

Case No. BZA 27-78 - Medarco, Inc
requests a variance to waive the
required screening on property
generally located at the north-
east corner of Maple and Ridge
Road.

6-29-78

*Posted
7-6-78*

*Town approved
for only north
300 feet of
original
application area
e.I.V.
M.A.P.C.
8-16-78
24*

ACTION

BZA 27-78 COMMITTEE

Approved

DATE

7-25-78

M.A.P.C. _____

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

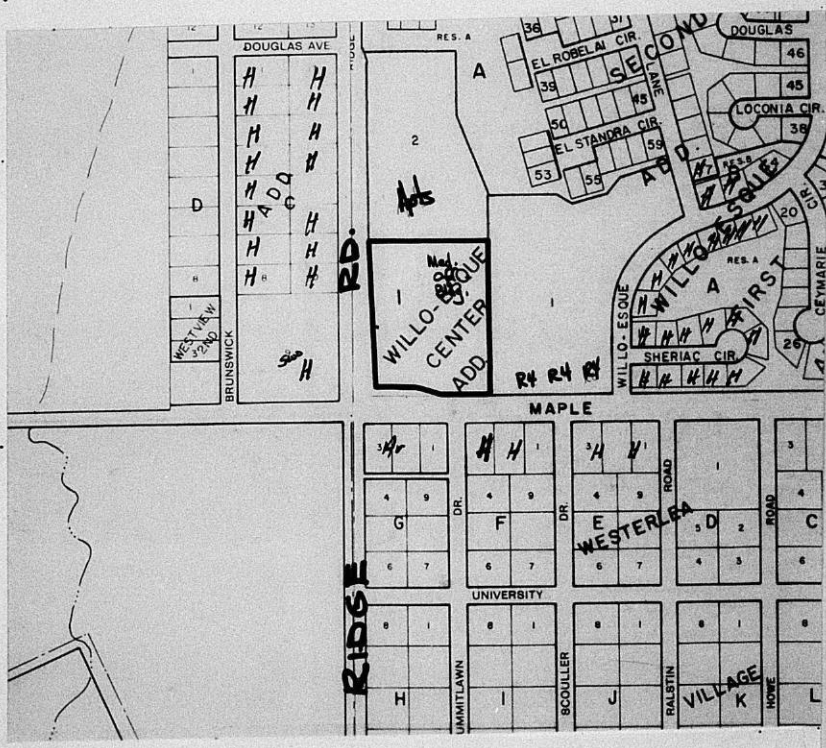
Case No. BZA 27-78 - Medarco, Inc
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required screening on property
generally located at the north-
east corner of Maple and Ridge
Road.

Map No. 5047
 Sec. 22
 Twp. 27
 Range 1W

BZA- 27-78
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA: (IRREGULAR)
 1. Acres: _____ (430 ft. by 550 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East UNDEVELOPED South AUTO REPAIR
 West SINGLE FAM North Apts.
 4. Sketch plan Land Use is for: _____
 5. Present Land Use if for: UNDEVELOPED
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



SMITHSONIAN INSTITUTION
 NATIONAL BUREAU OF STANDARDS
 WASHINGTON, D. C. 20540
 U. S. G. P. 1967 O - 315-300
 No. 2153C
 SSMmead®

August 9, 1978

Mr. Howard V. Harrison, President
Medarco, Inc.
P. O. Box 9104
Wichita, Kansas 67277

Re: Case No. BZA 27-78
Request for Variance

Dear Mr. Harrison:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 25, 1978, in connection with your request for a variance to waive the required screening adjacent to the north and east property lines on property zoned the "LC" Light Commercial District and generally located at the northeast corner of Maple and Ridge Road.

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,

Larry Dobson
Assistant Secretary

LD:bbc
Enclosure

cc: Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

RESOLUTION NO. BZA 27-78

WHEREAS, Medarco, Inc., 3330 West Douglas, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to waive the required screening adjacent to the north and east property lines on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Willo-Esque Center Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Maple and Ridge Road.

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 25, 1978, 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 screening requirement placed upon the applicants by the zoning ordinance would duplicate a screening requirement placed upon the adjacent property owners by condition of their approved CUP; 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 they are already required to provide screening that will separate the two developments; 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 owner represented in the application inasmuch as the screening requirement duplicates a requirement already imposed upon the development of adjacent properties; 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 request is interiorly located; 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 screening will be provided as development takes place on adjacent properties; 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.

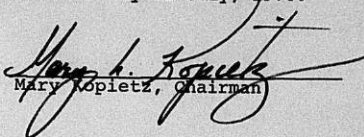
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance adjacent to the north and east property lines on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Willo-Esque Center Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Maple and Ridge Road,

be approved subject to the following condition:

1. This variance shall apply to the north property line and the north 300 feet of the east property line, provided that if the use of the existing building should change from that of offices, this Resolution of approval shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 25th day of July, 1978.


Mary Kopietz, Chairman

ATTEST:


Larry Dobson Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE July 21, 1978

TO Larry Dobson, Secretariat, Board of Zoning Appeals

FROM Gail Williams, CPO Administrative Aide

SUBJECT Zoning Appeals Case No. BZA 27-78;
Maple and Ridge Road

At its meeting of July 19, 1978, CPO Council "A" considered the captioned case, and unanimously recommended that the requested variance be approved for the north property line, but denied for the east property line.

Because of the presence of a fence on the north property line, the Council felt that to require the applicant to also provide screening would be pointless and would constitute an unnecessary financial burden. However, the Council felt that the applicant should be required to provide screening for the portion of his property that is not currently screened, that is, the east property line, so that responsibility for the screening is shared.

Please provide this information to the Board of Zoning Appeals when they consider the item on July 25.

Gail Williams

Gail Williams
CPO Administrative Aide

CW:sm

Noted:

David L. Furnas
David Furnas

Citizen Participation Coordinator

July 26, 1978

Mr. Howard V. Harrison, President
Medareo, Inc.
P.O. Box 8104
Wichita, Kansas 67277

Re: Case No. BIA 27-78
Request for Variance

Dear Mr. Harrison:

At the regular meeting of the Board of Zoning Appeals on Tuesday, July 26, 1978, your request for a variance to waive the required screening adjacent to the north and east property lines on property zoned the "LC" Light Commercial District and generally located at the northeast corner of Maple and Ridge Road was considered.

It was the action of the Board to grant this request subject to the following condition:

1. This variance shall apply to the north property line and the north 300 feet of the east property line provided that if the use of the existing building should change from that of offices the resolution of approval shall become null and void.

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.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:bb

cc: Carol Brant, 100 S. Ridge Rd., 67209
Terry Morris, c/o 2013 West 13th, 67203
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

Dobson

MEDARCO, INC.

P. O. BOX 9104 • WICHITA, KANSAS 67277 • 316 / 942-0900

July 12, 1978



Mr. Larry Dobson
CITY OF WICHITA PLANNING DEPARTMENT
10th Floor
Wichita, Kansas

Subject: Case #BZA 27-78

Enclosed is a Registered Land Surveyor Certification as to the location of the building at 222 S. Ridge Road.

As you know, we are requesting a variance to waive the required screening adjacent to the north and east property lines since the property on the east is under a CUP and was previously required to construct screening. The property on the north is screened as the Maple-Ridge Apartment complex has constructed a solid wall for a car port on that property line.

Thanks for your cooperation.

MEDARCO, INC.

Howard V. Harrison
HOWARD V. HARRISON
President

HVH:dca
Encl.

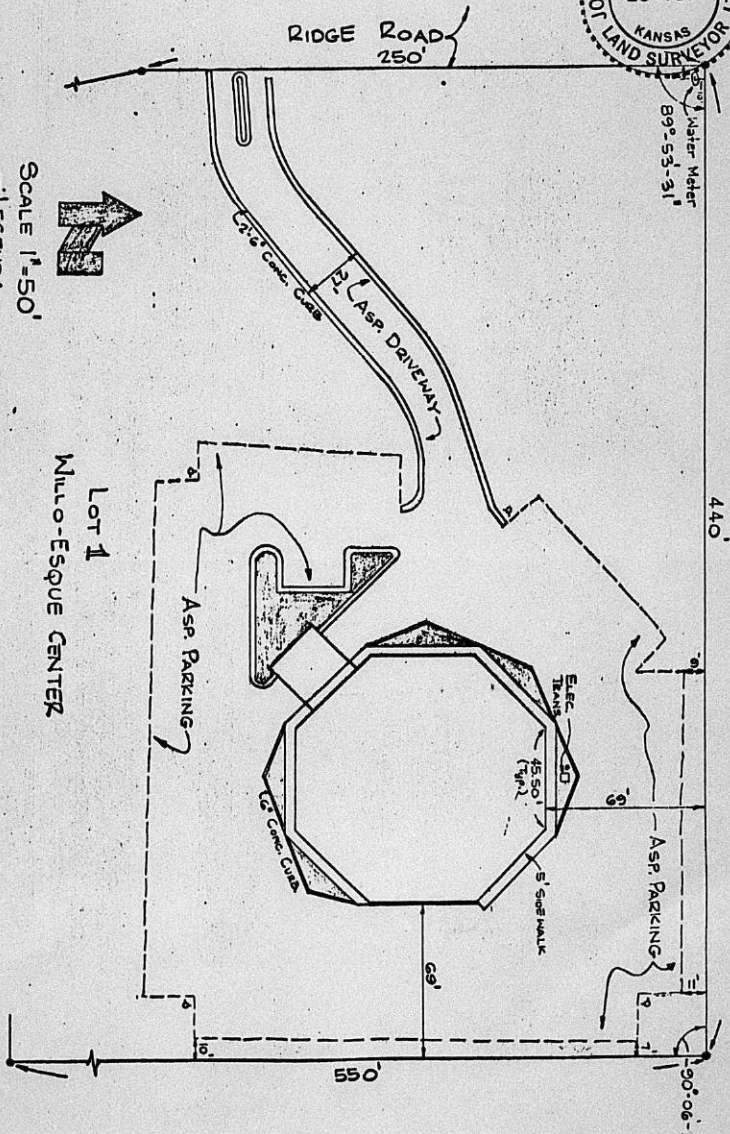
I, John Herbert Greeley, L.S., a Registered Land Surveyor in the aforesaid County and State do hereby certify that I did on the 14th day of June, 1978, locate a building and improvements on Lot 1, Willo-Esque Center, Wichita, Sedgwick County, Kansas.

The accompanying plat is a true and correct exhibit of said location.

John Herbert Greeley
John Herbert Greeley, L.S.



SCALE 1"=50'
LEGEND:-
○ = Light Pole
● = 1/2" Iron Pipe
Prop. Cor.



DELAWARE, FREUND & ASSOCIATES, P.A.
412 Century Plaza • Wichita, Kansas 67202



502-22-1C

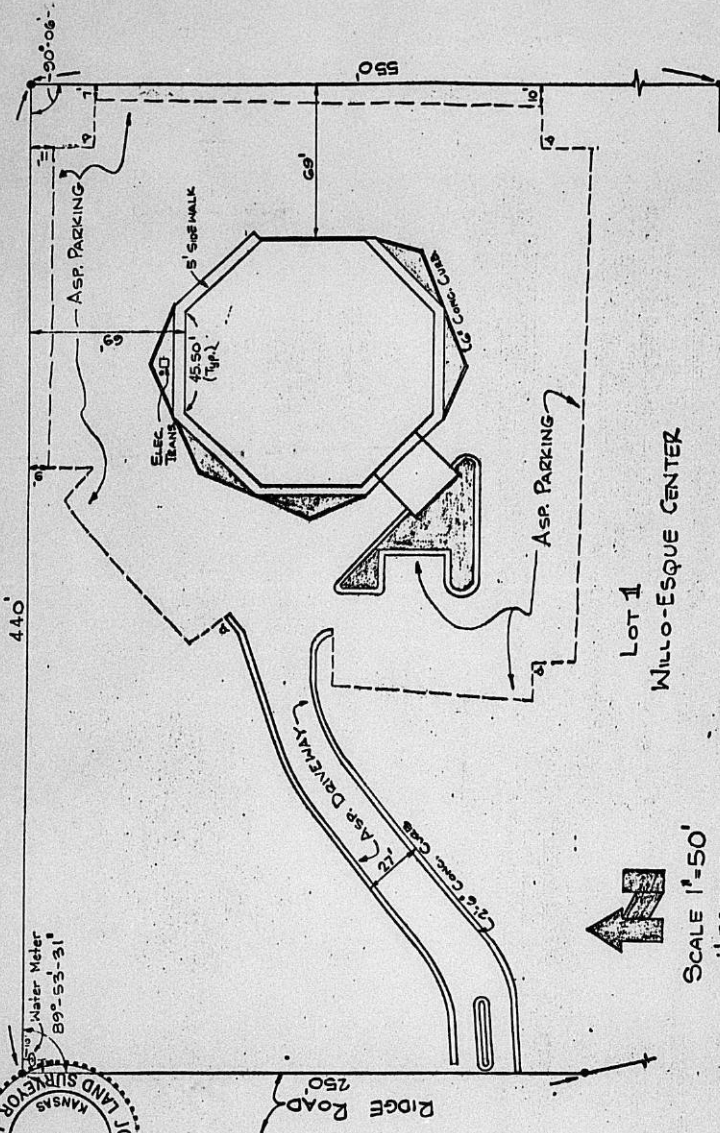
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The accompanying plat is a true and correct exhibit of said location.

John Herbert Greeley, L.S.
 John Herbert Greeley, L.S.



Water Meter
 89°-53'-31"



Lot 1
 Willo-Esque Center



SCALE 1"=50'

- LEGEND :-
- = Light Pole
 - = 1/2" Iron Pipe Prop. Cor.



DELAMATER, FREUND & ASSOCIATES, P.A.
 412 Century Plaza • Wichita, Kansas 67202

SECRETARY'S REPORT
CASE NO. BZA 27-78

APPLICANT: Medarco, Inc., 3330 W. Douglas, Wichita, Kansas.

AGENT: Howard V. Harrison, 3330 W. Douglas, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to waive the required screening adjacent to the north and east property lines.

GENERAL LOCATION: Northeast corner of Maple and Ridge Road.

ZONING: Subject property is zoned the "LC" Light Commercial District. All surrounding properties are zoned the "AA" Single Family Dwelling District.

LAND USE: The north 1/2 of subject property is developed as a medical office building; the south 1/2 of subject property is undeveloped. North is an apartment complex. West is single family residential development. South is an automotive repair garage and a single family residence. East is undeveloped land.

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:

The applicants are requesting a variance to waive the required screening adjacent to the north and east property lines.

Subject property is zoned the "LC" Light Commercial District. Properties to both the north and east are zoned the "AA" Single Family Dwelling District and are part of the Willowesque Community Unit Plan (DP-42). Section 28.04.160.K. of the City Code requires that an office, commercial, industrial or institutional use must provide screening along all side and rear lot lines which are adjacent to a residential zoning district. However, in this instance, the adjacent residential properties fall under the requirements of the Willowesque CUP, which requires the screening of these same two property lines. Therefore, the applicants contend that to require them to screen would be a duplication of effort inasmuch as there is already a requirement upon the adjacent property owners to screen.

An apartment complex has been developed on the property north of subject property and the back walls of carports for these units provides screening along the applicant's north property line. The property to the east has remained undeveloped thus far and therefore, no screening has been established along the applicant's east property line.

UNIQUENESS:

It is the opinion of the Secretary that this is an unique situation inasmuch as the screening requirement placed upon the applicants by the zoning ordinance would duplicate a screening requirement placed upon the adjacent property owners by condition of their approved CUP.

ADJACENT PROPERTIES:

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the rights of adjacent property owners inasmuch as they are already required to provide screening that will separate the two developments.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the Zoning Ordinance will constitute an unnecessary hardship upon the applicants inasmuch as the screening requirement duplicates a requirement already imposed upon the development of adjacent properties.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired would not adversely affect the public interest inasmuch as the request is interiorly located.

SECRETARY'S REPORT
Case No. BZA 27-78
Page 3

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as screening will be provided as development takes place on adjacent properties.

RECOMMENDATION:

It is the opinion of the Secretary that each of the five conditions necessary to the granting of a variance, can be found to exist and therefore, it is recommended that the requested variance be approved.

14 notices sent to adjacent property owners, applicant, and/or agent
10 notices sent to MAPC
1 notice sent to CPO
25 total notices sent on BZA 27-78, 6-29-78

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

June 30, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 27-78

An application has been filed by Medarco, Inc., 3330 West Douglas, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the required screening adjacent to the north and east property lines on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Willo-Esque Center Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Maple and Ridge Road.

This application has been assigned Case No. BZA 27-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1978, at 1:30 p.m., in the Board Room, First Floor City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, 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 CPO Office, 268-4516.

Jack H. Galbraith
Secretary

APPLICATION FOR VARIANCE

I. Name of Applicant Medarco, Inc.

Mailing Address 3330 W. Douglas, 67203 Phone 942-0900

Name of Authorized Agent Howard V. Harrison

Mailing Address 3330 W. Douglas, 67203 Phone 942-0900

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

II. The variance requested is for screening

for property located 222 S. Ridge Road

and legally described as: North 1/2 of lot 1, Willo-Esque Center Addition

in the City of Wichita; and which is presently zoned LC

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.

Medarco, Inc.
Applicant

Howard V. Harrison
Authorized Agent

*N/E corner
of Maple and Ridge Rd.*

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:40 (a.m. (p.m.), June 23 19 78 together with appropriate fee of \$50.00.

G. Lynn Shirley
Signed

MEDARCO, INC.

~~P. O. BOX 9184~~ • WICHITA, KANSAS 67277 • 316 / 942-0900
3330 W. Douglas *67203*

June 13, 1978

SECRETARY, BOARD OF ZONING APPEALS
10th Floor, City Hall
455 N. Main
Wichita, Kansas 67202

Please find enclosed our Application for Variance for screening for property located at 222 S. Ridge Road, Wichita, Kansas, being the North 1/2 of Lot 1, Willow-Esque Center Addition (northeast corner of Maple & Ridge Road).

1. The variance requested arises from a unique condition because it is adjacent to Community Unit Plan #DP-42, Willow-Esque, as shown on map #5047 being in Section 22, Township 27S, Range 1 West. That Community Unit Plan required the owners to install screening at the time the CUP was approved in 1971, although the screening requirements did come sometime later. It is my understanding that the architectural screening design as submitted has been approved for the applicant although it has not been installed. We believe that this is unique because at some time in the future the owners of CUP DP-42 will be installing the approved screening as required, and if we are required to do the same thing, there would be a duplication of screening.

2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents since, as stated above, they will have to screen as required sooner or later themselves.

3. The strict application of the provisions of Title 28 (of which a variance is requested) will cause a duplication of effort, expense, and accomplishment since the CUP has required screening by adjacent property owners.

4. Our request for the variance desired will not diversely 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, but will remain upheld because the adjacent property owners under the CUP are required to install the screening.

Your consideration of our Application for Variance is greatly appreciated.


HOWARD V. HARRISON

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstracter 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 viz:

Record Owners within 200 feet of Lot 1
 WILLO - ESQUE CENTER ADDITION.



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>OWNERS</u>
Lot 1	WILLO-ESQUE CENTER	✓ MEDARCO INCORPORATED 3330 W. Douglas 67203
Lot 1, Block A. 2nd ADD. Wichita, Sedgwick County, Kansas; except the following described tracts:	WILLO-ESQUE SECOND	✓ Jack S. Griggs (½ interest) 421 Morningside Drive 67218
The East 90 feet of the South 300 feet of Lot 1, Block A;		and ✓ Jack H. Greene (½ interest) 216 N. Waco 67202
The East 280 feet of the South 105 feet, Except the East 180 feet of Lot 1, Block A; and		
The East 180 feet of the South 190 feet, Except the East 90 feet of Lot 1, Block A; all in WILLO-ESQUE SECOND ADDITION, Wichita, Sedgwick County, Kansas.		
The East 90 feet of the South 300 feet of Lot 1, Block A, WILLO-ESQUE SECOND ADDITION, Wichita, Sedgwick County, Kansas.	WILLO-ESQUE SECOND	✓ E and J Equities ADDRESS UNKNOWN 1451

ck DP-42
for address
N. Waco
?



Cont'd

-2-

<u>LOT</u>	<u>ADDITION</u>	<u>OWNERS</u>
The East 180 feet of the South 190 feet Except the East 90 feet of Lot 1, Block A, WILLO-ESQUE SECOND ADDITION, Wichita, Sedgwick County, Kansas	WILLO-ESQUE SECOND	<i>P</i> E and J Equities ADDRESS UNKNOWN
The East 280 feet of the South 105 feet Except the East 180 feet of Lot 1, Block A, WILLO-ESQUE SECOND ADDITION, Wichita, Sedgwick County, Kansas.	WILLO-ESQUE SECOND	<i>P</i> E and J Equities ADDRESS UNKNOWN
Lot 2, Block A.	WILLO-ESQUE SECOND	✓ COORS OF KANSAS, INC. 8225 Irving 67209
East 186 feet of Lot 9, Block C	WESTVIEW ADDITION	✓ Don J. Tucker 7210 Maple 67209
Lot 10, Block C	WESTVIEW ADDITION	✓ Dolores M. Cooper 217 S. Ridge Rd. 67209
Lot 11, Block C	WESTVIEW ADDITION	✓ Dale Wayne & Nancy F. Anderson 201 S. Ridge Rd. 67209
Lot 12, Block C	WESTVIEW ADDITION	✓ Henry H. & Carol J. Brenner 157 S. Ridge Rd. 67209
Lot 13, Block C	WESTVIEW ADDITION	✓ Charles L. & Ruth Loudenslager 149 S. Ridge Rd. 67209
Lots 1 and 2, Block G,	WESTERLEA VILLAGE	✓ William R. King & Merlin C. Burch 231 Duganridge 67209
Lot 3, Block G	WESTERLEA VILLAGE	✓ <i>mail rec'd 7-3-78</i> Raymond A. & Marcella A. Mertes 231 Duganridge 67209
Lot 1 & East Half of Lot 2, Block F,	WESTERLEA VILLAGE	✓ R. & Joan D. Bynorth 7007 W. Maple 67209
West 1/2 of Lot 2, all of Lot 3, Block F,	WESTERLEA VILLAGE	✓ William J. & Janet O. Goebel 310 Summitlawn Street Wichita, Kansas 67209
North 200 feet of the East 200 feet of the Northeast Quarter of the Northeast Quarter of Section 28, Township 27, Range 1 West.	WESTERLEA VILLAGE	✓ Dale F. Hecox & Bowen H. Brady 6405 E. Kellogg 67207 Suite No. 14



Cont'd

-3-

Dated at Wichita, Kansas this 14th day of June,
1978 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Patricia M. Linn*
Vice President

Tracer No. 43719



Fidelity  Title
COMPANY, INC.

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

June 30, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 27-78

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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 CPO Office, 268-4516.

Jack H. Galbraith
Secretary

WICHITA - SEDGWICK COUNTY

W S C

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

NO SUCH NUMBER
C.M.F.

Important!
Notice of Hearing,
Enclosed

BZA
NSW R9A
William R. King and Merlin C. Burch
231 Duganridge
Wichita, Kansas 67209



FORM 223-021

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Pibg	Exam Fees	Sewer	Elev.
Signs	Plan Rev.	Cement	M.S.P.

DESCRIPTION	AMOUNT
DZA V.
NAME: <i>Madison Street 7th Ward</i>	
ADDRESS: <i>1104 7th St. Wichita</i>	
FUND: <i>110-400 71-003</i>	DUE DATE: <i>000-000</i>
COMMENTS:	
DATE: <i>7/23/78</i>	BY: <i>[Signature]</i>

*

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