

B.Z.A. 27-87 Defer 1 month 2/15/88

DATE

B.Z.A. Approved 1/26/88

SPS B

200'4 Sec A-1-88

Checked 70

Shot 512

Record ✓

Case No. BZ 51-87 - John E. North requests a variance to reduce the front yard setback along Grove St. from 25' to 0' for parking purposes only on property zoned the "R-6" General Residence District.

5050 275

ACTION

B.Z.A. 57-87 Defer 1 month 12/15/87
DATE

B.Z.A. Approved 1/26/88

5045B

200'4 Sec 4-1-88

Checked to

Slot 5-12

Record ✓

502-9586

Case No. BZA 51-87 - John G. Murth requests a variance to reduce the front yard setback along Grove St. from 25' to 0' for parking purposes only on property zoned the "R-1" General Residence District.

DATA SHEET

MAP NO.: 5645B

CASE NO. BZA 51-87

(CPO 3B, 12/3/87)

REQUEST: Variance to reduce the front yard setback along Grove Street from 25 feet to zero feet for parking purposes only

EXISTING ZONING: "R-6" General Residence District

GENERAL LOCATION: On the northeast corner of Pawnee and Grove (2510 E. Pawnee)

APPLICANT: John G. Wurth
ADDRESS: 120 S. Market, Suite 400, Wichita, KS 67202

PHONE: 262-2555

AGENT: *same Robert Marsh, architect*
ADDRESS: *1215 Franklin*

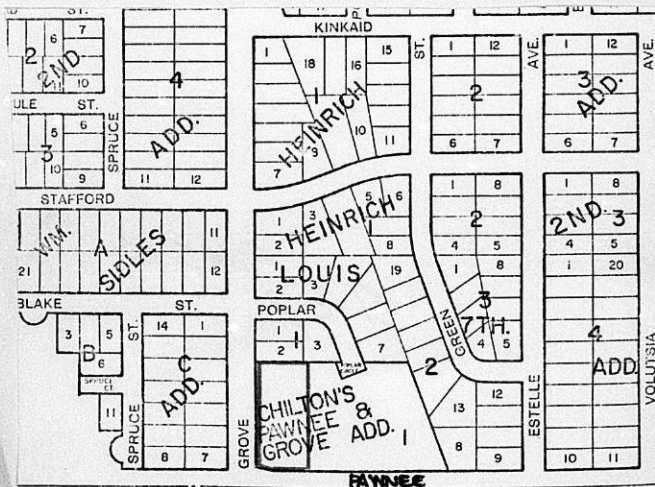
PHONE: 267-7883

AREA DATA

Acres: (ft. by ft.)

Adjacent Zoning and Land Use:

North	AA	<i>One-family dwellings</i>
South	LC-6-AA	<i>Over one School of Bartending</i>
East	AA-R-6	<i>Apartment</i>
West	AA	<i>One-family dwellings</i>



PL1-0066

LOS ANGELES COUNTY
HASTINGS, ANN OGDEN, OH
KIMBERSON, WILSON, GROVE, GA
U.S.A.

Standard
No. 2-153C

February 2, 1988

Robert Marsh
1215 Franklin
Wichita, Kansas 67203

Re: BZA 51-87 - Variance to reduce the front yard setback along
Grove Street from 25 feet to zero feet for parking purposes only.
Northeast corner of Pawnee and Grove (2510 E. Pawnee)

Dear Mr. Marsh:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted
by the Board of Zoning Appeals on January 26,
1988. 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 along with one copy of the approved site
plan.

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

Sincerely,

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/lw

Enclosure

cc: John G. Wurth, 120 S. Market, Suite 400, Wichita, KS 67202
Monty Robson, Superintendent of Central Inspection (w/site plan)
Joe Donnelly, Zoning Administrator (w/site plan)
Dale Rea, Deputy City Clerk

FILE COPY

RESOLUTION NO. BZA 51-87

WHEREAS, John G. Wurth, 120 S. Market, Suite #400, Wichita, Kansas 67202, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback along Grove Street from 25 feet to zero feet for parking purposes only on property zoned the "R-6" General Residence District and legally described as follows:

The west 150 feet of Lot 1, Chilton's Pawnee and Grove Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Pawnee and Grove (2510 E. Pawnee).

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 15, 1987 and January 26, 1988, 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, although more than the required minimum number of parking spaces are now provided on site, there is need for additional parking due to a high ratio of cars to tenants and the only area left which is not already developed is the front yard on Grove; 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 provision for additional off-street parking would help alleviate the on-street parking problem and should thus have a beneficial effect on adjacent property owners if landscaping is provided; 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 might be unable to keep the apartments rented if restrictions had to be placed on the number of cars owned by tenants; 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 additional parking area would not encroach any existing or needed street right-of-way; 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 additional parking above that required by the ordinance will be provided and screening in the form of street trees will be provided which will benefit the residences to the west; 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 along Grove Street from 25 feet to zero feet for parking purposes only on property zoned the "R-6" General Residence District and legally described as follows:

The west 150 feet of Lot 1, Chilton's Pawnee and Grove Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Pawnee and Grove (2510 E. Pawnee).

be approved subject to the following conditions:


1. The applicant shall remove the driveway which exists at the north end of this site prior to constructing the two new driveways as the plat limits the total number of curb cuts on Grove to two.
2. The applicant shall install 11 Callery Pear (Aristocrat variety) trees no smaller than 1 $\frac{1}{4}$ "-1 $\frac{1}{2}$ " caliper prior to completion of the parking area or a satisfactory guarantee shall be submitted which assures the planting during the next planting season. The plants shall be maintained in good condition and replaced when necessary.
3. The applicant shall construct the parking lot in accordance with all city paving and curb cut standards and shall mark the spaces as indicated on the approved plan.
4. All parking lot improvements, including landscaping and removal of the existing north driveway, shall be completed within 12 months of approval by the Board or the resolution shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of January, 1988.



Danny E. Jenkins, President

ATTEST:



Jack H. Galbraith, Secretary

January 27, 1988

Robert Marsh
1215 Franklin
Wichita, Kansas 67203

Re: BZA 51-87 - Variance to reduce the front yard setback along Grove from 25 feet to zero feet for parking purposes only (2510 E. Pawnee)

Dear Mr. Marsh:

At the regular meeting of the Board of Zoning Appeals on January 26, 1988, your request for a variance was considered. It was the action of the Board to grant your request subject to the following conditions:

1. The applicant shall remove the driveway which exists at the north end of this site prior to constructing the two new driveways as the plat limits the total number of curb cuts on Grove to two.
2. The applicant shall install 11 Callery Pear (Aristocrat variety) trees no smaller than 1 $\frac{1}{4}$ "-1 $\frac{1}{2}$ " caliper prior to completion of the parking area or a satisfactory guarantee shall be submitted which assures the planting during the next planting season. The plants shall be maintained in good condition and replaced when necessary.
3. The applicant shall construct the parking lot in accordance with all city paving and curb cut standards and shall mark the spaces as indicated on the approved plan.
4. All parking lot improvements, including landscaping and removal of the existing north driveway, shall be completed within 12 months of approval by the Board or the resolution shall be considered null and void.

The Resolution setting forth the official action of the Board will be released as soon as the signatures of the President and Secretary have been obtained.

FILE COPY

Case No. BZA 51-87

2

January 27, 1988

If you have any questions, please call our office.

Sincerely yours,

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/lw

cc: John G. Wurth, 120 S. Market, Suite 400, Wichita, KS 67202
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Central Inspection w/ BZA Inspection Sheet
Dale Rea, Deputy City Clerk

PL/0346/1

BOARD OF ZONING APPEALS
WICHITA, KANSAS

CASE NO. BZA NO. 51-87

After discussion at the December meeting, this case was deferred and the applicant's agent was asked to provide additional site plan information. This information has been submitted on a revised plan (copy attached). The one parking space closest to the south exit is not acceptable and will have to be deleted or moved further south so as not to block the last car parked at an angle. Moving it further south would encroach the required front yard on Pawnee. The applicant could reduce the width of all spaces from 9 feet to 8½ feet, add one foot on the north and thereby obtain a sixteenth angled parking space. The proposed landscaping is acceptable. The following are revised conditions of approval.

1. The applicant shall remove the driveway which exists at the north end of this site prior to constructing the two new driveways as the plat limits the total number of curb cuts on Grove to two.
2. The applicant shall install 11 Callery Pear (Aristocrat variety) trees no smaller than 1½"-1¾" caliper prior to completion of the parking area or a satisfactory guarantee shall be submitted which assures the planting during the next planting season. The plants shall be maintained in good condition and replaced when necessary.
3. The applicant shall construct the parking lot in accordance with all city paving and curb cut standards and shall mark the spaces as indicated on the approved plan.
4. All parking lot improvements, including landscaping and removal of the existing north driveway, shall be completed within 12 months of approval by the Board or the resolution shall be considered null and void.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 1
DECEMBER 15, 1987

SECRETARY'S REPORT

CASE NUMBER: BZA 51-87

OWNER/APPLICANT/AGENT: John G. Wurth

REQUEST: Variance to reduce the front yard setback from 25 feet to 0 feet for parking purposes only

CURRENT ZONING: "R-6" General Residence District

SITE SIZE: 150 feet by 311 feet

LOCATION: Northeast corner of Pawnee and Grove



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.

BZA 51-87 SR

BACKGROUND: The applicant is requesting a variance to reduce the front yard setback from 25 feet to 0 feet for parking purposes only on the west side of The Willows apartment complex at the northeast corner of Pawnee and Grove. Eighty two-bedroom apartments occupy the total 3.8-acre complex. One hundred twenty parking spaces are provided in the interior of the development which is 50 percent more than the 80 required. However, many of the units are rented to tenants with at least two cars and the complex owner wishes to provide additional parking spaces. He has stated that additional spaces would reduce the parking which now occurs on Grove. He has submitted two possible parking lot layouts utilizing the front yard on Grove. Both plans require two curb cuts on Grove, the maximum permitted by the platted access controls. A wide unused driveway at the very north end of the site would have to be closed if two other curb cuts are requested. A wider than normal open area exists between curb and property line due to the 80-foot right-of-way width on Grove.

Plan A (preferred by the applicant) would require the paving of almost the entire front yard on Grove. The south driveway, for exits only, is fairly close to the Pawnee intersection and may become a conflict point at peak traffic times.

Plan B (preferred by the Traffic Engineer) requires less complete paving of the front yard and establishes the south driveway about 20 feet further north of Pawnee. However, two utility structures would have to be relocated if this plan is approved.

If the Board can justify the five conditions necessary for granting a variance, the Board should recommend either Plan A or Plan B, and the variance should be conditioned upon the applicant removing the existing unused driveway at the north end of the site and returning the curb. Also, to provide some visual relief for the residents to the west, some landscaping should be required. If parking Plan A is approved, the applicant should be required to plant street trees in the area between the property line and curb; if Plan B is approved, the applicant should be required to landscape the front yard areas north and south of the two parking lots.

ADJACENT ZONING AND LAND USE:

NORTH	AA	One-family dwelling
SOUTH	LC	Diner and School of Bartending
EAST	R-6	Apartments
WEST	AA	One-family dwellings

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as, although more than the required minimum number of parking spaces are now provided on site, there is need for additional parking due to a high ratio of cars to tenants and the only area left which is not already developed is the front yard on Grove.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the provision for additional off-street parking would help alleviate the on-street parking problem and should thus have a beneficial effect on adjacent property owners if landscaping is provided.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon

the applicant inasmuch as the applicant might be unable to keep the apartments rented if restrictions had to be placed on the number of cars owned by tenants.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the additional parking area would not encroach any existing or needed street right-of-way.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as additional parking above that required by the ordinance will be provided and screening in the form of street trees will be provided which will benefit the residences to the west.

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 applicant shall remove the driveway which exists at the north end of this site within 120 days and prior to release of this resolution or the resolution shall become null and void.
2. The applicant shall submit a landscape plan to the Planning Department for review and approval within 90 days and prior to release of this resolution or the resolution shall become null and void. The landscaping shall be installed prior to completion of the parking areas or a satisfactory guarantee shall be submitted which assures the planting during the next planting season. The plants shall be maintained in good condition and replaced when necessary.

December 16, 1987

Robert Marsh, Architect
1215 Franklin
Wichita, Kansas 67203

Re: BZA 51-87 - Variance to reduce the front yard setback along
Grove from 25 feet to 0 feet for parking purposes only (2510 E.
Pawnee)

Dear Mr. Marsh:

On December 15, 1987 the Board of Zoning Appeals considered the above-captioned request. Their action was to defer this matter until their next meeting so that you could provide them with additional information. They specifically requested a more detailed parking plan with dimensions shown, such as width of driving aisle, distance from property line to curb, and from property line to buildings, distance from south driveway to Pawnee, etc. They also asked to see an overall site plan for the entire apartment complex which would identify other parking areas and the existing vehicular circulation. If there are to be lights in the proposed parking area, please identify on the plan. You should also show where and what type of landscaping will be provided along Grove.

Please submit ten (10) copies of these plans to us by January 12 (or two copies if they are 11"x17" or smaller) so that this case may be rescheduled for consideration by the Board at their January 26, 1988 meeting.

If you have any questions, please call our office.

Sincerely yours,

Louise Olivarez
Assistant Secretary

LO/iw

cc: John G. Wurth, 120 S. Market, Suite 400, Wichita, KS 67202
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Dale Rea, Deputy City Clerk

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE December 4, 1987

TO Louise Oliverez, Principal Planner *BLC*
FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 51-87: Northeast corner of
Pawnee and Grove

On Thursday, December 3, CPO Southeast Neighborhood Council 3B considered the captioned case, a request for a variance to reduce the front yard setback along Grove Street from 25 feet to zero feet for parking purposes only on property zoned the "R-6" General Residence District.

Council members were provided the notice to adjoining property owners, a map of the area and MAPD staff comments. After extensive discussion, the Council voted 6-0 to recommend approval of the request, subject the following conditions: 1) that parking plan "A" be used; 2) that "no parking" signs be placed along the east side of Grove Street from the applicant's north property line south to Pawnee; and 3) that the signs be erected prior to the actual construction of the parking lots.

The applicant, John G. Wurth, was present to explain the specifics of the request to Council members and one area resident.

Dewey R. Billins, 2338 South Grove, the applicant's neighbor, was present, provided input and agreed with the Council's motion.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 51-87 is considered.

BLC:blc

RECEIVED

DEC 04 1987

METRO PLANNING

ROUTE

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3
DECEMBER 15, 1987

SECRETARY'S REPORT

CASE NUMBER: BZA 51-87
OWNER/APPLICANT/AGENT: John G. Wurth
REQUEST: Variance to reduce the front yard setback from 25 feet to 0 feet for parking purposes only
CURRENT ZONING: "R-6" General Residence District
SITE SIZE: 150 feet by 311 feet
LOCATION: Northeast corner of Pawnee and Grove



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.

BZA 51-87 SR

BACKGROUND: The applicant is requesting a variance to reduce the front yard setback from 25 feet to 0 feet for parking purposes only on the west side of The Willows apartment complex at the northeast corner of Pawnee and Grove. Eighty two-bedroom apartments occupy the total 3.8-acre complex. One hundred twenty parking spaces are provided in the interior of the development which is 50 percent more than the 80 required. However, many of the units are rented to tenants with at least two cars and the complex owner wishes to provide additional parking spaces. He has stated that additional spaces would reduce the parking which now occurs on Grove. He has submitted two possible parking lot layouts utilizing the front yard on Grove. Both plans require two curb cuts on Grove, the maximum permitted by the platted access controls. A wide unused driveway at the very north end of the site would have to be closed if two other curb cuts are requested. A wider than normal open area exists between curb and property line due to the 80-foot right-of-way width on Grove.

Plan A (preferred by the applicant) would require the paving of almost the entire front yard on Grove. The south driveway, for exits only, is fairly close to the Pawnee intersection and may become a conflict point at peak traffic times.

Plan B (preferred by the Traffic Engineer) requires less complete paving of the front yard and establishes the south driveway about 20 feet further north of Pawnee. However, two utility structures would have to be relocated if this plan is approved.

If the Board can justify the five conditions necessary for granting a variance, the Board should recommend either Plan A or Plan B, and the variance should be conditioned upon the applicant removing the existing unused driveway at the north end of the site and returning the curb. Also, to provide some visual relief for the residents to the west, some landscaping should be required. If parking Plan A is approved, the applicant should be required to plant street trees in the area between the property line and curb; if Plan B is approved, the applicant should be required to landscape the front yard areas north and south of the two parking lots.

ADJACENT ZONING AND LAND USE:

NORTH	AA	One-family dwelling
SOUTH	LC	Diner and School of Bartending
EAST	R-6	Apartments
WEST	AA	One-family dwellings

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as, although more than the required minimum number of parking spaces are now provided on site, there is need for additional parking due to a high ratio of cars to tenants and the only area left which is not already developed is the front yard on Grove.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the provision for additional off-street parking would help alleviate the on-street parking problem and should thus have a beneficial effect on adjacent property owners if landscaping is provided.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon

the applicant inasmuch as the applicant might be unable to keep the apartments rented if restrictions had to be placed on the number of cars owned by tenants.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the additional parking area would not encroach any existing or needed street right-of-way.

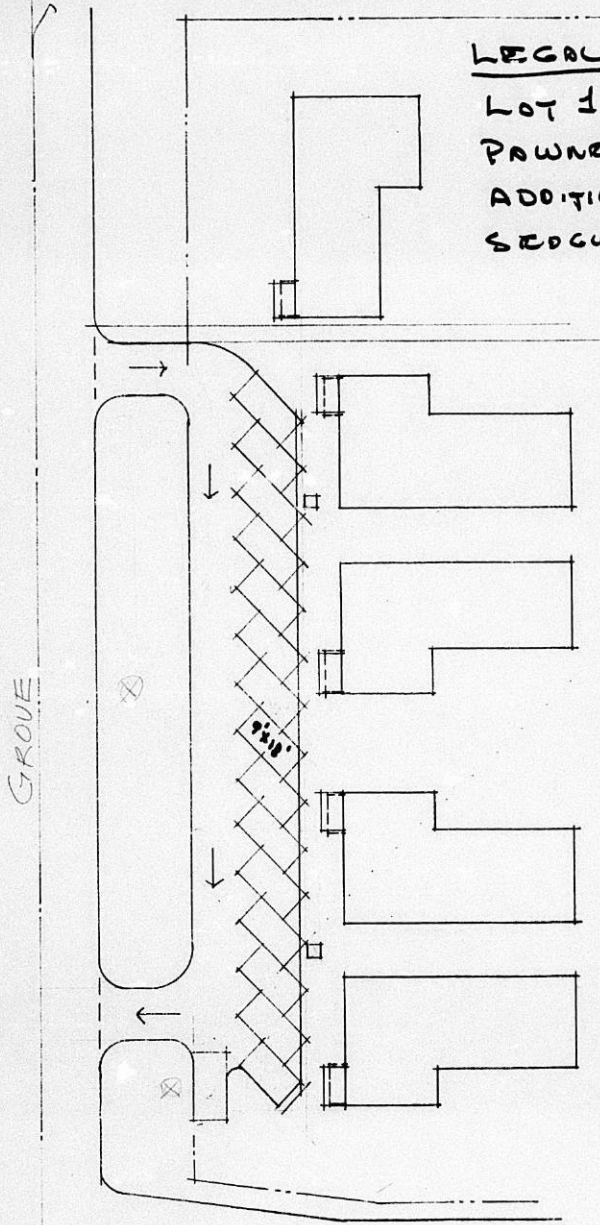
SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as additional parking above that required by the ordinance will be provided and screening in the form of street trees will be provided which will benefit the residences to the west.

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 applicant shall remove the driveway which exists at the north end of this site within 120 days and prior to release of this resolution or the resolution shall become null and void.
2. The applicant shall submit a landscape plan to the Planning Department for review and approval within 90 days and prior to release of this resolution or the resolution shall become null and void. The landscaping shall be installed prior to completion of the parking areas or a satisfactory guarantee shall be submitted which assures the planting during the next planting season. The plants shall be maintained in good condition and replaced when necessary.

LEGAL

LOT 1, CHILTON'S
PAWNEE AND GROVE
ADDITION, WICHITA
SEDGWICK COUNTY



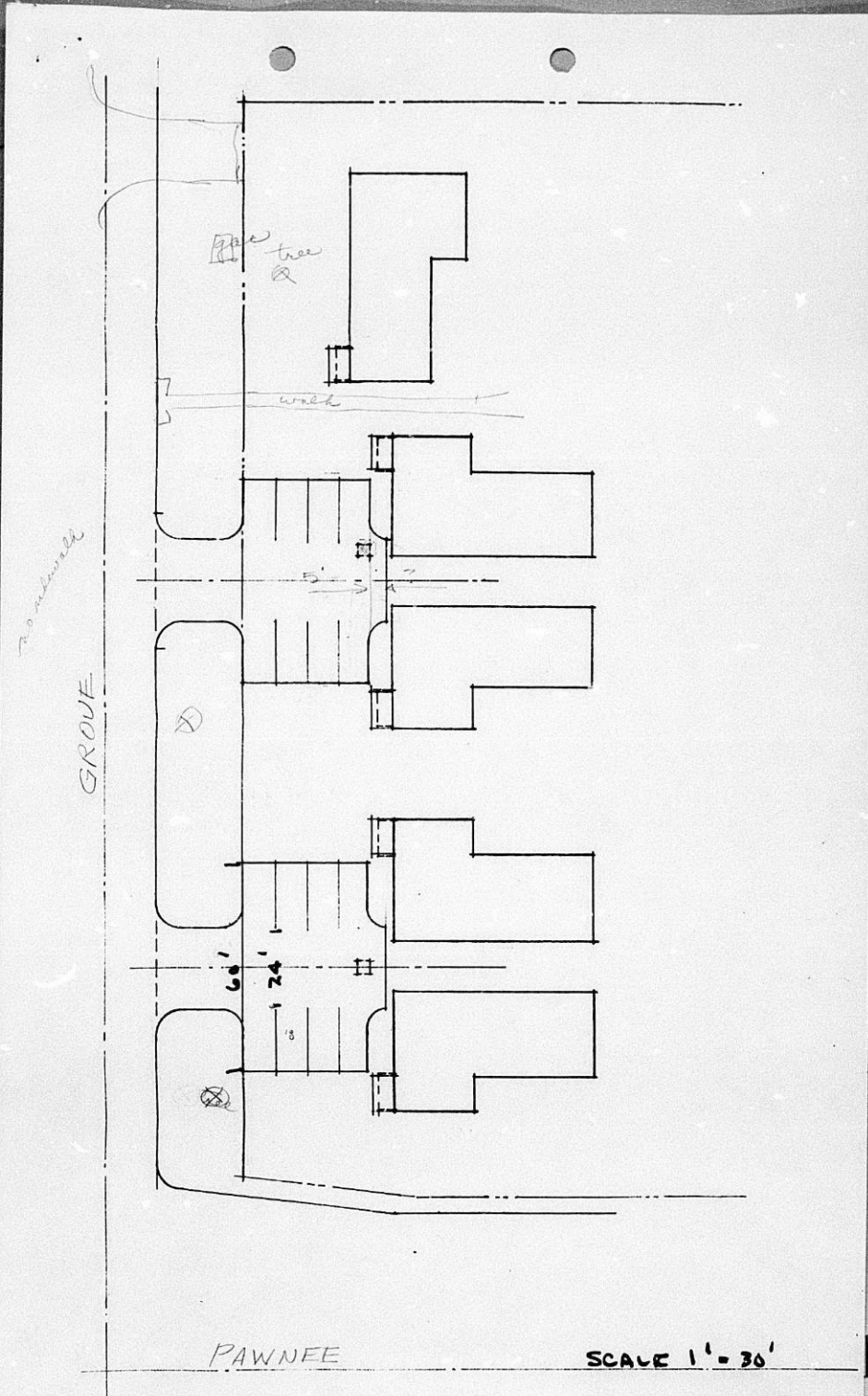
GROVE

PAWNEE

SCALE 1" = 30'

PLAN 'A'

BZA 51-87



BZA 51-87

PAWNEE

SCALE 1" = 30'

PLAN B

BZA CASE NO. 51-87

15 LEGAL ADVERTISEMENT SENT TO MAPC & BZA
1 NOTICES SENT TO APPLICANT/AGENT
19 NOTICES SENT TO ADJOINING PROPERTY OWNERS
5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 11/30

- 1 NOTICES SENT TO CPO
- 2 NOTICES SENT TO CITY MANAGER & CITY COUNCIL REPRESENTATIVE TO DISTRICT
- 4 NOTICES TO MAPD STAFF
Jack Galbraith
Louise Olivarez
Barbara Harris
Karen Crook

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

November 20, 1987

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 51-87

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 John G. Wurth requesting a variance.

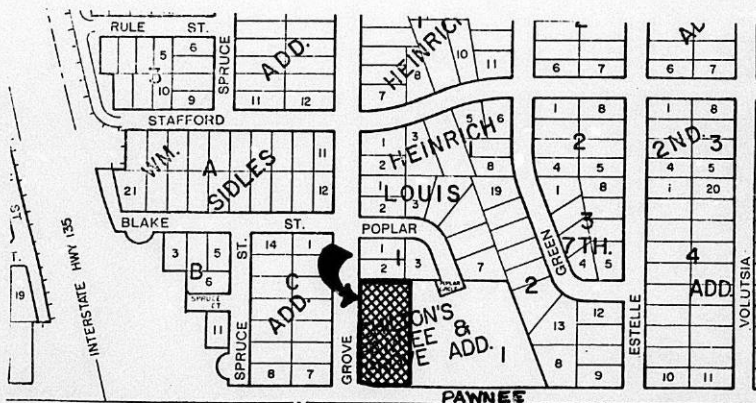
Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the front yard setback along Grove Street from 25 feet to zero feet for parking purposes only on property zoned the "R-6" General residence District. A legal description of the applicant's property is as follows:

The west 150 feet of Lot 1, Chilton's Pawnee and Grove Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Pawnee and Grove (2510 E. Pawnee).

This application has been assigned Case No. BZA 51-87. It will be considered by the Board of Zoning Appeals on Tuesday, December 15, 1987 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 in or objections to 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.

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

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council 3B, Southeast, will consider this case at their meeting to be held on Thursday, December 3, 1987, at 7 p.m., at Mt. Vernon Presbyterian Church, 3700 East Mt. Vernon. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



(_____) Published in The Daily Record, November 20, 1987

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 15th day of December, 1987, the Board of Zoning Appeals of the City of Wichita, Kansas, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 49-87 - David and Marci Fleeker, 2166 S. Topeka, Wichita, Kansas 67211, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required front yard setback from 34.5 feet to 27 feet on property zoned the "A Two-family Dwelling District and legally described as follows:

Lots 41 and 43, Jack's Subdivision of Lots in Kinkaid's Out-Lots to Wichita, Sedgwick County, Kansas. Generally located on the east side of Topeka in an area north of Kinkaid (2166 S. Topeka).

2. Case No. BZA 50-87 - Slawson Residential Development Company, 8100 E. 22nd Street North, Building 1900, Wichita, Kansas 67226, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 13 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

A portion of Lot 9, Block 7, Echo Hills Addition to Wichita, Sedgwick County, Kansas, described as beginning 13 feet south of the northeast corner of said lot; thence continuing south 7 feet; thence west 20 feet; thence north 7 feet; thence east 20 feet to beginning. Generally located on the west side of Pine Grove in an area south of 17th Street North (1709 N. Pine Grove).

3. Case No. BZA 51-87 - John G. Wurth, 120 S. Market, Suite #400, Wichita, Kansas 67202, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback along Grove Street from 25 feet to zero feet for parking purposes only on property zoned the "R-6" General Residence District and legally described as follows:

The west 150 feet of Lot 1, Chilton's Pawnee and Grove Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Pawnee and Grove (2510 E. Pawnee).

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County,

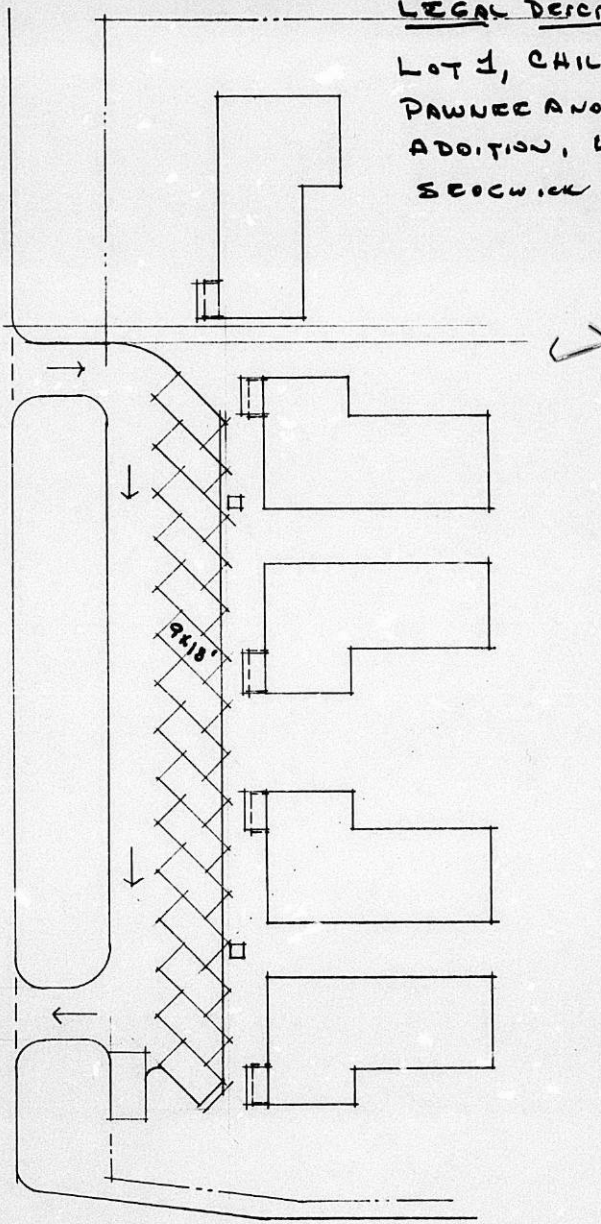
Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 19th day of November, 1987.

Jack H. Galbraith, Secretary

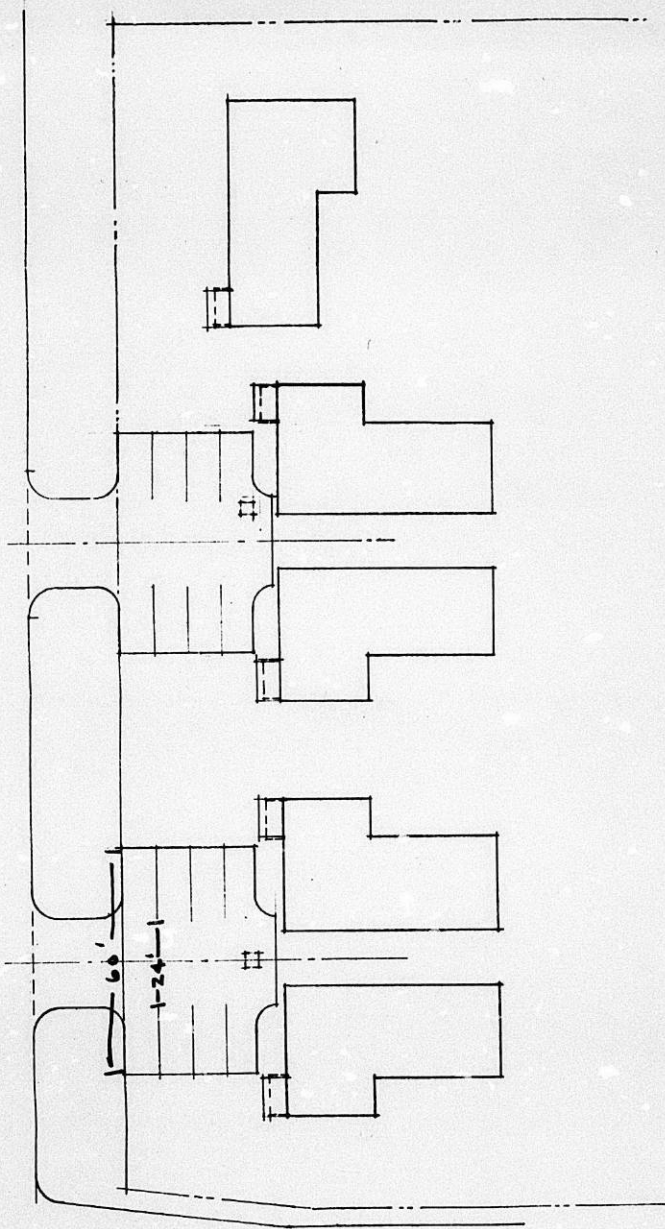
LEGAL DESCRIPTION:

LOT 1, CHILTON'S
PAWNEE AND GROVE
ADDITION, WICHITA,
SEOCHICK COUNTY



SCALE 1" = 30'

PLAN "A"



SCALE 1" = 30'

PLAN "B"

Wurth Investments



Suite 400 / One Twenty Bldg
Wichita, Kansas 67202
(316) 262-2555

November 16, 1987

City of Wichita
Metropolitan Area Planning Department
City Hall - 10th Floor
455 North Main
Wichita, Ks. 67202-1680

Re: Willows Apartments - Application for Parking Variance

Dear Sir/Madam:

I am the owner of the Willows Apartments located at 2510 E. Pawnee, Wichita, Kansas. The Willows contains 20 four-plexes. Each four-plex contains 4 two bedroom apartments.

Attached is the information requested in paragraph 3 of the instruction to applicant for variance (Form PL1-0028, Revised 10/87).

If there are any questions, please give me a call (Office 262-2555).

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Wurth', with a long, sweeping underline that extends to the right.

John G. Wurth

JGW/cs

Encl.

16 November 1987

JUSTIFICATION FOR VARIANCE

1. UNIQUE When the Willows Apartment Complex was constructed approximately 120 parking spaces were identified. With 80 two bedroom apartments this was considered adequate. However, since construction was completed the number of cars belonging to each resident has increased. This has caused a serious parking problem. The only area available today for additional parking is on the west side of the Willows Complex parallel to Grove Street.
2. RIGHT OF ADJACENT PROPERTY The proposed parking area will have a positive affect on the rights of adjacent property owners. Currently residents of the Willows are parking on Grove Street. If approved, parking along Grove Street should decrease. The present grass area and trees along Grove Street from the street to the property line will remain. Therefore, the view from the residents on the west side of Grove will retain most of its well kept residential appearance.
3. UNNECESSARY HARDSHIPS If this application for variance is not approved, the Willows apartments will not be able to respond to the parking requirements of its current residents. To limit the number of cars allowed each resident would significantly reduce the market size of residents who could lease apartments at the Willows and have a corresponding negative affect on the financial viability of the Willows complex.

4. PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE

I do not feel that public health or morals are involved in this parking variance request. However, I do feel that additional off street parking would improve the safety by minimizing on-street parking on Grove Street, and certainly be more convenient to the residents of the Willows, and would improve the financial position of the Willows complex by allowing it to satisfy the residents need for parking.

5. GENERAL SPIRIT AND INTENT OF TITLE 28

I feel that approval of this parking variance would be in keeping with the spirit and intent of Title 28 zoning ordinance. When the Willows Complex was zoned R-6, I feel that both the approving authority and the owner believed that 120 parking spaces would meet the needs of the residents. Several years ago this was true. However, today residents with more than one car is increasing. I feel that the spirit and intent of Title 28 would allow the additional parking to maintain the Willows Complex R-6 zoning designation.

APPLICATION FOR VARIANCE

I. Applicant John G. Wurth
 Address 120 S. Market- Suite #400, Wichita Zip Code 67202 Phone 262-2555
 Agent N/A
 Address _____ Zip Code _____ Phone _____
 Relationship of applicant to property is that of Owner
 (Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the front yard set back along Grove Street
from 25' to 0' for the purpose of providing additional parking for the Willows Apartments

on property zoned R-6 which is
150 ft by 311 ft (or _____ acres) in size, legally described as:
West 150' of Lot 1 Chilton's Pawnee and Grove Addition

and located 2510 E. Pawnee, Wichita, Ks. 67211 Northeast corner of
Pawnee and Grove
 in the City of Wichita.

- 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 [Signature]
 Authorized Agent N/A

OFFICE USE ONLY:

Map No. 5645 B Zoning: (N) AA (S) LC+AA (E) AA (W) AA CPO 3B 12-3-87
 Received in Office of Secretary, Board of Zoning Appeals, 4 05 (a.m. (p.m.)),
11-16, 1987, together with appropriate fee of \$300.

Signed Barbara Harris

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 of the West 150' of Chilton's Pawnee and Grove Addition and a 200' radius thereof.



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>RECORD OWNERS</u>
Lot 1	Chilton's Pawnee and Grove Addition	John G. Wurth Janice L. Wurth 120 South Market Suite 408 Wichita Kansas 67202
Lot 1, Block 1	Louis 7th Addition	Clarence Edward Morgan Pauline Louis Morgan 2332 South Grove Wichita Kansas 67211
Lot 2, Block 1	Louis 7th Addition	Dewey R. Billins Susie Billins 2338 South Grove Wichita Kansas 67211
Lot 3, Block 1	Louis 7th Addition	Timothy Lee Dehart Terri Dehart 2341 South Poplar Wichita Kansas 67211



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lot 2, Block 2	Louis 7th Addition	Janet L. Flener Michael L. Flener 2320 South Poplar Wichita Kansas 67211
Lot 3, Block 2	Louis 7th Addition	Alfred R. Castillo Linda Castillo 2322 South Poplar Wichita Kansas 67211
Lot 4, Block 2	Louis 7th Addition	Larry L. Belew 2326 South Poplar Wichita Kansas 67211
Lot 5, Block 2	Louis 7th Addition	Clyde Lee Moelling Thelma F. Moelling 2334 South Poplar Wichita Kansas 67211
Lot 6, Block 2	Louis 7th Addition	Edward L. Miller Virginia M. Miller 2340 South Poplar Wichita Kansas 67211
Lot 7, Block 2	Louis 7th Addition	Hazel M. Price Virginia M. Miller 2346 South Poplar Wichita Kansas 67211
Lot 1, Block C	W. M. Sidles Addition to Wichita, Kansas.	Vernon E. Hauser Alma L. Hauser 2333 South Grove Wichita, Kansas 67211
Lot 2, Block C	W. M. Sidles Addition to Wichita, Kansas.	Francis L. Rempe Sheryl K. Rempe 2339 South Grove Wichita, Kansas 67211
Lot 3, Block C	W. M. Sidles Addition to Wichita, Kansas.	Sam Steven 2345 South Grove Wichita, Kansas 67211
Lot 4, Block C	W. M. Sidles Addition to Wichita, Kansas.	Leon Moore Suk H. Moore 2351 South Grove Wichita, Kansas 67211
Lot 5, Block C	W. M. Sidles Addition to Wichita, Kansas.	Robert D Busch Shirley Busch 2357 South Grove Wichita, Kansas 67211
Lot 6, Block C	W. M. Sidles Addition to Wichita, Kansas.	Terrell G. Breazeale Florence M. Breazeale 2363 South Grove Wichita, Kansas 67211
Lot 7, Block C	W. M. Sidles Addition to Wichita, Kansas.	Ray C. Cline Gloria A Cline 2369 South Grove Wichita, Kansas 67211



TRACT

Beginning 19 1/6 rods East Northwest corner of the Northeast 1/4 East 169.7 Feet South 314 Feet to Creek Northwesterly along creek to beginning, Section 3, Township 28, Range 1 East.

RECORD OWNERS

✓ Pawnee Avenue Church of God
✓ 2611 East Pawnee
Wichita, Kansas 67211

LOTS AND BLOCKS

ADDITION

RECORD OWNERS

Lot 1

Wallace Second Addition to Wichita, Kansas.

✓ Paul J. Wright
✓ Janet K. Wright
2405 East Pawnee
Wichita, Kansas 67211

Lot 1, Block A

Mittens Addition to Wichita, Kansas.

✓ Su and Ken Fox
✓ Yen and L. K. Liu
2409 East Pawnee
Wichita, Kansas 67211

DATED, in Wichita, Kansas, this 30th day of October, 1987 at 5:00 PM.

FIDELITY TITLE COMPANY INC.

By Michael S. Olson



Tracer Number: 74067

*Confirming copy.
Michael S. Olson*



*

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

Roll # 3