

POSTED
10-8-80
11/2

Case No. BZA 41-80 - St. Francis Hospital of Wichita, Inc. request a variance to reduce the front yard setback from 20 to 0 feet for off-street parking only on

B2A
41-80
ACTION
COMMITTEE APPROVED DATE 10-28-80
M.A.P.C. _____
B.C.C./B. CO. C. _____

For 1/1 Sec 11/21/80
Checked 11-25-80
Spec + 11-24-80
Recorded 11-24-80

Map No. 5548
 Sec. _____
 TWP. _____
 Range _____

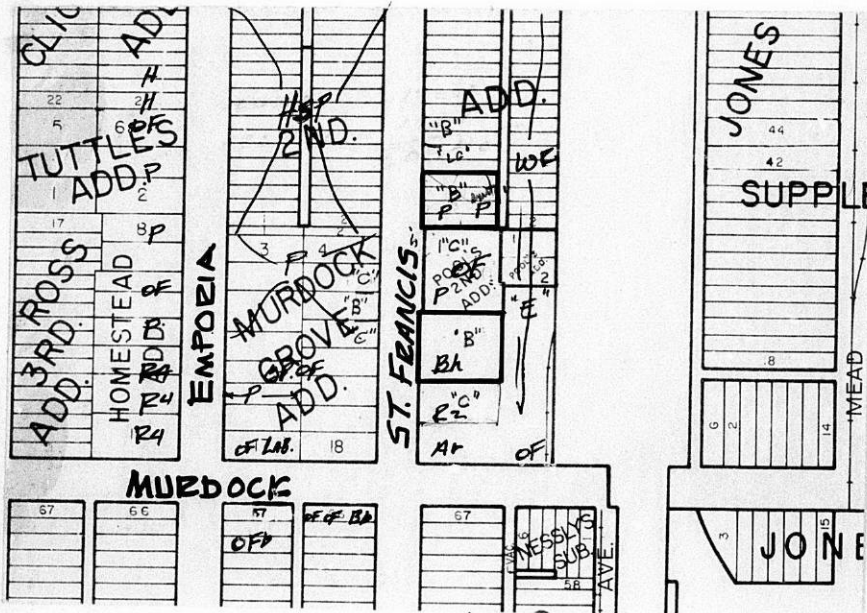
BZA- 41-80
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.7 (126 (IRREGULAR) ft. by 240 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SUNK YARD South TWO FURN & AUTO RE
 West OFFICE & PARKING LOT North OFFICE
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: BOARDING HOUSE
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



24 41-80

November 5, 1980

J. Francis Hesse
P. O. Box 2134
Wichita, Kansas

Re: Case No. BSA 41-80
Request for Variance

Dear Mr. Hesse:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 28, 1980, in connection with your request for a variance to reduce the required 20 foot front yard setback to 0 feet for off-street parking only on property zoned "B" Multi-family and generally located on the east side of St. Francis Avenue between Murdock and Ninth Streets.

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

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk
St. Francis Hospital of Wichita, Inc., P. O. Box 1358, Wichita

RESOLUTION NO. BZA 41-80

WHEREAS, St. Francis Hospital of Wichita, Inc., P. O. Box 1358, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 1, 3, 5, & 7 on Fourth, now St. Francis Avenue, in Burleigh's 2nd Addition; and a tract in the SW 1/4 of Section 16, T27S, R1E, described as: beginning 150 feet S of the SW corner of Lot 1, on Fourth, now St. Francis Avenue, in Burleigh's 2nd Addition to Wichita, thence S 126 Feet, thence E 140 feet, thence N 126 feet, thence W 140 feet to the point of beginning. Generally located on the east side of St. Francis Avenue between Murdock & Ninth Streets.

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 October 28, 1980, 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 intermittent and adjacent properties are not developed residential and are now being utilized at a zero setback; 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 majority of the adjacent property is owned by the applicant or is developed commercially; 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 it will prevent proper utilization of their entire property for parking purposes; 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 variance will be granted for parking purposes only; 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 there are no residential properties remaining in the block; 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.

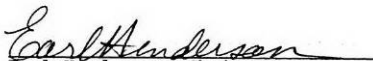
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District and legally described as:

Lots 1, 3, 5, & 7 on Fourth, now St. Francis Avenue, in Burleigh's 2nd Addition; and a tract in the SW 1/4 of Section 16, T27S, R1E, described as: beginning 150 feet S of the SW corner of Lot 1, on Fourth, now St. Francis Avenue, in Burleigh's 2nd Addition to Wichita, thence S 126 feet, thence E 140 feet, thence N 126 feet, thence W 140 feet to the point of beginning. Generally located on the east side of St. Francis Avenue between Murdock & Ninth Streets.

be approved subject to the following conditions:

1. The front yard setback shall be reduced from 20 feet to 0 feet for off-street parking purposes only.
2. All areas used for parking and circulation drives shall be surfaced in accordance with Section 28.04.143 of the code.
3. All parking spaces and circulation drives adjacent to St. Francis shall be provided parking barriers to prevent the extension or circulation of vehicles over the sidewalk.

ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1980.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

October 29, 1980

J. Francis Hesse
P. O. Box 2134
Wichita, Kansas

Re: Case No. BZA 41-80
Request for Variance

Dear Mr. Hesse:

At the regular meeting of the Board of Zoning Appeals on October 28, 1980, your request for a variance to reduce the required 20 foot front yard setback to 0 feet for off-street parking only on property zoned "B" Multi-family and generally located on the east side of St. Francis Avenue between Murdock and Ninth Streets was considered.

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

1. The front yard setback shall be reduced from 20 feet to 0 feet for off-street parking purposes only.
2. All areas used for parking and circulation drives shall be surfaced in accordance with Section 28.04.143 of the Code.
3. All parking spaces and circulation drives adjacent to St. Francis shall be provided parking barriers to prevent the extension or circulation of vehicles over the sidewalk.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: St. Francis Hospital of Wichita, Inc., P. O. Box 1358, Wichita
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 41-30

APPLICANT: St. Francis Hospital of Wichita, Inc.,
P. O. Box 1358, Wichita, Kansas.

AGENT: J. Francis Hesse, P. O. Box 2134, Wichita,
Kansas

REQUEST: Variance pursuant to Section 2.12.590.B,
Code of the City of Wichita, to reduce
the required 20 foot front yard setback
to 0 feet for off-street parking only.

GENERAL LOCATION: On the east side of St. Francis Avenue
between Murdock and Ninth Streets.

ZONING: Subject property is zoned "B" Multi-family.
Adjacent properties along St. Francis are
zoned "C" Commercial and "B" Multi-family.

LAND USE: Subject property is being developed as off-
street parking for the Hospital complex.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita and the Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required 20 foot front yard to "0" feet for off-street parking purposes only. The property is located on the east side of St. Francis Avenue between Murdock and Ninth Streets and except for the property at Murdock, the entire block is owned and developed in conjunction with the hospital complex.

The "B" Multiple-family zoning on the property permits off-street parking but such parking and circulation aisles must not occupy the 20 foot front yard setback. It should be noted that the majority of the block on both sides of the street is zoned "C" Commercial which permits the full utilization of the property for off-street parking purposes.

In this particular situation, the adjacent properties are located in the commercial zoning districts and are developed as commercial or with parking to the property lines. It is the opinion of the Secretary that the retention of the 20 foot setback for off-street parking purposes is unwarranted in this case.

UNIQUENESS:

It is the opinion of the Secretary that the properties in question are somewhat unique inasmuch as the intermittent and adjacent properties are not developed residential and are now being utilized at a zero setback.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the rights of adjacent property owners, inasmuch as the majority of the adjacent property is owned by the applicant or is developed commercially.

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 it will prevent proper utilization of their entire property for parking purposes.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare as the variance will be granted for parking purposes only.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as there are no residential properties remaining in the block.

RECOMMENDATION:

If the Board determines that the five conditions necessary to the granting of a variance can be found to exist, then the Secretary recommends the variance be granted subject to the following conditions:

1. The front yard setback shall be reduced from 20 feet to 0 feet for off-street parking purposes only.
2. All areas used for parking and circulation drives shall be surfaced in accordance with Section 22.04.143 of the code.
3. All parking spaces and circulation drives adjacent to St. Francis shall be provided parking barriers to prevent the extension or circulation of vehicles over the sidewalk.

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

OCTOBER 8, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 41-80

An application has been filed by St. Francis Hospital of Wichita, Inc., P. O. Box 1358, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the front yard setback from 20 to 0 feet for off-street parking only on property zoned the "B" Multi-family Dwelling District and legally described as follows:

Lots 1, 3, 5, & 7 on Fourth, now St. Francis Avenue, in Burleigh's 2nd Addition; and a tract in the SW $\frac{1}{4}$ of Section 16, T27S, R1E, described as: beginning 150 feet S of the SW corner of Lot 1, on Fourth, now St. Francis Avenue, in Burleigh's 2nd Addition to Wichita, thence S 126 Feet, thence E 140 feet, thence N 126 feet, thence W 140 feet to the point of beginning. Generally located on the east side of St. Francis Avenue between Murdock & Ninth Streets.

This application has been assigned case No. BZA 41-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 28, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

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

Jack H. Galbraith
Secretary

BZA CASE NO. 41-80

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

8 NOTICES SENT TO ADJOINING PROPERTY OWNERS

21 TOTAL NOTICES SENT 10-8-80

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 41-80
FILED 9-26-80

APPLICATION FOR VARIANCE

I. Name of Applicant St. Francis Hospital of Wichita, Inc.
Mailing Address P. O. Box 1358 Wichita, KS 67201 Phone 268-5113
Name of Authorized Agent J. Francis Hesse, Attorney
Mailing Address P. O. Box 2134 Wichita, KS 67201 Phone 262-5043
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the front-yard setback
from 20 to 0 feet in order to provide for more off-street
parking for off street parking only.
for property located generally on the east side of St. Francis
Ave. between Murdock & Ninth Streets (see plat attached)
and legally described as: Lots 1, 3, 5 & 7, on Fourth, now

St. Francis Avenue, in Burleigh's 2d Add.; and a tract in the SW/4 of Sec.
16, T27S, R1E, described as: beginning 150 feet S of the SW corner of Lot 1,

on Fourth, now St. Francis Ave., in Burleigh's 2d Add. to Wichita; thence
S 126 ft, thence E 140 ft., thence N 126 ft., thence W 140 ft. to the point
of beginning

in the City of Wichita; and which is presently zoned "B"

- III. The applicant herein, or his authorized agent, acknowledges: Multi-family
- 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 ST. FRANCIS HOSPITAL OF WICHITA, INC.

Authorized Agent J. Francis Hesse
J. Francis Hesse, Attorney

OFFICE USE ONLY: Received in Office of Secretary, Board of
Zoning Appeals, 10:45 (a.m.-p.m.), Sept. 26, 1980
together with appropriate fee of 150.00

Signed G. Lynn Shirley

EXHIBIT "A"

STATEMENT JUSTIFYING VARIANCE REQUESTED

Applicant believes that the provisions of Section 28.04.070(C)(1.2), entitled AREA REGULATIONS, of the Code of the City of Wichita require a minimum front-yard setback of 20 feet in "B" multiple family dwelling districts.

Within the last year, the Owner of this property has opened a new south wing of the Hospital, and substantial traffic is generated in this area for that reason. More off-street parking in this vicinity appears to be in the best interest of the Hospital, the patients and guests it serves, other residents in the area, as well as the general public utilizing the streets surrounding the Hospital.

The Hospital recently acquired a tract toward the south end of the block on the east side of St. Francis Avenue and between Murdock and Ninth Streets. There are no houses or residences remaining within that block, and therefore, there is no owner in the block using any of the property for a "front yard." Accordingly, it appears that parking or use of the property should be encouraged out to the property line, rather than limiting the use by a front-yard setback. It appears that the needs of all involved could be better served if said property could be utilized for off-street parking for Hospital employees, patients, and visitors. The strict application of the provisions of the Ordinance would constitute an unnecessary hardship upon the Owner because it would prohibit the use of the property for any purpose whatsoever related to the operation of the Hospital.

The granting of the variance would not adversely affect the rights of any adjacent property owners or residents inasmuch as there are no residents and the only adjacent property owners are a light-commercial service station and vehicle repair shop to the south and an industrial heavy-metals distribution center to the east.

The property involved formerly was the site of homes used for residential purposes. All of those homes have been removed, creating a special condition which is unique in this vicinity. The property which is the subject matter of this application is surrounded by either industrial or light-commercial property and should be put to full use for off-street parking for Hospital purposes and thus permit the property to be actually used for a needed Hospital purpose. Refusal to permit the variance requested will create an additional hardship on the property Owner by reason of the fact that it would preclude the use of the property fully for parking purposes and the utilization of the property thus would be wasted.

The granting of the variance would not be opposed to the general spirit and intent of the Zoning Ordinance; on the contrary, it would favorably affect safety, convenience, the general welfare, and would not in any way adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare.

The applicant respectfully requests that this variance be granted in order to provide for more off-street parking.

ST. FRANCIS HOSPITAL OF WICHITA, INC.

By J. Francis Hesse
J. Francis Hesse
Attorney and Authorized Agent

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 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:

Record Owners within 200 feet of: Beginning 150 feet South of the Southwest Corner of Lot 1, on Fourth now St. Francis Avenue, in BURLEIGH'S SECOND ADDITION to Wichita, Sedgwick County, Kansas; thence South 126 feet; thence East 140 feet; thence North 126 feet; thence West 140 feet, and Lots 1, 3, 5 and 7 on St. Francis Avenue, in BURLEIGH'S SECOND ADDITION to Wichita, Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Beginning 150 feet South of the Southwest Corner of Lot 1, Fourth now St. Francis, thence East 140 feet; thence South 50 feet; thence West 140 feet; thence North to beginning in the Southwest Quarter of Section 16, Township 27 South, Range 1 East, and	BURLEIGH'S 2ND	St. Francis Hospital and School of Nursing 929 North St. Francis Wichita, Kansas 67214
Beginning 200 feet South of the Southwest Corner of Lot 1, Fourth now St. Francis; thence East 140 feet; thence South 50 feet; thence West 140 feet; thence North to beginning in Southwest Quarter, Section 16, Township 27 South, Range 1 East,	BURLEIGH'S 2ND	



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Beginning 250 feet South of the Southwest Corner of Lot 1, Fourth now St. Francis; thence East 140 feet; thence South 50 feet; thence West 140 feet; thence North to beginning, in the Southwest Quarter in Section 16, Township 27 South, Range 1 East, AND Lots 1, 3, 5 and 7, on St. Francis, AND Lots 9, 11, 13, 15, 17, 19, 21 and 23 on St. Francis,	BURLEIGH'S 2ND <i>Dep.</i>	St. Francis Hospital and School of Nursing 929 North St. Francis Wichita, Kansas 67214
Beginning at the Southeast Corner of Lot 1, thence West 90 feet; thence South 250 feet; thence West 10 feet; thence South 76 feet; thence East 100 feet; thence North to beginning,	POOLS	Helen G. Kamen Trust %Sheldon Kamen 616 East Murdock Wichita, Kansas 67214
Beginning 300 feet South of the Southwest Corner of Lot 1, on Fourth now St. Francis, thence East 140 feet; thence South 50 feet; thence West 140 feet; thence North to beginning in the Southwest Quarter of Section 16, Township 27 South, Range 1 East,	BURLEIGH'S 2ND <i>Dep.</i>	St. Francis Hospital and School of Nursing 929 North St. Francis Wichita, Kansas 67214
Beginning at the Northeast Corner of Murdock & St. Francis; thence North 76 feet; thence East 50 feet; thence South 76 feet; thence West to beginning in Section 16, Township 27 South, Range 1 East, AND Beginning 426 feet South & 50 feet East of the Southwest Corner of Lot 1, Fourth now St. Francis, Burleigh's 2nd Addition; thence North 76 feet; thence East 25 feet; thence South 76 feet; thence West to beginning in the Southwest Quarter of Section 16, Township 27 South, Range 1 East,		Kamen Metal & Iron Co. 616 East Murdock Wichita, Kansas 67214



LOTS AND BLOCKS

ADDITION

OWNERS

Beginning 426 feet South and 75 feet East of the Southwest Corner of Lot 1, Fourth now St. Francis, Burleigh's 2nd Addition; thence North 76 feet; thence East 25 feet; thence South 76 feet; thence West to beginning in the Southwest Quarter of Section 16, Township 27 South, Range 1 East,

Def.

Kamen Metal & Iron Co.
616 East Murdock
Wichita, Kasnas 67214

Beginning 426 feet South and 100 feet East of the Southwest Corner of Lot 1, Fourth now St. Francis, Burleigh's 2nd Addition, thence North 76 feet; thence East 30 feet; thence South 76 feet; thence West to beginning in the Southwest Quarter of Section 16, Township 27 South, Range 1 East,

Def.

Sheldon Kamen
616 East Murdock
Wichita, Kansas 67214



Lots 2, 4, 5, 8, 10, 12, 14 and 16, on Santa Fe,

BURLEIGH'S 2ND

Harlan R. Kamen
5517 Polo Drive
Wichita, Kansas 67208
and Leonard A. Levand
#16 Peach Tree Lane
Wichita, Kansas 67207
and Helen Rothenberg
ADDRESS UNKNOWN
As Trustees of Helen G.
Kamen Trust
and Sheldon Kamen
601 Longford Lane
Wichita, Kansas 67206

Lots 18, 20, 22 and 24, on Santa Fe, and Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 on St. Francis, AND 2, 4 and 6 on St. Francis,

BURLEIGH'S 2ND

Def.

St. Francis Hospital and School of Nursing
929 North St. Francis
Wichita, Kansas 67214

MURDOCK GROVE

Lots 8 and 10, on St. Francis,

MURDOCK GROVE

Eagle Investment Company
925 North Emporia
Wichita, Kansas 67214

Lots 12, 14, 16 and 18, on St. Francis,

MURDOCK GROVE

Okemo Properties
% 925 North Emporia
Wichita, Kansas 67214

LOTS AND BLOCKS

ADDITION

OWNERS

East 93.9 feet of
Lot 1 and 2,

POOLS

Harlan R. Kamen
5517 Polo Drive
Wichita, Kansas 67208
and Leonard A. Levand
#16 Peach Tree Lane
Wichita, Kansas 67207
and Helen Rothenberg
ADDRESS UNKNOWN
As Trustees of Helen G.
Kamen Trust
and Sheldon Kamen
601 Longford Lane
Wichita, Kansas 67206

Dub

Lot 1,

POOL 2ND

St. Francis Hospital and
School of Nursing
929 North St. Francis
Wichita, Kansas 67214

Dated at Wichita, Kansas this 23rd day of September, 1980 at
7:00 A.M.



FIDELITY TITLE COMPANY, INC.

By

C. E. Paul Riddle
Vice President

Tracer No. 51941



MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-000 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 _____

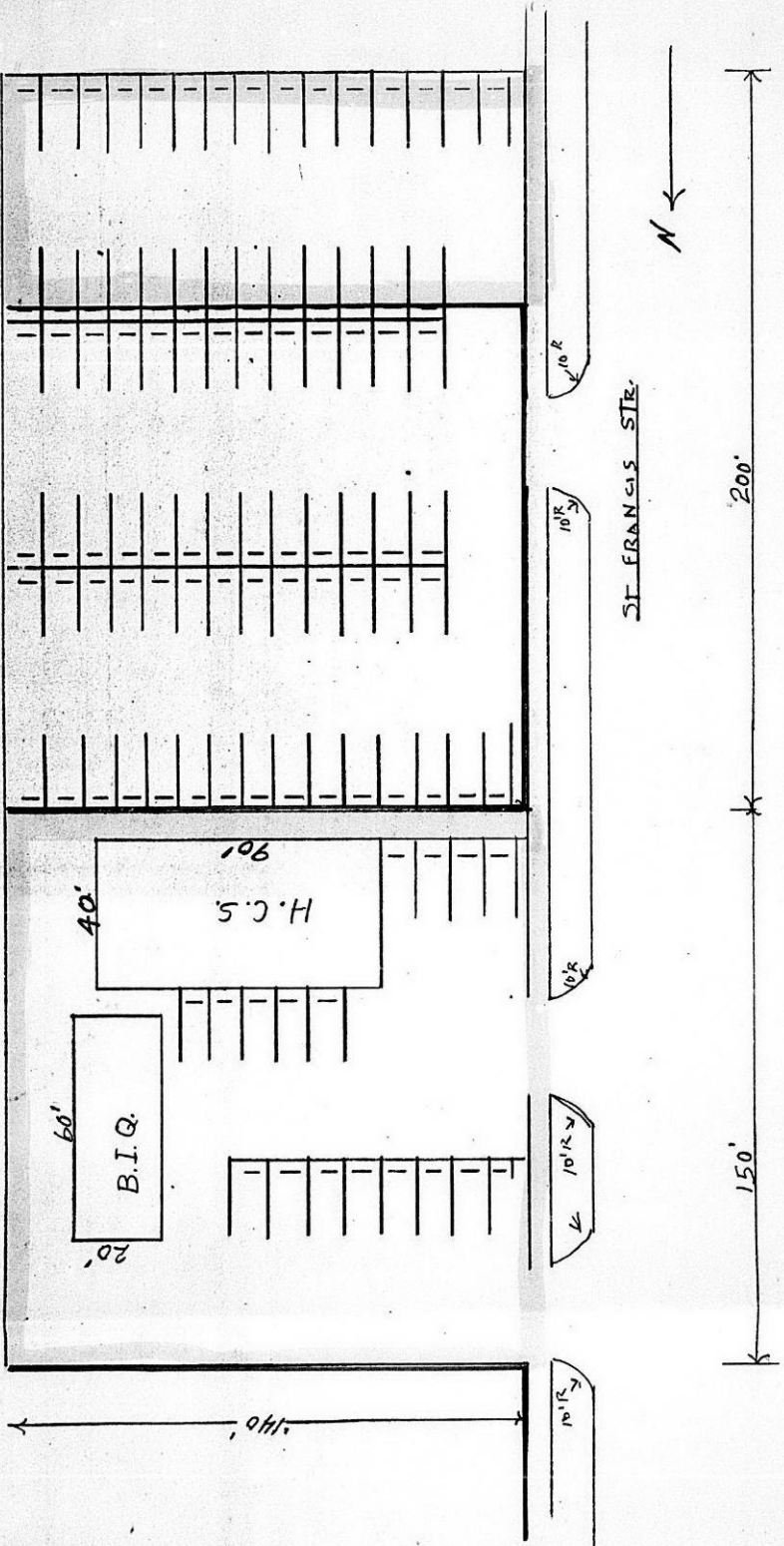
FUND _____ DUE DATE _____

COMMENTS _____

DATE _____ BY _____

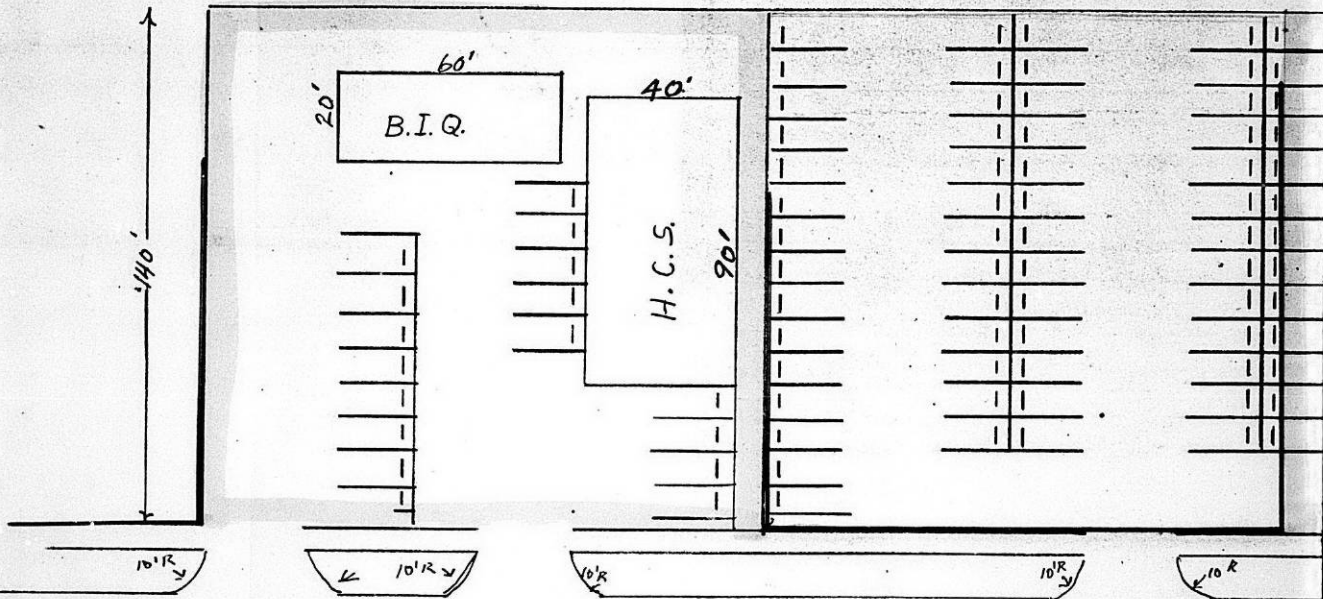
Property within yellow outline
is zoned "C" Commercial

Property outlined
in red needs
variance



Property within yellow outline
is zoned "C" Commercial

Property outlined
in red" needs
variance



ST FRANCIS STR.

150' 200'

within yellow outline
is zoned "C" Commercial

Property within red
outline "needs"
variance

