

200' 4 Sec. 11-8-83
Checked 11-29
Shor 12-1
Record 12-4

Case No. BZA 40-83 - Topeka Street
Properties - requests variance to (1)
eliminate the required screening
adjacent to a residential zoning
district and (2) reduce the required
number of off-street parking spaces

ACTION

B.Z.A. 40-83 APPROVED 8-23-83
suby to reworking of plat DATE

POSTED
7-28-83
S.E.L.

200' 4 Sec. 11-8-83
Checked 11-29
Shir 12-1
Record 12-4

Case No. BZA 40-83 - Topoka Street
Properties - requests variance to (1)
eliminate the required screening
adjacent to a residential zoning
district and (2) reduce the required
number of off-street parking spaces
from 44 spaces to 24.

ZONE CHECK

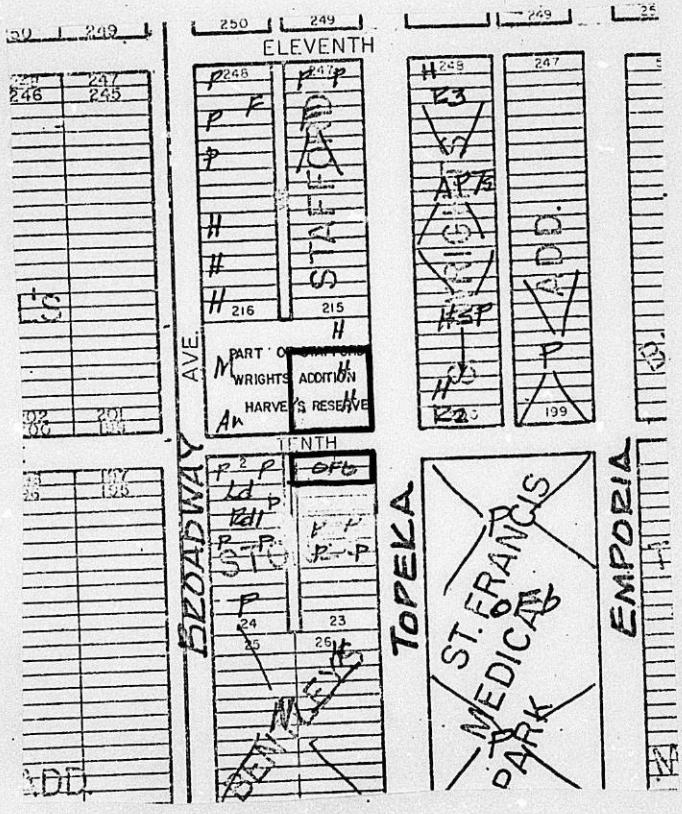
Map No. 5548

BZA 40-83
Filed _____

AREA DATA:

- 1. Acres: _____ (_____ ft. by _____ ft.)
- 2. Adjoining Zoning: E B S B W LC N B
- 3. Land Use: East Off. & Res. South Parking Lot
West Comm North Res.
- 4. Area (is) (~~is not~~) platted.

A/D
5548
C



LOUISIANA
HASTINGS, MIN
LOUISIANA
MCMURDO, TX
U.S.A.

No. 2153C
Shepard

October 27, 1983

Bruce E. Frazey
Topeka Street Properties
1065 North Topeka
Wichita, Ks. 67214

Re: BZA 40-83 - Request for Variances

Dear Mr. Frazey:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 23, 1983.

This Resolution reflects the official action of the Board to approve your requests, and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 40-83

WHEREAS, Topeka Street Properties, 1065 North Topeka, Wichita, Kansas, requests variances as provided in Section 2.12.590.B, Code of the City of Wichita, to (1) eliminate the screening requirement adjacent to a residential zoning district; and (2) reduce the required off-street parking spaces from 44 spaces to 34 spaces on property zoned the "BB" Office District and legally described as follows:

Lots 1 and 2, Block A, Frazey Addition; and Lots 1 and 3, and the north 10 feet of Lot 5, Stones Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest and northwest corners of 10th Street and Topeka (1065, 1103 and 1109 North Topeka).

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 August 23, 1983, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance to eliminate the screening requirement adjacent to a residential zoning district 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 properties are being renovated so as to maintain the historic character of the neighborhood, and the adjacent property would prefer not to have the fence installed; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the area between the structures will be landscaped to provide a better appearance than a screening fence; 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 screening fence will not provide the protection to the residential property and it would create an undue expense; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the elimination of the screening fence would be in the best interests of retaining the general historic character of the neighborhood; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the retention of landscaping will be in keeping with the historic character in lieu of a board fence; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to eliminate the required screening adjacent to a residential zoning district on property zoned the "BB" Office District and the "B" Multiple-family Dwelling District be approved subject to the following conditions:

1. No screening shall be necessary along the north property line.
2. Only one free standing identification sign not exceeding a height of 20', nor exceeding 16 square feet in area, and limited in lighting to indirect or internal white light shall be permitted for each of the structures located north of Tenth Street. Lighting of the signs shall be prohibited from 11:00 p.m. to 7:00 a.m. In addition, small unlighted directional signs for the operation of the parking areas are permitted. No portable signs shall be permitted.

AND, WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance to reduce the required number of off-street parking spaces from 44 spaces to 34 spaces 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 reuse of former residential structures for general office space is not highly efficient and the utilization in approximately 50% of that generally provided by a new one story building; and the project also includes some residential units that will utilize the parking provided for the office buildings in the off hours; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the present uses to the east and south have more parking than is required by ordinance and that public transportation is close which would reduce the demand for parking to some extent; 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 applicant would be unable to remodel the structures and preserve the character of the neighborhood as desired by the Historic Preservation Committee without the reduction in off-street parking requirements; 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 reduction in actual number of parking spaces being provided will be insignificant as compared to the retention of the residential character of the Historic District; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the remodeling of existing residential structures for office purposes are inefficient and would not demand the parking required for newly designed office structures; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

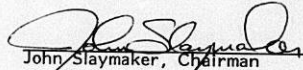
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 44 spaces to 34 spaces on property zoned the "BB" Office District and legally described as:

Lots 1 and 2, Block A, Frazey Addition; and Lots 1 and 3, and the north 10 feet of Lot 5, Stones Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest and northwest corners of 10th Street and Topeka (1065, 1103 and 1109 North Topeka).


be approved subject to the following conditions:

1. This variance to reduce the required off-street parking from 44 spaces to 34 spaces shall only be applicable as long as the properties are held under one ownership, and the use of the structures are maintained as offices.
2. The variance shall be applicable only as long as the office uses are limited to that of general offices and not medical or dental offices.
3. This Resolution shall not be released until the plat is recorded.

ADOPTED AT WICHITA, KANSAS, this 23rd day of August 1983.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

August 24, 1983

Bruce E. Frazey
Topeka Street Properties
1065 North Topeka
Wichita, Ks. 67214

Re: BZA 40-83 - Request for Variances

Dear Mr. Frazey:

At the regular meeting of the Board of Zoning Appeals on August 23, 1983, your request for variances was considered. It was the action of the Board to approve your requests subject to the following conditions:

Request to eliminate the required screening:

1. No screening shall be necessary along the north property line.
2. Only one free standing identification sign not exceeding a height of 20', nor exceeding 16 square feet in area, and limited in lighting to indirect or internal white light shall be permitted for each of the structures located north of Tenth Street. Lighting of the signs shall be prohibited from 11:00 p.m. to 7:00 a.m. In addition, small unlighted directional signs for the operation of the parking areas are permitted. No portable signs shall be permitted.

Request to reduce the required number of off-street parking spaces:

1. This variance to reduce the required off-street parking from 44 spaces to 34 spaces shall only be applicable as long as the properties are held under one ownership, and the use of the structures are maintained as offices.
2. The variance shall be applicable only as long as the office uses are limited to that of general offices and not medical or dental offices.
3. This Resolution shall not be released until the plat is recorded.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as you have complied with condition number 3.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE August 16, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT BZA 40-83: Southwest and Northwest
Corners of 10th and Topeka (1065,
1103, and 1109 N. Topeka)

On Monday, August 15th, CPO Neighborhood Council "L" considered the captioned case, a request for variances to 1) eliminate the screening requirement adjacent to a residential zoning district; and 2) reduce the required off-street parking from 44 spaces to 34 spaces on property zoned "BB" Office District. The Council voted 7-0 to recommend approval of the requested variances, subject to MAPD staff comments.

Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments. Neither the applicant, nor agent were present. No area residents or property owners were in attendance.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 40-83 is considered on Tuesday, August 23rd.



Stan Scott
Administrative Aide III

RECEIVED
AUG 16 1983
METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 40-83

APPLICANT: Topeka Street Properties, 1065 North Topeka, Wichita, Ks.

AGENT: Bruce E. Frazey, Topeka Street Properties, 1065 North Topeka, Wichita, Ks.

REQUEST: Variances pursuant to Section 2.12.590.B, Code of the City of Wichita, to (1) eliminate the screening requirement adjacent to a residential zoning district; and (2) reduce the required off-street parking spaces from 44 spaces to 34 spaces.

GENERAL LOCATION: On the northwest and southwest corners of 10th and Topeka.

ZONING: Subject properties are zoned the "BB" Office District. Properties to the west are "LC" Light Commercial. Property to the north and south are "B" Multiple-family. Properties to the east are "LC" Light Commercial and "B" Multiple-family. The application area is in an Historic District.

LAND USE: Subject property is occupied by three older structures which are being converted to office usage. Properties to the west are commercial. To the south, a parking lot for a restaurant. To the east a medical office complex and residential. To the north is residential.

JURISDICTION:

The Board has jurisdiction to consider the variances requested 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.

COMMENTS BY THE SECRETARY:

The applicant is requesting two separate variances in order to remodel the final of three structures into offices. It should be noted that previous requests for similar variances have been granted subject to the north structure remaining residential. Unfortunately the applicant was unable to secure financing of the one structure as a residence and now desires to convert the structure at 1109 North Topeka to office purposes.

The previous variances granted under Resolution BZA 6-83 were to eliminate the screening adjacent to the residential zoning district and to reduce the required number of off-street parking spaces from 39 spaces to 23 spaces. These variances were granted subject to the north property remaining residential.

With the change to "BB" Office District and the use to offices at 1109 North Topeka, the applicant is removing the structure at the rear of 1109 to provide additional off-street parking for the offices. The applicant indicates that the required number of off-street parking spaces could be provided on the property, however, this would be in the front of the structures. In order to maintain the integrity of the historic district, it would be better to maintain the general appearance with landscaping rather than a parking lot.

The applicant also provided a letter from the adjacent property owner to the north indicating the preference that the fence not be installed along the north property line. It is the Secretary's opinion that possibly a fence adjacent to the parking, which is the west 60' might provide an appropriate barrier. This would eliminate the screening between the two structures, but would provide some protection to the residential property.

Also in order to preserve the historic district a limitation on the size of the sign permitted in the "BB" Office district should be limited to the limitation of the "B" Multiple-family Dwelling District if the screening is to be eliminated or reduced to the north. This is the same provision as was previously established by Resolution BZA 6-83.

The main justification for reduction in the number of off-street parking spaces is the inefficient usage of the existing room layouts for office space. Also much of the square footage is utilized for corridors and stairs not necessary in a newly designed one story office structure.

In response to the request to eliminate the screening requirement along the north property line, the following is submitted for the Board's consideration.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the structures are being renovated so as to maintain the historic character of the structures and the neighborhood, and that the adjacent property owner would prefer not to have the fence installed.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the area between the structures will be landscaped and provide a better appearance than a screening fence extending between the structures.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the requirement of a screening fence that would not provide protection to adjacent properties would be an undue expenditure by the owner.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the elimination of the screening fence would be in the best interests of retaining the general historic character of the neighborhood.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the retention of a landscaped front yard for the office buildings should provide a more aesthetically desirable project.

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 subject to the following conditions:

1. No screening shall be provided along the north property line except the west 60' that is adjacent to the parking lot shall provide a screening fence not less than 6' in height.
2. Only one free standing identification sign not exceeding a height of 20', nor exceeding 16 square feet in area, and limited in lighting to indirect or internal white light shall be permitted for each of the structures located north of Tenth Street. Lighting of the signs shall be prohibited from 11:00 p.m. to 7:00 a.m. In addition, small unlighted directional signs for the operation of the parking areas are permitted. No portable signs shall be permitted.

In response to the second variance requested to reduce the required number of off-street parking spaces from 44 spaces to 34 spaces, the following is submitted for the Board's consideration.

UNIQUENESS:

It is the opinion of the Secretary that the property is unique inasmuch as it is located in a historically designated area and the owner is attempting to retain the residential character of the structures and eliminate the parking in the front yards that is permitted by the zoning ordinance.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the present uses to the east and south have more parking than is required by ordinance and that public transportation is close which would reduce the demand for parking to some extent.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be unable to remodel the structures and preserve the character of the neighborhood as desired by the Historic Preservation Committee without the reduction in off-street parking requirements unless parking were installed in the front of the structures.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction in actual number of parking spaces being provided will be insignificant as compared to the retention of the residential character of the Historic District.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the remodeling of existing residential structures for office purposes are inefficient and would not demand the parking required for newly designed office structures.

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 subject to the following conditions:

1. This variance to reduce the required off-street parking from 44 spaces to 34 spaces shall only be applicable as long as the properties are held under one ownership, and the use of the structures are maintained as offices.
2. The variance shall be applicable only as long as the office uses are limited to that of general offices and not medical or dental offices.

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

August 2, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 40-83

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 Topeka Street Properties, 1065 North Topeka, Wichita, Kansas, requesting variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting variances to (1) eliminate the screening requirement adjacent to a residential zoning district and (2) reduce the required off-street parking from 44 spaces to 34 spaces on property zoned the "BB" Office District and legally described as follows:

Lots 1 and 2, Block A, Frazey Addition; and Lots 1 and 3, and the north 10 feet of Lot 5, Stones Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest and northwest corners of 10th Street and Topeka (1065, 1103 and 1109 North Topeka).

This application has been assigned Case BZA 40-83. It will be considered by the Board of Zoning Appeals on August 23, 1983, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variances you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by Calling the CPO Office, 268-4516.

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

Jack H. Galbraith
Secretary

BZA CASE NO. 40-83

2 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

12 NOTICES SENT TO ADJOINING PROPERTY OWNERS

24 TOTAL NOTICES SENT 8/3/83

BOARD OF ZONING APPEALS

CASE NO. 40-83

CITY OF WICHITA, KANSAS

FILED 6-30-83

APPLICATION FOR VARIANCE

I. Name of Applicant Topeka Street Properties 67219
 Mailing Address 1065 N. Topeka Phone 263-7164
 Name of Authorized Agent Bruce E. Frazey 67219
 Mailing Address (same) Phone (same)

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

II. The variance requested is to eliminate the screening requirement
against the residential zoning, and to reduce the required parking
spaces from 44 to 34 (2) number of off street

for property located Near the Northwest corner of 10th Street
and Topeka.

and legally described as: Refer to enclosed sheet.

in the City of Wichita; and which is presently zoned BB.

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

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant *Bruce E. Frazey*

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 9:07 (a.m.-p.m.), JUNE 30, 1983.
 Together with appropriate fee of 300.00.

Signed *L. Lytle*

OWNERSHIP LIST

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Block A		St. Francis Medical Park	✓ St. Francis Hospital & School of Nursing, Inc. 929 N. St. Francis, 67214
1 & 3, & th N 10' of Lot 5	Topeka	Stone's	✓ Topeka Street Properties, No. 1, Suite 135, Hardage Center, 100 S. Main, 67202
S 15' of 5, all of Lot 7, & the N 10' of Lot 9	"	"	✓ Johansen, Inc., 2802 River Park Drive, 67203 <i>returned</i>
S 15' of Lot 9, all of Lots 11 & 13	"	"	✓ McDonald's Corp., 916 S. Broadway, 67211
2, 4 & 6	Broadway	"	✓ Francis L. Jehle (Deceased) and Helen M. Jehle, 8 E. Lynwood Blvd., 67207
8	"	"	D McDonald's Corp., 916 S. Broadway, 67211
10, 12 & 14	"	"	Same as above
Even Lots 216 thru 226	"	Stafford & Wright's	✓ Mark 8 Inns, 1106 N. Armour, 67206
Odd Lots 215 thru 225	Topeka	"	✓ Tyrone D. Artz, 1125 N. Topeka, 67214
200, 202, 204 & 206	"	"	✓ Bruce B. Ochsner, 1035 N. Emporia, 67214
Even Lots 208 thru 220	"	"	✓ City of Wichita, 455 N. Main, 67202
222 & 224	"	"	Same as above
226	"	"	Eva Mercer Gilham, <u>Address Unknown</u>
Part of Harvey's Reserve beg. 50' S of the SE corner of Lot 215 on Topeka; then W 150'; then S 70'; then E 150'; then N 70' to beg.	"	"	✓ REMCO of Wichita, Suite 135, Hardage Center, 100 S. Main, 67202

Page 2.

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
Part of Harvey's Reserve beg. 120' S of the SE corner of Lot 215 on Topeka; th S 78'; then W 150'; then N 78'; th E 150' to beg.	Stafford & Wright's	REMCO, Suite 135, Hardage Center, 100 S. Main, 67202
The N 73' of the E 150' of the W 165' of Harvey's Reserve	"	" Marlin L. Shenk and Meri Rose Shenk, 7702 Pagent, 67206
N 50' of the E 150' of Harvey's Reserve	"	" J. W. Johnson and Mattie Johnson, 1113 N. Topeka, 67214
Part of Harvey's Reserve beg. 15' N & 45' E of the SW corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 16-27-1E; then E 150'; then N 125'; then W 150'; then S 125' to beg.	"	" E. G. Weathers, Etta A. Weathers, C.C. Weathers and Edra M. Weathers, all <u>Addresses Unknown</u>

Page 3.

We hereby certify the foregoing to be a true and correct list of the property owners within a 200 foot radius of

Part of Harvey's Reserve in Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas, described as: Commencing 50 feet south of the southeast corner of Lot 215, on Topeka Avenue, in Stafford's and Wright's Addition to Wichita; thence west 150 feet; thence south 70 feet; thence east 150 feet; thence north 70 feet to the place of beginning.

AND

A part of Harvey's Reserve in Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas, described as: Beginning 120 feet south of the southeast corner of Lot 215, on Topeka Avenue in said Addition; thence south 78 feet, west 150 feet; north 78 feet, east 150 feet to beginning.

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 17th day of January, 1983 at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Vice-President

Order No. 316028
ge

Legal Description:

Part of Harvey's Reserve in Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas, described as:

Commencing 50 feet south of the Southeast Corner of Lot 215, on Topeka Avenue, in Stafford's and Wright's Addition to Wichita; thence west 150 feet; thence south 70 feet; thence east 150 feet; thence north 70 feet to the place of beginning.

SCREENING:

Topeka Street Properties is renovating three properties, 1065, 1103 and 1109 N. Topeka, all of which are zoned BB Office. 1113 N. Topeka is presently occupied by a single family with a B zoning. Under zoning ordinance section 28.04.080 (12) which refers to 28.04.070 (A) (13) a screen would be required to be installed between the 1109 and 1113 properties. The screening will defeat the visual continuity of the district which is the very asset we are trying to achieve. The following page is a letter from Mr. Johnson, the property owner of 1113 N. Topeka, indicating that he agrees with our variance request.

The variance will not adversely effect the public health, safety, morals, order, convenience, prosperity or general welfare and granting the variance will not be opposed to the general spirit and intent of title 28. We, therefore, ask that a variance to the required screening be granted.

June 29, 1983

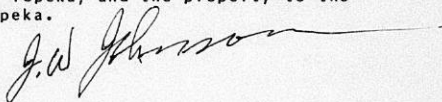
Wichita Planning Commission
City of Wichita
City Hall
455 N. Main
Wichita, Kansas 67202

Ref: Screening Requirement 1109 N. Topeka

Dear Commission:

I believe that it is advantageous from a community standpoint to visually tie 1065, 1103, 1109 and 1113 N. Topeka together. I therefore support Topeka Street Properties zoning petition to eliminate the screening requirement between my property, 1113 N. Topeka, and the property to the south, 1109 N. Topeka.

Very truly yours,



J. W. Johnson

cc: Topeka Street Properties
Watson, Breidenthal, Burk & Associates

PARKING:

Per section 28.04.141 of the zoning ordinance for the City of Wichita the off street parking requirement for this project is 4 stalls. This is based upon House 1065 (being used as offices) of 3,363 square foot divided by 250 for 13 spaces; House 1103 (used as office) of 4,500 square foot divided by 250 for 18 spaces; and House 1109 (used as office) of 3,354 square foot divided by 250 for 13 spaces.

We have provided a total of 34 spaces. We feel that this will be ample space due to the following reasons:

1. There is mass transportation close to the site, which should reduce the actual number of cars requiring parking.
2. Because the restoration of these houses included maintaining as many interior walls as possible, most of the rooms are very large for offices with many at 250 square foot or above. Corridors, double stairs, toilets and mechanical spaces consume additional space such that for all three buildings there are only 32 offices.
3. The site is an historic district and what we are trying to accomplish is to tie all three houses together, as a project, through restoration of the structures and landscaping between the three. We could pick up additional parking in the front and side yards but feel this would be to the detriment of the national historic district.

In our opinion, this variance will not adversely effect the public health, safety, morals, order, convenience, prosperity or general welfare and granting the variance will not be opposed to the general spirit and intent of title 28. We therefore ask that a variance of the required parking be granted.

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-

PAYMENT NOTICE
City of Wichita

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

Planning

DESCRIPTION AMOUNT

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

30

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

Roll # 2