



Map No. 5249  
 Sec. 12  
 Twp. 27  
 Range 1W

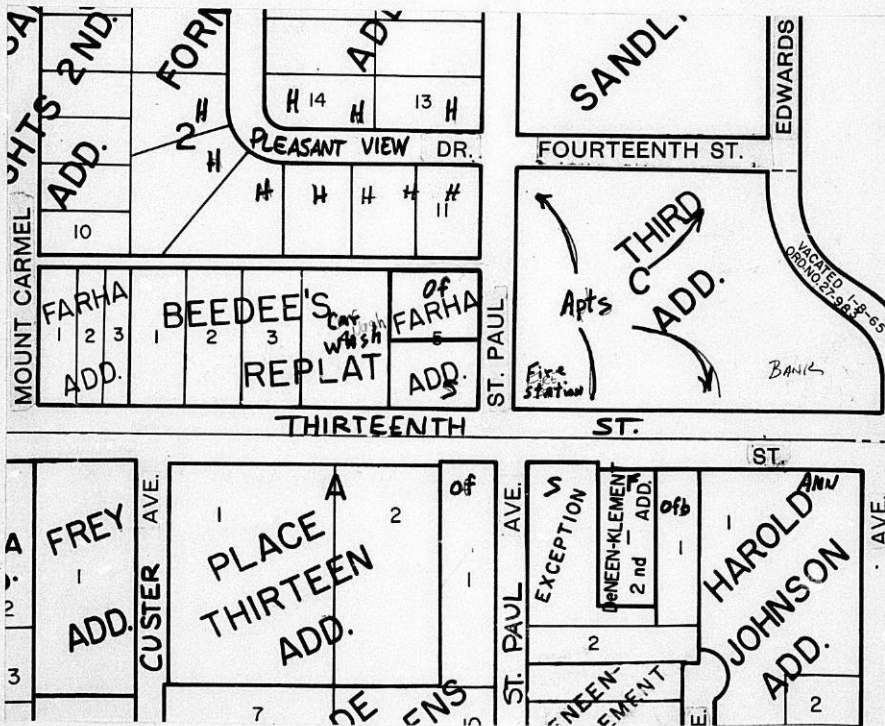
BZA- 73-79  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( 125 ft. by 170 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
 West \_\_\_\_\_ North \_\_\_\_\_
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use if for: \_\_\_\_\_
6. Area (is) (is not) platted.

PHOTO DATA:

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



March 7, 1980

Kansas Counselors, Inc.  
% Charles Bartlett  
P. O. Box 7708  
Wichita, Kansas

Re: Case No. BZA 73-79  
Request for Variance


Dear Mr. Bartlett:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 26, 1980, in connection with your request for a variance to eliminate the fence along the north property line adjacent to the alley on property zoned the "LC" Light Commercial District and generally located on the west side of St. Paul north of 13th Street (1411 North St. Paul).

This Resolution reflects the official action of the Board to approve your request, and sets out the condition 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  
Enclosure

cc: Everett Fettis, Attorney, 504 One Twenty Building,  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

RESOLUTION NO. BZA 73-79

WHEREAS, Kansas Counselors, Inc., % Charles Bartlett, P. O. Box 7708, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to eliminate the fence along the north property line adjacent to the alley on property zoned the "LC" Light Commercial District and legally described as follows:

The north 125' of Lot 5, Block 1, Farha Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of St. Paul north of 13th Street (1411 North St. Paul).

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 February 26, 1980, 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 adjacent residential development has already provided a screening fence; 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 they are already protected by a screening fence; 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 fence would be a duplication expense of a fence already in existence; 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 request is interiorly located; 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 screening fence on the adjacent property complies with the intent of the regulations; and

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

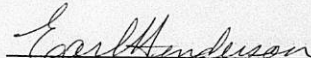
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to eliminate the fence along the north property line adjacent to the alley on property zoned the "LC" Light Commercial District and legally described as:

The north 125' of Lot 5, Block 1, Farha Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of St. Paul north of 13th Street (1411 North St. Paul).


be approved subject to the following condition:

1. The east 168 feet of the alley between Farha Addition and Lots 10 and 11, Forney and Stone Addition shall be surfaced in accordance with City of Wichita standards at the sole expense of the applicant, and to be completed prior to occupancy of the new building.

ADOPTED AT WICHITA, KANSAS, this 26th day of February, 1980.

  
\_\_\_\_\_  
Earl Henderson, Chairman

ATTEST:

  
\_\_\_\_\_  
Glen E. Lytle, Assistant Secretary

# THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
435 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4421

February 27, 1980

Everett Fettis, Attorney  
504 One Twenty Building  
Wichita, Kansas

Re: Case No. BZA 73-79  
Request for Variance

Dear Mr. Fettis:

At the regular meeting of the Board of Zoning Appeals on February 26, 1980, your request for a variance to eliminate the screening requirements adjacent to a residential zoning district on property zoned "LC" Light Commercial and generally located on the west side of St. Paul north of 13th Street was reconsidered.

It was the action of the Board to approve your request subject to the following condition:

1. The east 168 feet of the alley between Farha Addition and Lots 10 and 11, Forney and Stone Addition, shall be surfaced in accordance with City of Wichita standards at the sole expense of the applicant, and to be completed prior to occupancy of the new building.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:sad

cc: Charles Bartlett, Kansas Counselors, Inc., P. O. Box 7708  
Robert Feldner, Superintendent Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

THE CITY OF WICHITA

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BZA 73-79

cc: David McClure, Attorney, 504 One Twenty Building, Wichita  
Verne Rogg, 1407 Pleasant View Drive, Wichita, Ks. 67203  
George Clifford, 1405 Pleasant View Drive, Wichita, Ks. 67203

# THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
433 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4421

January 24, 1980

Mr. Charles Bartlett  
Kansas Counselors, Inc.  
P. O. Box 7708  
Wichita, Kansas 67207

Re: BZA Case No. 73-79  
Request for Variance

Dear Mr. Bartlett:

At the regular meeting of the Board of Zoning Appeals on January 22, 1980, your request for a variance to eliminate the screening requirements adjacent to a residential zoning district on property zoned "LC" Light Commercial and generally located on the west side of St. Paul north of 13th Street was considered.

It was the action of the Board to defer action on your request until the next regular meeting of the Board which will be February 26, 1980.

The deferral by the Board was requested so that additional information may be furnished to help in consideration of your request. It will also give you the opportunity to contact the City Engineer to determine the cost and method of surfacing the alley adjacent to your north property line.

Due to the fact that a site plan was not furnished with the application, it was difficult for the Board to visualize all the conditions pertinent to your requested variance. The Board has requested that you furnish two different site plans showing the required off-street parking spaces on your property. One plan should show the parking with the required screening fence and the other without the screening utilizing the alley as ingress and egress as you indicated to the Board was the reason for your request. Two copies of each plan should be submitted to this office by February 5, 1980.

If we can be of any assistance, please give me a call at 268-4394.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

THE CITY OF WICHITA

2

GEL:sad

CC: Everett Fettis, Attorney, 504 One Twenty Building, Wichita  
Robert Feldner, Superintendent Central Inspection  
David McClure, Attorney, 504 One Twenty Building, Wichita  
Verne Rogg, 1407 Pleasant View Drive, Wichita, Ks. 67203  
George Clifford, 1405 Pleasant View Drive, Wichita, Ks. 67203

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** January 18, 1980

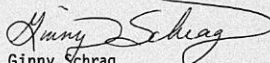
**TO** Jack Galbraith, Chief Planner

**FROM** Ginny Schrag, CPO Administrative Aide

**SUBJECT** BZA 73-79 (West side of St. Paul  
North of 13th Street--  
1411 N. St. Paul)

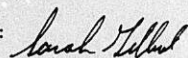
Area "M" CPO Council considered the captioned case at their January 16 meeting. One adjacent property owner was present in opposition to the request for a variance to eliminate the fence along the north property line adjacent to the alley on property zoned "LC", Light Commercial. The Council discussed with Rogg problems with trash and traffic.

By a 6-1 vote the Council recommended denial of the request for a variance as described above. Please inform the Board of Zoning Appeals of the Council's action when they consider the case on January 22. Thank you.

  
Ginny Schrag  
CPO Administrative Aide

GS:rs

NOTED:

  
Sarah Gilbert  
Assistant CP Coordinator

*File  
Presented by  
George Clifford  
from house  
across alley*

Reference Case No. BZA 73-79  
Pictures taken by  
Adjoining Property Owners

- 1 Looking out back door of residence at 1405 Pleasantview, showing existing building of Kansas Counselors Incorporated, new construction in work, and parked vehicles.
- 2 Looking out back door of residence at 1405 Pleasantview showing extent of new construction.
- 3 Looking across the alley from the fence gate shown in pictures 1 and 2, showing existing building, new construction, building materials and parked vehicles.
- 4 Stack of construction materials being 'stored' against back fence of residential property owners north of Kansas Counselors Inc.
- 5 View looking west from St. Paul down the alley between Kansas Counselors Inc., and back fences of adjoining property owners. Note the fence and tree line on commercial properties west of the Kansas Counselors, Inc.
- 6 View a few steps south of point of origin of picture #5 showing tree line and fence on commercial property west of Kansas Counselors, Inc.
- 7 Vehicle parked adjacent to alley entrance from St. Paul.
- 8 View of Kansas Counselors Inc. from the back door of residence of 1405 Pleasant view.
- 9 & 10 View of Kansas Counselors, Inc. from the residence at 1407 Pleasantview.

SECRETARY'S REPORT  
CASE NO. BZA 73-79

APPLICANT: Kansas Counselors, Inc., % Charles Bartlett,  
P. O. Box 7700, Wichita, Kansas.

AGENT: Everett Fettis, 504 One Twenty Bldg., Wichita,  
Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code  
of the City of Wichita, to eliminate the  
screening fence between commercial development  
and residentially zoned property.

GENERAL LOCATION: On the west side of St. Paul and north of 13th  
Street.

ZONING: Subject property is zoned "LC". Property to the  
north is "AA" single-family. Property to the  
west is "LC".

LAND USE: Subject property is occupied by an office build-  
ing. To the north are single-family dwellings.  
To the south is a service station and the west  
a car wash. There are apartments to the east.

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

PAGE 2  
BZA 73-79  
BZA AGENDA  
1-22-60

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to eliminate the screening fence along the north property line which is adjacent to the "AA" Single-family dwelling district.

The applicant states that the original building on the property was built prior to the screening requirement, and now an addition is under construction and the screening fence would restrict the effective use of the property for off-street parking purposes.

The property is located adjacent to an alley and across the alley to the north, three new single-family homes have been constructed. Along the south property line of these new homes, a six foot cedar fence has been constructed to screen the homes from the commercial property to the south.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the adjacent residential development has already provided a screening fence.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of the adjacent property owners inasmuch as they are already protected by a screening fence.

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 screening fence would be a duplication expense of a fence already in existence.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the request is interiorly located.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the screening fence on the adjacent property complies with the intent of the regulations.

PAGE 3  
BZA 73-79  
BZA AGENDA  
1-22-30

RECOMMENDATION:

If the Board determines that the above five conditions can be found to exist it is recommended that the requested variance be granted.

BZA CASE NO. 73-79

3 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

9 NOTICES SENT TO ADJOINING PROPERTY OWNERS

23 TOTAL NOTICES SENT 1-2-80

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

January 2, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 73-79

An application has been filed by Kansas Counselors, Inc. % Charles Bartlett, P. O. Box 7708, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to eliminate the fence along the north property line adjacent to the alley on property zoned the "LC" Light Commercial District and legally described as follows:

The north 125' of Lot 5, Block 1, Farha Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of St. Paul north of 13th Street (1411 N. St. Paul).

This application has been assigned case No. BZA 73-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 22, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4421 and ask for Lynn Shirkey or Glen Lytle.

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

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. 73-79

CITY OF WICHITA, KANSAS

FILED 12-18-79

APPLICATION FOR VARIANCE

I. Name of Applicant KANSAS COUNSELORS, INC. % Chas. Bartlett  
Mailing Address P.O. Box 7708, WICHITA 67207 Phone 942-8355  
Name of Authorized Agent EVERETT C. FETTIS  
Mailing Address 504 One Twenty Bldg. Phone 267-7251  
Relationship of applicant to property is that of owner  
(Owner, Tenant, Lessee, Other)

II. The variance requested is to eliminate the fence along  
the north property line adjacent to the alley

for property located on the west side of St. Paul north  
of 13<sup>th</sup> Street (1411 N. St. Paul)

and legally described as: The north 125 feet of Lot 5,  
Block 1, Farha Addition to Wichita, Sedgewick County,  
Kansas

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

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 Sedgewick 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 KANSAS COUNSELORS, INC.

Authorized Agent Everett C. Fettis

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:15 (a.m. - p.m.), December 18, 1979, together with appropriate fee of \$50.00.

T9-403

Signed D. Lynn Shirley

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. \_\_\_\_\_  
FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant Kansas Counselors, Inc. % Charles Bartlett  
Mailing Address P.O. Box 7708, Wichita 67207 Phone 942-8335  
Name of Authorized Agent Everett C. Fettis  
Mailing Address 504 One Twenty Bldg. Phone 267-7251  
Relationship of applicant to property is that of owner  
(Owner, Tenant, Lessee, Other).

*Redone  
as variance  
application*

II. Application is made for an exception as provided in Section \_\_\_\_\_, Code of the City of Wichita, Kansas (Zoning Ordinance); to ~~permitt construction~~ <sup>eliminate the requirement for the</sup> construction of a fence on the southside of the alleyway which abutts on the north side of the following property which is ~~zoned~~ \_\_\_\_\_, located at 1411 N. St. Paul \_\_\_\_\_ and legally described as: \_\_\_\_\_  
~~The North 125 Feet of Lot Five (5), Block One (1), Farha~~  
Addition to Wichita, Sedgwick County, Kansas  
\_\_\_\_\_, in the City of Wichita.

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

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- 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;
- That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- 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.

WRITTEN STATEMENT

Applicant requests the within exception for elimination of the requirement for construction of a fence on the south side of the alleyway which abutts on the north side of the property herein for the reason that the original ordinance did not require this provision and this property at the time of construction was erected based upon that original ordinance and, further, that the parking requirements would be greatly hampered if applicant was now required to comply with the new ordinance.

O W N E R S H I P   L I S T

Lot	Addition	<del>Prop</del> Property Owner
North 125 ft lot 5	Farha Addition	<i>Duff</i> Kansas Counselors Inc. c/o Charles A. Bartlett 1622 East Central 67214
lot 5 except North 125 ft	Same	✓ Universal Motor Fuels Inc. 2824 Ohio 67219
lot 3	Beedee's Replat	✓ Richard R. Ayesh and Mildred M. 322 Laura 67211
lot 4	Same	✓ Beedee Clay Company c/o Philip Farha, Box 18146 67218
lot 8, Blk 2	Forney and Stone Addition	✓ Michael L. Whitworth and Lynda J. 1411 Pleasant View Drive 67203
lot 9, Blk 2	Same	✓ Jack R. Hoy 1409 Pleasant View Drive 67203
West 77 ft lot 10, Block 2	Same	✓ Verne L. Rogg and Sandra K. 1407 Pleasant View Drive 67203
lot 10 except west 77 ft, lot 11 except east 86 ft, Blk 2	Same	✓ George W. Clifford and Gay C. Clifford 1405 Pleasant View Drive 67203
East 86 ft lot 11 except east 5 ft for street Block 2	Same	✓ Marc W. Colby and Lauren D. Hogan 900 North Waco 67203
Beginning 30 ft east and 40 ft north of the SW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12-27-1W, thence north parallel with the west line of said SE $\frac{1}{4}$ , 140 feet, east parallel with the south line said SE $\frac{1}{4}$ , 100 feet, south 140 feet, west 100 feet to beginning		✓ <del>City of Wichita</del> 455 North Main 67202
Block C	Sandlian's 3rd Addition	✓ Indian Hills Apartments Inc. 2720 West 13th St. 67203

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

A 200 foot radius of: The north 125 feet of Lot 5, Block 1, Farha Addition

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 14th day of December, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Mary Gable*

Vice President

Order No. 284103  
wh

**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 26 021

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION		AMOUNT
<i>[Handwritten]</i>		<i>[Handwritten]</i>
<i>[Handwritten]</i>		<i>[Handwritten]</i>
NAME <i>[Handwritten]</i>		
ADDRESS <i>[Handwritten]</i>		
FUND <i>[Handwritten]</i>	DUE DATE <i>[Handwritten]</i>	
COMMENTS		
DATE <i>[Handwritten]</i>	BY <i>[Handwritten]</i>	

\*

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

Roll # 2