

BZA 15-76 - E. E. Kardatzke
requests exception to permit
the establishment of an Air Str.
Trailer to be parked 21' west
of pharmacy on property located

POSTED
5-4-76
JH

ACTION

B2A COMMITTEE Denied DATE 5-25-76

M.A.P.C. _____

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

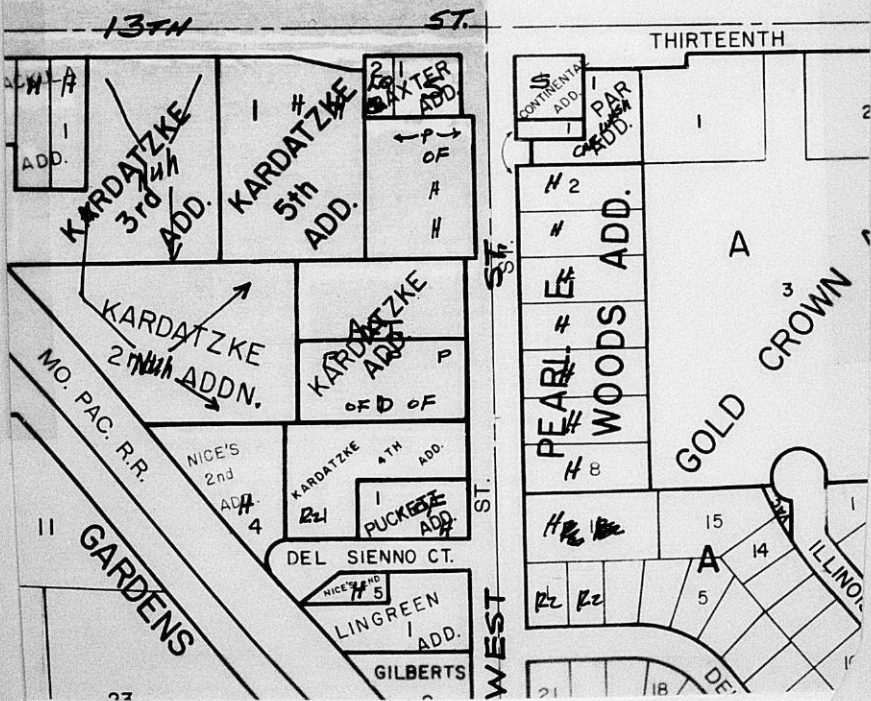
B2A 15-76 - E. F. Kardatzke
requests exception to permit
the establishment of an Air Str
Trailer to be parked 21' west
of pharmacy on property located

5248
 Map No. 5148
 Sec. 14
 Twp. 27
 Range 1W

BZA- 15-76
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 1.0 (150 ft. by 300 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM South APARTMENTS
 West NURSING HOME North PARKING FAPT. USE
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: OFFICE DRUG STORE
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



RESOLUTION NO. BZA 15-76

WHEREAS, E. E. Kardatzke, 455 Wetmore Circle, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a mobile home on property zoned the "LC" Light Commercial District, and legally described as follows:

The south half of Kardatzke Addition, Sedgwick County, Kansas. Generally located on the west side of West Street in area between 13th St. and Del Sienna Court.

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 May 25, 1976, consider said application; and


WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit placement of a mobile home on any property in any zoning district, subject to the conditions outlined in Section 28.04.182(3), Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be denied for installation of a mobile home on property zoned "LC" Light Commercial, and legally described as follows:

The south half of Kardatzke Addition, Sedgwick County, Kansas. Generally located on the west side of West Street in an area between 13th St. and Del Sienna Court.

ADOPTED AT WICHITA, KANSAS, this 25th day of May, 1976.


Marjorie L. Taylor, Chairman

ATTEST:


Jack H. Galbraith, Secretary

June 11, 1976

Mr. E. E. Kardatske
455 Wetmore
Wichita, Kansas 67209

Subject: Request for Exception
Case No. BZA 15-76

Dear Mr. Kardatske:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 25, 1976, in connection with your request for an exception to permit the installation of a mobile home on property zoned the "LC" Light Commercial District, and generally located on the west side of West Street in an area between 13th Street and Del Sienna Court.

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,

Larry Dobson
Assistant Secretary

LD:bh
Encl.

cc: Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXX

Tenth Floor, City Hall
455 North Main

May 26, 1976

Mr. E. E. Kardatzke
455 Wetmore
Wichita, Kansas 67209

Subject: Request for Exception
Case No. BZA 15-76

Dear Mr. Kardatzke:

At the regular meeting of the Board of Zoning Appeals on May 25, 1976, your request for an exception to permit the installation of a mobile home on property zoned the "LC" Light Commercial District, and generally located on the west side of West Street in an area between 13th Street and Del Sienna Court was considered.

It was the action of the Board to deny this request.

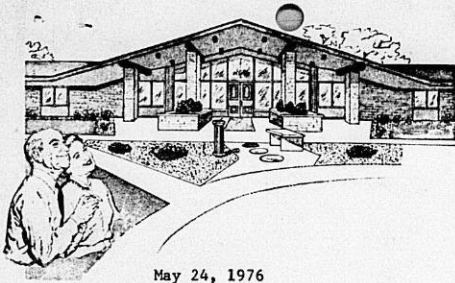
A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,


Larry Dobson
Assistant Secretary

LD:bh
cc: Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection



May 24, 1976

**TERRACE GARDENS
MANORS, INC.**
- Skilled Nursing Center -

Phones (316) 943-1294 / (316) 943-3271
1301-25 NORTH WEST STREET
WICHITA, KANSAS 67203

For the past 34 years I have been involved in various expansion programs at First Church of God, 1201 So. Market, and more recently in the past 10 years with Terrace Gardens Retirement Center and Nursing Homes. On many occasions I have appeared before the city planning boards, and the city commission seeking exceptions, variances, building permits, zoning changes and planning for 5 of the Kardatzke additions near 13th. and West streets.

In 1967 I went through the proper procedure to establish a trailer site behind my Pharmacy at 1301 No. West street where Mrs. Kardatzke and I lived in our airstream trailer in 1967 and 1968. I paid the \$15.00 license fee each year until December, 1972 when I discontinued annual license payments because no one was living in a trailer at that location. It was a mistake for me to discontinue these annual payments.

On 7 or 8 occasions the Pharmacy has been broken into and burglarized after moving the trailer away from that location.

Also since 1972 at Terrace Gardens, we have built an additional 100 bed Nursing Center and 102 apartments. 24 of these apartments are just now being completed with several people beginning to occupy them this week.

The trailer location that I established in 1967 is right in the center of the apartment complexes. The average age of the occupants is about 83 years of age. Some of these people have asked me to provide a security guard for them because many of them are widowed and living alone in their apartments.

The airstream trailer would be the home of Rev. Lee Jones, for a long time my associate pastor at First Church of God. People would have his phone number handy to call in an emergency. It would be more difficult to provide an atmosphere of security with just a car patrolling the area. The very knowledge that Rev. Jones, security guard, lived in the center of the apartments complex would lend lots of comfort to those who live by themselves in these apartments.

Another viable solution, would be to build an apartment for our security guard on this same piece of ground. We would like to plan to advance for this to be built in conjunction with an addition to the Medical Clinic when in the future a Doctor specialist might ask us to build offices suitable to fit his needs and a small studio apartment could be added at that time. An existing frame house might be available by late 1979.

If we could get your permission to allow Rev. Jones' trailer to be parked there temporarily till 1979 it would give us adequate time to make arrangements for permanent quarters for a security guard.

Since these apartments are for the aged and infirm, and since the trailer space has pre-existed since 1967, it would be very unlikely that another apartment complex would have had a pre-existing trailer hook up, so they could demand equal opportunity to install a trailer for the final 3 years left before the 1979 deadline when all trailers will be outlawed within the city limits of Wichita.

It is very unlikely that any apartment complex would find itself in a similar situation.

I have worked with various official boards, commissions and officials of the city of Wichita for the past 34 years and I understand some of your problems in regulating the growth of an expanding city. I don't want to add to your problems, but the need is so real right now for this temporary arrangement which will hurt no one but will help set at ease the minds of many people who must live alone in an apartment at Terrace Gardens Retirement Centers.

The spot is hidden from the view of the streets and houses since it is surrounded by our own property and many of our buildings. Since we have ran out of all available space for further expansion, and since I am getting old and am running out of ideas, this is most likely my last request to this governing body and we all at Terrace Gardens will appreciate your making it possible for us to have Lee Jones to live in his airstream trailer as our security guard, only until December 1979 at which time the trailer will be permanently removed from the premises.

E. E. Kardatzke

E. E. Kardatzke
President

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE May 21, 1976



TO Board of Zoning Appeals

FROM David Furnas, Citizen Participation Coordinator

SUBJECT BZA 15-76

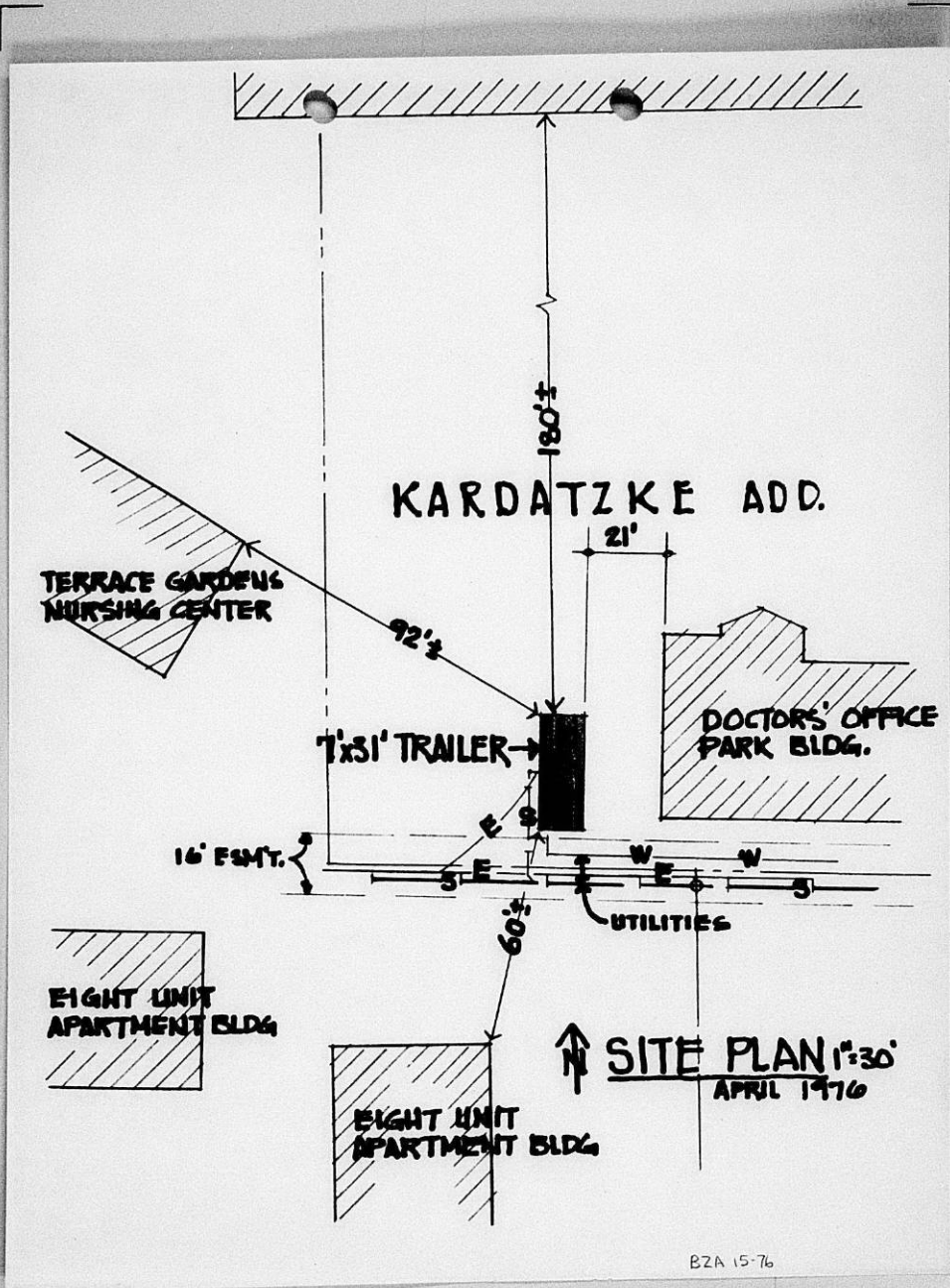
At the May 19, 1976, meeting of CPO Area Council N, Council members voted unanimously "that Area N recommend that BZA 15-76 (the request for an exception to permit the installation of a mobile home on property zoned Light Commercial) be denied."

Reasons for the recommended denial were sited as overcrowding of the area, it would detract from the facilities provided, and the owner could utilize other means of security that would be more acceptable.

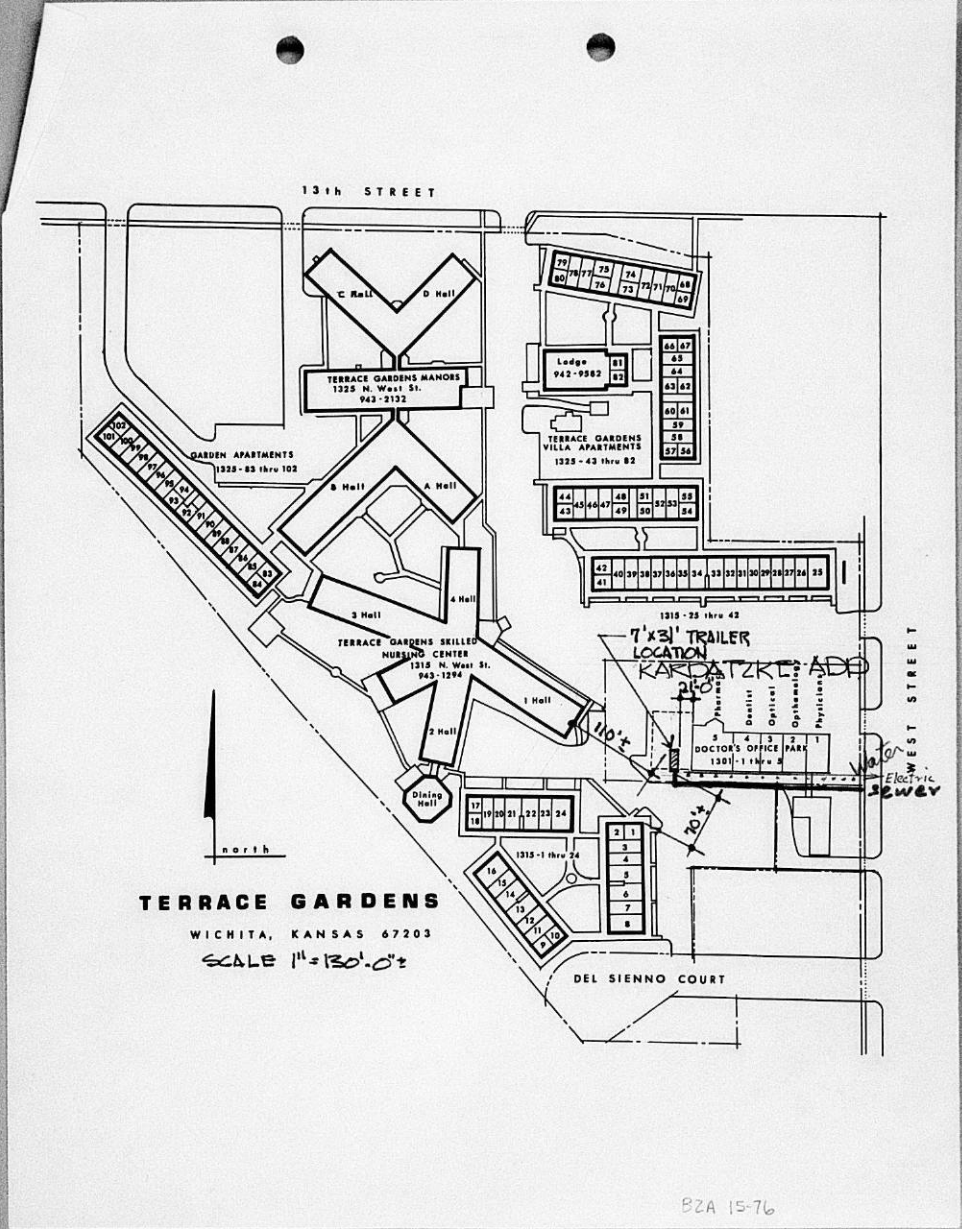
Loren Osheim for David Furnas
David Furnas
Citizen Participation Coordinator

DF:KO:rh





SITE PLAN 1"=30'
 APRIL 1976



BZA 15-76

SECRETARY'S REPORT
CASE NO. BZA 15-76

APPLICANT: E. E. Kardatzke, 455 Wetmore,
Wichita, Kansas.

AGENT: Same.

REQUEST: Exception pursuant to Section
2.12.590.C, Code of the City of
Wichita to permit the installation
of a mobile home in the "LC" Light
Commercial District.

GENERAL LOCATION: West side of West Street in an area
between 13th Street and Del Sienna
Court.

LAND USE: Subject property contains doctors'
offices, a pharmacy and parking
area. Across West Street to the
east is single family residential
development. West is a nursing
home. South are apartments under
construction and an office.

ZONING: Subject property is zoned the "LC"
Light Commercial District as are
properties to the north and south;
property to the west is zoned the
"B" Multiple Family Dwelling Dis-
trict; east is the "AA" Single
Family Dwelling District.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.182(3) can be complied with.

COMMENTS BY THE SECRETARY:

The Board of Zoning Appeals has the authority to permit as an exception, the placement of a mobile home on any property in

Secretary's Report
CASE NO. BZA 15-76
Page 2

any district on a temporary basis, provided that the applicant can show due cause that a hardship exists and that this hardship cannot be reasonably alleviated without the granting of this permit.

Subject property is part of a larger total development owned by the applicant which includes a nursing home, numerous apartments for the elderly, doctors' offices, and a pharmacy.

The applicant is requesting this exception so that he might place a mobile home (air stream trailer) west of his pharmacy. He explains the need for this arises from the fact that the pharmacy has been broken into 7 or 8 times in the past four years and that the elderly residents in the surrounding apartments are fearful and have asked that a security guard be provided. A long time associate of the applicant reportedly has agreed to place his trailer on the site as a living quarters and provide this needed security. The applicant states that the proposed trailer site is the same location where he and his wife lived in a trailer approximately 10 years ago, under a trailer park permit issued in "LC" zoning. When the zoning ordinance was amended in 1969, to permit the development of mobile home parks only in the "G" district, this site became non-conforming. The applicant continued paying his yearly fee to keep the license in force until in December of 1972, when he thought he would not need to use the trailer space again, and let his permit expire. However, the utility hookups are still available to the site.

The applicant has expressed the desire to be able to locate this trailer on his property and utilize it for security reasons through 1979, which is the approximate time when many non-conforming trailers through the City are required to either come into compliance with the ordinance or be removed.

The Secretary understands the applicant's desire to provide security for his pharmacy and elderly residents, but if this in and of itself, is grounds for granting a hardship exception, then it is the Secretary's opinion there would be numerous apartment complexes and retail establishments where this same logic or reasoning could be applied to permit the placement of a mobile home.

It would appear that there are alternative means of providing the desired security for this property, such as housing security staff in one of the existing apartment units or soon to be completed units. Another solution might be to build a residential unit on the exact site proposed for the trailer. Still another could be a roving security guard in a vehicle equipped with a

Secretary's Report
Case No. BZA 15-76
Page 3

telephone so that residents could contact him. These are merely a few of many alternatives that the applicant may wish to address himself to.

Again, the applicant must show due cause that a hardship exists and that the hardship cannot be reasonably alleviated without the granting of this permit.

RECOMMENDATION:

Based on the above comments it is the opinion of the Secretary that a hardship does not exist that cannot reasonably be alleviated without the granting of this permit, and therefore, recommends that the request be denied. However, if the Board determines that a hardship exists, and that the hardship cannot be reasonably alleviated without the granting of this exception, then the exception should be granted subject to the following conditions:

1. The mobile home may remain on the property through December 31, 1979, at which time it shall be permanently removed from the premises.
2. The location of the mobile home shall conform to all setback, lot area, and height requirements of the "LC" zoning district and the requirements of Title 26 of the Mobile Home Code.

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

May 5, 1976

TO David Furnas, CPO Coordinator


FROM Larry Dobson, Assistant Secretary, Board of Zoning Appeals

SUBJECT Notice of Board of Zoning Appeals Cases
(Case Numbers BZA 11-76; BZA 12-76; BZA 13-76;
BZA 14-76; BZA 15-76; BZA 16-75; and BZA 17-76)

Attached are notices of seven new cases to be considered by the Board of Zoning Appeals at its meeting on May 25, 1976. Also attached are sketch maps of the area involved in each case.

If you have any questions, please call.

Sincerely,



Larry Dobson
Assistant Secretary

LD:bh
Attach.

11 Notices sent to adjoining property owners, agent and applicant
10 notices sent to MAPC member
21 notices sent on BZA 15-76, 5-4-76

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

15-26
3
CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant J. E. KARDATZKE
Mailing Address 445 Wetmore Dr. Phone 722-4854
Name of Authorized Agent Same
Mailing Address _____ Phone _____
Relationship of applicant to property is that of OWNER
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of an airstream trailer to be parked 20' west of my Pharmacy on property zoned L.C., located at 1301 No. West St. and legally described as: the south half of Kardatzke Addition
_____, in the City of Wichita.

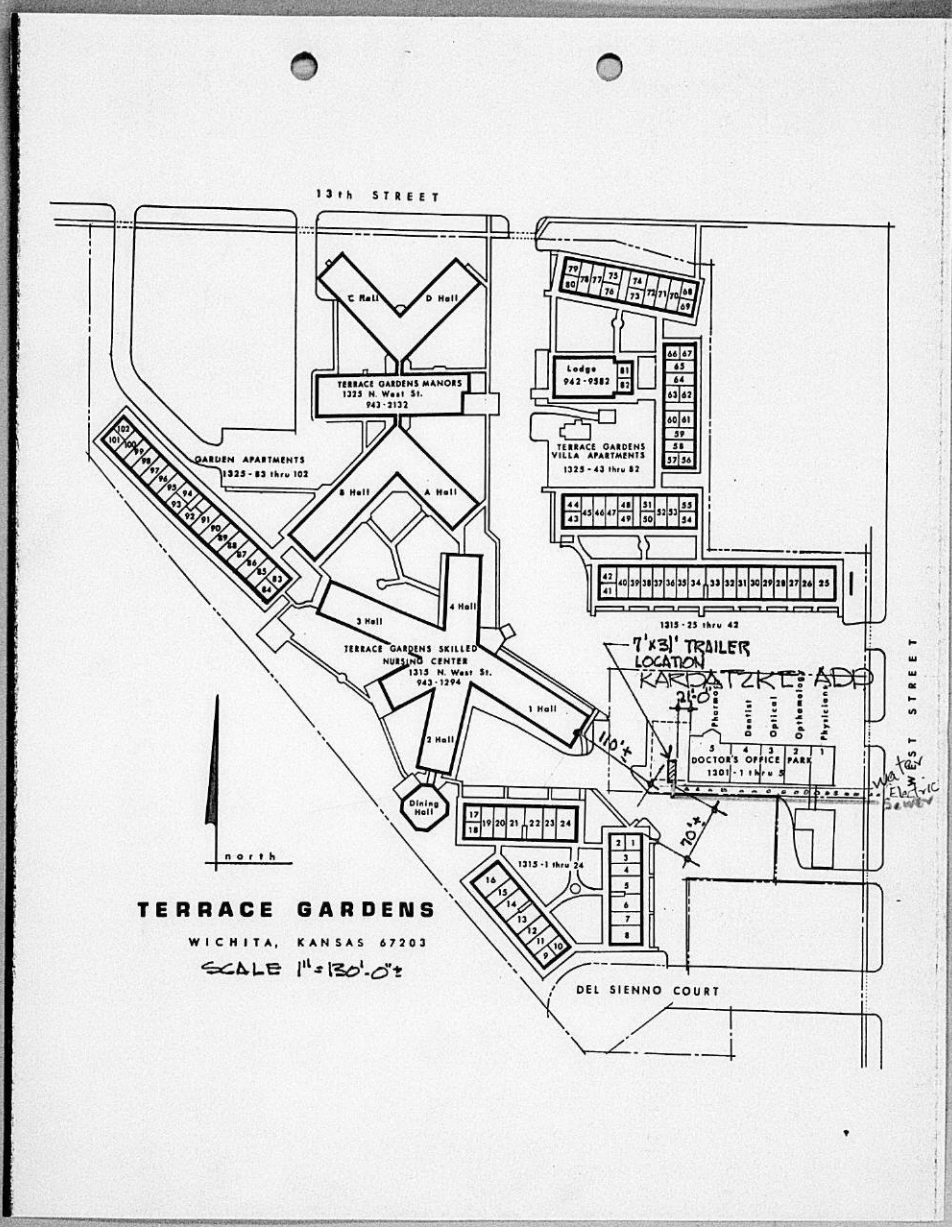
III. The applicant herein, or his authorized agent, acknowledges:

- 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 all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- 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.

Applicant J. E. Kardatzke
Authorized Agent _____

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 3:30 (a.m. ~~(p.m.)~~), 4-27, 1976, together with appropriate fee of \$50.00

Signed Larry Nelson



Handwritten APP.

THE CITY OF WICHITA, KANSAS
CENTRAL INSPECTION DIVISION
DEPARTMENT OF PUBLIC WORKS

File No. _____
Date 4-27-76

LICENSE APPLICATION FOR OPERATION OF A MOBILE HOME PARK
(Submit in triplicate) New Existing _____

APPLICATION IS HEREBY MADE for license to operate a Mobile Home Park (one or more mobile homes or house trailers) in conformance with the ordinances of the City of Wichita, Kansas. I hereby certify that the statements made on this application and the attached exhibits are true and correct to the best of my knowledge.

Signature of Applicant

E.E. Kardatzke
Signature of Owner

Legal Description of Proposed Park: _____

SI 1/2 of KARDATZKE'S ADD.

Owner: REV. E.E. KARDATZKE

Address: 945 WESTMORE Tel: 722-4810

If Applicable: _____

Name of Park: _____

Address: _____ Tel: _____

Name of Operator: CHET WEST (MGR)

Address: 1301 N. WEST Tel: 943-2132

Number of Spaces: Mobile Home 1 House Trailer _____

Water: City Sewage: City Fuel: Public

Private _____ Private _____ Private _____

Electricity:

Applicable to parks accommodating one or more HOUSE TRAILERS only:

Sanitary Facilities:

No. of toilets(M) _____ No. of lavatories(M) _____ No. of showers or tubs(M) _____

No. of toilets(F) _____ No. of lavatories(F) _____ No. of showers or tubs(F) _____

Required Exhibits: Plat of proposed park (in triplicate). Min. Scale 1" equals 30'.

Include: Park dimensions.

Number, location and size of spaces.

Location and size of buildings, sewers, water lines, gas lines, sewage disposal system and water supply wells.

Applicable to new parks only: Layout shall include topographical contours, drainage and grading plans.

OFFICE USE ONLY:

In compliance with park layout requirements: Yes Electricity: Yes

A P P R O V A L

WICHITA-SEDGWICK COUNTY HEALTH DEPT.

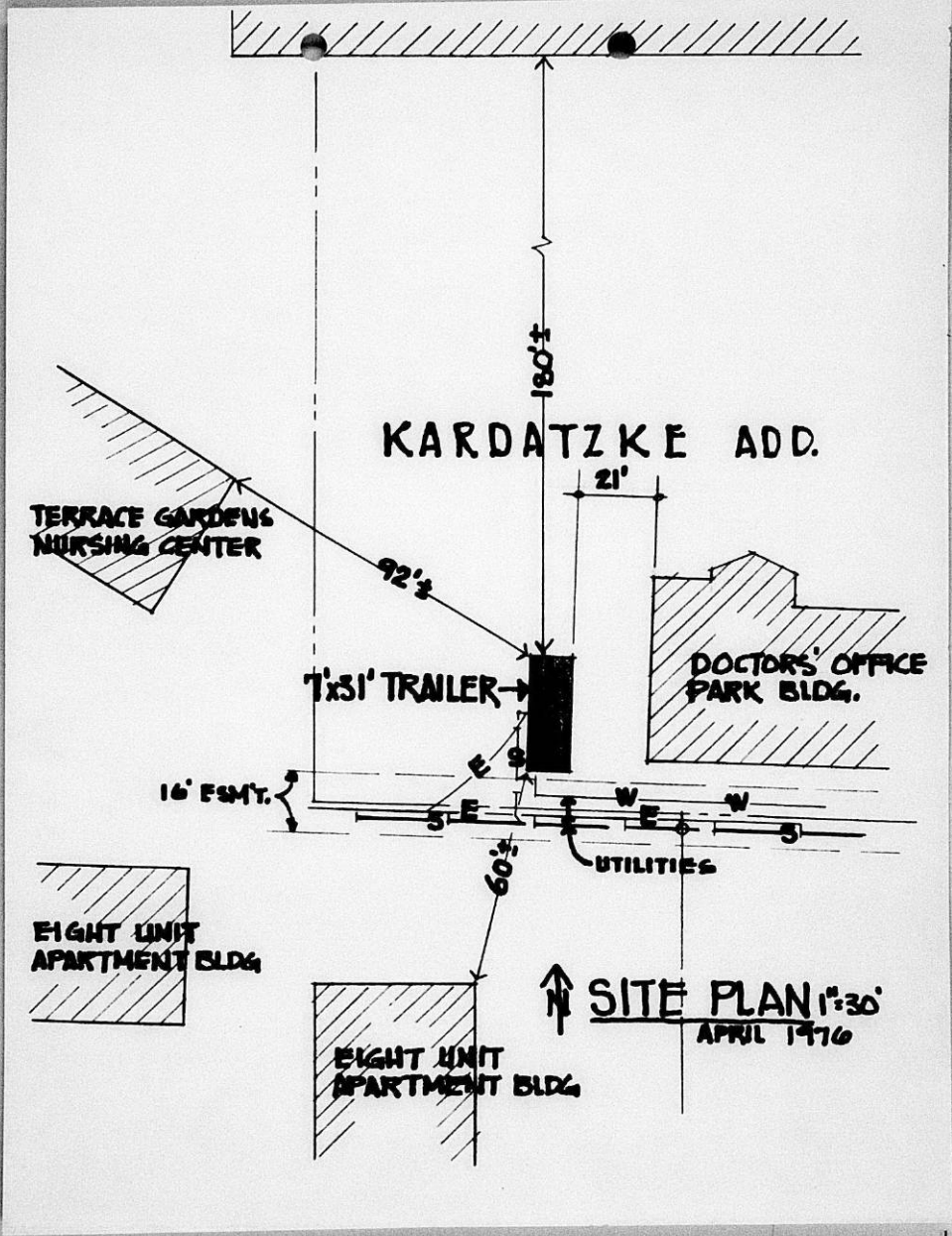
CENTRAL INSPECTION DIVISION

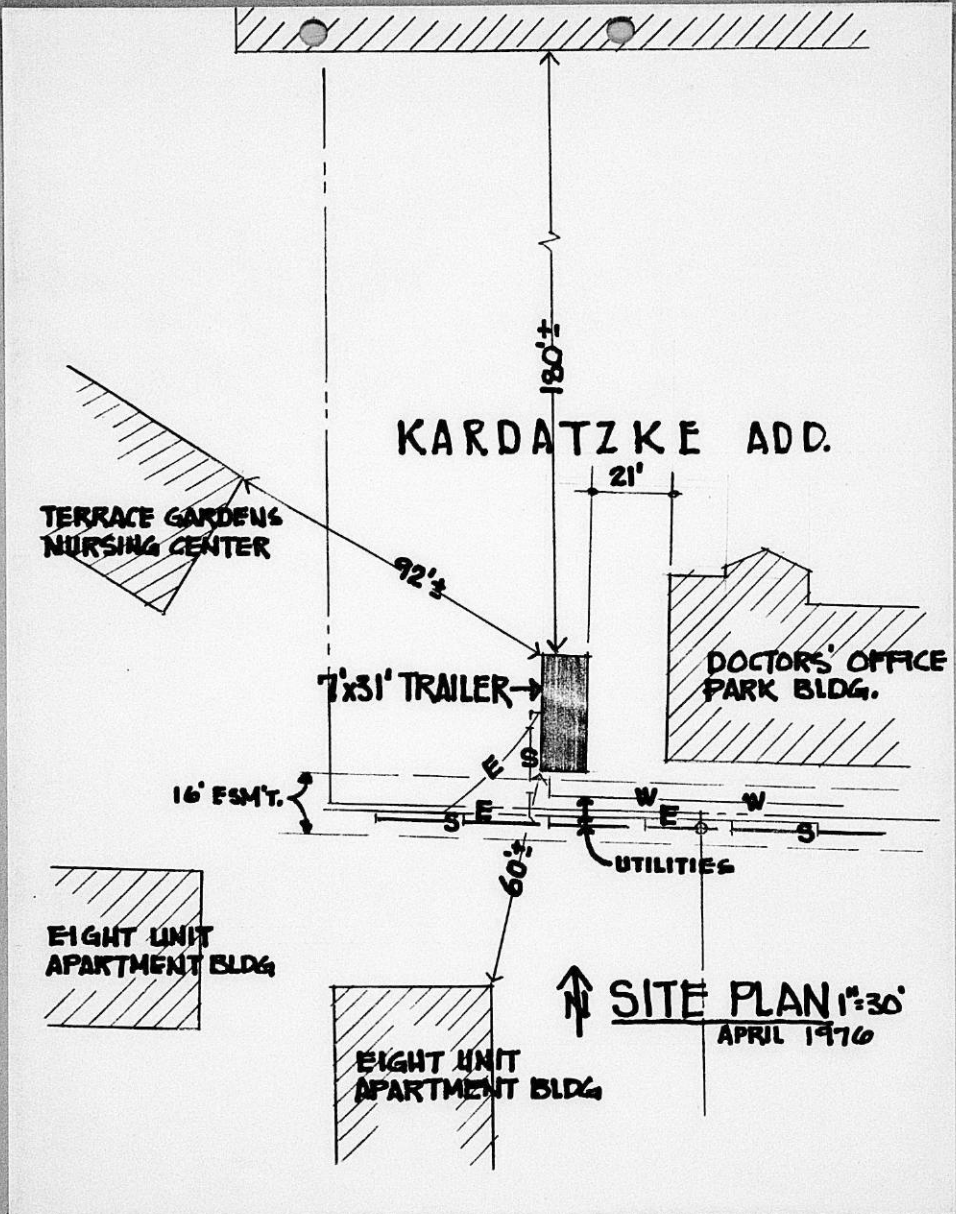
By _____

By _____

Date _____

Date _____







TERRACE GARDENS MANORS, INC.

- Skilled Nursing Center -

Phones (316) 943-1294 / (316) 943-3271
1301-25 NORTH WEST STREET
WICHITA, KANSAS 67203

April 26, 1976

Hardship explanation

To whom it may concern:

About 10 years ago I got approval from the city to install a 1 unit trailer court in my (L. C. zoned) Kardatzke addition. We lived there in our air stream trailer for a year or so and thereafter I paid the \$15.00 a year fee to continue keeping the license in force until December of 1972.

Thinking that I would not need to use the trailer parking space again, I discontinued the \$15.00 a year payments. Since that time we have built an additional 108 bed Nursing Center and 102 Apartments for the elderly - all of this around this trailer space. My Pharmacy has been broken into and burglarized 7 or 8 times in the past 4 years since no trailer is there adjacent to the Pharmacy anymore.

Residents of the Apartments have been asking me to provide a security guard on the premises. Many of them live alone in one of our Apartments since the death of their spouses, and they are fearful.

Rev. O. L. Jones, our associate pastor at First Church of God, for many years would like to place his air stream trailer 21 ft. west of the Pharmacy where he would be on call all night long by telephone when our residents become fearful for any reason.

You will note that we own all of the property surrounding the trailer space location and it can't be seen from the street.

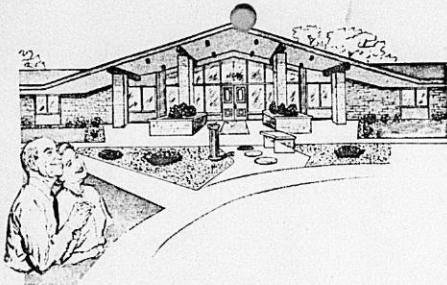
Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "E. E. Kardatzke".

E. E. Kardatzke
President

EEK/j1



TERRACE GARDENS MANORS, INC.

- Skilled Nursing Center -

Phones (316) 943-1294 / (316) 943-3271
1301-25 NORTH WEST STREET
WICHITA, KANSAS 67203

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You will note that we own all of the property surrounding the trailer space location and it can't be seen from the street.

Thank you for your consideration.

Sincerely,

E. E. Kardatzke
E. E. Kardatzke
President

EEK/jl

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS:
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas,

All the owners within 200 feet of:

The South Half of KARDATZKE ADDITION, Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
S $\frac{1}{2}$ of Lot 1	KARDATZKE	<input checked="" type="checkbox"/> E. E. Kardatzke 1301 North West Street Wichita, Kansas 67203
N $\frac{1}{2}$ of Lot 1	KARDATZKE	<input checked="" type="checkbox"/> Terrace Gardens Skilled Nursing Center Inc. 1301 North West Street Wichita, Kansas 67203
East 200' of Lot 1	KARDATZKE 2ND	<input checked="" type="checkbox"/> Terrace Gardens Manors Inc. 1301 North West Street Wichita, Kansas 67203
1	KARDATZKE 3RD	<input checked="" type="checkbox"/> Terrace Gardens Manors Inc. 1301 North West Street Wichita, Kansas 67203
1	KARDATZKE 4TH	<input checked="" type="checkbox"/> Southwest National Bank Successor Trustee of West Street Doctors Park 400 East Douglas Wichita, Kansas 67202

Fidelity  **Title**
 COMPANY, INC.

<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
1	KARDATZKE 5TH	Terrace Gardens Manors 1301 North West Street Wichita, Kansas 67203
1	PUCKETT	Harlie L. & Betty L. Puckett 1235 North West Street Wichita, Kansas 67203
16 Block A	La PLACITA PARK	J. L. & Alta Virginia Nelson Address Unknown & Norman K. & Almeda Nelson RFD #1 Goddard, Kansas 67052
3	PEARLE E. WOODS	Tom C. & Lesteen Gray 1228 North West Street Wichita, Kansas 67203
4	PEARLE E. WOODS	Edwin A. & Shirley B. Kissire 9119 Bekemeyer Lane Wichita, Kansas 67212
5	PEARLE E. WOODS	James C. & Naomi J. Morrison 1416 North Bluff Wichita, Kansas 67208
6	PEARLE E. WOODS	Lester L. & Ruth J. Shurbert 1300 North West Street Wichita, Kansas 67203
7	PEARLE E. WOODS	Allen & Mildred D. Becker 1231 North Hillside Wichita, Kansas 67214
8	PEARLE E. WOODS	Lester L. & Gladys J. Dewitt 1254 North West Street Wichita, Kansas 67203
		Meyer, Ebel & Williams Photography 1337 N. West Street Wichita, Kansas 67203 Inc.



The East 230 feet of the following described property: Beginning 286 feet South of the Northeast corner of the Northeast Quarter of Section 14, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence South 124.79 feet; thence West 430 feet; thence North 124.79 feet; thence East 430 feet to pt. of beginning.

Beginning 286 feet South of the Northeast corner of the Northeast Quarter of Section 14, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence South 124.79 feet; thence West 330 feet; thence North 124.79 feet; thence East 430 feet to point of beginning, EXCEPT East 230 feet thereof.

Terrace Gardens Manors Inc.
1301 North West Street
Wichita, Kansas 67203



-3-

Dated at Wichita, Kansas, this 23rd day of April, 1976, at
7:00 o'clock A.M.

FIDELITY TITLE COMPANY, INC.

By *Anita Shay*
Asst. Sec. ag

Tracer No. 33205



Fidelity  *Title*
COMPANY, INC.

FORM 21

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		

DESCRIPTION	AMOUNT

Name

Address

Type

Due Date

Comments:

Date

By