

POSTED
12-31-85 *ms*

ACTION

BZA 73-85 **APPROVED** 1/27/86
DATE

2004 Sec 2-13-86
Shot 2-27-86
Record ✓

Case No. BZA 73-85 - James L. Kastens,
DVM requests an exception to permit the
establishment of a small animal clinic on
property zoned the "BB" Office District
& generally located on the southeast
corner of 13th & Sheridan.

February 5, 1986

Paul Cavanaugh, Architect
520 South Holland
Wichita, Kansas 67203

Re: BZA 73-85. On the southeast corner of 13th Street and Sheridan.

Dear Paul Cavanaugh:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 28, 1986.

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.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL/lw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk
James L. Kastens, DVM, 3059 W. 13th St., Wichita, KS 67209

RESOLUTION CASE NO. 73-85

WHEREAS, James L. Kastens, D.V.M., 3059 W. 13th Street, Wichita, Kansas, requests an exception to permit the establishment of a small animal clinic on property zoned The "BB" Office District and legally described as follows:

Lot 1, Kastens First Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of 13th and Sheridan.

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 28, 1986, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the establishment of a small animal clinic on property zoned the "BB" Office District subject to the conditions outlined in Section 28.04.183.5, Code of the City of Wichita.

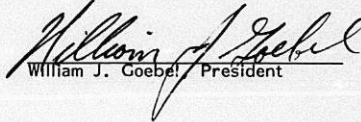
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a small animal clinic on property zoned the "BB" Office District and legally described as follows:

Lot 1, Kastens First Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of 13th and Sheridan.

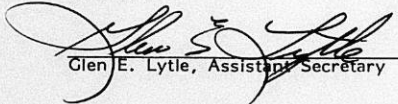
subject to the following conditions:

1. Treatment of animals shall be limited to dogs, cats and other small animals.
2. All animals shall be harbored within the building. No outside runs shall be permitted.
3. The building shall be constructed so that no noise or odors shall be discernible at the exterior of the building, which shall require the building to be provided with complete air conditioning and odor controls.

ADOPTED AT WICHITA, KANSAS, this 28th day of January, 1986.


William J. Goebel, President

ATTEST:


Glen E. Lytle, Assistant Secretary

RECEIVED

JAN 22 1986

METROPOLITAN PLANNING

ROUTE

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

January 6, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 73-85

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 James L. Kastens, D.V.M., 3059 W. 13th Street, Wichita, Kansas requesting an exception.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of a small animal clinic on property zoned the "BB" Office District. A legal description of the applicant's property is as follows:

Lot 1, Kastens First Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of 13th and Sheridan.

This application has been assigned Case No. BZA 73-85. It will be considered by the Board of Zoning Appeals on January 28, 1986 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 or objections regarding the requested exception, 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.

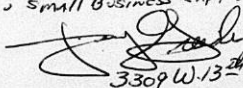
It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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

Glen E. Lytle
Assistant Secretary

To Bd. of Zoning Appeals

WE SUPPORT THIS EXCEPTION, AND ARE HAPPY TO SEE
THIS AREA GROW AND SMALL BUSINESS ENTER.


3309 W. 13th St. N. - (owner)

1-17-86

RE: AGENDA ITEM NO 6

SECRETARY'S REPORT
CASE NO. BZA 73-85

APPLICANT: James L. Kastens, 3059 W. 13th St., Wichita, KS 67203.

AGENT: Paul Cavanaugh, Architect, 520 S. Holland, #101, Wichita, KS 67209.

REQUEST: Exception pursuant to Section 28.04.182.2 Code of the City of Wichita to permit the establishment of a small animal clinic in the "BB" Office District.

GENERAL LOCATION: On the southeast corner of 13th Street and Sheridan.

ZONING: Subject property is zoned the "BB" Office District as is the property to the west. To the east and north is the "LC" Light Commercial District and to the south is the "AA" One-family Dwelling District.

LAND USE: Subject property is vacant. To the south is residential. To the west an office and to the north is commercial. To the east is the applicant's existing veterinary clinic.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.182.2 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the construction of a small animal clinic (veterinarian's office) in the "BB" Office District. The applicant presently is located in the "LC" Light Commercial District on the property immediately to the east.

The ordinance permits the Board of Zoning Appeals to allow a small animal clinic in this district provided the Board determines that the use can comply with the conditions established by the ordinance. In particular, the animals shall be limited to dogs, cats and other small animals and that the harboring of the animals shall be within an enclosed building. This would prohibit the installation of any runs outside of an enclosed building. In addition, the building would be required to be air conditioned so that the windows would remain closed to contain the noise that might be emitted by the animals.

Although complete plans have not been submitted by the architect, the site plan indicates that the building will be located at least 50 feet from the south property line. In addition, the building will comply with the 20 feet setback adjacent to Sheridan and the 35 foot setback adjacent to 13th Street. This should provide adequate separation from the residential property to the south, provided the building is designed to prevent the noise potential.

RECOMMENDATION:

Should the Board determine that the proposed use is appropriate at this location, then it is the Secretary's recommendation that the exception be approved subject to the following conditions:

1. Treatment of animals shall be limited to dogs, cats and other small animals.

2. All animals shall be harbored within the building. No outside runs shall be permitted.
3. The building shall be constructed so that no noise or odors shall be discernible at the exterior of the building, which shall require the building to be provided with complete air conditioning and odor controls.

BZA CASE NO. 73-85

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>15</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>11</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>13</u>	TOTAL NOTICES SENT <u>1/7/86</u>

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

January 6, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 73-85

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 James L. Kastens, D.V.M., 3059 W. 13th Street, Wichita, Kansas requesting an exception.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of a small animal clinic on property zoned the "BB" Office District. A legal description of the applicant's property is as follows:

Lot 1, Kastens First Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of 13th and Sheridan.

This application has been assigned Case No. BZA 73-85. It will be considered by the Board of Zoning Appeals on January 28, 1986 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 or objections regarding the requested exception, 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.

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 73-85

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant James L. Kastens D. V. M.
Mailing Address 3059 W. 13th, Wichita, KS 67203 Phone 942-3900
Name of Authorized Agent Paul Cavanaugh, A. I. A., Architect
Mailing Address 520 S. Holland, #101, Wichita, KS 67209 Phone 721-5663
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of a small animal clinic

_____ on property zoned " B B " office,
located Southeast corner 13th & Sheridan and legally
described as: Lot 1, Kastens First Addition

_____, 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 all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
- d. 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.

Applicant James L. Kastens
Authorized Agent Paul Cavanaugh, A.I.A.

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 2:00 (a.m./p.m.), Dec 30, 1985, together with appropriate fee of 400.00.

Signed [Signature]

December 30, 1985

Board of Zoning Appeals
City Hall, 455 N. Main
Wichita, KS 67202

RE: Kastens First Addition, Lot 1

Boardmembers:

1. The present zoning on referenced property is "B B" office.
2. Section 28.04.182, item 2 of the Zoning Ordinance suggests the allowance of a small animal clinic in BB zoning providing:
a) no noise or odors shall be discernable at any exterior building line, and b) treatment shall be limited to dogs, cats, and other small animals; all animals shall be harbored indoors.
3. Odor and noise suppression shall be accomplished by the most current veterinary clinic design, methods and practice.
4. Dr. Kastens practice is and will be limited to the treatment of dogs, cats, and other small animals all of which are kenneled indoors when required to be kept at the clinic.
5. Screening of adjacent residential property is required in Section 28.04.160 K of the Zoning Ordinance along the south side of the property which is indicated on the attached site plan.
6. Dr. Kastens has operated the Indian Hills Animal Clinic on the land directly east of referenced property for more than 20 years and is requesting this variance so that he may enlarge and improve his facilities in order to accomodate an expanded practice.

PAUL CAVANAUGH, A.I.A., ARCHITECT
RIDGE PLAZA OFFICE PARK • 520 SOUTH HOLLAND, SUITE 101 • WICHITA, KS 67209 • (316) 721-5663

7. Please find attached a preliminary floor plan and site plan of the proposed facility.

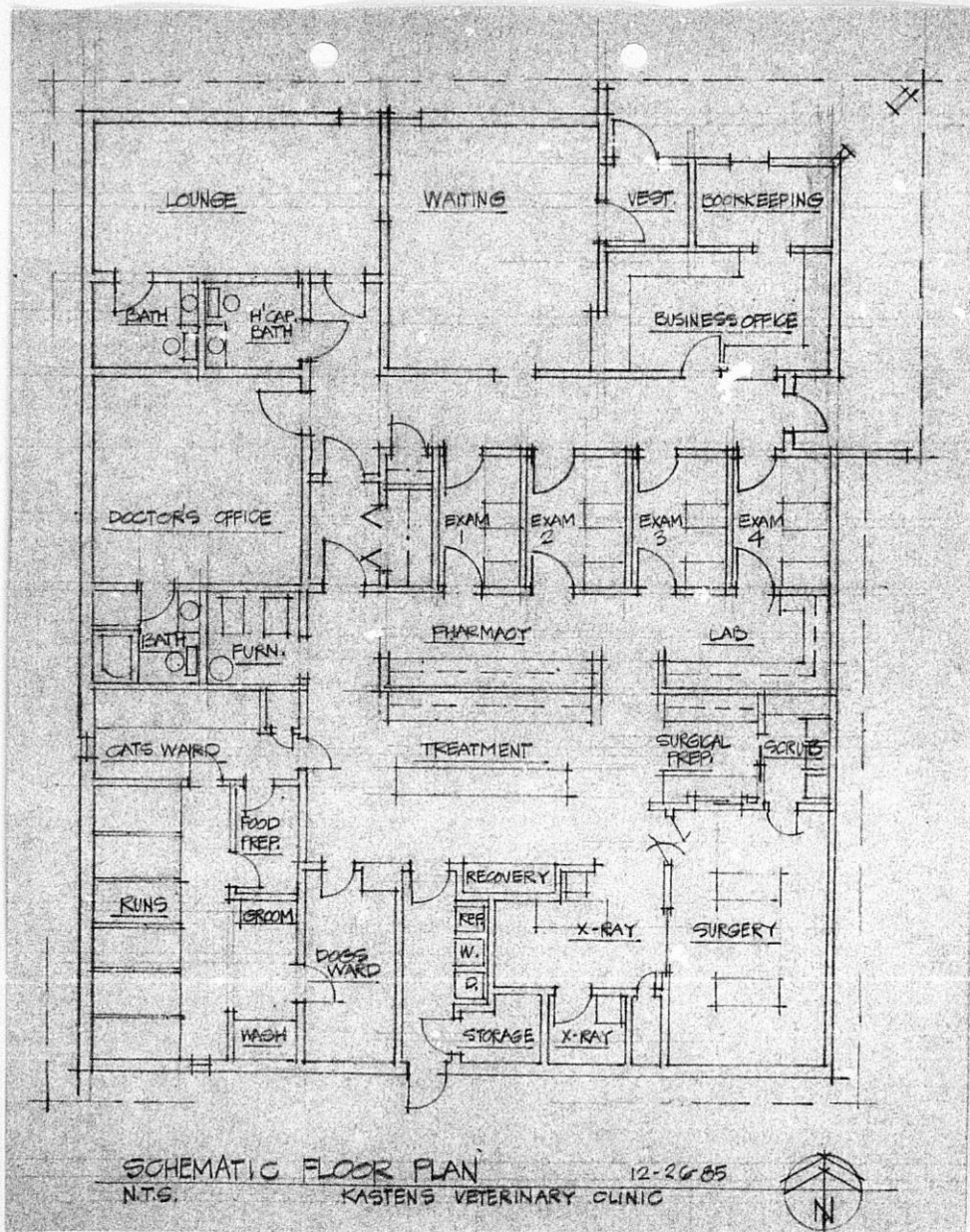
Sincerely,



Paul Cavanaugh, A. I. A.
Architect

PC/kko

Enclosure



OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 1 & 2	Block A	Kastens Addition	James L. Kasten Patricia B. Kasten 3059 W. 13th Wichita, KS 67203
Lot 4		Seibel Addition	Maxine Wainscott Gordon A. Wainscott 1318 N. Sheridan Wichita, KS 67203 AND Nancy L. Huenergardt 2420 Cardinal Drive Wichita, KS 67204
Lot 5		"	Wilbur F. Neal Velma E. Neal 1314 N. Sheridan Wichita, KS 67203
Lot 1 & the W $\frac{1}{2}$ of Lot 2		Gow Acres Addition	Christian Fellowship Chapel, Inc. 3301 W. 13th Wichita, KS 67203
Lot 32		"	Ralph F. Rudy Dolores J. Rudy 1621 Lynnhurst Wichita, KS 67212
Lot 33		"	Same As Above
Lot 1		Miner Lane Addition	Jerry L. Greider Dorothy Greider 3309 W. 13th Wichita, KS 67203
Lot 1		Donna's 2nd Addition	Ford M. Duke Donna S. Duke 1602 Westlynn Wichita, KS 67212
Lot 1	Block A	F. O. Moore 2nd Addition	United American Bank and Trust Company, Trustee 2001 N. Broadway Wichita, KS 67214

Tract Description

A tract in the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 12, Twp. 27, Rge. 1 West, Beginning 119.75 feet West of the SE/c of the SW $\frac{1}{4}$; th. North parallel to center line of Section, 300 feet; th. West 105 feet; th. South 300 feet to Section line; th. East to beginning.

Delmar Joe Cowan
Jean (aka Linda Jean)
Cowan
1732 N. West
Wichita, KS 67203

Tract DescriptionProperty Owner

A tract in the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 12, Twp. 27, Rge. 1 West described as: Beginning at a stone at the S $\frac{1}{4}$ corner of said Section 12; th. North along center of Section 12, 300 feet; th. West 119.75 feet; th. South 300 feet to the South Section line; th. East along the South Section line to beginning, EXCEPT the North 100 feet thereof.

✓ C. E. Laughary
Esther Laughary
3304 W. 13th
Wichita, KS 67203

A tract beginning at a point in the South line of the SE $\frac{1}{4}$ of Sec. 12, Twp. 27, Rge. 1 West and 430 feet East of the SW/c of the SE $\frac{1}{4}$ of Sec. 12; th. North parallel with the East line of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 12, 150 feet; th. West parallel with the South line of the SE $\frac{1}{4}$ of Sec. 12, 149.5 feet more or less to the East line of the West 17 rods of said SE $\frac{1}{4}$; th. South parallel with the East line of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 12, 150 feet; th. East along the South line of said SE $\frac{1}{4}$ 149.5 feet to p.o.b.

✓ Northwest Commercial
Investors
n/k/a Northwest
Commercial Investors L.P.
902 N. West
Wichita, KS 67203

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

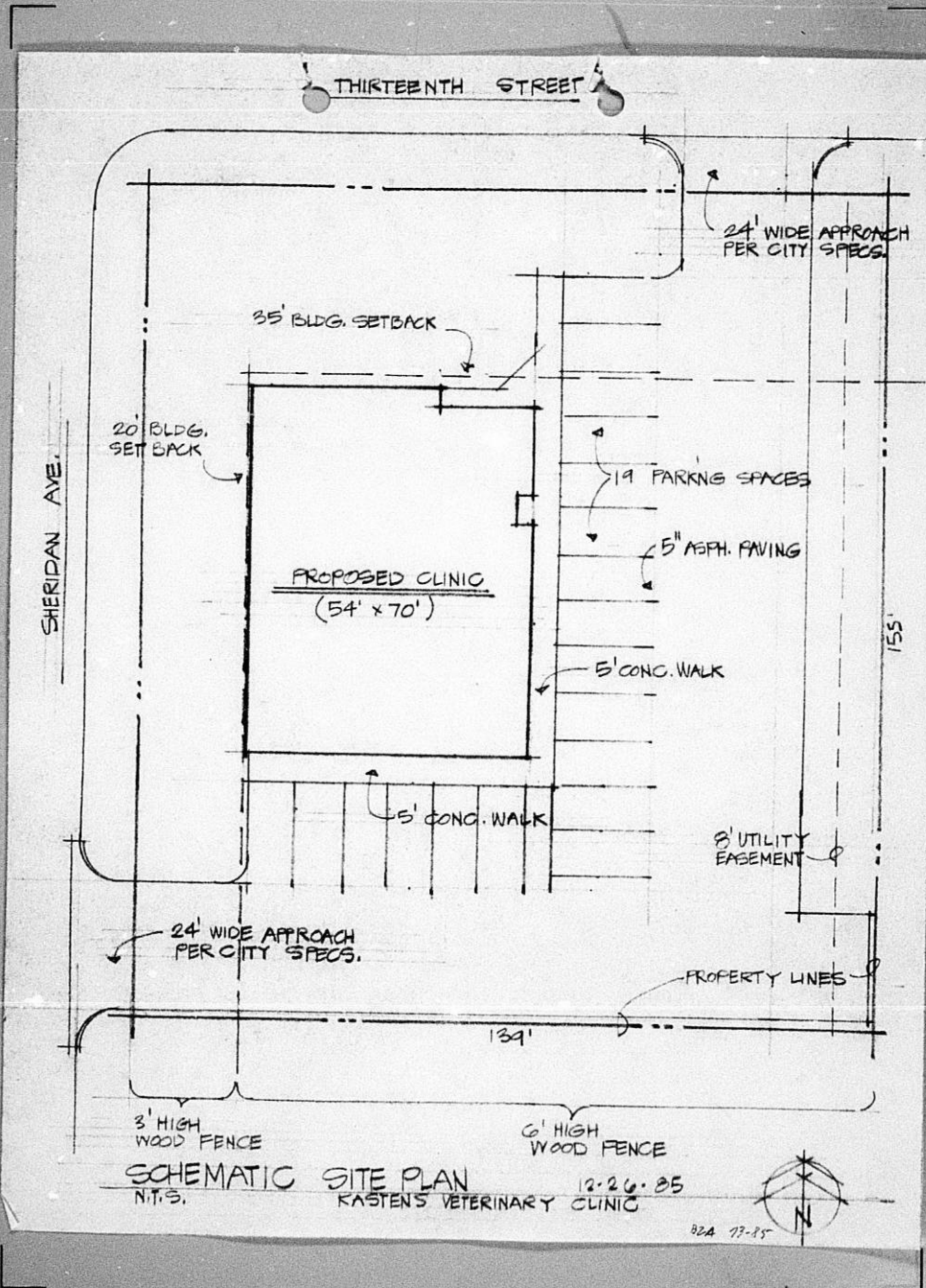
Lot 1, Kastens Addition to Wichita, Kansas,
Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 26th day of December, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Gable

By Sr. Vice-President



THIRTEENTH STREET

SHERIDAN AVE.

24' WIDE APPROACH PER CITY SPECS.

35' BLDG. SETBACK

20' BLDG. SETBACK

PROPOSED CLINIC
(54' x 70')

19 PARKING SPACES

5' ASPH. PAVING

5' CONC. WALK

155'

5' CONC. WALK

8' UTILITY EASEMENT

24' WIDE APPROACH PER CITY SPECS.

PROPERTY LINES

139'

3' HIGH WOOD FENCE

6' HIGH WOOD FENCE

SCHEMATIC SITE PLAN
N.T.S.

12.26.85

KASTENS VETERINARY CLINIC



82A 77-85

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-0

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
City, 02A Val	750.00
NAME John H. ...	
ADDRESS ...	
FUND ...	DUE DATE
COMMENTS	
DATE Mar 30, 1945	BY ...