

549A

200 1/4 Sec. 2-1-84

Checked     

Shot 2-2-84

Record     

Case No. BZA 61-83 - United American Bank and Trust Company, P. O. Box 970, - requests variances to (1) reduce the required front yard setback from 20' to 6'; and (2) reduce the required side yard adjacent to the street from 5' to 2', both for off-street parking purposes only on property.

POSTED  
11-23-83  
G.E.L.

ACTION

BZA. 61-83 APPROVED 1-3-84  
DATE

549A

200'  $\frac{1}{4}$  Sec. 2-1-84  
Checked —  
Shot 2-2-84  
Record ✓

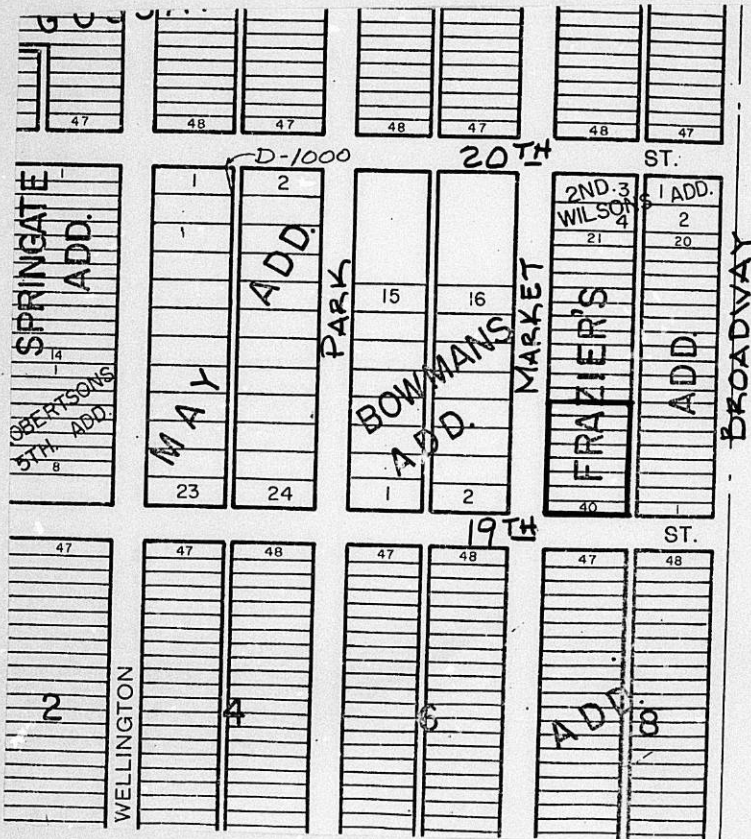
Case no. BZA 61-03 - United American  
Bank and Trust Company, P. O. Box 970,  
- requests variances to (1) reduce the  
required front yard setback from 20'  
to 6'; and (2) reduce the required  
side yard adjacent to the street  
from 5' to 2', both for off-street  
parking purposes only on annex.

Map No. 5449 <sup>A</sup>  
<sub>5549</sub> <sup>B</sup>  
 <sup>C</sup>  
 <sup>D</sup>

BZA 61-83  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ (\_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East C South B  
 West B North B
4. Area (is) (~~is not~~) platted.



LOS ANGELES CHICAGO COLUMBIA  
 HASTINGS, MN  
 No. 2-153C  
**Standard**  
 U.S.A.

January 26, 1984

Mr. Dale Allen, Architect  
1133 East Second  
Wichita, Ks. 67214

Re: BZA 61-83

Dear Dale:

Attached hereto is an approved copy of the landscape plan for the United American Bank located on the north side of Nineteenth Street between Market and Broadway. As you will note, the two Scotch Pines indicated on public right-of-way along the south should be changed to a tree of some variety acceptable as a street tree listed in the enclosed selected pamphlet by the Board of Park Commissioners.

I would appreciate receiving three copies of the Landscape Plan that are not printed in reverse so that Central Inspection can be provided a copy that they can understand. If you have any questions, please give me a call.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL:sad

Encl.

cc: Dave Adams, Attorney, 280 W. Douglas, Wichita 67202

February 1, 1984

Mr. Dale Allen  
Schmidt, Allen, Pott - Architects  
1133 East Second Street  
Wichita, Ks. 67214

Re: BZA 61-83

Dear Dale,

Enclosed herewith is a copy of the approved landscape plan for the northeast corner of 19th Street and Market. This copy is for your file and a copy has been furnished Central Inspection for their followup inspections for compliance with the conditions established by the Board of Zoning Appeals.

If you have any questions, please give me a call.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL:sad

Encl.

SCHMIDT ALLEN POTT ARCHITECTS AND PLANNERS

January 26, 1984


Secretary Board of Zoning Appeals

Re: Case No. BZA 61-83

Dear Sir:

Enclosed is a Landscape Plan in triplicate for the above captioned project.

Best Regards,

  
Dale Allen  
DA:rls

cc. Dave Adams  
Morris Laing Evans Brock & Kennedy

B. E. SCHMIDT  
DALE ALLEN  
THOMAS E. POTT

1133 EAST SECOND ST. WICHITA KANSAS 67214 TEL.316-293-0221

January 9, 1984

United American Bank & Trust Co.  
P. O. Box 970  
Wichita, Ks. 67201

Re: BZA 61-83 - Request for Variances

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 3, 1984.

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

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

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
Encl.

cc: David C. Admas, Attorney, 200 W. Douglas, Wichita, Ks. 67202  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 61-83

WHEREAS, United American Bank & Trust Company, P. O. Box 970, Wichita, Kansas, requests variances as provided in Section 2.12.590.B, Code of the City of Wichita, to (1) reduce the required front yard setback from 20 feet to 6 feet; and (2) reduce the required side yard adjacent to the street from 5 feet to 2 feet; both for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 33 to 40, Fraziers Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Nineteenth Street North and Market Street.

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 3, 1984, 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 area is adjacent to an arterial street and the inclusion of adequate landscape materials within the parking lot and on public right-of-way compensates for a reduction of the yard areas; 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 landscaping will compensate for a reduction of the yard areas; 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 use of the property for parking can be accomplished in conformance with all setbacks, however with the inclusion of landscaped areas and circulation aisles to provide better utilization of the property, a small reduction of the setbacks is necessary; 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 reduction of the required yard areas will not interfere with any right-of-way or easements; 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 applicant will be providing landscaping that will compensate for the reduction of the required yards; 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.

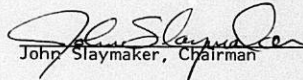
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for variances to (1) reduce the required front yard setback from 20 feet to 6 feet; and (2) reduce the required side yard adjacent to the street from 5 feet to 2 feet; both for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 33 to 40, Fraziers Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Nineteenth Street North and Market Street.

be approved subject to the following conditions:

1. The applicant shall provide in triplicate, a landscape plan showing the size and type of materials to be planted on the property and all existing trees, to the secretary for approval.
2. The reduction of the yards requirements shall be for off-street parking purposes only.
3. The alley shall be improved to the standards as required by the City Engineer.

ADOPTED AT WICHITA, KANSAS, this 3rd day of January, 1984.

  
John Slaymaker, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

SECRETARY'S REPORT  
CASE NO. BZA 61-83

APPLICANT: United American Bank and Trust Co., P. O. Box 970, Wichita, Kansas.

AGENT: David C. Adams, Attorney, 200 West Douglas, Wichita, Kansas.

REQUEST: Variances pursuant to Section 2.12.590.B, Code of the City of Wichita, to (1) reduce the front yard setback from 20' to 6'; and (2) reduce the side yard setback adjacent to the street from 5' to 2', both for off-street parking purposes only.

GENERAL LOCATION: On the northeast corner of Nineteenth Street North and Market Street.

ZONING: Subject property is zoned the "B" Multiple-family Dwelling District as are the properties to the west, south and north. Property to the east is "C" Commercial.

LAND USE: Subject property is being developed as a parking lot for a bank to be constructed to the east. Properties to the north, west and south are residential.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicant is requesting variances of the required setbacks adjacent to the street right-of-way lines in order to more efficiently utilize the property for off-street parking purposes. The setback adjacent to Market Street is 20' and is requested to be reduced to 6'. The side yard is adjacent to 19th Street is required to be 5' and is requested to be reduced to 2'.

The area to the east is being developed as the main bank facility for United American Bank and Trust Co. The property will also provide drive thru banking facilities to be served by a driveway entering from Broadway. The parking lot in the "B" zoning will be provided with landscaped areas to soften the affect of the lot. Also, additional street trees will be planted in the public right-of-way adjacent to both Market Street and 19th Street.

The general area is an area of older residential properties that are mostly owner occupied. The use of the property as a parking lot is permitted in the "B" Multiple-family Dwelling District, but should landscape the required yards unless a variance is obtained thru this process. As has been the case on many other parking lots, variances have been granted for off-street parking purposes only when street trees have been provided.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the area is adjacent to an arterial street and the addition of landscape materials, both in the parking lot and on public right-of-way should create some uniqueness to the property.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variances requested will not adversely affect the rights of adjacent property owners inasmuch as the applicant proposes to provide landscaping to compensate for the reduction in the required yard areas.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the use of the property for parking can be accomplished in conformance with all setbacks, however with the inclusion of landscaped areas and circulation aisles to provide better utilization of the property, a small reduction of the setbacks is necessary.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variances will not adversely affect the public interest inasmuch as the reduction of the setbacks for off-street parking purposes will not interfere with any right-of-way or easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as applicant will be providing additional landscaping that will affect the reduction of the required yards.

RECOMMENDATION:

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

1. The applicant shall provide in triplicate, a landscape plan showing the size and type of materials to be planted on the property and all existing trees, to the secretary for approval.
2. The reduction of the yards requirements shall be for off-street parking purposes only.
3. The alley shall be improved to the standards as required by the City Engineer.

-----

BZA CASE NO. 61-83

2 NOTICES SENT TO APPLICANT/AGENT

10 LEGAL ADV.  
NOTICES SENT TO MAPC

-1 NOTICES SENT TO CPO

20 NOTICES SENT TO ADJOINING PROPERTY OWNERS

23 TOTAL NOTICES SENT 12-14-83

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

December 12, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 61-83

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 United American Bank and Trust Company, P. O. Box 970, Wichita, Kansas, requesting variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting variances to (1) reduce the required front yard setback from 20' to 6'; and (2) reduce the required side yard adjacent to the street from 5' to 2' both for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 33 to 40, Fraziers Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Nineteenth Street North and Market Street.

This application has been assigned Case BZA 61-83. It will be considered by the Board of Zoning Appeals on January 3, 1984 at 1:30 p.m. in the Metropolitan Area Planning Department Conference Room, 10th Floor, City Hall, 455 North Main, Wichita, Kansas. If you have no interest or objections regarding the requested variances you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. 61-83

CITY OF WICHITA, KANSAS

FILED November 23, 1983

APPLICATION FOR VARIANCE

I. Name of Applicant United American Bank and Trust Company  
 Mailing Address P. O. Box 970 Phone 262-5111  
 Name of Authorized Agent David C. Adams  
 Mailing Address 200 West Douglas Phone 262-2671  
 Relationship of applicant to property is that of Owner  
 (Owner, Tenant, Lessee, Other)

*see  
advised.*

II. The variance requested is (a) reduction of setback from 20' to 6' (Market St.) and (b) reduction of setback from 5' to 2' (19th St. N.) *both for off-street parking purposes only.*  
 for property located generally at the Northeast corner of Nineteenth St. North and Market St.  
 and legally described as: Lots 38-40 inclusive Frazier's Addition to Wichita, Sedgwick County, Kansas

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

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

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 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.

UNITED AMERICAN BANK AND TRUST COMPANY

Applicant By: Marvin Seitz  
Marvin Seitz, President

Authorized Agent David C. Adams  
David C. Adams

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:07 (~~a.m.~~-p.m.), Nov. 23, 1983, together with appropriate fee of 3.00.

Signed J. Lytle

STATEMENT OF APPLICANT,  
UNITED AMERICAN BANK AND TRUST COMPANY

Applicant requests that variances be granted relieving it from enforcement of the specific provisions of Section 28.04.070(c) of the Code of the City of Wichita, Kansas.

As shown by the sketch submitted herewith, Applicant requests that the building setback line on Market Street be reduced from 20 feet to 6 feet and that the building setback line on Nineteenth Street be reduced from 5 feet to 2 feet in order to allow for construction of a parking lot to adequately serve Applicant's proposed bank building and to better provide for interior traffic circulation within the parking lot.

The granting of the variances would also provide additional safety to drivers entering and leaving the parking lot. The granting of the requested variances will not adversely affect neighbors nor will the public be adversely affected in any way.

The variances requested do not violate the spirit of Title 28 of the Code of the City of Wichita, Kansas; and, to deny the variances would result in an unnecessary hardship to Applicant.

Applicant submits that all conditions required by Section 2.12.590(B) exists with regard to granting of the requested variances and requests that the Board so determine.

Respectfully submitted,

UNITED AMERICAN BANK AND TRUST COMPANY

By

David C. Adams

David C. Adams  
Authorized Agent

OWNERSHIP LIST

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 1, 2, 3, and 4	Broadway	Frazier's Addition	United American Bank and Trust Company 750 East 21st Street 67214
Lots 5, 6, 7, 8	"	"	Same as above
Lots 9 and 10	"	"	✓ Gaylene Sue Caster Route 2 Douglas, Kansas 67039
Lots 11 and 12	"	"	✓ Virgie E. Spurgeon E. W. Coble Route 1, Iola, Kansas 66749
Lots 13 and 14	"	"	✓ W. F. Holleicke Mildred M. Holleicke 1828 West 18th Street 67203
Lots 15 and 16	"	"	Same as above
Lot 25 and Lot 26	<del>Market</del>	"	<del>Claud C. Thrasher (dec.)</del> ✓ Ruby A. Thrasher 2038 N. Market 67214
Lot 27 and Lot 28	"	"	✓ Paul R. Lueker Marilyn A. Lueker 2014 West 13th Street 67203
Lot 29 and Lot 30	"	"	✓ Eva Clanton 2026 N. Market 67214
Lot 31 and Lot 32	"	"	O. J. Collette Mary J. Collette <u>Address Unknown</u>
Lots 33, 34, 35, 36, 37, 38, 39 and 40	"	"	United American Bank and Trust Company Same as above

Lot	Street	Addition	Property Owner
Lot 2	Market	Bowman's Addition	✓ JoAnne Robinson 115 West 21st Street 67203
Lot 4	"	"	Robert G. Michlitsch Linda L. Michlitsch ✓ 2007 N. Market 67214
Lot 6	"	"	✓ Ruth Bunker 2009 N. Market 67214
Lot 8	"	"	✓ Thais Raye McNeill Jack Edward Pritchard 2015 N. Market 67214
Lot 10	"	"	✓ Lillian P. Trimmell R. C. Trimmell 2021 N. Market 67214
Lot 12	"	"	✓ Charlie Burditt Pearl Burditt 2029 N. Market 67214
South 25 feet of Lot 14	"	"	Same as above
North 25 feet of Lot 14	"	"	<del>Aurelio Sanchez</del> <del>Address Unknown</del>
Lot 16	"	"	✓ Aurelio Sanchez San Juana Newton Rebecca DeLeon Louis Sanchez Mary Calderon Mollie DeLeon Aurelio Sanchez, Jr. Leonard Sanchez Ines Richard Sanchez Raymond Sanchez Beatrice Sanchez 2039 N. Market 67214
Lot 38 Lot 40	Block 6	Fairview Addition	✓ Eldo Mosburg 1947 N. Market 67214
Lots 42, 44, 46 and 48	6	"	✓ Roy Paul Johnston 1955 N. Market 67214

Lot	Block	Addition	Property Owner
Lot 37 Lot 39	8	Fairview Addition	✓ David B. LaFoy 1944 N. Market 67214
Lot 41 Lot 43	8	"	✓ Mary H. Rosales 1950 N. Market 67214
Lot 45 Lot 47	8	"	✓ Lawrence B. Swiggart Minnie B. Swiggart 1956 N. Market 67214
Lot 38 Lot 40	8	"	✓ <del>Cecil L. McClaren</del> <del>1949 N. Broadway</del> 67214 <i>returned 12-19-83</i>
The West 70 8 feet of Lots 42, 44, 46 and 48		"	✓ W. A. Michaelis 211 N. Broadway 67202
The East 70 feet of Lots 42, 46 46 and 48, Block 8		"	D Cecil L. McClaren Faith D. McClaren same as above

We hereby certify the foregoing to be a true and correct list of the property owners of the lots and blocks within a 200 foot radius of:

Lots 33, 34, 35, 36, 37, 38, 39,  
and 40, Frazier's Addition to  
Wichita, Kansas, Sedgwick County,  
Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on this 14th day of November, 1983 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE CO.

By

*Mary Noble*  
Vice President

Order No: 327063  
ap

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 2021 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
Com 024 Vac (2)	2.00

NAME: Wichita Area Bd of Pln  
 ADDRESS: 0-Box 270 W.K.  
 FUND: 0-270-213 DUE DATE:  
 COMMENTS:  
 DATE: 11-29-83 BY: [Signature]

**WICHITA - SEDGWICK COUNTY**  
**W S C**  
 BOARD OF ZONING APPEALS  
 CITY HALL - TENTH FLOOR  
 455 NORTH MAIN STREET  
 WICHITA, KANSAS 67202

**RECEIVED**  
 DEC 19 1983  
 METROPOLITAN PLANNING  
 ROUTE  \_\_\_\_\_

WICHITA, KANSAS  
 DEC 19 83  
 U.S. POSTAGE  
 20

6-1-83  
 HW/417

Cecil L. McClaren  
 1949 North Broadway  
 Wichita, Ks. 67214

FDP FORWARDING  
 ORDER EXPIRED  
 RETURN TO SENDER

WICHITA, KANSAS  
 DEC 19 1983