

Case No. BZA 51-80 - Board of Directors - Wichita Public Library - requests a variance to eliminate the required screening fences adjacent to the

*POSTED*  
*1-18-81*

**ACTION**

*BZA*  
*1-18-81*

DATE 1-27-81

COMMITTEE Approved

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

*200 1/4 Sec 2-12-81*  
*Checked 2-12-81 amb*  
*Shot 2-19-81*  
*Recorded 2-25-81*

Map No. 4948  
 Sec. 16  
 Twp. 27  
 Range 1W

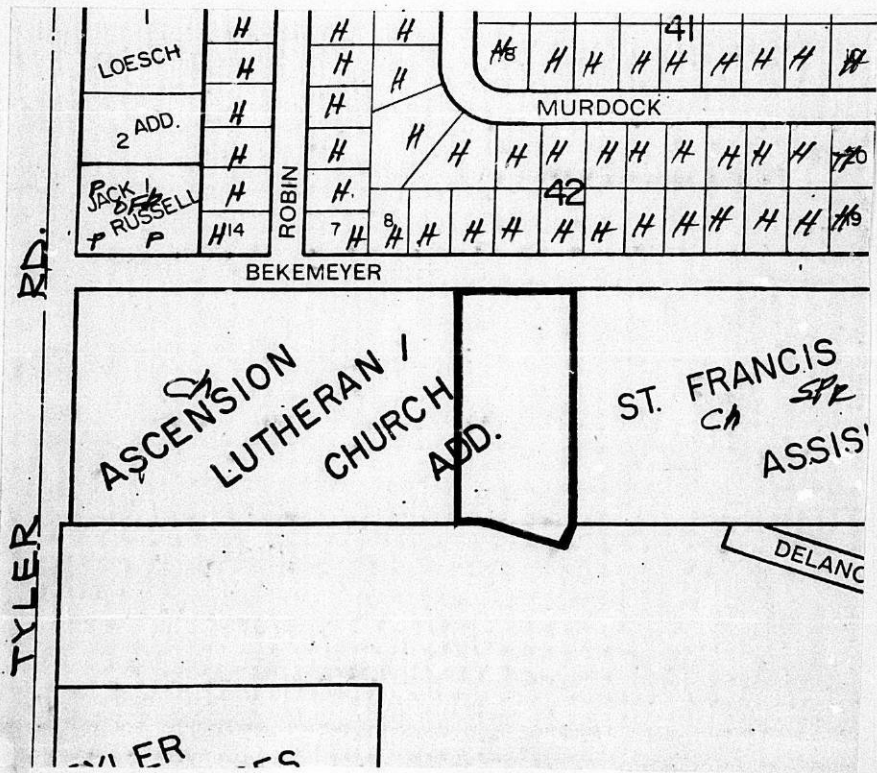
BZA- 51-80  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 1.9 ( 200 ft. by 460 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East CHURCH South UNDEVELOPED  
 West CHURCH North SINGLE FAM
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use if for: UNDEVELOPED
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



BZA 51-80

February 9, 1981

Board of Directors  
Wichita Public Library  
223 South Main  
Wichita, Kansas

Re: Case No. BEA 51-80  
Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 27, 1981, in connection with your request for a variance to eliminate the required screening fences adjacent to a residential zoning district on property zoned "AA" One-family Dwelling District and generally located on the south side of Bekemeyer and east of Tyler Road.

This Resolution reflects the official action of the Board to approve your request. 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: Dick Rademacher, Librarian, 223 South Main, Wichita, Ks.  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 51-80

WHEREAS, the Board of Directors - Wichita Public Library, 223 South Main, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to eliminate the required screening fences adjacent to the residential zoning districts on property zoned the "AA" One-family Dwelling District and legally described as follows:

The east 200.0' of Lot 1, Ascension Lutheran Church Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Bekemeyer and east of Tyler 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 January 27, 1981, 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 entire south side of the street between Socora and Tyler Road, a distance of 1,900 feet, is developed with institutional uses; 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 all uses established are compatible and have adequate setbacks from Bekemeyer to not be a detriment to the residential properties to the north; 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 cause the installation of a screening fence that will not serve the intended purpose; 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 requested is located interiorly; 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 intent of the screening requirement is to provide protection to residential uses from commercial and institutional development; and

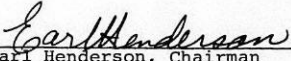
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

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 fences adjacent to the residential zoning districts on property zoned the "AA" One-family Dwelling District and legally described as:

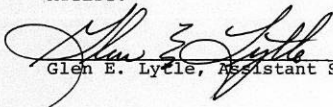
The east 200.0' of Lot 1, Ascension Lutheran  
Church Addition, Wichita, Sedgwick County,  
Kansas. Generally located on the south side  
of Bekemeyer and east of Tyler Road.

be approved.

ADOPTED AT WICHITA, KANSAS, this 27th day of January, 1981.

  
Earl Henderson, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

January 28, 1981

Board of Directors  
Wichita Public Library  
223 South Main  
Wichita, Ks.

Re: Case No. BEA 51-80  
Request for Variance

Gentlemen:

At the regular meeting of the Board of Zoning Appeals on January 27, 1981, your request for a variance to eliminate the required screening fences adjacent to a residential zoning district on property zoned "AA" One-family Dwelling District and generally located on the south side of Dekemeyer and east of Tyler Road was considered.

It was the action of the Board to approve your 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.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:sad

cc: Dick Rademacher, Librarian, 223 South Main, Wichita, Ks.  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

GL

**THE CITY OF WICHITA**

**OFFICE OF CITIZEN PARTICIPATION**

**DATE** January 22, 1981

**TO** Jack Galbraith, Chief Planner, Current Plans

**FROM** Dean Kruihof, Administrative Aide III

**SUBJECT** BZA 51-80 South of Bekemeyer  
and East of Tyler Road

At its January 21 meeting, Area "A" CPD Council considered the captioned case. No one spoke to the Council concerning the variance to eliminate the required screening fences adjacent to residential zoning districts.

The Council voted unanimously, 5-0, to recommend that the application be approved. The Council agreed with the BZA Secretary's report that all five conditions necessary to the granting of a variance exist for the property in question.

Please inform the BZA of the Council's action when the case is considered on January 27. Thank You.

*Dean Kruihof*  
Dean Kruihof  
Administrative Aide III

DK:rs

Noted:

*Sarah Gilbert*  
Sarah Gilbert  
Assistant CP Coordinator



SECRETARY'S REPORT  
CASE NO. BZA 51-80

APPLICANT

Board of Directors - Wichita Public Library  
223 South Main, Wichita, KS

AGENT

Dick Rademacher, Librarian, 223 South Main  
Wichita, KS

REQUEST

Variance pursuant to Section 2.12.590.B, Code  
of the City of Wichita, to eliminate the required  
screening fences adjacent to a residential zoning  
district.

GENERAL LOCATION

On the south side of Bekemeyer and east of  
Tyler Road

ZONING

Subject property is zoned "AA" One-family Dwelling  
District as are all adjacent properties.

LAND USE

Subject property is occupied by a branch library.  
Property to the south is vacant. Properties to the  
east and west are churches and to the north one-  
family dwellings.

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

It is requested by the applicant that the screening fences required by the  
zoning ordinance when an institutional use is established adjacent to the  
residential zoning district be eliminated. In this particular instance,  
the branch library has been established in the "AA" one-family Dwelling  
District on property between two existing churches that were established  
prior to the screening requirements of the ordinance.

In accordance with the site plan submitted by the applicant, only a  
portion of the west property line would be required to be screened due to  
the location of the surfaced parking area closer than 25 feet from the west  
property line. The east and south sides have 25 feet or more that when  
properly landscaped will comply with the intent of the regulations that  
would exempt an institutional use from screening requirements.

UNIQUENESS

It is the opinion of the Secretary that this property is somewhat unique  
inasmuch as the entire south side of the street between Socora and Tyler  
Road, a distance of 1,900 feet, is developed with institutional uses.

ADJACENT PROPERTY

It is the opinion of the Secretary that the requested variance will not  
adversely affect the adjacent property owners inasmuch as all uses  
established are compatible and have adequate setbacks from Beckemeyer to  
not be a detriment to the residential properties to the north.

HARDSHIP

It is the opinion of the Secretary, that the strict application of the  
provisions of the zoning ordinance may constitute an unnecessary hard-

Page 2  
BZA No. 51-80

ship upon the applicant as it will cause the installation of a screening fence that will not serve the intended purpose.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not be opposed to the public interest inasmuch as the variance is located interiorly.

SPIRIT AND INTENT

It is the opinion of the Secretary that the requested variance would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the screening requirement is to provide protection to residential uses from commercial and institutional development.

RECOMMENDATION

It is the opinion of the Secretary that if the five conditions necessary to the granting of a variance can be found to exist, then the Board should grant the variance.

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

January 7, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 51-80

An application has been filed by the Board of Directors - Wichita Public Library, 223 South Main, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to eliminate the required screening fences adjacent to the residential zoning districts on property zoned the "AA" One-family Dwelling District and legally described as follows:

The east 200.0' of Lot 1, Ascension Lutheran Church Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Beckemeyer and east of Tyler Road.

This application has been assigned case No. BZA 51-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 27, 1981, 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 268-4421 and ask for Lynn Shirkey or 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. 51-80

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

16 NOTICES SENT TO ADJOINING PROPERTY OWNERS

29 TOTAL NOTICES SENT 1-7-81

12-29  
Called ~~Shane~~ Sims  
about ownership tool.



**THE CITY OF WICHITA, KANSAS**

INTERDEPARTMENTAL TRANSFER DEPARTMENT DISCREPANCE COPY

ID TRANSFER NO. **132697**

3

DATE	VENDOR CODE CHARGED	VENDOR CODE CREDITED	A/A CODE
12/1/80			

FUND	DEPT	DIVISION	ACCOUNT	GRANT	PROGRAM	AMOUNT
115	22	690	50600270	000	000	\$150.00
TOTAL CHARGES:						

FUND	DEPT	DIVISION	ACCOUNT	GRANT	PROGRAM	AMOUNT
110	00	000	40071003	000	000	\$150.00
TOTAL CREDITS:						

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	<p><i>To be filed with Controller Office if change is requested</i></p> <p>Filing fee for Application for Variance before the City of Wichita Board of Zoning Appeals Variance for screening of east, south and west sides of Westlink District Branch Library at 8515 Beckwith</p>		\$150.00

DISALLOWANCE AS NOTED: \_\_\_\_\_

AUTHORIZED BY: \_\_\_\_\_

DEPARTMENT HEAD: \_\_\_\_\_

Initiating Department Authorization

Signature: *[Signature]* Date: *[Date]*

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 51-80  
FILED 12-1-80

APPLICATION FOR VARIANCE

I. Name of Applicant Board of Directors - Wichita Public Library

Mailing Address 223 S. Main Phone \_\_\_\_\_

Name of Authorized Agent Dick Radmscher (Librarian)

Mailing Address 223 S. Main Phone \_\_\_\_\_

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

II. The variance requested is to eliminate the required screening fences  
Screening of East, South & West sides  
of building adjacent to the residential zoning districts.

for property located on the south side of Ackmeier and east of Taylor Rd.  
Westlink Branch Library

and legally described as: The East 200.0' of lot 1  
Ascension Lutheran Church Addition  
Wichita, Kansas

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

- 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 \_\_\_\_\_

Authorized Agent Richard J. Rademacher

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 5:00 (a.m.-p.m.), Dec 1, 1980, together with appropriate fee of 250 - Dept. Treasurer

Signed [Signature]

*No ownership list*

Next closing date Dec 29, 1980  
for BZA Hearing Jan 27, 1981  
Permit No D-37700  
8515 BECKMEYER

VARIANCES

The Board may authorize in specific cases a variance from the specific terms of Title 28 which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of Title 28 will, in an individual case, result in unnecessary hardship, and provided that the spirit of Title 28 shall be observed, public safety and welfare secured and substantial justice done. Such variance shall not permit any use not permitted by Title 28 (zoning ordinance) in such zoning district. A request for a variance may be granted upon a finding by the Board that all of the following conditions as set forth in Section 2.12.590.B have been met:

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

BOARD OF ZONING APPEALS

APPLICATION FOR VARIANCE

CITY OF WICHITA, KANSAS

INSTRUCTIONS TO APPLICANT

1. Applicant must complete attached application form. All blanks should be filled in and those not applicable should be noted as N/A.
2. Applicant must submit a certified listing from an abstract company of the names and current mailing addresses of owners of all property within a distance of two-hundred (200) feet of property involved in the application. Mailing addresses submitted without ZIP CODES will be returned to the applicant.
3. The applicant must submit a statement, in writing, justifying the variance requested; indicating specifically the enforcement provisions of the zoning ordinance from which variance is requested; and outlining in detail the manner in which it is believed that this application will meet the requirements of Section 2.12.590.B, Code of the City of Wichita.
4. The applicant must submit a sketch in duplicate, drawn to scale and showing the lot or lots included in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information which would be helpful to the Board of Zoning Appeals in consideration of the application.
5. The above noted forms and documents shall be submitted, together with the fee established by Section 2.12.580.2, Code of the City of Wichita and set forth herein. In the event the request contains more than one variance request, an additional filing fee shall be required. The fee should be made by check, payable to the City of Wichita.

Fees shall be as follows:

Variations for residential uses	\$ 75.00
All other variances	\$150.00

6. All documents and fees shall be submitted to the Office of the Secretary, Board of Zoning Appeals, Tenth Floor, City Hall 455 N. Main, Wichita, Kansas 67202, by 5:00 p.m., on the designated closing date as established by the Board. Incomplete applications will be returned to the applicant.

The Board of Zoning Appeals meets on the fourth Tuesday of each month at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

## STATEMENT OF OWNERSHIP

**RECEIVED**

JAN 06 1981

METROPOLITAN PLANNING

ROUTE  1076  
 \_\_\_\_\_STATE OF KANSAS )  
                          ) SS  
SEDGWICK COUNTY )

The undersigned duly bonded and qualified abstracter 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 the East 200 feet of Lot 1, ASCENSION LUTHERN CHURCH ADDITION, 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>
East 200 feet of Lot 1,	ASCENSION LUTHERN CHURCH	City of Wichita 455 North Main Wichita, Kansas 67202
Lot 1, except the East 200 feet,	ASCENSION LUTHERN CHURCH	The Kansas District of the Lutheran Church Addition Missouri Synod, a Kansas Corporation. 842 North Tyler Road Wichita, Kansas 67212
Lot 1,	ST. FRANCIS OF ASSISI PARK	Catholic Diocese of Wichita 424 North Broadway Wichita, Kansas 67202

**Fidelity**  **Title**  
COMPANY, INC.

LOTS AND BLOCKS

ADDITION

OWNERS

North 200 feet of the South Half of the South-west Quarter of Section 16, Township 27 South, Range 1 West, lying adjacent on the South of Lot 1, Ascension Lutheran Church Addition and Lot 1, St. Francis of Assisi Park Addition lying West of Socora Lane, except Block 2, Tyler Acres Addition,

Edward T. & Rita A. Neville, Trustees for Gregory Allen & Alvin Leon Neville  
9625 West Maple  
Wichita, Kansas 67209

Lot 6, Block 42,

COUNTRY ACRES  
2ND

Elmer L. & Bernice Karstensen  
908 North Robin Road  
Wichita, Kansas 67212

Lot 7, Block 42,

COUNTRY ACRES  
2ND

James F. & Betty Lee McClaren  
902 North Robin Road  
Wichita, Kansas 67212



Lot 8, 11 and 15, Block 42,

COUNTRY ACRES  
2ND

Jerry B. Malone  
ADDRESS UNKNOWN

Lot 9, Block 42,

COUNTRY ACRES  
2ND

2906 Aloma 67211  
Kirby W. & Gail R. Commer  
8526 Bekemeyer  
Wichita, Kansas 67212

Lot 10, Block 42,

COUNTRY ACRES  
2ND

Dale & Peggy Bing  
8520 Bekemeyer  
Wichita, Kansas 67212

Lot 12, Block 42,

COUNTRY ACRES  
2ND

Gary L. & Sandra Fults  
8508 Bekemeyer  
Wichita, Kansas 67212

Lot 13, Block 42,

COUNTRY ACRES  
2ND

Billy C. & Norma L. Martin  
8502 Bekemeyer  
Wichita, Kansas 67212

Lot 14, Block 42,

COUNTRY ACRES  
2ND

Richard Nicholas & Barbara Ann Striegel  
8430 Bekemeyer  
Wichita, Kansas 67212

Lot 25, Block 42,

COUNTRY ACRES  
2ND

Donald C. & Sandra K. Richardson  
8439 West Murdock  
Wichita, Kansas 67212

Lot 26, Block 42,

COUNTRY ACRES  
2ND

Michael J. & Joyce R. Schlyer  
8501 West Murdock  
Wichita, Kansas 67212



-3-

LOTS AND BLOCKS

ADDITION

OWNERS

Lot 27, Block 42,

COUNTRY ACRES  
2ND

✓ Donald D. & Dianna  
Colleen Denning  
8513 West Murdock  
Wichita, Kansas 67212

Lot 28 except Beginning  
at the Southwest Corner  
of Lot 28, Block 42,  
thence East 3 feet,  
thence North parallel with  
the West property line  
of said Lot 28 to Murdock  
Avenue, thence West to the  
Northwest corner of said  
Lot 28, thence South,  
along the West property  
line of said Lot 28 to  
the point of beginning,  
all in Wichita, Sedgwick  
County, Kansas.

COUNTRY ACRES  
2ND

*Sub* ✓ Jerry B. Malone  
ADDRESS UNKNOWN



Lot 29, and beginning at  
the Southwest Corner of  
Lot 28, Block 42, thence  
East 3 feet, thence North  
parallel with the West  
property line of said Lot  
28 to Murdock Avenue,  
thence West along the  
West property line of  
said Lot 28 to the point  
of beginning, all in  
Wichita, Sedgwick County,  
Kansas.

COUNTRY ACRES  
2ND

✓ Bradley W. & Cynthia  
Bennett  
8529 West Murdock  
Wichita, Kansas 67212

Lot 30, Block 42,

COUNTRY ACRES  
2ND

✓ Marvin O. & Barbara J.  
Koelsch  
8539 West Murdock  
Wichita, Kansas 67212

Dated at Wichita, Kansas, this 2nd day of January, 1981  
at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By

*C. E. Bud Riddler*

Vice President

Tracer No. 54315

\*

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

Roll # 2