

11-2-65 - Chrysler Motors Corp.
Requests variance to permit addition
to structure at the southeast
corner of Kellogg & Gouverneur Rd.

6-9

Perseo

11-2-65

ACTION

By a COMMITTEE ^{DATE} *no quorum 11-23-65*
no meeting
Re scheduled 12-28-65
M.A.P.C. _____

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

January 14, 1966

Chrysler Motors Corporation
P. O. Box 1919
Detroit Michigan 48231

Gentlemen:

Re: Case No. BEA 39-65

We have completed the preparation of the Resolution adopted by the Board of Zoning Appeals in connection with the abovenumbered case, which was heard by the Board on December 28, 1965, and which resolution has been signed by the Chairman and Secretary.

As indicated in our letter of January 5, 1966, we are now enclosing a copy of this Resolution for your information. A copy has also been provided the Central Inspection Division for their files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JMS:ber

cc: Carl T. Smith, Attorney
600 Fourth National Bank Building

Glen Lytle, Superintendent
of Central Inspection

Ralph Eberly
City Clerk

R E S O L U T I O N N O . B Z A 3 9 - 6 5

WHEREAS, Chrysler Motors Corporation, P. O. Box 1919, Detroit, Michigan, by Carl T. Smith, Agent, 600 Fourth National Bank Building, Wichita, Kansas, requests a variance of the required setback of 25 feet to 3 feet to permit a new addition on the north of an existing structure to maintain the same setback along the west property line as that maintained by the existing building, on property zoned "LC" and legally described as:

Beginning 50 feet south and 3.05 feet east of the northeast corner of Lot 2, Replat of Leoffler Addition; thence south 40 feet; east 92 feet; north 40 feet; west 92 feet to beginning, being a part of Lot 2, Leoffler Addition. Generally located at the southeast corner of Kellogg and Gouverneur Road.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals was given for a public hearing on this application on November 22, 1965; and

WHEREAS, on November 22, 1965, a quorum of the members of the Board of Zoning Appeals could not be present, and the Secretary declared that all cases legally advertised for hearing on this date would be continued until the regularly scheduled meeting on December 28, 1965; and

WHEREAS, the Board of Zoning Appeals did, in regular meeting, consider said application on December 28, 1965; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for variance under provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance requested arises from such condition which is unique to the property in question and not ordinarily found in the same zone or district; and is not created by an action or actions of owner or the applicants because of the dedication of street right of way for Gouverneur Road after the existing building was constructed (which placed the existing building only 3 feet from the property line), and the fact that to observe a 25-foot setback on the new portion would result in an unsightly structure; 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 no opposition has been expressed by adjoining owners, and further, the approval of the variance will permit the construction of an addition to the existing building which would make a better appearing structure in the area, rather than an unsightly building which would be the result if required setback lines are observed on the west; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application because it would result in the erection of an unsightly structure; 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; 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).

WHEREAS, each of the five conditions required by Section 2.12.590.2, 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, Kansas, the variance requested be approved, as related to the following described property:

Beginning 50 feet south and 3.05 feet east of the northeast corner of Lot 2, Replat of Leoffler Addition; thence south 40 feet; east 92 feet; north 40 feet; west 92 feet to beginning, being a part of Lot 2, Leoffler Addition. Generally located at the southeast corner of Kellogg and Gouverneur Road,


subject to the following:

1. A 50-foot setback be maintained between the Kellogg access road and the proposed new show room building.
2. In the event the existing structure is razed, any new structure shall maintain the required 25-foot setback from Gouverneur Road, except the show room structure under consideration in this application.
3. In the event the existing structure is torn down prior to the construction of the proposed show room referred to in this application, the entire new structure shall maintain a 25-foot setback from Gouverneur Road.

ADOPTED AT WICHITA, KANSAS, this 28th day of December, 1965.


Harold Bauer, Chairman

ATTEST:


Jack H. Galbraith, Secretary

January 5, 1966

Chrysler Motors Corporation
P. O. Box 1919
Detroit, Michigan 48231

Gentlemen:

Re: Case No. BZA 39-65

This is to advise you that at its regular meeting of December 28, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for a variance to permit a new addition on the north of an existing structure to maintain the same setback (3.05') along the west property line as that maintained by the existing building, on property zoned "LC" and generally located at the southeast corner of Kellogg and Gouverneur Road.

It was the action of the Board to approve this application and to authorize the Superintendent of Central Inspection to issue a permit for a show room to be constructed in front of the existing building, subject to the following:

1. A 50-foot building setback shall be maintained from the south side of the Kellogg access road to the proposed new show room building.
2. In the event the existing structure is razed, any new structure shall maintain the required 25-foot setback from Gouverneur Road, except the show room structure under construction in this application.
3. In the event the existing structure is torn down prior to the construction of the proposed show room referred to in this application, the entire new structure shall maintain a 25-foot setback from Gouverneur Road.

A resolution setting forth the official action of the Board is being prepared for the signatures of the Chairman and Secretary and a copy thereof will be mailed to you soon.

Page 2 - Chrysler Motors Corporation
January 5, 1966

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:W:ber

cc: Carl W. Smith, Attorney
600 4th National Bank Building

Glen Lytle, Superintendent
of Central Inspection

Ralph Sberly
City Clerk

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

20

December 2, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 39-65

On or about November 2, 1965, we advised you that the Chrysler Motors Corporation, by Carl T. Smith, Attorney, had requested a variance of the required setback of 25 feet to 3 feet to permit a new addition on the north of an existing structure to maintain the same setback along the west property line as that maintained by the existing building, on property legally described as follows:

Beginning 50 feet south and 3.05 feet east of the northeast corner of Lot 2, Replat of Leoffler Addition; thence south 40 feet; east 92 feet; north 40 feet; west 92 feet to beginning, being a part of Lot 2, Leoffler Addition. Generally located at the southeast corner of Kallogg and Gouverneur Road.

In the abovementioned Notice to Adjoining Property Owners, we advised that this application would be heard by the Board of Zoning Appeals on November 23, 1965; HOWEVER, THAT MEETING WAS NOT HELD INASMUCH AS A QUORUM OF THE BOARD MEMBERS COULD NOT ATTEND. THEREFORE, ITEMS SCHEDULED FOR THAT MEETING HAVE BEEN RESCHEDULED TO BE HEARD ON TUESDAY, DECEMBER 28, 1965, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

5 Notices Mailed December 2, 1965, plus 7 to Planning Commissioners

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

December 2, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 39-65

On or about November 2, 1965, we advised you that the Chrysler Motors Corporation, by Carl T. Smith, Attorney, had requested a variance of the required setback of 25 feet to 3 feet to permit a new addition on the north of an existing structure to maintain the same setback along the west property line as that maintained by the existing building, on property legally described as follows:

Beginning 50 feet south and 3.05 feet east of the northeast corner of Lot 2, Replat of Leoffler Addition; thence south 40 feet; east 92 feet; north 40 feet; west 92 feet to beginning, being a part of Lot 2, Leoffler Addition. Generally located at the southeast corner of Kellogg and Gouverneur Road.

In the abovementioned Notice to Adjoining Property Owners, we advised that this application would be heard by the Board of Zoning Appeals on November 23, 1965; HOWEVER, THAT MEETING WAS NOT HELD INASMUCH AS A QUORUM OF THE BOARD MEMBERS COULD NOT ATTEND; THEREFORE ITEMS SCHEDULED FOR THAT MEETING HAVE BEEN RESCHEDULED TO BE HEARD ON TUESDAY, DECEMBER 22, 1965, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

November 30, 1965

Chrysler Motors Corporation
P. O. Box 1919
Detroit, Michigan 48231

Gentlemen:

Re: Case No. BZA 39-65

Your application for a variance to reduce the required setback of 25 feet to 3 feet to permit a new addition on the north of an existing structure to maintain the same setback along the west property line as that maintained by the existing building, on property generally located at the southeast corner of Kellogg and Gouverneur Road, was not heard by the Board of Zoning Appeals on November 23, 1965, as had been scheduled, inasmuch as a quorum of the Board members could not be present at that time.

Therefore, your application, and others scheduled for November 23, 1965, will be considered by the Board of Zoning Appeals at its meeting on December 28, 1965, at 2 p.m. in Room 401 City Building Annex.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ber

cc: Carl T. Smith, Attorney
600 Fourth National Bank Building
Wichita, Kansas

SECRETARY'S REPORT

CASE NO. BZA 39-65

APPLICANT: Chrysler Motors Corporation, P. O. Box 1919, Detroit, Michigan

AGENT: Carl T. Smith, 600 Fourth National Bank Building, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to reduce the required setback of 25 feet to 3 feet, which will permit a new addition on the north of an existing structure to maintain the same setback along the west property line as that maintained by the existing building.

LOCATION: Southeast corner of Kellogg and Gouverneur Road

LAND USE: The property in question is presently vacant; however, there is an existing vacant commercial structure directly to the south which the applicant desires to expand into subject area. North is a motel and service station; east is a sign shop and motel; south is vacant; and west is a new and used car agency.

ZONING: Subject property is "LC". To the north, east and west is "LC". South is "AA", "LC" and "C".

JURISDICTION: The Board of Zoning Appeals has jurisdiction to consider this request under conditions outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the variance 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.
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:

As the Board will recall, the applicant applied for, and was granted, an exception subject to conditions to permit the sale of new and used cars on subject property and surrounding area. The applicant requested, and was granted, a zone change from "1C" to "C" on a portion of their property so that they could provide body and fender repair services in conjunction with their proposed new and used car agency.

There is an existing building on the lot in question which maintains only a 3.05 setback from Gouverneur Road, whereas 25 feet would be required. The applicant is desirous of obtaining a variance so that the existing building can be extended to the north, maintaining only the 3.05-foot setback.

Because of the location of the existing building, the City does not have sufficient street right-of-way for Gouverneur Road, a collector street. There is only a 35-foot half-street right-of-way adjacent to subject property, whereas 40 feet is the normal half-street right-of-way for a collector street. It should be pointed out that Gouverneur Road has the full 80 feet of right-of-way in this section, except at the location of subject property.

It should also be pointed out that the existing structure and the proposed expansion, maintaining only a 3-foot setback from Gouverneur Road, will not be compatible with other recent commercial structures in the area which have maintained more than the normal required setbacks. On October 27, 1965, the Board approved an application for an exception to permit the installation and construction of a new and used car agency on property directly to the west of subject application. As a condition of approval, a 35-foot front yard setback was required from both Gouverneur Road and Kellogg.

UNIQUENESS:

It is the opinion of the Secretary that there is nothing which is physically unique about the property included in this

application. It would appear from viewing this property that there is sufficient area to the north and east of the existing building to expand the structure. There can hardly be a continuity of development along Kellogg when one new and used car agency to the west is required to maintain a 35-foot setback from Gouverneur Road and this applicant is permitted to construct an addition to within 3 feet of Gouverneur Road, which is an intersection of a collector street with a major traffic carrier. It would appear that such a variance would certainly hamper the sight distance of traffic at this intersection.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance will adversely affect the rights of adjacent property owners to the west who have been required to maintain a 35-foot setback for the same use as is proposed for this property. All other new development in this area has maintained at least a 35-foot setback as illustrated to the north of subject property where there has been developed a restaurant, motel and service station.

HARDSHIP

It was pointed out in the statement of justification (See Attachment No. 1) that the strict application of the enforcement provisions of the Zoning Ordinance would constitute an unnecessary hardship upon the property owners, unless the addition as proposed is set back the same distance from the west property line as that now maintained, as the proposed use of the existing structure could not be accomplished without creating an unworkable and unsightly building.

It is the opinion of the Secretary that the applicant would not be burdened with unnecessary hardship if the variance is not granted, inasmuch as the proposed addition could be constructed along the northeast corner of the existing building.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance could adversely affect the public interest, inasmuch as if the applicant is permitted to construct the proposed addition to within 3.05 feet of Gouverneur Road, it would hamper the sight distance of traffic at this intersection and thereby create a hazard to the movement of traffic in the area.

INTENT AND PURPOSE OF TITLE 28:

It is the opinion of the Secretary that the granting of the variance will be opposed to the spirit and intent of the Ordinance, as well as in conflict with new development which both the Planning Commission and Board of Zoning Appeals have encouraged to the north and west.

RECOMMENDATION:

It is the opinion of the Secretary that there is nothing unique about the property, that true hardship does not exist, that the existing building and the proposed addition would not have compatible setbacks with the property to the west, that such a variance would not be in the public interest, and that the spirit and intent of the Zoning Ordinance would be opposed if the variance is granted. Therefore, it is recommended that the request not be approved.

SECRETARY'S REPORT

CASE NO. BZA 39-65

APPLICANT: Chrysler Motors Corporation, P. O. Box 1919, Detroit, Michigan

AGENT: Carl T. Smith, 600 Fourth National Bank Building, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to reduce the required setback of 25 feet to 3 feet, which will permit a new addition on the north of an existing structure to maintain the same setback along the west property line as that maintained by the existing building.

LOCATION: Southeast corner of Kellogg and Gouverneur Road

LAND USE: The property in question is presently vacant; however, there is an existing vacant commercial structure directly to the south which the applicant desires to expand into subject area. North is a motel and service station; east is a sign shop and motel; south is vacant; and west is a new and used car agency.

ZONING: Subject property is "LC". To the north, east and west is "LC". South is "AA", "LC" and "C".

JURISDICTION: The Board of Zoning Appeals has jurisdiction to consider this request under conditions outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the variance 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.

Page 2 - Secretary's Report
Case No. BZA 39-65

SECRET

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, beautification, or prosperity or general welfare.

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:

As the Board will recall, the applicant applied for, and was granted, an exception subject to conditions to permit the sale of new and used cars on subject property and surrounding area. The applicant requested, and was granted, a zone change from "LC" to "C" on a portion of their property so that they could provide body and fender repair services in conjunction with their proposed new and used car agency.

There is an existing building on the lot in question which maintains only a 3.05 setback from Gouverneur Road, whereas 25 feet would be required. The applicant is desirous of obtaining a variance so that the existing building can be extended to the north, maintaining only the 3.05-foot setback.

Because of the location of the existing building, the City does not have sufficient street right-of-way for Gouverneur Road, a collector street. There is only a 35-foot half-street right-of-way adjacent to subject property, whereas 40 feet is the normal half-street right-of-way for a collector street. It should be pointed out that Gouverneur Road has the full 80 feet of right-of-way in this section, except at the location of subject property.

It should also be pointed out that the existing structure and the proposed expansion, maintaining only a 3-foot setback from Gouverneur Road, will not be compatible with other recent commercial structures in the area which have maintained more than the normal required setbacks. On October 27, 1965, the Board approved an application for an exception to permit the installation and construction of a new and used car agency on property directly to the west of subject application. As a condition of approval, a 35-foot front yard setback was required from both Gouverneur Road and Kellogg.

UNIQUENESS:

It is the opinion of the Secretary that there is nothing which is physically unique about the property included in this application. It would appear from viewing this property that

Page 3 - Secretary's Report
Case No. 12A 39-65

application. It would appear from viewing this property that there is sufficient area to the north and east of the existing building to expand the structure. There can hardly be a continuity of development along Kellogg when one new and used car agency to the west is required to maintain a 35-foot setback from Gouverneur Road and this applicant is permitted to construct an addition to within 3 feet of Gouverneur Road, which is an intersection of a collector street with a major traffic carrier. It would appear that such a variance would certainly hamper the sight distance of traffic at this intersection.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance will adversely affect the rights of adjacent property owners to the west who have been required to maintain a 35-foot setback for the same use as is proposed for this property. All other new development in this area has maintained at least a 35-foot setback as illustrated to the north of subject property where there has been developed a restaurant, motel and service station.

HARDSHIP

It was pointed out in the statement of justification (See Attachment No. 1) that the strict application of the enforcement provisions of the Zoning Ordinance would constitute an unnecessary hardship upon the property owners, unless the addition as proposed is set back the same distance from the west property line as that now maintained, as the proposed use of the existing structure could not be accomplished without creating an unworkable and unsightly building.

It is the opinion of the Secretary that the applicant would not be burdened with unnecessary hardship if the variance is not granted, inasmuch as the proposed addition could be constructed along the northeast corner of the existing building, no more than

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance could adversely affect the public interest, inasmuch as if the applicant is permitted to construct the proposed addition to within 3.05 feet of Gouverneur Road, it would hamper the sight distance of traffic at this intersection and thereby create a hazard to the movement of traffic in the area.

It is the opinion of the Secretary that there is nothing which is physically unique about the property included in this

Page 4 - Secretary's Report
Case No. BZA 39-65

INTENT AND PURPOSE OF TITLE 28: Viewing this property that
 It is the opinion of the Secretary that the granting of the
 variance will be opposed to the spirit and intent of the Ordinance,
 as well as in conflict with new development which both
 the Planning Commission and Board of Zoning Appeals have encouraged
 to the north and west.

RECOMMENDATION: It is the opinion of the Secretary that there is nothing
 unique about the property, that true hardship does not exist,
 that the existing building and the proposed addition would not
 have compatible setbacks with the property to the west, that
 such a variance would not be in the public interest, and that
 the spirit and intent of the Zoning Ordinance would be opposed
 if the variance is granted. Therefore, it is recommended that
 the request not be approved.

It is the opinion of the Secretary that there is nothing
 unique about the property, that true hardship does not exist,
 that the existing building and the proposed addition would not
 have compatible setbacks with the property to the west, that
 such a variance would not be in the public interest, and that
 the spirit and intent of the Zoning Ordinance would be opposed
 if the variance is granted. Therefore, it is recommended that
 the request not be approved.

REMARKS:

It was pointed out in the statement of justification (See
 Attachment No. 1) that the proposed addition of the environment
 provisions of the zoning ordinance would constitute an uncharacter-
 istic addition to the property, unless the addition is
 permitted as set back the same distance from the west property
 line as the new addition. The proposed use of the existing
 structure could not be carried out without creating an unwork-
 able and confusing pattern.

It is the opinion of the Secretary that the applicant would not
 be benefited with unnecessary intensity if the variance is not
 granted, and that the proposed addition could be constructed
 along the northwest corner of the existing building.

OTHER REMARKS:

It is the opinion of the Secretary that the granting of the
 variance could adversely affect the public interest. Inasmuch
 as the applicant is permitted to construct the proposed addi-
 tion to within 1.75 feet of Governor Road, it would hamper
 the right of travel of traffic at this intersection and thereby
 create a hazard to the movement of traffic in the area.

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

November 2, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 39-65

An application has been filed by Chrysler Motors Corporation, P. O. Box 1919, Detroit, Michigan, by Carl T. Smith, 600 Fourth National Bank Building, Wichita, Kansas, requesting a variance of the required setback of 25 feet to 3 feet to permit a new addition on the north of an existing structure to maintain the same setback along the west property line as that maintained by the existing building, as authorized by Section 2.12.590, Code of the City of Wichita, on property zoned "LC" and legally described as:

Beginning 50 feet south and 3.05 feet east of the northeast corner of Lot 2, Replat of Leoffler Addition; thence south 40 feet; east 92 feet; north 40 feet; west 92 feet to beginning, being a part of Lot 3, Leoffler Addition, generally located at the southeast corner of Wallace and Commercial Sts.

This application has been assigned Case No. BZA 39-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 23, 1965, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

JHG:ber

5 notices sent 11-2-65
+ 8 to Planning Commissioners

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

November 2, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 39-65

An application has been filed by Chrysler Motors Corporation, P. O. Box 1919, Detroit, Michigan, by Carl T. Smith, 600 Fourth National Bank Building, Wichita, Kansas, requesting a variance of the required setback of 25 feet to 3 feet to permit a new addition on the north of an existing structure to maintain the same setback along the west property line as that maintained by the existing building, as authorized by Section 2.12.590, Code of the City of Wichita, on property zoned "LC" and legally described as:

Beginning 50 feet south and 3.05 feet east of the northeast corner of Lot 2, Replat of Leoffler Addition; thence south 40 feet; east 92 feet; north 40 feet; west 92 feet to beginning, being a part of Lot 2, Leoffler Addition. Generally located at the southeast corner of Kellogg and Gouverneur Road.

This application has been assigned Case No. BZA 39-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 23, 1965, at 2 P.M. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JHG:ber

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 39-65

CITY OF WICHITA, KANSAS

FILED 10-4-65

APPLICATION FOR VARIANCE

1. Name of Applicant Chrysler Motors Corporation
Post Office Box 1919
Mailing Address Detroit, Michigan 48231 Phone 883-4500
Name of Authorized Agent Carl T. Smith
600 Fourth National Bank Building
Mailing Address Wichita, Kansas 67202 Phone AM 4-0372

Relationship of applicant to property is that of option to purchase
(owner, tenant, lessee, other)

II. The variance requested is to permit a new addition on the north of an existing structure to maintain the same setback along the west property line as that maintained by the existing structure,

for property located at southeast corner of Kellogg Street and Gouverneur Road,

Part of Lot 2, Replat of Leoffler Addition, Sedgwick County, Kansas, described as: and legally described as: beginning 50 feet south and 3.05 feet east of the northwest corner of said Lot 2; thence south parallel with the west line of said Lot 2, 40 feet; thence east 92 feet; thence north 40 feet; thence west 92 feet to place of beginning. "LC"
in the City of Wichita; and which is presently zoned

(Give metes and bounds description below if appropriate):

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 appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

CHRYSLER MOTORS CORPORATION

Applicant

34 Carl T. Smith
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:00 (a.m. ~~4~~ p.m.), October 4, 1965, together with appropriate fee of \$50.00.

Showers
Signed

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Chrysler Motors Corporation
Post Office Box 1919
Mailing Address Detroit, Michigan 48231 Phone 883-4500
Name of Authorized Agent Carl T. Smith
609 Fourth National Bank Building
Mailing Address Wichita, Kansas 67202 Phone AM 4-0372
Relationship of applicant to property is that of option to purchase
(owner, tenant, lessee, other)

II. The variance requested is to permit a new addition on the north of an
existing structure to maintain the same setback along the west property
line as that maintained by the existing structure.
for property located at southeast corner of Kellogg Street and
Gouverneur Road.

Part of Lot 2, Replat of Leoffler Addition,
and legally described as; Sedgwick County, Kansas, described as:
beginning 50 feet south and 3.05 feet east of the northwest corner of
said Lot 2; thence south parallel with the westline of said Lot 2, 40
feet; thence east 92 feet; thence north 40 feet; thence west 92 feet
to place of beginning,
in the City of Wichita; and which is presently zoned "LC"

(Give metes and bounds description below if appropriate):

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
 - That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
 - That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

CHRYSLER MOTORS CORPORATION

Applicant

By Carl T. Smith
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
_____ (a.m. - p.m.), _____, 19____, together with
appropriate fee of \$50.00.

Applicant requests a variance from Subsection C 1.1 of Section 28.04.090 of the Zoning Ordinance of the City of Wichita, which reads as follows:

"C. AREA REGULATIONS.

"1. Front Yard:

"1.1 In those portions of the 'LC' district which occupy part of the frontage on one side of the street between two intersecting streets and the remainder of the distance is in a dwelling district, the front yard regulations shall be the same as that of the dwelling district in the remainder of the block."

In conjunction with such Subsection C 1.1, attention of the Board is directed to Subsection C 1.2 of Section 28.04.040 of the Zoning Ordinance of the City of Wichita, which reads as follows:

"1.2 In all other locations in the 'AA' one-family dwelling district, the minimum front yard setback shall be twenty-five feet; . . ."

Applicant shows to the Board that the real property, upon which a new addition to the north of the existing building is to be constructed, is adjacent to the east side of Gouverneur Road, and is a portion of the block which extends from Kellogg Street to Watson Lane; and that on the east side of Gouverneur Road between Kellogg Street and Watson Lane a portion of such block is in an "AA" one-family dwelling district which district has a minimum front yard setback of 25 feet.

The variance herein requested from such section of the Zoning Ordinance of the City of Wichita is as follows:

To permit construction of an addition to the north of an existing building located on a portion of Lot 2, Replat of Leoffler Addition, Wichita, Sedgwick County, Kansas, which addition will be located on real property described as follows:

Part of Lot 2, Replat of Leoffler Addition, Wichita, Sedgwick County, Kansas, described as: Beginning 50 feet south and 3.05 feet east of the northwest corner of said Lot 2; thence south parallel with the west line of said Lot 2, 40 feet; thence east 92 feet; thence north 40 feet; thence west 92 feet to place of beginning.

The variance from such Subsection C 1.1 of Section 28.04.090 is that such addition to the existing building will be set back from the west property line of said Lot 2 a distance of 3.05 feet and will maintain the same setback along said west property line as that maintained by the existing structure.

In support of the within application, the applicant herein shows to the Board:

(a) That the variance herein requested arises because of the extension which is to be made to the north of the existing building; that the extension of the existing building on a portion of Lot 2, Replat of Leoffler Addition, is unique and is not ordinarily found in the same zoning district in which said Lot 2 is located; and that in event the within variance is not granted then the addition to be constructed on the north of the existing structure cannot be made;

(b) That the granting of the permit for the variance herein requested will not adversely affect the rights of adjacent property owners or residents for the reason that the existing building located on the east side of Gouverneur Road is approximately 155 feet in length and the addition to the north thereof will be approximately 40 feet; that the adjacent property on the west of said Gouverneur Road is used for the sale of automobiles; that said Gouverneur Road is approximately 75 feet in width at the location upon which such addition to the existing building will

be erected; that the property located immediately north across Kellogg Street is being occupied and used as a motel; that the area along Kellogg from Edgemoor east to the Kansas Turnpike has been developed for highway oriented uses, i.e., motels, car lots, drive-in restaurants, service stations, etc.; and that a portion of said Lot 2 has been zoned "C" by a resolution adopted by the governing body of the City of Wichita on September 21, 1965;

(c) That the strict application of enforcement provisions of the Zoning Ordinance will constitute unnecessary hardship upon the applicant herein in that the addition to the north of the existing structure could not be made with the same setback along the west property line as that maintained by the existing structure; and that unless the addition proposed to be made to the existing structure is set back the same distance from the west property line as that now maintained by the existing structure the proposed use of the existing structure could not be accomplished without creating an unworkable and unsightly building;

(d) That the variance desired and herein requested will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, but will greatly enhance and improve the general area in which the property here involved is located.



STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS)
)
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, viz:

Property lying within a radius of 200 ft of: Beg 50 ft South & 3.05 ft East of the NE cor of Lot 2, Replat of Leoffler Addition; th South 40 ft; East 92 ft; North 40 ft; West 92 ft to beg. being a part of Lot 2, Leoffler Addition.

3
Fidelity
Title
Company,
inc.

And from such examination find that the record owners thereof are as set opposite the description of the property below, viz:

Lots 1 & 2, Replat of Leoffler Addition.

✓ S. G. Leoffler Operating Company,
of the District of Columbia.
Res. Agt: Lawrence E. Curfman,
830 1st Natl Bank Bldg.

Lots 2 & 3, in Bridwell's Addition.

✓ Fred M. Bauslaugh, 2/3 int.
Chester F. Farrow, 1/3 int.
28 D 091 118

Lot 10, exc W 25 ft., Blk 10, Eastridge Addition.

✓ Joyce E. Martin
1510-A N. Waco

Dated at Wichita, Kansas this 1st day of October, 1965 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elaine M. Zarrell Sec. OEM

71221

FORM 223-021

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
<i>Plan Application</i>	<i>50⁰⁰</i>

Name *Carl J. Smith*

Address *600 14th National Bank*

Type *R-712* Due Date *11/1/65*

Comments:

Date *10-4-65* By *B. Showers*