

BZA 32-88 - HERNDON BETTIS et al request
a variance to reduce 20-ft. front yard
setback to 5 ft. on prop. zoned "B" Mult
Fam. DD at NW corner Maple & Dodge.

ACTION

BZA. 32-88 approve 7/26/88
DATE
except for north
20' + south 20' thereof

6397B

2nd Sec 3-16-89

Checked JD

Shot 4-13-89

Record ✓

DATA SHEET

MAP NO.: 5347B

CASE NO. BZA 32-88

(CPO 4A, 7/21/88)

REQUEST: Variance to reduce the required 20-foot front yard setback to 5 feet

EXISTING ZONING: "B" Multiple-Family Dwelling District

GENERAL LOCATION: Northwest corner of Maple and Dodge (1202 W. Maple)

APPLICANT: Herndon Bettis Schwartz Kissling Herndon, Optometrists

ADDRESS: 1202 W. Maple
Wichita, KS 67213

PHONE: 794-2228

AGENT: Pettit Bullinger Associates Architects, P.A.

ADDRESS: 1202 E. First Street, P. O. Box 2726
Wichita, KS 67201

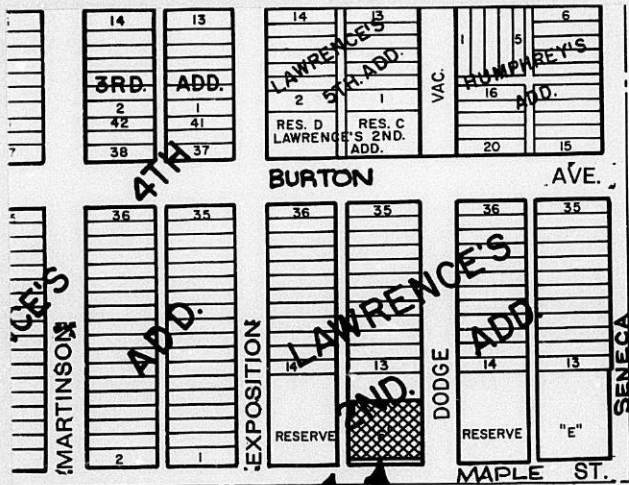
PHONE: 262-7435

AREA DATA

Acres: (125 ft. by 105 ft.)

Adjacent Zoning and Land Use:

North "B"
South "B"
East "B"
West "B"



Shedd
 No. 2-153C
 HASTINGS, MN
 LOS ANGELES-CHICAGO-LOGAN, OH
 MEMPHIS-TX-LOCUST GROVE, GA
 U.S.A.

BZA INSPECTION SHEET

MAP NO.: 5347B

CASE NO. BZA 32-88

REQUEST: Variance to reduce the required 20-foot front yard setback to 5 feet

EXISTING ZONING: "B" Multiple-Family Dwelling District

GENERAL LOCATION: Northwest corner of Maple and Dodge (1202 W. Maple)

APPLICANT: Herndon Bettis Schwartz Kissling Herndon, Optometrists

ADDRESS: 1202 W. Maple
Wichita, KS 67213

PHONE: 794-2228

AGENT: Pettit Bullinger Associates Architects, P.A.

ADDRESS: 1202 E. First Street, P. O. Box 2726
Wichita, KS 67201

PHONE: 262-7435

HEARING DATE: 7/26/88

BZA ACTION: Approve, except for north 20 feet and south 20 feet.

FOLLOW-UP DATE: 10/26/88 (landscape plan - MAPD); prior to completion of bldg. -
install landscaping (CID).

RESPONSE BY MAPD: *Landscape plan submitted + approved 10-30-88.*

RESPONSE BY CID:

BZA 32-88 INSPECTION SHEET

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1868
(316) 268-4561

October 20, 1988

Pettit Bullinger Associates
1202 E. First, P. O. Box 2726
Wichita, KS 67201

Re: BZA 32-88 - Variance to reduce required 20-ft. front yard
setback to 5 ft., NW corner Maple & Dodge (1202 W. Maple).

Gentlemen:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on July 26, 1988. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files now that condition #2 has been completed.

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

Sincerely,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
Enclosure

cc: Herndon Bettis Schwartz Kissling Herndon, Optometrists, 1202
West Maple, Wichita, KS, 67213
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

BZA RESOLUTION NO. 32-88

WHEREAS, Herndon Bettis Schwartz Kissling Herndon, Optometrists, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the required 20-foot front yard setback from Dodge Avenue to 5 feet on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

The North 105 ft. of the South 110 ft. of the East Half of Reserve F, Lawrence's Second Addition to West Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Maple and Dodge (1202 W. Maple).

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 26, 1988, 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 location of the existing building and required parking lot make expansion to the east the only feasible direction for expansion; 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 a 5-ft. front yard on Dodge Avenue, plus a 20-ft. x 15-ft. area at the southeast corner of the building, if required to be landscaped, would be a more attractive asset to the neighborhood than is the existing unlandscaped 20-ft. yard; 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 building cannot be expanded outward in any other direction unless more property is acquired and, if a move from this site is required, there would be unnecessary patient reorientation and loss of a very valuable location; and

WHEREAS, the Board of Zoning Appeals has found that a variance of the front yard to 5 ft. from Dodge, except for the north 20 ft. and the south 20 ft. thereof, will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that no easements

RESOLUTION

or public right-of-way would be encroached upon and a structure maintaining a setback from the corner, as proposed, would not interfere with the line of sight for vehicles or pedestrians; and

WHEREAS, the Board of Zoning Appeals has found that the granting of a variance of the front yard to 5 feet from Dodge, except for the north 20 feet and the south 20 feet thereof, will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as this reduction of the setback would still provide a yard for landscaping and would not be much closer to the Dodge Avenue right-of-way than the porch of the existing apartment building to the north; 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.

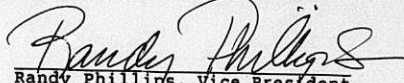
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this variance be approved to reduce the required 20-foot front yard setback from Dodge Avenue to 5 feet, except for the north 20 feet and the south 20 feet thereof, on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

The North 105 feet of the South 110 feet of the East Half of Reserve F, Lawrence's Second Addition to West Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Maple and Dodge (1202 W. Maple).

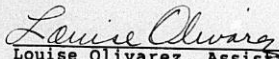
subject to the following conditions:

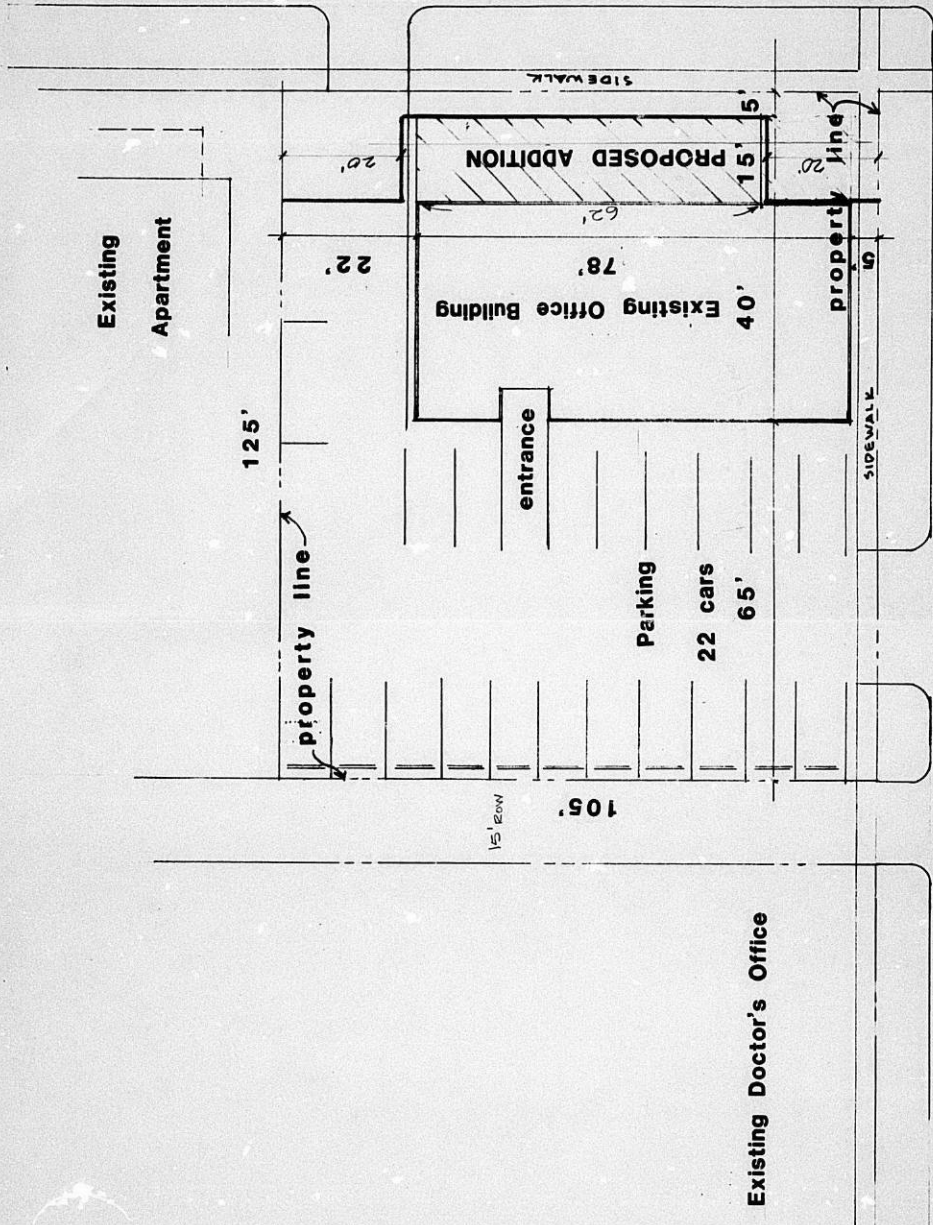
1. The applicants shall obtain a building permit for the proposed expansion and shall comply with all applicable codes and regulations, except that the front yard building setback from Dodge Avenue may be reduced to no less than 5 feet along the entire front yard, EXCEPT for the north 20 feet and the south 20 feet thereof.
2. Prior to release of the resolution authorizing this front yard setback variance, but in no case later than three months after approval by the BZA, the applicant shall submit three copies of a landscape plan for the remaining front yard to the Secretary for review and approval. The plan should indicate names, quantities and sizes of all plant materials, as well as the method of providing water to the plant materials.
3. The plant materials designated on the approved landscape plan shall be installed prior to final completion of the building expansion or, if the weather prohibits planting at that time, a financial guarantee shall be submitted to Central Inspection providing for installation during the next planting season.

ADOPTED AT WICHITA, KANSAS, this 26th day of July, 1988.


Randy Phillips, Vice President

ATTEST:


Louise Olivarez, Assistant Secretary



1" = 20'

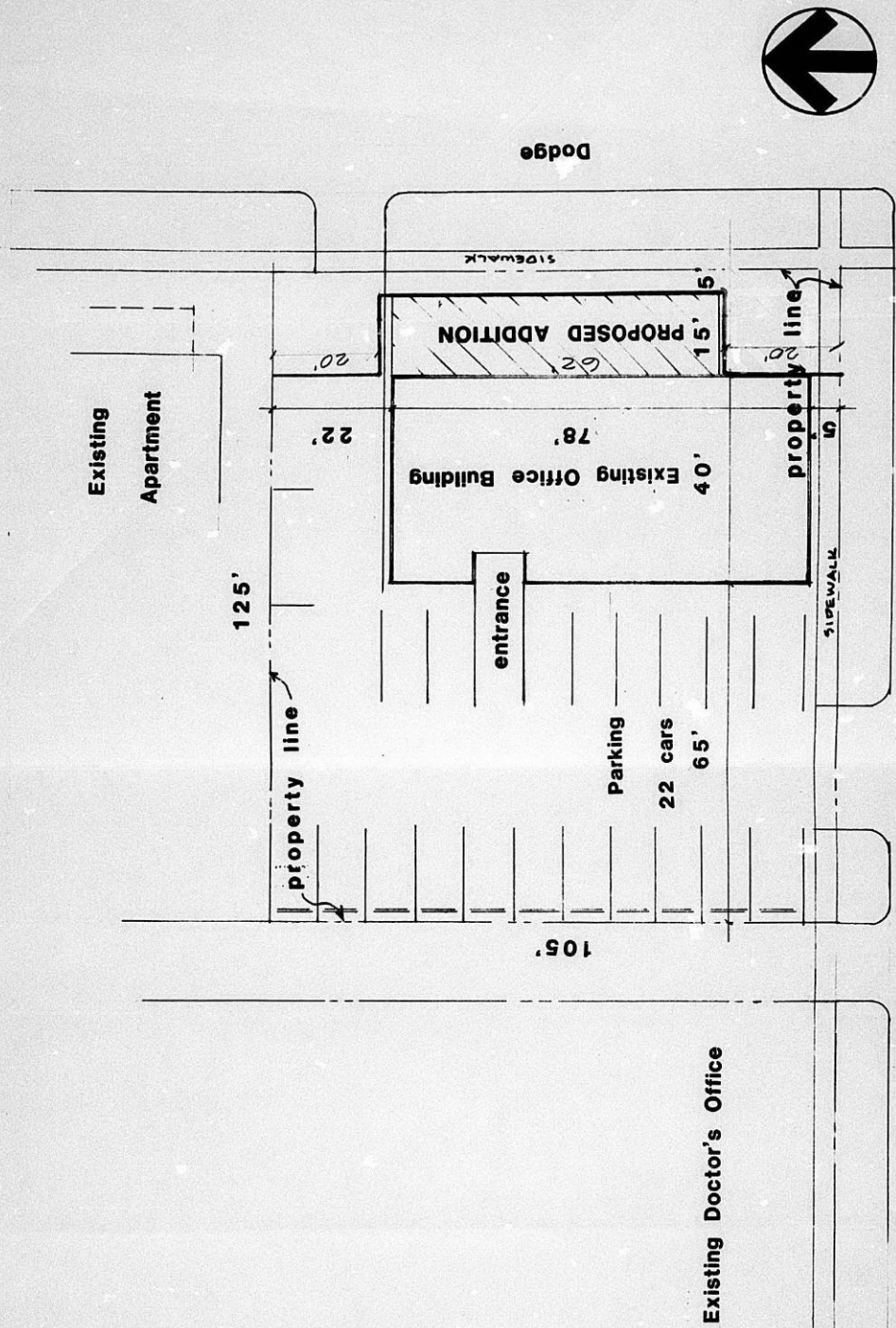
BZA 32-88
 approved 7-26-88

OPTOMETRIST'S OFFICE 1202 W. MAPLE

Existing Doctor's Office

Maple 35' 1/2 ROW

Dodge 30' 1/2 ROW



1" = 20'

BZA 32-88
 approved 7-26-88

OPTOMETRIST'S OFFICE 1202 W. MAPLE

Existing Doctor's Office

Maple

Dodge

Existing Apartment

PROPOSED ADDITION
 Existing Office Building

entrance

Parking
 22 cars
 65'

125'

105'

SIDEWALK

SIDEWALK





METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4551

July 28, 1988

Eugene Bullinger
Pettit Bullinger Associates Architects, P.A.
1202 E. First St., Box 2726
Wichita, KS 67201

Re: BZA 32-88 - Variance to reduce front yard setback (1202 W. Maple)

Dear Mr. Bullinger:

At the regular meeting of the Board of Zoning Appeals on July 26, 1988, your request for a variance to reduce the required 20-foot front yard setback to 5 feet was considered. It was the action of the Board to approve this request, subject to the following conditions:

1. The applicants shall obtain a building permit for the proposed expansion and shall comply with all applicable codes and regulations, except that the front yard building setback from Dodge Avenue may be reduced to no less than 5 feet along the entire front yard, EXCEPT for the north 20 feet and the south 20 feet thereof.
- ✓ 2. Prior to release of the resolution authorizing this front yard setback variance, but in no case later than three months after approval by the BZA, the applicant shall submit three copies of a landscape plan for the remaining front yard to the Secretary for review and approval. The plan should indicate names, quantities and sizes of all plant materials, as well as the method of providing water to the plant materials.
3. The plant materials designated on the approved landscape plan shall be installed prior to final completion of the building expansion or, if the weather prohibits planting at that time, a financial guarantee shall be submitted to Central Inspection providing for installation during the next planting season.

The resolution setting forth the official action of the Board will be released upon compliance with condition 2.

FILE COPY

10-19-88

July 28, 1988
Page 2

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions, please call our office.

Sincerely yours,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm

cc: Herndon Bettis Schwartz Kissling Herndon, Optometrists,
1202 W. Maple, Wichita, KS, 67213
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

THE CITY OF WICHITA

OFFICE OF PARTICIPATION ORGANIZATION DATE July 26, 1988

TO Lousie Olivarez, Principle Planner

FROM Stanley J. Scott, CP Coordinator *Stan Scott*

SUBJECT BZA 32-88: Northwest corner
of Maple and Dodge (1202 West
Maple)

On Thursday, July 21, 1988, CPD West River Neighborhood Council 4A considered the captioned case, a request for a zoning variance to reduce the required 20 foot front yard setback from Dodge Avenue to 5-feet. Following discussion, the Council voted 5-0 to recommend approval of the zoning variance as requested (5-foot setback).

Gene Bullinger, architect and agent for the applicants, was present to explain the request and respond to questions from the Council. Mr. Bullinger described the planned expansion of the existing optometrists' office. Mr. Bullinger noted that MAPD staff comments recommend a 10-foot setback, rather than 5-foot setback requested by the applicants. He stated that the applicants would appreciate the Council's support of the variance as requested.

No area residents or property owners were present to address the request. Council members were provided the notice of public hearing, MAPD staff comments, map of the area, and site plans.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 32-88 is considered on Tuesday, July 26.

SJS:dm

SECRETARY'S REPORT

CASE NUMBER: BZA 32-88

OWNER/APPLICANT/AGENT: Herndon Bettis Schwartz Kissling Herndon, Optometrists (owner/applicant)
Pettit Bullinger Associates Architects, P.A. (agent)

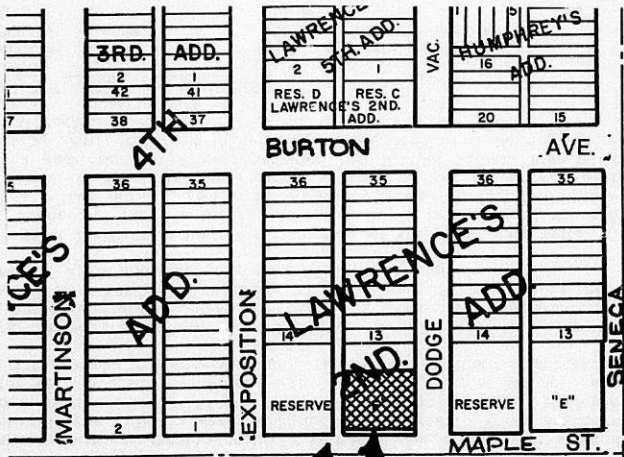
REQUEST: Variance to reduce the required 20-foot front yard setback from Dodge Avenue to 5 feet

CURRENT ZONING: "B" Multiple-Family Dwelling District

SITE SIZE: 105 ft. x 125± ft.

LOCATION: Northwest corner of Maple and Dodge (1202 W. Maple)

PROPOSED USE: Expansion of existing optometrists' office



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 conditions, as required by the State Statutes, are found to exist.

BACKGROUND: The applicants are requesting a variance of the front yard setback on a site in the "B" district to permit expansion of a medical office building to within 5 feet of the front property line. A 5-foot side yard setback is observed on the south, although it appears to be less because the public sidewalk is inside the property line. Residences exist across the street to the east and to the north. The apartment house to the north appears to observe a setback of less than 20 feet with an unenclosed porch extending even closer to the street. Although the site has sufficient space to the west of the building for expansion in that direction without encroaching required setbacks, necessary parking would have to be deleted if the building were expanded to the west. There are currently 11 employees in this office. At the ratio of 1 parking space per employee, plus 1 space for each 500 sq. ft. of floor area, 18 parking spaces are now required. The proposed 1,170 sq. ft. expansion would require an additional 3 spaces.

This application area is only a small portion of a large platted reserve which is in multiple ownerships. Unless this tract has existed as a separate tract since at least January 1, 1948, any expansion of more than 30% will require platting. The proposed 15' x 78' addition would be a 37.5% expansion.

Staff finds it difficult to justify a reduction of the front yard setback to 5 feet on this corner lot because the setback from Maple is already at the minimum and because a 5-foot setback from Dodge would be out of character with the rest of the block, which is predominantly residential with 20-foot setbacks. Staff could support a reduction to 10 feet, provided the 10-foot setback area is adequately landscaped. An addition of 10' x 78' would be within the 30% expansion allowed on unplatted tracts.

ADJACENT ZONING AND LAND USE:

NORTH	"B"	Multiple-family dwelling
SOUTH	"B"	Kansas Masonic Home
EAST	"B"	Duplex
WEST	"B"	Physician's office

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the location of the existing building and required parking lot make expansion to the east the only feasible direction for expansion.

ADJACENT PROPERTY: It is the opinion of staff that the granting of a variance will not adversely affect the rights of adjacent property owners inasmuch as a 10-foot front yard on Dodge Avenue, if required to be landscaped, would be a more attractive asset to the neighborhood than is the existing unlandscaped 20-foot yard.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the building cannot be expanded outward in any other direction, unless more property is acquired and, if a move from this site is required, there would be unnecessary patient reorientation and loss of a very valuable location.

PUBLIC INTEREST: It is the opinion of staff that some adjustment to the setback would not adversely affect the public interest inasmuch as no easements or public right-of-way would be encroached upon and a structure maintaining a 10-foot setback from Dodge on this corner lot would not interfere with the line of sight for vehicles or pedestrians.

SPIRIT AND INTENT: It is the opinion of staff that the granting of a variance would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as a reduction of the setback to 10 feet would still provide adequate yard for landscaping and would be no closer to the Dodge Avenue right-of-way than the porch of the existing apartment building to the north.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted to 10 feet, subject to the following conditions:

1. The applicants shall obtain a building permit for the proposed expansion and shall comply with all applicable codes and regulations, except that the front yard building setback from Dodge Avenue may be reduced to no less than 10 feet.
2. Prior to release of the resolution authorizing this front yard setback variance, but in no case later than three months after approval by the BZA, the applicant shall submit three copies of a landscape plan to the Secretary for review and approval. The plan should indicate names, quantities and sizes of all plant materials, as well as the method of providing water to the plant materials.
3. The plant materials designated on the approved landscape plan shall be installed prior to final completion of the building expansion or, if the weather prohibits planting at that time, a financial guarantee shall be submitted to Central Inspection providing for installation during the next planting season.

(_____) Published in The Daily Reporter, July 1, 1988

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 26th day of July, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, meeting in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 32-88 - Herndon Bettis Schwartz Kissling Herndon, Optometrists, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the required 20-foot front yard setback from Dodge Avenue to 5 feet on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

The North 105 feet of the South 110 feet of the East Half of Reserve F, Lawrence's Second Addition to West Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Mapie and Dodge (1202 W. Maple).

2. Case No. BZA 33-88 - Amoco Oil Company, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a detached, single-bay, automatic car wash as an accessory use to a service station on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Continental Addition, Wichita, Sedgwick County, Kansas; AND the North 35 feet of the West 117 feet of Lot 1, Pearl E. Woods Addition, Sedgwick County, Kansas. Generally located at the southeast corner of 13th and West Streets (3935 W. 13th).

3. Case No. BZA 34-88 - Williams Investment Group Ltd., d/b/a Quality Inn, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required parking from 210 spaces to 180 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

The North 100 feet of Lot 3, except the West 155 feet thereof, and the West 155 feet of Lot 3 and all of Lot 4, all in Ruth Addition to the City of Wichita, Sedgwick County, Kansas (8300 E. Kellogg).

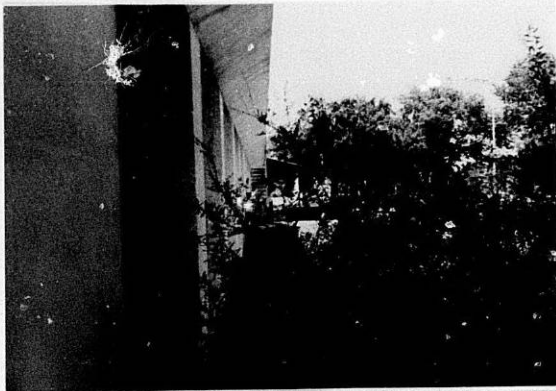
4. Case No. BZA 35-88 - Frances Louise Brinegar, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests variances to reduce the front yard setback from 25 ft. to 23 ft; reduce the side yard setback for a detached accessory structure from 3 ft. to not less than 1½ ft.; and reduce the rear yard setback for a detached accessory structure from 5 ft. to 4 ft. on property zoned the "A" Two-Family Dwelling District and legally described as follows:

That portion of the East 15 feet of Lot 204 and that portion of Lots 206, 208 and 210 on Sixteenth Street which lies South of a line running East and West, exactly 50 feet North of the South line of Lot 204, such line extending on East and West through each of the lots mentioned, all in Rich's Addition to the City of Wichita, Sedgwick County, Kansas, together with the North Half of the vacated alley adjoining said property on the South, and located on the West side of Ferrell Drive in an area south of 17th Street (1643 Ferrell Drive).

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 1st day of July, 1988.

Louise Olivarez
Louise Olivarez, Assistant Secretary
Board of Zoning Appeals



BZA 32-88

EAST WALL TO NORTH



EAST WALK
TO NORTH



DRIVE AT DODGE



DODGE TO SOUTH



MAPLE TO WEST



PARKING AT WEST

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

July 1, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 32-88

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 Herndon Bettis Schwartz Kissling Herndon, Optometrists, requesting a variance.

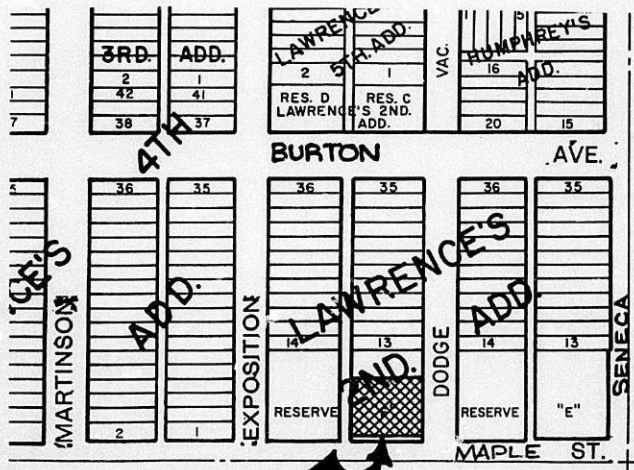
Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required 20-foot front yard setback from Dodge Avenue to 5 feet on property zoned the "B" Multiple-Family Dwelling District. A legal description of the applicant's property is as follows:

The North 105 feet of the South 110 feet of the East Half of Reserve F, Lawrence's Second Addition to West Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Maple and Dodge (1202 W. Maple).

This application has been assigned Case No. BZA 32-88. It will be considered by the Board of Zoning Appeals on Tuesday, July 26, 1988, 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 in or objections to 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.

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

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council 4A, West River, will consider this case at their meeting to be held on Thursday, July 21, 1988, at 7 p.m. in Stanley/Aley Community Center, 1749 S. Martinson. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



BZA CASE NO. 32-88

15 LEGAL ADVERTISEMENT SENT TO MAPC & BZA

2 NOTICES SENT TO APPLICANT/AGENT

17 NOTICES SENT TO ADJOINING PROPERTY OWNERS

5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT _____

1 NOTICES SENT TO CPO

2 NOTICES SENT TO CITY MANAGER & CITY
COUNCIL REPRESENTATIVE TO DISTRICT

4 NOTICES TO MAPD STAFF

Jack Galbraith
Louise Olivarez
Bob Young
Karen Crook

PETTIT
BULLINGER
ASSOCIATES
ARCHITECTS, P.A.



May 31, 1988

Board of Zoning Appeals
City of Wichita
455 N. Main
Wichita, Ks 67202

Re: Application for Variance

Dear Board Members:

The office building of Herndon Bettis Schwartz Kissling Herndon, Optometrists is located at 1202 W. Maple in Wichita. This site is in "B" zoning with a 5'-0" ^{side} front yard set back on Maple in which the public walk is inside the property line; the ^{side} yard (on east) on Dodge is 20'-0" to the building from the property line; the ^{rear} yard (at north) is 22'-0" from the building and the parking lot occupies the west ^{side} yard of 65'-0" from the building to the property line with a doctor's office adjacent. This existing site condition is unique based on the present zoning ordinances. The multi-family residences directly to the north along the west side of Dodge Street have approximately 17'-0" setback with porches and ramps extending into the respective set back yards. See attached site plan and pictures.

The variance herein requested is to permit the reduction of the Dodge yard setback to 5'-0" the same as on Maple for the purpose of building a 15'-0" wide addition to the present building. The granting of such permit will not adversely affect the rights of the adjacent property owners due the present conditions.

The strict application of the provisions of Title 28 will constitute unnecessary hardship on the applicant as followings:

1. This one story structure cannot be enlarged to provide service to patients from the community and the Kansas Masonic Home adjacent across Maple.
2. A move from this site is very costly in moving expenses, necessary patient reorientation and the loss of a very valuable location, including the present parking lot offering meeting all parking requirements for this proposed enlarged building without further expense to the applicant.

HEIL C. PETTIT, AIA
E. EUGENE BULLINGER, AIA

1202 EAST FIRST STREET
P.O. BOX 2726
WICHITA, KANSAS 67201
(316) 262-7435

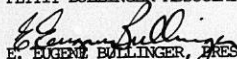
"Forty Years of Continuing Practice"

3. The acquisition of adjacent property is an unrealistic expense if anywhere available.

The granting of this requested variation will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and will not oppose the general spirit and intent of Title 28 (zoning ordinance).

Sincerely,

PERMIT BULLINGER ASSOCIATES ARCHITECTS, P. A.


E. EUGENE BULLINGER, PRESIDENT

EEB/gb
Enclosures

APPLICATION FOR VARIANCE

I. Applicant Herndon Bettis Schwartz Kissling Herndon, Optometrists
 Address 1202 W. Maple Zip Code 67213 Phone 794-2228
 Agent Pettit Bullinger Associates Architects, P. A.
 Address 1202 E. First P. O. Box 2726 Zip Code 67201 Phone 262-7435
 Relationship of applicant to property is that of Owner
 (Owner, Tenant, Lessee, Other)

II. The variance requested is side yard setback on Dodge of 5'-0" per zoning ordinance 28.04.070 - 2 Side Yards for building addition improvement.
reduction of 30-foot front yard setback to 5 feet
 on property zoned "B" multi-family dwelling district which is
125 ft by 105 ft (or _____ acres) in size, legally described as:
The north 105' of 1/2 south 110' of Reserve "F", Lawrence's Second Addition to Wichita, Kansas,
the east 125' of _____

 and located (1202 W. Maple,) Wichita, ks Northwest corner of Maple & Dodge

 in the City of Wichita.

- 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. 39-285); 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.

Reserve F 265 x 165
E-W N-E

Maple 35' 1/2 row
Dodge 30' 1/2 row

Applicant Herndon + Bettis
Herndon Bettis Schwartz Kissling Herndon, Optometrists

Authorized Agent P. Bullinger
Pettit Bullinger Associates Architects, P.A.

Need to purchase 2 signs

OFFICE USE ONLY:

Map No. 5347B Zoning: (N) B (S) B (E) B (W) B CPO4A 7-21

Received in Office of Secretary, Board of Zoning Appeals, 3:15 (a.m./p.m.),
6/7/88, 1988, together with appropriate fee of \$300.00.

Signed FBI

OWNERSHIP LIST

Property Description	"	Property Owner
<i>applied for also</i> The North 105 feet of the South 110 feet of the E½ of Reserve F	"	Lawrence's Second Addition to West Wichita
	"	<i>dup</i> { Billy Bob Herndon and David L. Bettis 1202 W. Maple Wichita, KS 67213
The North 55 feet of the East 125 feet of Reserve F	"	Harry A. Biltz 333 N. Millwood Wichita, KS 67203
The North 50 feet of the W½ of Reserve F	"	William J. Babich 326 S. Exposition Wichita, KS 67213
Commencing 50 feet South of the NW/c of the W½ of Reserve F; th. SW'ly 55 feet; th. E'ly 125 feet; th. N'ly 55 feet; th. W'ly 125 feet to the point of beginning.	"	F. J. Hagan Josephine Hagan 14817 E. 29th St. No. St. North Wichita, KS 67228
The South 55 feet of the North 160 feet of the West 125 feet of Reserve F	"	Same As Above
The South 50 feet of the North 65 feet of the West 140 feet of Reserve E	"	James F. Mote Lola E. Mote P.O. Box 296 Wichita, KS 67201
The North 15 feet of the North 65 feet of the West 140 feet of Reserve E	"	Miller A. Greeno Mary E. Greeno 326 S. Dodge Wichita, KS 67213
The South 100 feet of the W½ of Reserve E	"	Violet Stevens and Lucille Naifech and Phillip Razook and Lewis Razook 1120 Maple Wichita, KS 67213
Lot 14	"	Lawrence's Second Addition to West Wichita, on Dodge
	"	<i>dup</i> { Miller A. Greeno Mary E. Greeno 326 S. Dodge Wichita, KS 67213
Lot 16 and the South 13 feet of Lot 18	"	M. Irene Unruh and Melissa R. Crawford Steve H. Crawford 320 S. Dodge Wichita, KS 67213

Property Description		Property Owner
The North 12 feet of Lot 18, all of Lot 20, and Lot 22 except the North 20 feet	Lawrence's Second Addition to West Wichita, on Dodge	Alta M. Tibbits 316 S. Dodge Wichita, KS 67213
Lot 22, except the South 5 feet and all of Lot 24	"	Jerry Shuman Joyce Shuman 1917 S. 151st St. West Goddard, KS 67052
Lot 13 and the S½ of Lot 15	"	John S. Lanz Virginia L. Lanz 323 S. Dodge Wichita, KS 67213
The N½ of Lot Lot 15 and all of Lot 17	"	Same As Above
Lot 19	"	Terry Gresham Ellen Brown 323 N. West Street Wichita, KS 67203
Lots 21 and 23	"	dup } John S. Lanz Virginia L. Lanz 323 S. Dodge Wichita, KS 67213
Lots 14 and 16	Lawrence's Second Addition to West Wichita, on Exposition	F. J. Hagan, M.D. 14817 E. 29th St. North Wichita, KS 67228
Lots 18 and 20	"	John C. Winfrey (Dec'd) Julia M. Winfrey 320 S. Exposition Wichita, KS 67213
Lots 22 and 24	"	Eden ^{et ux} Thuman Julie Ann Thuman Address Unknown % Joel Associates City of Wichita 455 N. Main Wichita, KS 67202
A tract of land in the NE¼ of Section 30, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, Commencing at the NE/c of said NE¼; th. N 89°49' W along the North line of said NE¼, 349.66 feet; th. S 0°00' E, 31.76 feet to a p.o.b.; th. S 1°51'45" E, 116.48 feet; th. S 63°23'45" W, 130.15 feet; th. S 7°59'15" E, 56.64 feet; th. S 0°13'15" W, 18.09 feet; th. S 89°47'45" E, 79.08 feet; th. S 0°32'15" W, 167.48 feet; th. N 78°38'25" W, 161.18 feet; th. N 0°07' W, 93.98 feet; th. S 89°53' W, 1.85 feet; th. N 0°07' W, 16.25 feet; th. S 89°52' W, 33.53 feet; th. N 5°15' E, 111.05 feet; th. N 60° 01' W, 125.57 feet; th. N 13°21'30" E, 104.22 feet to a point 32.71 feet South of said North line of said NE¼; th. N 90°00' E, 295.43 feet to the point of beginning.		Route 204 740 N Tyler 67212

<u>Property Description</u>	<u>Property Owner</u>
Beginning 40 feet South and 35 feet West of the NE/c of the NE¼ of Section 30, Township 27 South, Range 1 East of the 6th P.M.; th. South 690 feet; th. West 878 feet; th. North 690 feet; th. East to beginning, EXCEPT the following described tract: Commencing at the NE/c of said NE¼; th. N 89°49' W along the North line of said NE¼, 349.66 feet; th. S 0°00' E, 31.76 feet to a p.o.b.; th. S 1°51'45" E, 116.48 feet; th. S 63°23'45" W, 130.15 feet; th. S 7°59'15" E, 56.64 feet; th. S 0°13'15" W, 18.09 feet; th. S 89°47'45" E, 79.08 feet; th. S 0°32'15" W, 167.48 feet; th. N 78°38'25" W, 161.18 feet; th. N 0°07' W, 93.98 feet; th. S 89°53' W, 1.85 feet; th. N 0°07' W, 16.25 feet; th. S 89°52' W, 33.53 feet; th. N 5°15' E, 111.05 feet; th. N 60° 01' W, 125.57 feet; th. N 13°21'30" E, 104.22 feet to a point 32.71 feet South of said North line of said NE¼; th. N 90°00' E, 295.43 feet to the point of beginning.	Kansas Masonic Home 401 S. Seneca Wichita, KS 67213

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 200 foot radius of:

The North 105 feet of the South 110 feet of the East Half of Reserve F, Lawrence's Second Addition to West Wichita, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 6th day of June, 1988, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Stabile

By

Sr. Vice-President

Nr 00196

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA VARIANCES - sidewalk in Lawrence St. Area.

Name Herndon and Betty's

Address 1202 W. Maple

Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm)

Amount \$300.00

Date 6/7/88 Due Date 6/7/88 By FCL

Form 00-000

Nr 00260

METROPOLITAN AREA PLANNING DEPARTMENT

Description 2 BZA signs

Name Pettit Ballinger

Address 1202 W. Maple (P.O. Box 2726)

Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm)

Amount \$10.00

Date 6-29-88 Due Date 6-29-88 By F.O.

Form 00-000

*

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

Roll # 3