing Address 2302 North Hood Phone TE 84263
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other)

II. The variance requested is to reduce the required front yard
setback from 20 feet to 10 feet on property requested for
BB office District
(See Supplement attached)

for property located at 1501 West 21st Street, Wichita, Kansas on the south
side of 21st St. and west of Hood. Inset legal from zone case Z-1082
and legally described as Willow Park Estates, to Wichita, Kansas,
being plat 14

in the City of Wichita; and which is presently zoned BB zoning.
(Give metes and bounds description below if appropriate):

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 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
- That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

WILLOW PARK ESTATES, Inc

by Mary Harlow, pres.
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals
2:00 (a.m. - P.m.), 6-16, 1969, together with
appropriate fee of \$50.00.

SUPPLEMENT

1. The requested variance is unique to the property in question and not ordinarily found in this area because it is self-contained with 21st Street on the North and the Little Arkansas River with its flood control reservations on the other sides. The property cannot be expanded in any direction and the variance will permit a much better improvement thereof.

2. There is but one adjacent property owner on the West but its tract is so small that it cannot be developed other than beautified. The requested variance will enhance the appearance of the surrounding properties by permitting land-scaping along 21st Street. There can be no other development along the South side of 21st Street on either side of this property.

3. A strict application of the provisions of Title 28 will constitute an unnecessary hardship upon the development by requiring parking stalls in front of the improvements, restrict land-scaping, deter a development justified on the valuable land involved. It will place the buildings too close to the flood control river bank line to properly develop the rear area of the land.

4. The variance will permit better control of the area for the general welfare, morals, safety and public health of the community making easier access to all parts of the property with no deadend areas. It will enable better care and use of the river bank.

5. There is no desire or interest on the part of the owners and developers to vary the intent of Title 28, but there is a desire to improve its intent insofar as this property is involved.

Form 223

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	750.00	

DESCRIPTION	AMOUNT
BZA - Variance	

Name Wil-Mac

Address 2401 Cochrane

Type R-71-C Due Date

Comments:

Date 6-16-69 By SO

*

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