

Case No. BZA 54-78 Peggy F. & Elvert H. Land, Jr. request for variance to eliminate screening along rear lot line on property zoned "LC" & "C" located on south side of Pawnee in an area between

*Post 6/27  
11-22-78*

DATE 12-19-78

ACTION

COMMITTEE approved

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

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

**BZA  
54-78**

Map No. 5844  
 Sec. 1  
 Twp. 2B  
 Range 1E

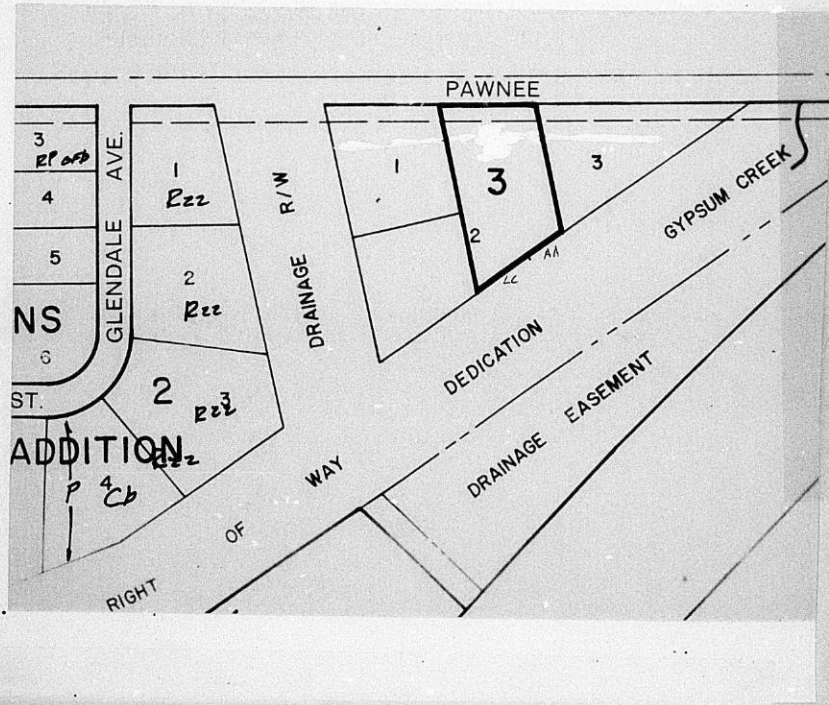
BZA- 54-78  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 1.24 ( 185 ft. by 292 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East PARKING LOT South AIRCRAFT PARTS  
 West PARKING LOT North SINGLE FARM
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: PARKING LOT
6. Area (is) (is not) platted.

PHOTO DATA:

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



See BZA 53-78  
 for CPO report  
 ed

RESOLUTION NO. BZA 54-78

WHEREAS, Peggy F. and Elvert H. Land, Jr., 16205 E. Pawnee, Wichita, Kansas, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to waive the required screening along the rear lot line on property zoned the "LC" Light Commercial District and "C" Commercial District and legally described as follows:

All that part of Lot 2, Block 3, W. P. Higgins Addition lying east of Lot 1 and the extended east line of said Lot 1, Wichita, Sedgwick County Kansas. Generally located on the south side of Pawnee in an area between Glendale and the Kansas Turnpike.

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 19, 1978, 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 residentially zoned property adjacent to subject property is drainage right-of-way and then turnpike right-of-way; 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 adjacent property is owned by the public and is not available for residential development; 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 screening would not screen subject property from any residential development; 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 it would help facilitate the maintenance of the drainage channel to not have a screening fence on the edge of the channel; 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 no residential development can occur to the south due to the drainage and turnpike rights-of-way; 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 54-78  
Page 2

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to waive the required screening along the rear lot line on property zoned the "LC" Light Commercial District and "C" Commercial District and legally described as follows:

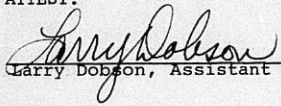
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be approved.

ADOPTED AT WICHITA, KANSAS this 19th day of December, 1978.

  
Mary Kopietz, Chairman

ATTEST:

  
Larry Dobson, Assistant Secretary

WILLIAM L. KORBER  
**BAUGHMAN CO.**  
S U R V E Y O R S

PHONE 316/262-7271

330 LAURA

WICHITA, KANSAS 67211

State of Kansas     )  
                          )     SS           November 22, 1978  
County of Sedgwick)

We, Baughman Company, Surveyors in aforesaid county and state do hereby certify that we did on this 22nd day of November, 1978, survey lot 2, lying east of the east line of Lot 1, extended south, Block 3, W. P. Higgins Addition, Wichita, Sedgwick County, Kansas.

On said lot are 3 buildings which are in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey.

*William L. Korber*  
Surveyor



December 21, 1978

John Arnold  
Suite 800  
Sutton Place  
Wichita, Kansas 67202

Re: Case No. BEA 53-78  
Request for Exception  
Case No. BEA 54-78  
Request for Variance

Dear Mr. Arnold:

At the regular meeting of the Board of Zoning Appeals on Tuesday, December 19, 1978, your request for an exception to permit the establishment of a trailer and vehicle rental business, and a variance to waive the required screening along the rear lot line on property zoned the "LC" Light Commercial District and "C" Commercial District, and located on the south side of Pawnee in an area between Glendale and the Kansas Turnpike, were considered.

It was the action of the Board to approve the request for variance (BEA 54-78).

Your exception request (BEA 53-78) was also approved subject to the following conditions:

1. This exception shall be approved as an expansion of the existing trailer and vehicle rental operation on Lot 3, Block 3, W. P. Higgins Addition and may not operate as a separate and distinct rental business.
2. Display and storage shall be limited to trailers only.
3. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. Any sign on the property shall comply with the provisions of the sign regulations of the City Code.

Page 2  
John Arnold  
December 21, 1978  
Re: BZA 53-78 and 54-78

6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. No repair work shall be conducted except in an enclosed building on the "C" zoned portion of the applicants' ownership.
8. The applicants shall plant trees on the public property located north of subject property. The City Forester shall be contacted relative to the size, type and location of said trees.
9. A solid fence, of the same height and material as the fence required along the north property line on the companion case (BZA 12-78), shall be erected along the north 65 feet of the west property line.
10. Two copies of a revised site plan shall be submitted to the Secretary of the Board for his approval, showing the type and size of plant materials proposed for the locations designated as low planter and shrubbery area, indicating the number and type of trees to be planted in the public right-of-way and showing the location of the required screening fence.
11. The planting of trees and landscaping and the erection of the fence shall be done prior to the occupancy of the property as a trailer rental operation or a financial guarantee of same shall be provided in a form acceptable to the Central Inspection Office.
12. The plant materials specified on the revised plan shall be maintained in good condition and in the case of dead or dying materials, replaced with like kind.

Resolutions setting forth the official action of the Board are being prepared and you will be mailed a copy of each upon the Secretary's approval of your revised site plan, required by condition number 10 above.

If you have any questions, please call our office.

Page 3  
John Arnold  
December 21, 1978  
Re: BZA 53-78 and 54-78

Sincerely,

Larry Dobson  
Assistant Secretary

LD:bbc

cc: Peggy F. and Elvert H. Land, Jr., 16205 E. Pawnee 67230  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

SECRETARY'S REPORT  
CASE NO. BZA 54-78

APPLICANT: Peggy F. and Elvert H. Land, Jr., 16205 E. Pawnee, Wichita, Kansas

AGENT: John Arnold, Suite 300, Sutton Place, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to waive the required screening along the rear lot line.

GENERAL LOCATION: South side of Pawnee in an area between Glendale and the Kansas Turnpike.

ZONING: Subject property is zoned the "LC" Light Commercial District and the "C" Commercial District as is the property to the east. South is the "AA" Single Family Dwelling District and "LC" Light Commercial. West is "B" Multiple Family Dwelling District and "C". North is "AA".

LAND USE: Subject property contains vacant commercial buildings. East is a trailer and vehicle rental agency and a mini-storage warehouse facility. South is a drainage right-of-way and the Kansas Turnpike. West is an apartment complex. North is single family residential development.

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

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December 19, 1978  
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 waive the screening requirement adjacent to the east 80 (approximate) feet of the rear property line in connection with the proposed use of subject property as a trailer/vehicle rental and mini-storage operation.

The Gypsum Creek drainage channel is adjacent to the rear property line and is zoned a combination of the "AA" Single Family Dwelling District and the "LC" Light Commercial District. The portion of the drainage channel zoned "AA" creates a screening requirement for the applicants. Prior to development of adjacent property to the east, these same applicants requested and received Board of Zoning Appeals approval of a similar request (BZA 13-78). Beyond the drainage channel right-of-way is the Kansas Turnpike right-of-way.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness can be found to exist inasmuch as the residentially zoned property adjacent to subject property is drainage right-of-way and then turnpike right-of-way.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested would not adversely affect the rights of adjacent property owners inasmuch as the adjacent property is owned by the public and is not available for residential development.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance would constitute an unnecessary hardship upon the applicant inasmuch as the screening would not screen subject property from any residential development.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested would not adversely affect the public interest and may, in fact, be in the best interests of the public inasmuch as it would help facilitate the maintenance of the drainage channel to not have a screening fence on the edge of the channel.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance desired would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as no residential

Case No. BZA 54-78  
December 19, 1978  
Page 3

development can occur to the south due to the drainage and  
turnpike rights-of-way.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions  
necessary to the granting of a variance can be found to exist  
and therefore, it is recommended that the requested variance be  
approved.

BZA CASE NO. 54-78 (sent w/53-78)  
*notice*

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>8</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>21</u>	TOTAL NOTICES SENT <u>11-27-78</u>

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

November 27, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 54-78

An application has been filed by Peggy F. and Elvert H. Land, Jr., 16205 E. Pawnee, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the required screening along the rear lot line on property zoned the "LC" Light Commercial District and "C" Commercial District and legally described as follows:

All that part of Lot 2, Block 3, W. P. Higgins Addition lying east of Lot 1 and the extended east line of said Lot 1, Wichita, Sedgwick County, Kansas.  
Generally located on the south side of Pawnee in an area between Glendale and the Kansas Turnpike.

This application has been assigned case No. BZA 54-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 19, 1978, 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.

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

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCEI. Name of Applicant Peggy F. and Elvert J. Land, Jr.Mailing Address 16205 E. Pawnee 67230 Phone 733-0817Name of Authorized Agent John ArnoldMailing Address Suite 800, Sutton Place 67202 Phone 263-7242Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other)II. The variance requested is to eliminate the screening along the rear lot  
line required per Section 28.04.160K of the Zoning Ordinance. (See attached Sheet.)for property located on South side of Pawnee in an area East of Glendale  
Avenue.and legally described as: Lot 2, Block 3, W. P. Higgins Addition,  
Wichita, Sedgwick County, Kansasin the City of Wichita; and which is presently zoned "LC" & "C"

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.

Peggy F. and Elvert J. Land, Jr.

Applicant

By: John Arnold

Authorized Agent, John Arnold

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning  
Appeals 12:31 (a.m. p.m.), 11/20 1978  
together with appropriate fee of \$50.00.South side of Pawnee in an area  
between Glendale and Kansas Turnpike

T9-402

Larry Johnson  
(Site plan later)

Signed

The application for VARIANCE is to vary or eliminate the screening along the rear lot line of subject property, which is otherwise required per Section 28.04.160.K. of the Zoning Ordinance of the City of Wichita.

It is believed that the variance requested is justified for the following reasons:

1. The variance requested arises from the fact that while the land to the south of subject property is zoned "AA" Single-family and causes the screening requirement, the land to the south is not, and cannot, develop residentially because said area is occupied by drainage right-of-way and a drainage easement for Gypsum Creek, and by right-of-way for the Kansas Turnpike.
2. By virtue of the above stated physical conditions there are no residences to the south of subject property, and the granting of the variance will not adversely affect the right of adjacent property owner(s).
3. The strict application of the provisions of Title 28 of which this variance is requested would constitute an unnecessary hardship upon the property owner represented in the application.

It is further believed that by virtue of the existing physical conditions to the south of subject property, that;

4. 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 the Zoning Ordinance.

O W N E R S H I P   L I S T

Lot	Addition	Property Owner
lot 3, Block 3	W. P. Higgins Addition	<input checked="" type="checkbox"/> U Haul Company of Kansas City Inc. 2721 N. Central Avenue Suite 1100 Phoenix, Arizona 85004
lot 2, Block 2	W. P. Higgins Addition	<input checked="" type="checkbox"/> Skyline House Inc. <i>2412 S. Glendale</i> Address Unknown
lot 3, Block 2	W. P. Higgins Addition	<input checked="" type="checkbox"/> Skyline House Inc. Address Unknown
lot 18, Block G	McAdam Acres 2nd Addition	<input checked="" type="checkbox"/> Richard Bruce Wilson and Carolyn S. Wilson 2336 S. Ridgewood 67218
lot 19, Block G	McAdam Acres 2nd Addition	<input checked="" type="checkbox"/> Donald A. Nichols 1516 N. Old Manor 67208
lot 2, Block F	McAdam Acres 2nd Addition	<input checked="" type="checkbox"/> Phillip Wayne Metzger and Pamela F. Metzger 3402 E. Zimmerly 67218
Reserve B	McAdam Acres Addition	<input checked="" type="checkbox"/> Wichita Federal Savings and Loan Association Broadway at Waterman 67202
Part of lots 1 and 2, Block 3, W. P. Higgins Addition, described as beginning at the NE corner of lot 1; thence West along the North line of said lot 1, 56.74 feet; thence SEly parallel with the Easterly line of said lot 1, 300 feet; thence with an angle to the left of 22°19'25" a distance of 75.83 feet to the Southerly line of said lot 2; thence NEly along the Southerly line of said lot 2, 28.86 feet to the Easterly line of lot 1, extended SEly; thence NEly along said Easterly line 347.39 feet to beginning		<input checked="" type="checkbox"/> Wildwood, Inc. 5001 E. Pawnee 67218

Lot	Addition	Property Owner
	Part of lots 1 and 2, Block 3, W. P. Higgins Addition, described as beginning at a point on the north line of said Lot 1, said point being 56.74 feet west of the NE corner thereof; thence SEly parallel with the easterly line of said lot 1, 300 feet; thence with an angle to the left of 22°19'25" a distance of 75.83 feet to the Southerly line of said lot 2; thence SWly 186.85 feet to the SWly corner of said lot 2; thence NWly along the westerly line of said lots 2 and 1, 471.73 feet to the NW corner of said lot 1; thence East 147.26 feet to beginning	✓ Hazelton, Inc. c/o 305 W. Central 67202
	All that part of Lot 2, Block 3, W. P. Higgins Addition lying East of Lot 1 and the extended East line of said lot 1	<i>D</i> Elvert H. Land Jr. and Peggy F. Land 650 East Gilbert 67211

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: Lot 2, Block 3,  
W. P. Higgins Addition, Wichita,  
Sedgwick County, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 15th day of November, 1978 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Mary Sable*

Vice President

Order No. 271123  
wh



MARLIN K. PENNER  
Vice President

Real Estate, Investments, Brokerage, Syndication

JOHN T. ARNOLD ASSOCIATES, INC.

Sutton Place / Penthouse / Wichita, Kansas 67202 / (316) 263-7242

RESOLUTION NO. BZA 54-78

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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 December 19, 1978, 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 residentially zoned property adjacent to subject property is drainage right-of-way and then turnpike right-of-way; 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 adjacent property is owned by the public and is not available for residential development; and

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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.

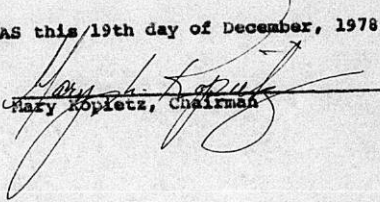
Resolution No. BZA 54-73  
Page 2

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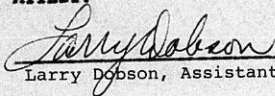
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be approved.

ADOPTED AT WICHITA, KANSAS this 19th day of December, 1978.

  
Mary Kopietz, Chairman

ATTEST:

  
Larry Dobson, Assistant Secretary

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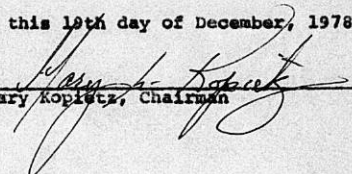
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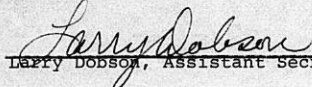
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Mary Kopitz, Chairman

ATTEST:

  
Larry Dobson, Assistant Secretary

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WHEREAS, the Board of Zoning Appeals did, at the meeting of December 19, 1978, 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 residentially zoned property adjacent to subject property is drainage right-of-way and then turnpike right-of-way; 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 adjacent property is owned by the public and is not available for residential development; 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 screening would not screen subject property from any residential development; 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 it would help facilitate the maintenance of the drainage channel to not have a screening fence on the edge of the channel; 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 no residential development can occur to the south due to the drainage and turnpike rights-of-way; 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.

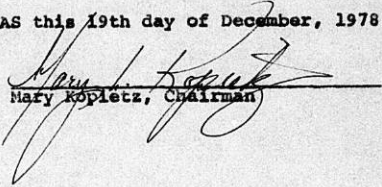
Resolution No. BZA 54-78  
Page 2

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to waive the required screening along the rear lot line on property zoned the "LC" Light Commercial District and "C" Commercial District and legally described as follows:

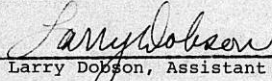
All that part of Lot 2, Block 3, W. P. Higgins Addition lying east of Lot 1 and the extended east line of said Lot 1, Wichita, Sedgwick County, Kansas. Generally located on the south side of Pawnee in an area between Glendale and the Kansas Turnpike.

be approved.

ADOPTED AT WICHITA, KANSAS this 19th day of December, 1978.

  
Mary Kopyletz, Chairman

ATTEST:

  
Larry Dobson, Assistant Secretary

RESOLUTION NO. BZA 54-78

WHEREAS, Peggy F. and Elvert H. Land, Jr., 16205 E. Pawnee, Wichita, Kansas, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to waive the required screening along the rear lot line on property zoned the "IC" Light Commercial District and "C" Commercial District and legally described as follows:

All that part of Lot 2, Block 3, W. P. Higgins Addition lying east of Lot 1 and the extended east line of said Lot 1, Wichita, Sedgwick County Kansas. Generally located on the south side of Pawnee in an area between Glendale and the Kansas Turnpike.

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 19, 1978, 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 residentially zoned property adjacent to subject property is drainage right-of-way and then turnpike right-of-way; 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 adjacent property is owned by the public and is not available for residential development; 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 screening would not screen subject property from any residential development; 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 it would help facilitate the maintenance of the drainage channel to not have a screening fence on the edge of the channel; 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 no residential development can occur to the south due to the drainage and turnpike rights-of-way; and

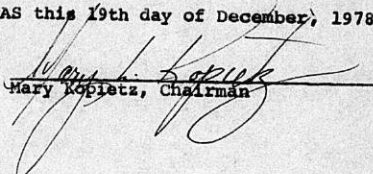
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to waive the required screening along the rear lot line on property zoned the "LC" Light Commercial District and "C" Commercial District and legally described as follows:

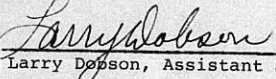
All that part of Lot 2, Block 3, W. P. Higgins Addition lying east of Lot 1 and the extended east line of said Lot 1, Wichita, Sedgwick County, Kansas. Generally located on the south side of Pawnee in an area between Glendale and the Kansas Turnpike.

be approved.

ADOPTED AT WICHITA, KANSAS this 19th day of December, 1978.

  
Mary Kopietz, Chairman

ATTEST:

  
Larry Dobson, Assistant Secretary

RESOLUTION NO. BZA 54-78

WHEREAS, Peggy F. and Elvert H. Land, Jr., 16205 E. Pawnee, Wichita, Kansas, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to waive the required screening along the rear lot line on property zoned the "LC" Light Commercial District and "C" 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 December 19, 1978, 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 residentially zoned property adjacent to subject property is drainage right-of-way and then turnpike right-of-way; and

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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 screening would not screen subject property from any residential development; 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 it would help facilitate the maintenance of the drainage channel to not have a screening fence on the edge of the channel; 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 no residential development can occur to the south due to the drainage and turnpike rights-of-way; 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.

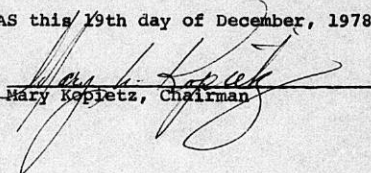
Resolution No. BZA 54-78  
Page 2

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to waive the required screening along the rear lot line on property zoned the "LC" Light Commercial District and "C" Commercial District and legally described as follows:

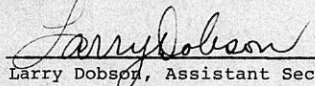
All that part of Lot 2, Block 3, W. P. Higgins Addition lying east of Lot 1 and the extended east line of said Lot 1, Wichita, Sedgwick County, Kansas. Generally located on the south side of Pawnee in an area between Glendale and the Kansas Turnpike.

be approved.

ADOPTED AT WICHITA, KANSAS this 19th day of December, 1978.

  
Mary Kopletz, Chairman

ATTEST:

  
Larry Dobson, Assistant Secretary

FORM 25 1

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
SEA [unclear]		
NAME		
ADDRESS		
FUND	DUE DATE	
11-1-71	11-1-71	
COMMENTS		
DATE	BY	
11/1/71	[Signature]	

\*

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

Roll # 2