

Case No. BZA 19-81 - Cedars of Lebanon Medical Center Ltd. requests a variance to reduce the front yard setback from 20' to 0' for off-street parking purposes only, and to eliminate the screening fence adjacent to the residential

*Posted
5-11-81
JH*

ACTION

DATE

5-26-81

*BZA
19-81*

COMMITTEE

Approved

M.A.P.C.

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

*200
Checked
6-9-81
6-9-81
6-10-81
6-11-81
Shaw
Remond*

June 9, 1981

Michael Loveland
100 South Main
Wichita, Kansas 67202

Re: Case No. BZA 19-81
Request for Variance

Dear Mr. Loveland:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 26, 1981.

This Resolution reflects the official action of the Board to approve your 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: Cedars of Lebanon Medical Center, % Hardage Enterprises,
100 South Main, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection (2)
Don Giesick, City Clerk

RESOLUTION NO. EZA 19-81

WHEREAS, Cedars of Lebanon Medical Center Limited, % Hardage Enterprises, 100 South Main, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to eliminate the required screening fences and to reduce the front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 1, 3, 5, 7 and 9 and the south 10 feet of Lot 11, Lots 22, 24 and the south 10 feet of Lot 26 on St. Francis, Burleigh's Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of 10th Street and St. Francis; and an area on the east side of St. Francis 280 feet north of 10th Street.

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 26, 1981, 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 entire area on both sides of St. Francis is being developed as medical offices and parking; 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 use of the setback for parking should not be detrimental to the adjacent property owners nor should the elimination of the screening fence between similar 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 installation of the fences would be an additional expense that is marginal as to benefit, and the applicant wishes to provide more than the required minimum of parking by the use of the front yard setbacks; 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 elimination of the fence would be between private properties and would not affect any right-of-way or easements, nor would the use of the front yard setback for parking purposes; 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 general area is being developed with similar uses and the intent of the regulations is to provide protection to residential properties from the adverse effects of commercial and office development; 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 eliminate the

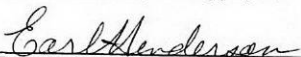
required screening fences and to reduce the front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District and legally described as:

Lots 1, 3, 5, 7 and 9 and the south 10 feet of Lot 11, Lots 22, 24 and the south 10 feet of Lot 26 on St. Francis, Burleigh's Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of 10th Street and St. Francis; and an area on the east side of St. Francis 280 feet north of 10th Street.


be approved subject to the following conditions:

1. The front yard setback shall be reduced from 20 feet to 0 feet for off-street parking purposes only.
2. The required screening fences adjacent to any residential zoning district may be eliminated.
3. Two copies of a revised site plan showing parking in the front yard setback shall be submitted to the Superintendent of Central Inspection for approval, and which one copy shall be furnished the Secretary prior to release of the resolution.

ADOPTED AT WICHITA, KANSAS, this 26th day of May, 1981.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

May 28, 1981

Michael Loveland
100 South Main
Wichita, Kansas 67202

Re: Case No. BZA 19-81
Request for Variance

Dear Mr. Loveland:

At the regular meeting of the Board of Zoning Appeals on May 26, 1981, your request for a variance was considered.

It was the action of the Board to approve your request subject to the following conditions:

1. The front yard setback shall be reduced from 20' to 0' for off-street parking purposes only.
2. The required screening fences adjacent to any residential zoning district may be eliminated.
3. Two copies of a revised site plan showing parking in the front yard setback shall be submitted to the Superintendent of Central Inspection for approval, and which one copy shall be furnished the Secretary prior to release of the resolution.

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:sd

cc: Cedars of Lebanon Medical Center, $\frac{1}{2}$ Hardage Enterprises,
100 South Main, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE May 19, 1981

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT BZA 19-81: Northeast corner of
10th Street and St. Francis; and
an area on the east side of St.
Francis, 280 feet north of 10th
Street.

On Monday, May 18th CPO Council "L" considered the captioned case, a request for a variance to reduce the front yard setback from 20 to 0 feet for off-street parking purposes only, and to eliminate the screening fence adjacent to the residential zoning district. The Council voted 7-0 to recommend that the variance be granted.

Mike Loveland, Hardage Enterprises, appeared before the Council to respond to questions and describe plans for the construction of a four story medical office building, including adjoining parking. Neither adjoining property owners, nor area residents appeared before the Council to address the proposed variance. In making their recommendation to grant the variance, Council "L" noted that there would be no impact upon residential areas.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 19-81 is considered, May 26th.

Stan Scott

Stan Scott
Administrative Aide III

SS:ml

Noted:

Sarah Gilbert

Sarah Gilbert
CP Coordinator

RECEIVED

MAY 21 1981

METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BEA 19-81

APPLICANT: Cedars of Lebanon Medical Center, % Hardage Enterprises, 100 South Main, Wichita, Kansas

AGENT: Michael Loveland, 100 South Main, Wichita, Kansas

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 0 feet for off-street parking purposes only and to eliminate the screening fence adjacent to the residential zoning district.

GENERAL LOCATION: On the northwest corner of 10th Street and St. Francis; and on the east side of St. Francis approximately 300 feet north of 10th Street.

ZONING: Subject properties are zoned "B" Multiple-family Dwelling District as are all adjacent properties except to the east from the property on the east side of St. Francis which is "E" Light Industrial.

LAND USE: Subject property is being developed as medical offices and associated parking. The general area is developed with parking and offices along St. Francis.

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 and the Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the front yard setback from 20 feet to 0 feet for off-street parking purposes only; and a variance to eliminate the required screening fences adjacent to the residential zoning districts. The applicant indicates that the general area is developing as offices and parking and the requested variances should not be detrimental to the adjoining property owners.

In viewing the area, the proposed development will fill in the vacant properties in this block north of 10th Street and the requirement for fences between properties would serve no purpose, except possibly along the north property line on the east side of St. Francis. Unless the property owner to the north would request the fence be installed at this time, further development will eliminate the need for the fence.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the entire area on both sides of St. Francis is being developed as medical offices and parking.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the use of the setback for parking should not be detrimental to the adjacent property owners nor should the elimination of the screening fence between similar uses.

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 installation of the fences would be an additional expense that is marginal as to benefit, and the

applicant wishes to provide more than the required minimum of parking by the use of the front yard setbacks.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the elimination of the fence would be between private properties and would not affect any right-of-way or easements, nor would the use of the front yard setback for parking purposes.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the general area is being developed with similar uses and the intent of the regulations is to provide protection to residential properties from the adverse effects of commercial and office development.

RECOMMENDATION:

Should the Board determine that the five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variances be granted subject to the following conditions:

1. The front yard setback shall be reduced from 20 feet to 0 feet for off-street parking purposes only.
2. The required screening fences adjacent to any residential zoning district may be eliminated.
3. Two copies of a revised site plan showing parking in the front yard setback shall be submitted to the Superintendent of Central Inspection for approval, and which one copy shall be furnished the Secretary prior to release of the resolution.

BZA CASE NO. 19-81

2 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

12 NOTICES SENT TO ADJOINING PROPERTY OWNERS

24 TOTAL NOTICES SENT 5-6-81

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

MAY 4, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 19-81

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Cedars of Lebanon Medical Center Limited, % Hardage Enterprises, 100 South Main, Wichita, Kansas requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the front yard setback from 20 to 0 for off-street parking purposes only, and to eliminate the screening fence adjacent to the residential zoning district. A legal description of the applicant's property is as follows:

Lots 1, 3, 5, 7 and 9 and the south 10 feet of Lot 11, Lots 22, 24 and the south 10 feet of Lot 26 on St. Francis, Burleigh's Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of 10th Street and St. Francis; and an area on the east side of St. Francis 280 feet north of 10th Street.

This application has been assigned Case No. BZA 19-81. It will be considered by the Board of Zoning Appeals on May 26, 1981 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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 CFO Office, 268-4381.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 19-81
FILED 4-24-81

APPLICATION FOR VARIANCE

I. Name of Applicant CEDARS OF LEBANON MEDICAL CENTER LIMITED
c/o Hardage Enterprises
Mailing Address 100 S. Main, Wichita, KS 67202 Phone 262-0601
Name of Authorized Agent Michael G. Loveland
Mailing Address 100 S. Main, Wichita, KS 67202 Phone 262-0601
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce front yard
set back from 20' to 0' for off-street parking purposes only, and
to eliminate the screening fence adjacent to the residential zoning
district for property located generally described as the northwest
corner of 10th & St. Francis and an area on the east side of St. Francis
200 feet north of 10th Street.
and legally described as: Lots 1, 3, 5, 7, 9, and the south
10' of lot 11, ^{lots} 22, and 24 and south 10' of lot 26 on
St. Francis, Burleigh's Addition to the City of Wichita,
Sedgwick County, Kansas

*see above
for
variance*

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. 36-596); 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.

Applicant James J. Fallon, V.P. Hardage Ent.
Authorized Agent Michael G. Loveland, Proj. Mgr.

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 2:07 (a.m. - p.m.), Apr 24, 1981, together with appropriate fee of 152.00.

Signed [Signature]

Variance Conditions

1. Property lies within an area where similar applications have been approved in the past.
2. Variance will allow for harmonious and compatible land usage for immediate area.
3. Without zoning change less of parking will occur which will need to be provided elsewhere.
4. Zoning Variance will have no adverse affect on public health, safety, morals, order, convenience, prosperity, or general welfare.
5. Zoning Variance will not be opposed to the general spirit and intent of title 28.

OWNERSHIP LIST

200' Radius of Lots 1, 3, 5, 7, 9 and the South 10 feet of Lot 11, on St. Francis and Lots 22, 24 and the South 10 feet of Lot 26 on St. Francis, all in Burleighs Addition to Wichita, Sedgwick County, Kansas:

LEGAL DESCRIPTIONOWNERS/ADDRESS

All of Lot 2, Lot 4, except the South 10 feet of the North 13.75', all of Lots 6, 8, 10, 12, 14, 16, 18, 20, 22, 24 and the South 10' of Lot 26, on Fourth, now St. Francis, Burleigh's Addition,

Cedars of Lebanon Medical Center, Limited
Duf. c/o Hardage Enterprises
 Vickers KSB&T Building
 Wichita, KS 67202

AND

The East 42' of the West 84' of Lots 1, 3, 5 & 7, on Fifth, now Santa Fe, Burleigh's Addition, Sedgwick County, Kansas.

The South 10' of the North 13.75' of Lot 4 on Fourth, now St. Francis, Burleigh's Addition, Sedgwick County, Kansas.

Cedars of Lebanon Medical Center, Limited
Duf. c/o Hardage Enterprises
 Vickers KSB&T Building
 Wichita, KS 67202

The North 15' of Lot 26, all of Lots 28, 30, 32 and 34, and the South half of Lot 36, on Fourth, now St. Francis, Burleigh's Addition, Sedgwick County, Kansas.

Eleven-Twelve Co.
Address Unknown

The North half of Lot 36, all of Lots 38, 40 and 42 on Fourth, now St. Francis, Burleigh's Addition, Sedgwick County, Kansas.

✓ Krisham K. Coyle & Vismal Coyle, h/w
 1144 N. St. Francis
 Wichita, KS 67214

The East 41' of Lots 1, 3, 5 & 7, on Fifth, now Santa Fe, Burleigh's Addition, Sedgwick County, Kansas.

✓ Victoria Cruz
 2420 N. Market
 Wichita, KS 67214

The West 42' of Lots 1, 3, 5 & 7, on Fifth, now Santa Fe, Burleigh's Addition, Sedgwick County, Kansas.

✓ Charles Claus
 2045 Old Manor
 Wichita, KS 67218

Lots 9, 11, 13, 15, 17 and the South half of Lot 19, on Fifth, now Santa Fe, Burleigh's Addition, Sedgwick County, Kansas.

ELCA Enterprises
Address Unknown

The North half of Lot 19, all of Lots 21, 23, 25 and 27, on Fifth, now Santa Fe, Burleigh's Addition, Sedgwick County, Kansas.

✓ Dwight Krehbiel and the Estate of
 Wilma Krehbiel
 125 S. Pershing
 Wichita, KS 67218

Lots 29, 31 and 33, on Fifth, now Santa Fe, Burleigh's Addition, Sedgwick County, Kansas.

✓ Robert R. & Shirley A. Redd, h/w
 4102 W. 19th
 Wichita, KS 67212

Lot 35, on Fifth, now Santa Fe, Burleigh's Addition, Sedgwick County, Kansas.

✓ M. W. & Lois M. McClure
 350 S. Crestway
 Wichita, KS 67218

LEGAL DESCRIPTIONOWNERS/ADDRESS

Lots 37,39,41,43,45,47 and 49, on Fifth,
now Santa Fe, Burleigh's Addition, Sedgwick
County, Kansas.

Alfred M. & Lillie Rodriguez Tocker, h/w
✓ 1111 N. St. Francis
Wichita, KS 67214

Lots 1,3,5,7 and the South 10' of Lot 11,
on Fourth, now St. Francis, Burleigh's
Addition, Sedgwick County, Kansas.

Cedars of Lebanon Medical Center,
Limited
c/o Hardage Enterprises
Vickers KSB&T Building
Wichita, KS 67202

The North 15' of Lot 11, all of Lots 13,
15,17,19,21,23,25,27,29 and 33, on Fourth,
now St. Francis, Burleigh's Addition,
Sedgwick County, Kansas.

✓ 1111 St. Francis Company
1111 N. St. Francis
Wichita, KS 67214

Lots 2 and 4, on Emporia Avenue, Burleigh's
Addition, Sedgwick County, Kansas.

Lawrence E. & Rosalie M. Smith
✓ 1302 N. Emporia
Wichita, KS 67214

Lots 6,8,10 and the South 10' of Lot 12, and
all of Lots 16 & 18, on Emporia Avenue,
Burleigh's Addition, Sedgwick County, Kansas.

St. Francis Hospital of Wichita, Inc.
929 N. St. Francis
✓ Wichita, KS 67214

The North 15' of Lot 12, all of Lot 14, on
Emporia Avenue, Burleigh's Addition,
Sedgwick County, Kansas.

Lawrence N. & Elsie Struble
1110 N. Emporia
✓ Wichita, KS 67214

Lots 20 and 22, on Emporia Avenue, Burleigh's
Addition, Sedgwick County, Kansas.


The Board of Park Commissioners of the
City of Wichita
455 N. Main
Wichita, KS 67202

Odd Lots 27 through 49, on St. Francis,
Even Lots 28 through 50, on Santa Fe,
Thomas Addition, Sedgwick County, Kansas.

✓ The City of Wichita, Kansas
465 N. Main
Wichita, KS 67202

Columbian National Title Insurance of Wichita, Inc. hereby certifies the foregoing
to be a true and correct list of property owners of the above listed properties as
shown by the last deeds of record in the office of the Register of Deeds, Sedgwick
County, Kansas, on this 24th day of April, 1981 @ 7:00 A.M.

COLUMBIAN NATIONAL TITLE INSURANCE OF WICHITA, INC.

BY: 
Gary G. Newcome, Vice-President

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 2