

*Noted
10-9-75
M.A.P.C. ✓
C.I. ✓
12-15-75
C*

BZA 45-75 - English Village Prop-
erties, Inc. requests variance to
allow construction of motel bldg.
to the alley generally located
in Katharine's Addition on the

ACTION

BZA COMMITTEE _____ DATE 10-28-75
M.A.P.C. _____
B.C.C./B. CO. C. _____

Map No. 5946
 Sec. 30
 Twp. 27
 Range 2E

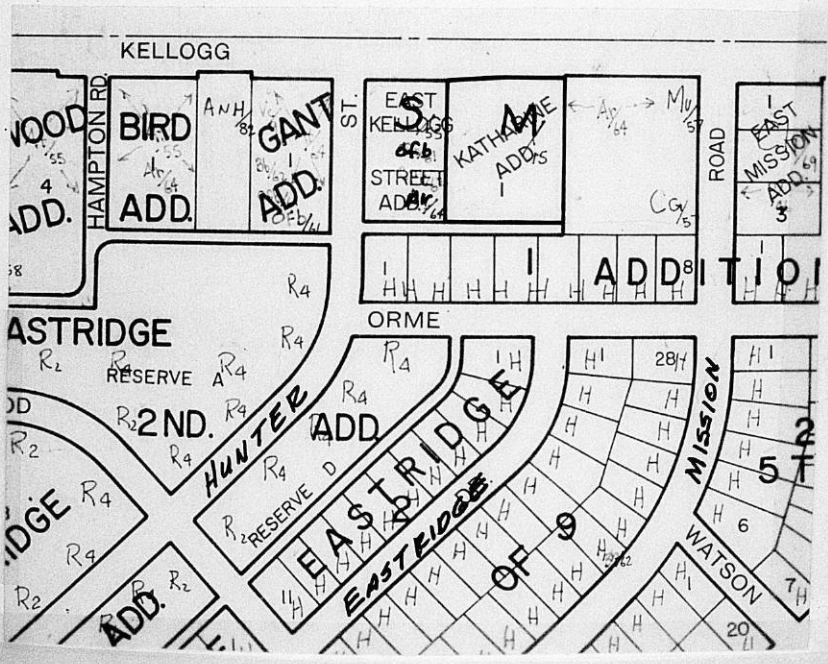
BZA- 45-75
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 1.14 (200 ft. by 250 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East AUTO DEALER-SALES South SINGLE FAM
 West SERVICE STATION North KELLOGG-US 54
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: MOTEL
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



SHIMMEL
 No. 2-153C
 HASTINGS INN, LOS ANGELES
 LODAN OH - MCKINNON, TX, U.S.A.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

October 7, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 45-75

An application has been filed by English Village Properties, Inc. 6727 East Kellogg, Wichita, Kansas, pursuant to Section 2-12.590.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from fifteen feet to 10 feet on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Katherine Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of E. Kellogg in an area between Hunter and Mission Road.

This application has been assigned Case No. BZA 45-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 28, 1975, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person, or by agent, or attorney.

Jack H. Galbraith
Secretary

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Jack H. Galbraith
Secretary

RESOLUTION NO. BZA 45-75

WHEREAS, English Village Properties, Inc., 6727 East Kellogg, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from fifteen feet to ten feet on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Katherine Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of E. Kellogg in an area between Hunter and Mission Road.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of October 28, 1975, 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 existing structures are already built to the property line and this variance is adjacent to an unopened, platted alley; 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 variance area would be enclosed on the east and west by other structures on subject property and the 20 foot alley would separate the development from properties to the south; 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 they would be required to leave a five foot strip of land adjacent to an unused alley when one of their buildings is already built to the alley; 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 platted alley is not open and has never been used; 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 four previous conditions have been found to exist; 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.

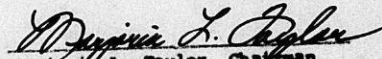
RESOLUTION NO. BZA 45-75
Page Two

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 rear yard setback from fifteen feet to ten feet on property zoned the "LC" Light Commercial District and legally described as follows:

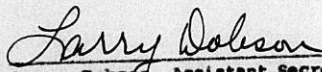
Lot 1, Katherine Addition to Wichita,
Sedgwick County, Kansas. Generally
located on the south side of E. Kellogg
in an area between Hunter and Mission
Road.

be approved.

ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Larry Dobsen, Assistant Secretary

RESOLUTION NO. BZA 45-75

WHEREAS, English Village Properties, Inc., 6727 East Kellogg, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from fifteen feet to ten feet on property zoned the "LC" Light Commercial District and legally described as follows:

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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, 1975, 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 existing structures are already built to the property line and this variance is adjacent to an unopened, platted alley; 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 variance area would be enclosed on the east and west by other structures on subject property and the 20 foot alley would separate the development from properties to the south; 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 they would be required to leave a five foot strip of land adjacent to an unused alley when one of their buildings is already built to the alley; 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 platted alley is not open and has never been used; 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 four previous conditions have been found to exist; 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.

RESOLUTION NO. BZA 45-75
Page Two

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 rear yard setback from fifteen feet to ten feet on property zoned the "LC" Light Commercial District and legally described as follows:

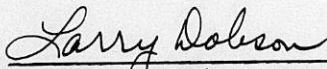
Lot 1, Katherine Addition to Wichita,
Sedgwick County, Kansas. Generally
located on the south side of E. Kellogg
in an area between Hunter and Mission
Road.

be approved.

ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

November 21, 1975

Mr. Everett C. Fettis
120 South Market
Suite 504
Wichita, Kansas 67202

Subject: Case No. BEA 45-75
Request for Variance

Dear Mr. Fettis:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 28, 1975, in connection with your request for a variance to reduce the required rear yard setback from 15 feet to 10 feet on property zoned the "LC" and generally located on the south side of East Kellogg in an area between Hunter and Mission Road.

This Resolution reflects the official action of the Board to grant your request. It is forwarded to you for your information and files.

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

Sincerely,

Larry Dobson
Assistant Secretary

LD:bh
Encl.

cc: English Village Properties, Inc. 6727 E. Kellogg, 67209
Joe Donnelly, Central Inspection
Robert Feldner, Superintendent of Central Inspection
Donald Gistick, City Clerk

10-30-75

Ray Bruggeman, Director of Public Works

Larry Dobson, Assistant Secretary to the Board of Zoning Appeals

Drainage Problems along the dedicated alley lying east of
Hunter bordering property on Orma Street

At the regular meeting of the Board of Zoning Appeals on Tuesday, October 28, 1975, the Board approved a variance request to reduce the required rear yard setback for the English Village Motel at 6727 East Kellogg. This variance permits the motel to construct a new wing to their motel complex up to the south property line. Adjacent to the south property line is a dedicated alley which is not open and has never been used. Three property owners south of the alley spoke at the meeting, expressing concern about drainage problems they have been experiencing, mainly water backing up and pooling in their backyards. They indicated that their attempts to get something done about the problem have ended in dead-ends and frustration. It was suggested that your office be made aware of the problem, with the thought that you or someone in your organization could advise these property owners what the possible options might be to alleviate their problem.

The people speaking at the meeting and their addresses are shown below as receiving copies of this memorandum.

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

Sincerely,

Larry Dobson
Assistant Secretary, BEA

LD:bbh

cc:

Mr. and Mrs. T. W. Tanner, 6730 E. Orma, 67207
Mr. and Mrs. Walter L. Pierce, 6804 E. Orma, 67207
Mr. and Mrs. E. J. Campbell, 312 S. Grove, 67211

October 29, 1975

Mr. Everett C. Fettis
120 South Market
Suite 504
Wichita, Kansas 67202

Subject: Case No. BZA 45-75
Request for Variance

Dear Mr. Fettis:


At the regular meeting of the Board of Zoning Appeals on October 28, 1975, your request for a variance to reduce the required rear yard setback from 15 feet to 10 feet on property zoned the "LC" and generally located on the south side of East Kellogg in an area between Hunter and Mission Road was considered.

It was the action of the Board to approve this request.

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.

Yours very truly,


Larry Doan
Assistant Secretary

LD:bh

cc: Mr. and Ms. T. W. Tanner, 6730 E. Orme, 67207
Mr. and Ms. Walter L. Pierce, 6804 E. Orme, 67207
Mr. and Ms. E. J. Campbell, 312 S. Grove, 67211
Robert Feldner-Supt., Central Inspection
Joe Donnelly, Maintenance Inspection Supervisor
Donald Cisick, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 45-75

APPLICANT: English Village Properties, Inc., 6727 East Kellogg, Wichita, Kansas

AGENT: Everett C. Fettis, 120 South Market, Suite 504, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 15 feet to 10 feet.

GENERAL LOCATION: South side of E. Kellogg in an area between Hunter and Mission Road.

ZONING: Subject property and property to the west are zoned the "LC" Light Commercial District; properties to the east and south are zoned the "A" Two Family Dwelling District; north is the "AA" Single Family Dwelling District.

LAND USE: Subject property is developed with a motel; north and south are single family residences; west is a service station and a garage; east is a furniture store.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

SECRETARY'S REPORT
Case No. BZA 45-75
Page 2

5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY

The applicants are requesting a variance to reduce the required rear yard setback from 15 feet to 10 feet for the purpose of constructing an additional wing of units to an existing motel complex. There is a dedicated 20 foot alley behind subject property which is not open and has never been used. The applicants' request, if granted, would permit the applicants to build to their property line. The requested reduction to 10 feet is based on the rear yard setback being measured from the center of a platted alley.

The existing motel complex is comprised of three separate wings of rooms, one each along the east and west property lines and one adjacent to the rear or south property line which is constituted approximately 20 to 25 feet from the property line. This one story wing of rooms on the south is proposed to be removed to make way for the construction of the new two-story unit. It should be noted that the western wing of the motel is already built to the south property line and the swimming pool facilities go to the south property line along the east side of the property. The proposed new wing would be flanked on the east and west by the mentioned structures.

The applicants would probably be successful in vacating the alley behind this property inasmuch as it has never been used and is platted for only half of the block. However, due to the added time involved in that procedure, they choose this variance method of solving their problem. They contend that to require them to maintain a 15 foot rear yard (5 foot from the property line) creates an unusable pocket of land. In their statement of justification, they point out that their own property encloses the proposed development on the east and west and the 20 foot platted alley separates their property from the residential properties to the south.

It should be understood by the applicants that if they are successful in obtaining this variance, they will still be subject to the provisions of the City ordinances relating to fire walls and fire lanes. Also, no construction, overhangs or attachments would be permitted to encroach into public property.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness may exist

SECRETARY'S REPORT
Case No. EZA 45-75
Page 3

in this instance inasmuch as existing structures are already built to the property line; it may also be unique that this variance is adjacent to an unopened, platted alley.

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 or residents inasmuch as the variance area would be enclosed on the east and west by other structures on subject property and the 20 foot alley would separate the development from properties to the south.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the zoning ordinance could constitute an unnecessary hardship upon the applicants inasmuch as they would be required to leave a five foot strip of land adjacent to an unused alley when one of their buildings is already built to the alley.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as the platted alley is not open and has never been used.

SPIRIT AND INTENT:

It is the opinion of the Secretary that if the previous four conditions, necessary to the granting of the variance, can be found to exist, then the granting of the variance would not be opposed to the spirit and intent of the zoning ordinance.

RECOMMENDATION:

Should the Board determine that the five conditions necessary to the granting of the variance can be found to exist, it is recommended that the variance be granted.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

October 7, 1975

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Jack H. Galbraith
Secretary

S = single family

N " "

W = sv. station & garage

E. FURNITURE STORE

BZA 45-75 Fifteen notices to adjoining
property owners for BZA meeting of October 28,
1975, were mailed 10-7-75, and also 8 notices
to MAPC Board Members.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
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Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO.

map-5746

BZA-45-75

CITY OF WICHITA, KANSAS

FILED

APPLICATION FOR VARIANCE

I. Name of Applicant ENGLISH VILLAGE PROPERTIES, INC.

Mailing Address 6727 East Kellogg Phone 683-5613

Name of Authorized Agent Everett C. Fettis

Mailing Address 120 S. Market, Suite 504 Phone 267-7251

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

II. The variance requested is to allow construction of motel building
to the alley for property located at 6727 East Kellogg

reduce the rear yard setback from 15' to 10'

~~for property located at~~

and legally described as: Katherine's Addition to Wichita,

South Side of Kellogg in an area between Hunter & Mission Rd

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

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

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

English Village Properties, Inc.
Applicant

Everett C. Fettis
Authorized Agent Everett C. Fettis

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 12:00 (a.m. p.m.), 9/30 1975 together with appropriate fee of \$50.00.

T9-402

Larry Dobson
Signed

architect sending site plan

STATEMENT

Applicant requests the variance herein to permit erection of an addition to the motel structure back to the line of the alley. This is in the middle portion of the property. The motel building is already constructed to the alley on the West side and structures are to the alley on the East side for the swimming pool and related structures. The remaining property located in the middle does not reach the alley and, consequently, leaves unusable space. To allow this variance would simply straighten up the structure along the entire rear of this property. The alley is not open nor has it ever been. The alley only crosses half-way through the block and is not used for any purpose. The applicant intends to seek cooperation of the abutting owners to vacate the alley. However, this will require more time and the applicant desires to proceed at once to reconstruct the center portion of its motel building.

The uniqueness of this situation is that the property sought to be developed is surrounded on both sides on the same property with the same variance. Since the alley itself is not used, no one else would be adversely affected. The hardship results from the fact that the applicant desires to rebuild the center portion of a structure and it would be a hardship to retain this wasted area of land. Certainly, the variance will not in any way affect the public in any adverse manner, and it will not be opposed to the general spirit and intent of the zoning ordinance.

O W N E R S H I P L I S T

Lot	Block	Addition	Property Owner
1	1	Eastridge Addition	✓ Joe Dale Weeks and Betty J. 1921 South Edgemoor Drive 67218
2	1	Same	✓ Byron C. Burnett & Dorsalena 6710 East Orme 67207
W55' 3	1	Same	✓ Floyd H. Coggins & Beva V. 6718 East Orme 67207
E18' 3	1	Same	✗ Viola A. Killion Address Unknown
W37' 4	1	Same	∅ Same
E36' 4	1	Same	✓ Thomas William Tanner and Jacalyn Lu Tanner 6730 East Orme 67207
W19' 5	1	Same	∅ Same
E54' 5	1	Same	✓ Walter L. Pierce & Katherine A. 6804 East Orme 67207
W54' 6	1	Same	✓ Edward J. Campbell & Deloisi 312 S. Grove Street 67211
E19' 6	1	Same	✗ Dolores M. Burnett and Patricia A. Adochio Address Unknown
W 35' 7	1	Same	∅ Same
E38' 7	1	Same	✗ Lawrence Stanley Address Unknown
W16' 8	1	Same	∅ Same
E60' 8	1	Same	✗ Celia M. Jenkins Address Unknown
1		Katharine Addition	✓ English Village Inc. 6727 East Kellogg Street 67207
Block 1		East Kellogg Street Add.	✓ Mays Company Inc. 6601 East Kellogg 67207

Lot	Block	Addition	Property Owner
7exc S25'	X	Eastborough 3rd Addition	✓ Francis P. Dunn Jr. & Evelyn M. 6 Hunter Lane 67207
8exc S25'	X	Same	✓ Otto E. Meyer & Anna K. Meyer 17 Peach Tree Lane 67207
13exc S25'	Y	Same	✓ James B. McKinney & Evelyn E. 89 Mission Road 67207
14exc Y S25' & exc N 14.6'		Same	✓ Donald E. Crane & Marjorie A. 24 Peach Tree Lane 67207

A tract in the Northwest Quarter of Section 30-27-2E, described as: Beginning at a point on the South line of Kellogg Street (aka as Highway 54) 914.5 feet West and approximately 64.10 feet South of the Northeast corner of said Northwest Quarter of Section 30; thence West along the South side of said Kellogg Street a distance of 250 feet; thence South parallel to the East line of said Northwest quarter a distance of 280 feet; thence East parallel to said Kellogg Street, a distance of 250 feet; thence North 280 feet to the point of beginning

✓ Andeel & Andeel Properties
c/o Stan Andeel
700 Fourth Financial Center
67202

The Security Abstract & Title Company, Inc.,
hereby certifies the foregoing to be a true and correct list of
property owners of:

A 200 foot radius of: Lot 1, Katharine
Addition to Wichita, Kansas, Sedgwick
County, Kansas

as shown by the records on file in the Office of the Register of
Deeds of Sedgwick County, Kansas, on the 29th day of September,
1975 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By *Curtis Simmons*
Vice President

Order No. 229663
wh

FORM 223

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
221 Kansas	\$5000

Name

Address

Type

Due Date

Comments:

Date

By

Security
 ABSTRACT AND TITLE CO. INC.
 434 NORTH MAIN
 Phone 267-8371

Deliver to Metropolitan Planning

Ordered by Mr. Everett Fettis
for English Village Inc.

*

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