

Case No. BZA 50-86 - Friends University requests a variance to reduce the required front yard setback from 22 feet to 0 feet adjacent to University Avenue on property zoned the "E" Multiple-family and generally located on the

POSTED
11-25-86 GEL

ACTION

BZA 50-86 APPROVED

12/23/86
DATE

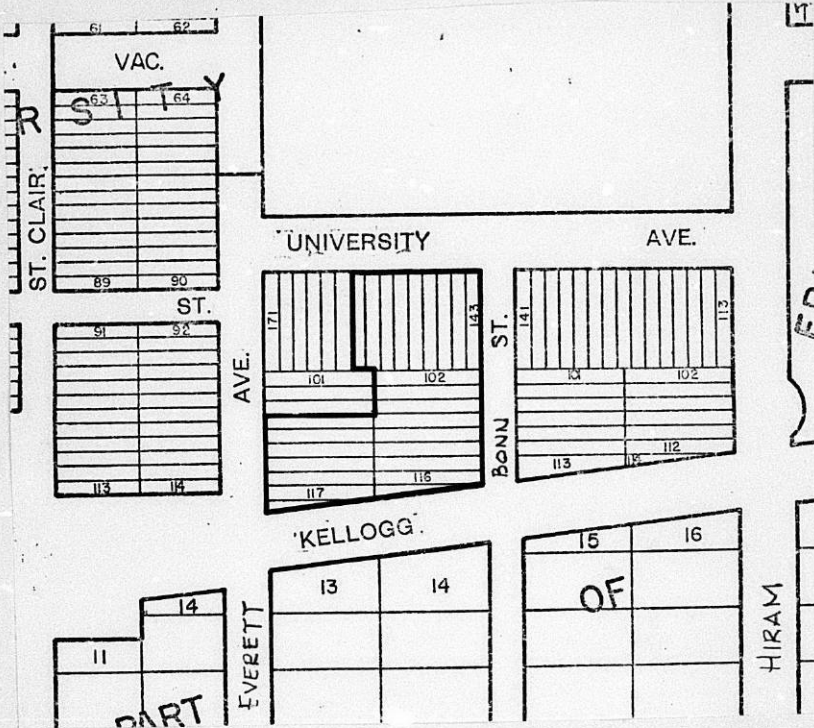
200 1/4 Sec. 1-27-87
Shot 1-30 ✓
Record ✓

Map No. 5346 D

BZA 50-86
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E B S A W B N B
3. Land Use: East I-F & M-F South I-F
West Plg. & I-F North UNIV.
4. Area (is) (~~is not~~) platted.



LOS ANGELES OFFICE
MCGREGOR, TULLOCH & GROVE, INC.
U.S.A.

Standard
No. 2153C

MARTINIS, JIN
OSMAN, CH

December 26, 1986

John W. McKay, Jr.
236 South Topeka
Wichita, Kansas 67202

Re: BZA 50-86 - Request for Variance

Dear Mr. McKay:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 23, 1986.

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

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL/iw

Enclosure

cc: Friends University, 2100 University, Wichita, KS 67213
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

RESOLUTION CASE NO. 50-86

WHEREAS, Friends University, 2100 University, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required front yard setback from 22 feet to 0 feet adjacent to University Avenue on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 102, 104, 106, 108, 110, 112, 114, 116 and 118 on Bonn Street; Lots 143, 145, 147, 149, 151, 153, 155, 157 and 159 on Shirley, now University; and Lots 107, 109, 111, 113, 115, 117 and 119 on Everett, all in University Place Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Bonn between University and Kellogg (2109 University).

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 December 23, 1986, 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 it is located on a residential street that is 100 feet in width which far exceeds normal requirements, and the street will, at some point in time, be a part of the campus of the University and not be subject to setbacks along the north; 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 distance to the nearest residence that will remain in the block will exceed a distance of 100 feet and should not create any obstruction as to light and air to this residence; 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 required to redesign the proposed building at a great expense in order to accommodate the future improvement of the roadway system to the south; 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 moving of the building to the north will actually reduce the acquisition cost by protecting the land area to the south for public improvements; 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 it is strongly anticipated that the street to the north will be vacated and utilized as part of the campus which will totally eliminate any requirement for any setback along the north; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 22 feet to 0 feet adjacent to

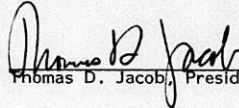
University Avenue on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 102, 104, 106, 108, 110, 112, 114, 116 and 118 on Bonn Street; Lots 143, 145, 147, 149, 151, 153, 155, 157 and 159 on Shirley, now University; and Lots 107, 109, 111, 113, 115, 117 and 119 on Everett, all in University Place Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Bonn between University and Kellogg (2109 University).

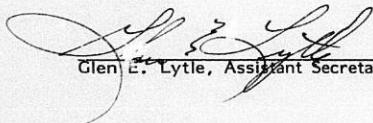
be approved subject to the following conditions:

1. The reduction of the front yard setbacks adjacent to University Avenue shall be reduced to 0 feet only for the construction of one structure. Said structure shall not be located more than 135 feet west of the west line of Bonn Street for any portion of the building to be constructed closer than 20 feet to University Avenue.
2. All existing residential driveway approaches on the property shall be removed and the curbs reconstructed.

ADOPTED AT WICHITA, KANSAS, this 23rd day of December, 1986.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE December 12, 1986

TO Glen Lytle, Special Assistant for Zoning

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 50-86: South of University
between Bonn and Everett

On Thursday, December 11, CPO Council Area "O" considered the above captioned case, a request for a variance to reduce the required front yard setback from 22 feet to 0 feet.

After a brief discussion, the Council voted 7-0 to recommend approval of the request.

The agent, Don Folger, was present to explain the specifics of the request to the Council. According to Mr. Folger, the applicant would like to construct a new building on the property that will occupy the majority of the block. Mr. Folger noted that the University is requesting this variance in order to accommodate the future improvement of Kellogg (U.S. 54) on the south of the building as far to the north as possible.

The Council was supportive of the request.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 50-86 is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED
DEC 12 1986
METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 50-86

APPLICANT: Friends University, 2100 University, Wichita, KS
AGENT: John W. McKay, Jr., 236 S. Topeka, Wichita, KS
REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 22 feet to 0 feet.
GENERAL LOCATION: On the south side of University between Bonn and Everett.
ZONING: Subject property is zoned the "B" Multiple-family Dwelling District as are all adjacent properties.
LAND USE: Subject property has been a residential neighborhood. To the east and west are residences and to the north is the main campus of the University. To the south is Kellogg (U.S. 54 Highway).

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required front yard setback from 22 feet to 0 feet in order to construct a new building on the property that will occupy the majority of the block. The applicant does not own the entire block, but does own most of the adjoining properties that might be directly affected by the reduction of the front yard setback.

It should be noted that the general front yard requirement of the "B" Multiple-family District is 20 feet, but in this case, since an existing dwelling maintains a setback greater than 20 feet, the setback for the proposed building is 22 feet. It is anticipated that at some future date, University Avenue will be vacated and become a part of the campus when all properties in the block are acquired.

The University is requesting this variance in order to accommodate the future improvement of Kellogg (U.S. 54) on the south by building as far to the north as possible. This project was completely designed prior to the information of the highway being available. This adjustment should be in the best interest of the general public by reducing the cost of highway right-of-way acquisition.

The closest corner of the building to be constructed on the site will be over 100 feet from the one remaining residence in the block that is not owned by the University. This should eliminate any direct adverse affect on the only adjacent property that remains in the block.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is located on a residential street that is 100 feet in width which far exceeds normal requirements, and the street will, at some point in time, be a part of the campus of the University and not be subject to setbacks along the north.

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 distance to the nearest residence that will remain in the block will exceed a distance of 100 feet and should not create any obstruction as to light and air to this residence.

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 required to redesign the proposed building at a great expense in order to accommodate the future improvement of the roadway system to the south.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the moving of the building to the north will actually reduce the acquisition cost by protecting the land area to the south for public improvements.

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 it is strongly anticipated that the street to the north will be vacated and utilized as part of the campus which will totally eliminate any requirement for any setback along the north.

RECOMMENDATION:

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

1. The reduction of the front yard setbacks adjacent to University Avenue shall be reduced to 0 feet only for the construction of one structure. Said structure shall not be located more than 135 feet west of the west line of Bonn Street for any portion of the building to be constructed closer than 20 feet to University Avenue.
2. All existing residential driveway approaches on the property shall be removed and the curbs reconstructed.

BZA CASE NO. 50-86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>6</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>9</u>	TOTAL NOTICES SENT <u>12/3/86</u>

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

December 2, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 50-86

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 Friends University requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required front yard setback from 22 feet to 0 feet adjacent to University Avenue on property zoned the "B" Multiple-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 102, 104, 106, 108, 110, 112, 114, 116 and 118 on Bonn Street; Lots 143, 145, 147, 149, 151, 153, 155, 157 and 159 on Shirley, now University; and Lots 107, 109, 111, 113, 115, 117 and 119 on Everett, all in University Place Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Bonn between University and Kellogg (2109 University).

This application has been assigned Case No. BZA 50-86. It will be considered by the Board of Zoning Appeals on December 23, 1986 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 variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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.

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 50-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Friends University
Mailing Address 2100 University Phone 261-5800
Name of Authorized Agent Casado-McKay, Inc.
Mailing Address 236 S. Topeka Phone 262-5491
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce building setback line from
25 feet on University to present right-of-way line

for property located 2109 University

and legally described as: Lots 143, 145, 147, 149, 151, 153, and 155, on
University, and Lots 102, 104, 106, 108, 110, 112, 114, and part of Lots
116 and 118 on Bonn, and Lots 107, 109, 111, 113, 115, and part of Lots
117 and 119.

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

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

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 39-285); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant _____

Authorized Agent J. W. McKay, Jr.

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:00 (a.m./p.m.), Nov. 20, 1986, together with appropriate fee of \$300.00.

Signed J. Lytle

~~Name~~

~~Nothing~~

L.B. Columbia - 1938² University

Walters - 2/21

Nothing

c/r at this address

Crockett, D 2121 University

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC. hereby certifies the following to be a true and correct list of the property owners as shown by the last deeds of record in the Office of the Register of Deeds, Sedgwick County, Kansas for:

Lots 102, 104, 106, 108, 110, 112, 114, 116, and 118 on Bonn Street and Lots 143, 145, 147, 149, 151, 153, 155 and 157, on ¹⁵⁹ Shirley, now University Avenue in University Place Addition to the City of Wichita, Sedgwick County, Kansas

together with all real estate lying within a 200 foot radius.

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>UNIVERSITY PLACE ADDITION</u> <u>Bonn Street</u> Lots 102, 104, 106, 108, 110, 112, 114, 116 105, 107, 109, 111, 113, 118 <u>Shirley, now University Avenue</u> Lots 143, 145, 147, 149, 151, 153, 155, 157, 159; Lots 135, 137, 139, 141, except the N 125'; The W 20' of the N 125' of Lot 165, Lots 131 and 133 <u>Everett Avenue</u> Lots 107, 109, 111, 113, 115, 117, 119	✓ Friends University 2100 University Wichita, Kansas 67213
④ <u>Shirley now University</u> Lots 161, 163 and Lot 165, except the W 20' of the N 125'	✓ Mildred E. Walters 2147 University Wichita, Kansas 67213
⑤ <u>Everett Avenue</u> Lots 101, 103 & 105	✓ Valmer C. Stiger and Doris B. Stiger 620 Everett Ave Wichita, Kansas 67213
⑥ <u>Shirley, now University</u> The North 125' of Lots 135 and 137 and the North 125' of the East 3' of Lot 139	✓ Helmut E. Riffel and Carol J. Riffel 2029 University Ave. Wichita, Kansas 67213
⑦ <u>Bonn Street</u> Lots 101 and 103	✓ Herman Mockry and Bertha Mockry 620 Bonn Avenue Wichita, Kansas 67213
⑧ <u>Shirley now University</u> the South 51 feet of Lot 167, 169 and 171	✓ Mildred McGinnis 614 Everett Wichita, Kansas 67213
⑨ <u>Shirley now University</u> <i>Shown above as</i> Lots 149 and 151 <i>F.U. ownership</i>	✓ Emma J. Dillon <i>Walters?</i> (no address found) <i>2121 University</i>
⑩ <u>Shirley now University</u> the North 125 feet of lot 141 and the North 125 feet of the West 22 feet of Lot 139	✓ <i>Mrs. L. B.</i> Najeba H. Farris <i>Colonie</i> (no-address-found) <i>1932 University</i>

Dated this 5th day of November, 1986

REALTY TITLE CO., INC.

F861113

BY Judy Cadhard
 Judy Cadhard

WILLIAM L. KORBER, L.S.
JOHN E. LUNDBLADE, L.S.
N. BRENT WOOTEN, P.E.

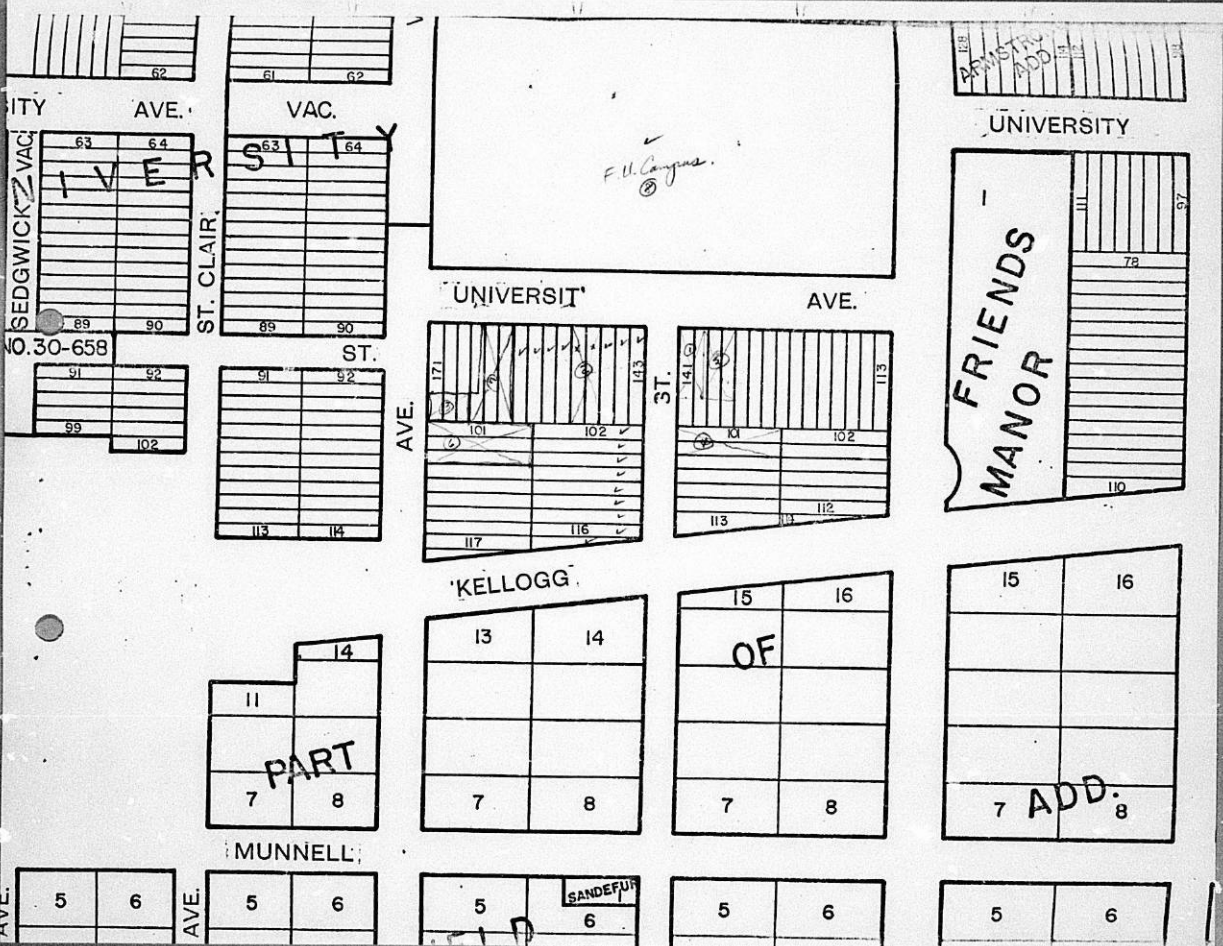


BAUGHMAN COMPANY, P.A.

SURVEYING & ENGINEERING

316/262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

The applicant wishes to move the building north 25 feet to allow distance from the south line of the needed right-of-way for the improvement of Kellogg and a service road to connect Vine Street with Meridian.



UNIVERSITY AVE.
 SEDGWICK VAC.
 NO. 30-658

ST. CLAIR ST.
 UNIVERSITY
 VAC.

F.U. Campus
 ②

UNIVERSITY
 FRIENDS MANOR

UNIVERSITY AVE.

ST. CLAIR ST.
 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200

ST. CLAIR ST.
 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170

FRIENDS MANOR
 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110

PART
 7, 8, 11, 14

KELLOGG
 7, 8, 13, 14

OF
 7, 8, 15, 16

7 ADD.
 7, 8, 15, 16

5, 6
 MUNNELL

5, 6
 MUNNELL

5, 6
 SANDEFUR

5, 6

5, 6

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-021

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
<i>City of Wichita</i>	<i>1,200.00</i>

NAME *Planning Dept. (City of Wichita)*

ADDRESS *214 S. T. Street*

FUND *15-6000-002* DUE DATE

COMMENTS

DATE *11-25-1944* BY *[Signature]*

*

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

Roll # 3