

Case No. BZA 3-87 - Andeel & Andeel
Properties requests a variance of the
screening requirements adjacent to the
north & east property lines, & amend-
ing the previously approved screening
as established by BZA Resolution 58-77
for property located in the "LC" Light

2-87
11-30-88
11-30-88
11-30-88

1046 C

2nd Sec. 11-30-88

Checked

Shot 1-10-89

Record

POSTED
1-26-87/88

ACTION

BZA. 3-87

APPROVED
w/ changes.

2/24/87
DATE

3-87
supercedes
58-77

6046 C

2nd Sec. 11-30-88

Checked to

Shot 1-10-89

Record ✓

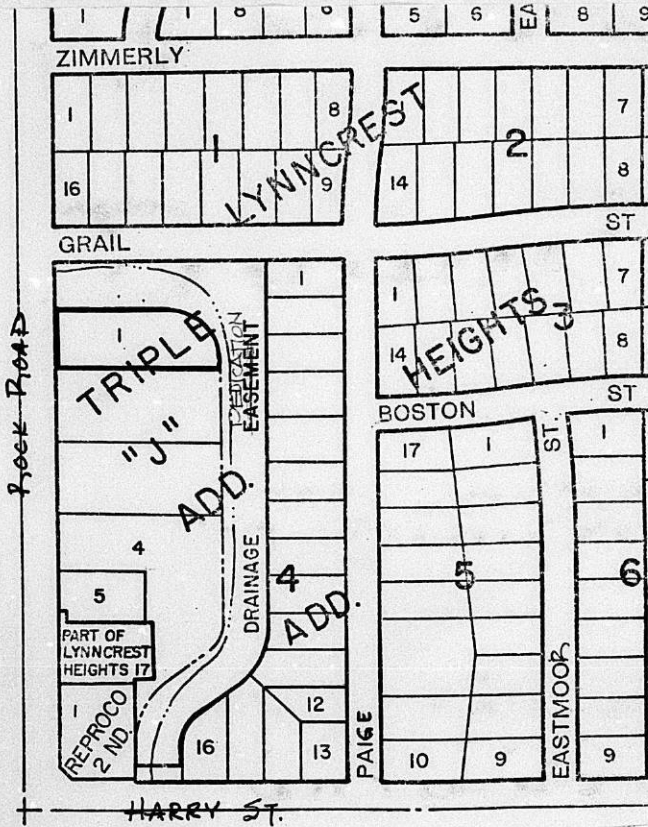
Case No. BZA 3-87 - Andeel & Andeel Properties requests a variance of the screening requirements adjacent to the north & east property lines, & amending the previously approved screening as established by BZA Resolution 58-77 for property located in the "LC" Light

Map No. 6046C

BZA 3-87
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "B" S "LC" W "C" N "B"
3. Land Use: East Aptr. South Comm.
West Comm. North Res.
4. Area (is) (~~is not~~) platted.



LOG ANGELES - CHICAGO - LOGAN, OH
MORRISON, TUCUMS, GROVE, GA
U.S.A.

Shaw
No. 2153C

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

November 16, 1988

Jack N. Turner
Turner Law Offices
260 N. Rock Rd., Suite 220
Wichita, KS 67206

Re: BZA 3-87 - Variance of the screening requirements adjacent to the north and east property lines and amending the previously approved screening as established by BZA Resolution 58-77 for property located in the "LC" Light Commercial District.

Dear Mr. Turner:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on February 24, 1987. 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 now that condition 5 has been completed.

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

Sincerely,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Lindy Andeel, 358 N. Rock Road, Wichita, KS, 67206
Bill Yung, 4912 E. 29th N., Ste. 1, Wichita, KS, 67220
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

RESOLUTION CASE NO. 3-87

WHEREAS, Andeel and Andeel Properties, 358 N. Rock Road, Wichita, Kansas 67206, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the screening requirements adjacent to the north and east property lines, and amending the previously approved screening as established by BZA Resolution 58-77, for property located in the "LC" Light Commercial District and legally described as follows:

Lot 1, Triple J Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Rock Road and Grail.

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 24, 1987, 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 it is located adjacent to a drainage dedication and the original plat of the property was required to dedicate a 15-foot maintenance easement on the property that must be clear of obstructions. This then reduces the usability of the property if screening is required adjacent to the residential zoning district; 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 property to the east maintains a fence along the east side of the drainageway, and the property owners to the north have indicated their concurrence with this proposal; 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 required screening at the property line is prohibited by the maintenance easement dedicated on the property, and the landscaping in the drainage dedication is not acceptable for the entire length of the property due to the slope and depth of the bank adjacent to the property; 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 screening fence and street trees will not interfere with any needed public improvements in the area or the maintenance of the drainageway; 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 will provide some protection to the residential properties to the north once the trees mature; 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 of the screening requirements adjacent to the north and east property lines, and amending the previously approved screening as established by BZA

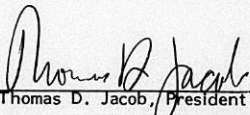
Resolution 58-77, for property located in the "LC" Light Commercial District and legally described as follows:

Lot 1, Triple J Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Rock Road and Grail.

be approved subject to the following conditions:

1. The applicant shall submit three (3) copies of a revised site plan specifying the type of watering system and showing the location size and type of fence and landscaping materials to the Secretary for approval.
2. The landscaping shall include street trees on the south side of Grail, and evergreen vegetation for the west 110 feet adjacent to the north property line on the drainage dedication. In addition, a six-foot wood screening fence shall be installed on the south side of Grail for a distance of not less than 75 feet. The location of the fence and landscaping material shall be approved by the Superintendent of Forestry and the Flood Control Maintenance Supervisor.
3. Prior to the installation of the fence, landscaping and the bubbler system, the applicant shall secure a minor street permit from the City of Wichita.
4. The landscaping material shall be planted by April 30, 1987.
5. The applicant shall submit a covenant guaranteeing the continued maintenance of the fence and landscaping as the responsibility of the owner of Lot 1, Triple "J" Addition. Such covenant shall be approved by the Department of Law prior to being recorded with the Register of Deeds.
6. If at any time the owner of Lot 1, Triple "J" Addition fails to maintain the landscaping in good condition, this Resolution shall be voided by the Board and the owner will be required to screen the property as required by the zoning ordinance and be located at the 15-foot maintenance access easement along the north and east property lines.
7. The release of this Resolution shall null and void BZA Resolution 58-77.

ADOPTED AT WICHITA, KANSAS, this 24th day of February, 1987.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

TURNER LAW OFFICES, CHARTERED

EXECUTIVE PARK EAST - ROCKBOROUGH BUILDING

SUITE 220, 280 NORTH ROCK ROAD

WICHITA, KANSAS 67206

316-685-6950

November 14, 1988

Ms. Louise Olivarez
Assistant Secretary
Metropolitan Area Planning Dept.
City Hall - 10th Floor
455 North Main
Wichita, KS 67202

Re: BZA-3-87
Variance of Screening Requirements
at China Bowl Restaurant,
1140 South Rock Road

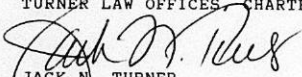
Dear Ms. Olivarez:

Enclosed please find a fully executed and recorded copy of
the Covenant of Continued Maintenance for your records.

Thank you for all your assistance on this matter.

Very truly yours,

TURNER LAW OFFICES, CHARTERED


JACK N. TURNER

JNT/pa
Enclosure

cc Lindy Andeel

RECEIVED

NOV 15 1988

METROPOLITAN PLANNING

ROUTE _____

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:30 AM

Nov 488 0978481

PAT KETTLER
REGISTER OF DEEDS

COVENANT OF CONTINUED MAINTENANCE

*Ed Randa
Deputy*

This Covenant of Continued Maintenance is entered into by ANDEEL & ANDEEL PROPERTIES, a Kansas General Partnership (Owner), and inures to the benefit of the CITY OF WICHITA, KANSAS (City).

RECITALS

A. Owner is the owner of the following described real property:

Lot 1, Triple "J" Addition to the City of Wichita, Sedgwick County, Kansas.

B. Owner was and is the applicant for a zoning variance made to the Board of Zoning Appeals of City, Case No. BZA-3-87.

C. The said variance was granted, subject to certain conditions, as set forth hereinafter in paragraphs 1 through 7:

1. The applicant shall submit three (3) copies of a revised site plan specifying the type of watering system and showing the location, size and type of fence and landscaping materials to the Secretary for approval.
2. The landscaping shall include street trees on the south side of Grail, and evergreen vegetation for the west 110 feet adjacent to the north property line on the drainage dedication. In addition, a six-foot wood screening fence shall be installed on the south side of Grail for a distance of not less than 75 feet. The location of the fence and

8/1/20

FTC. T67970

landscaping material shall be approved by the Superintendent of Forestry and the Flood Control Maintenance Supervisor.

3. Prior to the installation of the fence, landscaping and the bubbler system, the applicant shall secure a minor street permit from the City of Wichita.
 4. The landscaping material shall be planted by April 30, 1987.
 5. The applicant shall submit a covenant guaranteeing the continued maintenance of the fence and landscaping as the responsibility of the owner of Lot 1, Triple "J" Addition. Such covenant shall be approved by the Department of Law prior to being recorded with the Register of Deeds.
 6. If at any time the owner of Lot 1, Triple "J" Addition fails to maintain the landscaping in good condition, this Resolution shall be voided by the Board and the owner will be required to screen the property as required by the zoning ordinance and be located at the 15-foot maintenance access easement along the north and east property lines.
 7. The release of this Resolution shall null and void BZA Resolution 58-77.
- D. Owner has complied with paragraphs designated C.1., C.2., C.3. and C.4. above and this Covenant of Continued Maintenance is intended to comply with paragraph C.5. above and embodies the requirements and contingencies set forth in paragraph C.6. above.

NOW, THEREFORE, and in consideration of the foregoing and the covenants and promises hereinafter made,

the owner hereby agrees to be bound by this Covenant of Continued Maintenance.

1. Owner agrees to and does hereby assume the responsibility for the continued maintenance of the fence and landscaping as described in paragraph C.2. above and promises to maintain the same in good condition.

2. In the event the Owner fails to so maintain the landscaping as required by paragraph C.5. above, and the City gives Owner notice in writing of said failure, and said Owner continues in said failure to properly maintain said landscaping for a period of time 30 days after said notice is given, then, in that event, Owner will be required to meet the alternative requirements set out in paragraph C.6. above and the Board of Zoning Appeals may void BZA Resolution 3-87, as set forth in paragraph C.6. above.

3. Notices as contemplated herein shall be directed by certified mail, return receipt requested. Notices shall be deemed given when posted and notices shall be deemed properly posted when deposited in the United States mail addressed to the current owner of the property and at the address to which current real estate property tax notices are directed. Any notices to the City shall be deemed given when sent to the City Clerk and to the Office of Central

Inspection and to the Secretary of the Board of Zoning Appeals, City of Wichita, City Hall, 455 N. Main, Wichita, Kansas.

4. This covenant is intended to be binding and is binding upon the present and all subsequent owners of or persons claiming any interest in the above described real property and shall be deemed to run with the land.

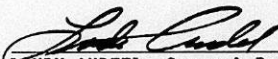
5. These restrictions shall not be altered, amended or terminated without a public hearing before the Board of Zoning Appeals of the City of Wichita. Notice of such hearing shall be given as would be required by law for a variance or exception to the zoning of the property. Any such alteration, amendment or termination shall require the approval of the Board of Zoning Appeals of the City of Wichita, Kansas.

IN WITNESS WHEREOF, the Owner has caused this Covenant of Continued Maintenance to be executed on the 2nd day of September, 1988.

"OWNER"

ANDEEL & ANDEEL PROPERTIES

By:


LINDY ANDEEL, General Partner

APPROVED:

MORTGAGEE:

Mid Kansas Federal Savings & Loan Ass'n

By: Alan H. Schmidt
 Alan H. Schmidt

STATE OF KANSAS)
) SS:
 COUNTY OF SEDGWICK)

I, Pamela E. Armstrong, a Notary

Public within and for said County and State aforementioned,
 duly commissioned and acting, do hereby certify that on this
2nd day of September, 1988, personally
 appeared before me LINDY ANDEEL, who executed the foregoing
 instrument, to me personally well known and known to be the
 person who signed the foregoing instrument, and known to be
 and who, being by me fully sworn and being informed of the
 contents of said foregoing instrument, stated and
 acknowledged on oath that he is the General Partner of
 Andeel & Andeel Partnership, the Partnership named in and
 which executed the foregoing instrument, and that he signed,
 executed and sealed and delivered the same individually and
 on behalf of the said Partnership, with authority, as its
 free and voluntary act and deed for the uses, purposes and
 considerations therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public the day and year in this certificate above written.

Samuel E. Armstrong
NOTARY PUBLIC

My Commission Expires:

9-16-90

STATE OF KANSAS)

) SS:

COUNTY OF SEDGWICK)


BE IT REMEMBERED, that on this 2nd day of November, 1988, before me, a Notary Public, in and for the said County and State, came

Alan H. Schmitt, Vice President of Mid-Kansas Fed Sav & Loan to me personally known to be the same person who executed the within and foregoing instrument and duly acknowledged the execution of the same, for and on behalf and as the act and deed of said Mortgagee.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

William G. Malone
NOTARY PUBLIC

My Commission Expires:

 WILLIAM G. MALONE
State of Kansas
My Appt. Exp. Dec. 2, 1988

Approved as to form:

Ed L. Randels

Ed Randels, Assistant City Attorney
City of Wichita, Kansas

TURNER LAW OFFICES, CHARTERED

EXECUTIVE PARK EAST - ROCKBOROUGH BUILDING

SUITE 220, 260 NORTH ROCK ROAD

WICHITA, KANSAS 67206

316-685-6950

November 11, 1988

Ms. Louise Olivarez
Assistant Secretary
Metropolitan Area Planning Dept.
City Hall - 10th Floor
455 North Main
Wichita, KS 67202

Re: BZA-3-87
Variance of Screening Requirements
at China Bowl Restaurant,
1140 South Rock Road

Dear Ms. Olivarez:

The Covenant of Continued Maintenance has been delivered to Mr. Bill Malone at Fidelity Title, who is going to obtain the Mortgagee's signature on the same and then record it with the Register of Deeds. We will forward a copy of the fully executed document showing the recording information to you as soon as we receive the same.

Thank you for your continued courtesy and cooperation.

Very truly yours,

TURNER LAW OFFICES, CHARTERED



JACK N. TURNER

JNT/pa

cc Lindy Andeel

RECEIVED

NOV 14 1988

METROPOLITAN PLANNING

ROUTE _____

TURNER LAW OFFICES, CHARTERED

EXECUTIVE PARK EAST - ROCKBOROUGH BUILDING

SUITE 220, 260 NORTH ROCK ROAD
WICHITA, KANSAS 67206

316-685-6950

JACK N. TURNER

September 13, 1988

MAILING ADDRESS:
P. O. BOX 780283
WICHITA, KANSAS 67278-0283

Ms. Louise Olivarez
Assistant Secretary
Board of Zoning Appeals
Metropolitan Area Planning Dept.
10th Floor, City Hall
455 North Main
Wichita, KS 67202-1688

RE: BZA-3-87
Variance of Screening Requirements
at China Bowl Restaurant,
1140 South Rock Road

Dear Ms. Olivarez:

Enclosed herewith please find two executed copies of the
Contract of Continued Maintenance that you and I have
discussed concerning the above referenced matter.

I would appreciate it if you would review the same and if it
is in keeping with what you wish on this matter, then we will
cause the same to be filed with the Register of Deeds and we
will furnish you with a copy indicating it has been so
filed.

Very truly yours,

TURNER LAW OFFICES, CHARTERED

Jack N. Turner
JACK N. TURNER

JNT/ma

cc: Lindy Andeel

RECEIVED

SEP 14 1988

METROPOLITAN PLANNING
ROUTE _____

*Original returned to Jack Turner 10-3-88 for
recording. (Is mortgage's concurrence needed?)*

1

COVENANT OF CONTINUED MAINTENANCE

This Covenant of Continued Maintenance is entered into by ANDEEL & ANDEEL PROPERTIES, a Kansas General Partnership (Owner), and inures to the benefit of the CITY OF WICHITA, KANSAS (City).

RECITALS

A. Owner is the owner of the following described real property:

Lot 1, Triple "J" Addition to the City of Wichita, Sedgwick County, Kansas.

B. Owner was and is the applicant for a zoning variance made to the Board of Zoning Appeals of City, Case No. BZA-3-87.

C. The said variance was granted, subject to certain conditions, as set forth hereinafter in paragraphs 1 through 7:

1. The applicant shall submit three (3) copies of a revised site plan specifying the type of watering system and showing the location, size and type of fence and landscaping materials to the Secretary for approval.
2. The landscaping shall include street trees on the south side of Grail, and evergreen vegetation for the west 110 feet adjacent to the north property line on the drainage dedication. In addition, a six-foot wood screening fence shall be installed on the south side of Grail for a distance of not less than 75 feet. The location of the fence and

landscaping material shall be approved by the Superintendent of Forestry and the Flood Control Maintenance Supervisor.

3. Prior to the installation of the fence, landscaping and the bubbler system, the applicant shall secure a minor street permit from the City of Wichita.
4. The landscaping material shall be planted by April 30, 1987.
5. The applicant shall submit a covenant guaranteeing the continued maintenance of the fence and landscaping as the responsibility of the owner of Lot 1, Triple "J" Addition. Such covenant shall be approved by the Department of Law prior to being recorded with the Register of Deeds.
6. If at any time the owner of Lot 1, Triple "J" Addition fails to maintain the landscaping in good condition, this Resolution shall be voided by the Board and the owner will be required to screen the property as required by the zoning ordinance and be located at the 15-foot maintenance access easement along the north and east property lines.
7. The release of this Resolution shall null and void BZA Resolution 58-77.

D. Owner has complied with paragraphs designated C.1., C.2., C.3. and C.4. above and this Covenant of Continued Maintenance is intended to comply with paragraph C.5. above and embodies the requirements and contingencies set forth in paragraph C.6. above.

NOW, THEREFORE, and in consideration of the foregoing and the covenants and promises hereinafter made,

the owner hereby agrees to be bound by this Covenant of Continued Maintenance.

1. Owner agrees to and does hereby assume the responsibility for the continued maintenance of the fence and landscaping as described in paragraph C.2. above and promises to maintain the same in good condition.

2. In the event the Owner fails to so maintain the landscaping as required by paragraph C.5. above, and the City gives Owner notice in writing of said failure, and said Owner continues in said failure to properly maintain said landscaping for a period of time 30 days after said notice is given, then, in that event, Owner will be required to meet the alternative requirements set out in paragraph C.6. above and the Board of Zoning Appeals may void BZA Resolution 3-87, as set forth in paragraph C.6. above.

3. Notices as contemplated herein shall be directed by certified mail, return receipt requested. Notices shall be deemed given when posted and notices shall be deemed properly posted when deposited in the United States mail addressed to the current owner of the property and at the address to which current real estate property tax notices are directed. Any notices to the City shall be deemed given when sent to the City Clerk and to the Office of Central

Inspection and to the Secretary of the Board of Zoning Appeals, City of Wichita, City Hall, 455 N. Main, Wichita, Kansas.

4. This covenant is intended to be binding and is binding upon the present and all subsequent owners of or persons claiming any interest in the above described real property and shall be deemed to run with the land.

5. These restrictions shall not be altered, amended or terminated without a public hearing before the Board of Zoning Appeals of the City of Wichita. Notice of such hearing shall be given as would be required by law for a variance or exception to the zoning of the property. Any such alteration, amendment or termination shall require the approval of the Board of Zoning Appeals of the City of Wichita, Kansas.

IN WITNESS WHEREOF, the Owner has caused this Covenant of Continued Maintenance to be executed on the 2nd day of September, 1988.

"OWNER"

ANDEEL & ANDEEL PROPERTIES

By:

Lindy Andeel
LINDY ANDEEL, General Partner

APPROVED:

MORTGAGEE:

By: _____

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

I, Pamela E. Armstrong, a Notary

Public within and for said County and State aforementioned, duly commissioned and acting, do hereby certify that on this 2nd day of September, 1988, personally appeared before me LINDY ANDEEL, who executed the foregoing instrument, to me personally well known and known to be the person who signed the foregoing instrument, and known to be and who, being by me fully sworn and being informed of the contents of said foregoing instrument, stated and acknowledged on oath that he is the General Partner of Andeel & Andeel Partnership, the Partnership named in and which executed the foregoing instrument, and that he signed, executed and sealed and delivered the same individually and on behalf of the said Partnership, with authority, as its free and voluntary act and deed for the uses, purposes and considerations therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public the day and year in this certificate above written.

Paula E. Armstrong
NOTARY PUBLIC

My Commission Expires:

9-16-90

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:
)

BE IT REMEMBERED, that on this ____ day of _____, 1988, before me, a Notary Public, in and for the said County and State, came

_____, _____ of _____, to me personally known to be the same person who executed the within and foregoing instrument and duly acknowledged the execution of the same, for and on behalf and as the act and deed of said _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

NOTARY PUBLIC

My Commission Expires:

Approved as to form:

Ed L. Randels

Ed Randels, Assistant City Attorney
City of Wichita, Kansas

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
435 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

August 29, 1988

Mr. Jack N. Turner
Turner Law Offices, Chartered
260 N. Rock Road, Suite 220
Wichita, KS 67206

Re: BZA 3-87

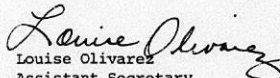
Dear Mr. Turner:

We have reviewed the revised landscape maintenance covenant for the China Bowl restaurant and have made two slight changes on page 3 (see attached sheet with changes highlighted). With regard to the BZA resolutions being voided, the old resolution for BZA 58-77 will automatically be voided when the new resolution for BZA 3-87 is released (upon recording of the maintenance covenant). The mention in condition #6 of BZA 3-87 to the voiding of the resolution by the Board of Zoning Appeals refers to BZA 3-87 being voided if maintenance of the landscaping does not occur.

Our law department retyped page 3 of the covenants with the two changes noted above and Ed Randels has approved the document as to form (original enclosed). If you will get the appropriate signatures on the document, have it recorded, and furnish us with one copy of the recorded document, I will be able to release the resolution for BZA 3-87 which authorizes the variance of the screening requirements, as stated in the zoning ordinance.

Thank you for your assistance in this matter.

Sincerely,


Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosures

COVENANT OF CONTINUED MAINTENANCE

This Covenant of Continued Maintenance is entered into by ANDEEL & ANDEEL PROPERTIES, a Kansas General Partnership (Owner), and inures to the benefit of the CITY OF WICHITA, KANSAS (City).

RECITALS

A. Owner is the owner of the following described real property:

Lot 1, Triple "J" Addition to the City of Wichita, Sedgwick County, Kansas.

B. Owner was and is the applicant for a zoning variance made to the Board of Zoning Appeals of City, Case No. BZA-3-87.

C. The said variance was granted, subject to certain conditions, as set forth hereinafter in paragraphs 1 through 7:

1. The applicant shall submit three (3) copies of a revised site plan specifying the type of watering system and showing the location, size and type of fence and landscaping materials to the Secretary for approval.
2. The landscaping shall include street trees on the south side of Grail, and evergreen vegetation for the west 110 feet adjacent to the north property line on the drainage dedication. In addition, a six-foot wood screening fence shall be installed on the south side of Grail for a distance of not less than 75 feet. The location of the fence and

landscaping material shall be approved by the Superintendent of Forestry and the Flood Control Maintenance Supervisor.

3. Prior to the installation of the fence, landscaping and the bubbler system, the applicant shall secure a minor street permit from the City of Wichita.
4. The landscaping material shall be planted by April 30, 1987.
5. The applicant shall submit a covenant guaranteeing the continued maintenance of the fence and landscaping as the responsibility of the owner of Lot 1, Triple "J" Addition. Such covenant shall be approved by the Department of Law prior to being recorded with the Register of Deeds.
6. If at any time the owner of Lot 1, Triple "J" Addition fails to maintain the landscaping in good condition, this Resolution shall be voided by the Board and the owner will be required to screen the property as required by the zoning ordinance and be located at the 15-foot maintenance access easement along the north and east property lines.
7. The release of this Resolution shall null and void BZA Resolution 58-77.

D. Owner has complied with paragraphs designated C.1., C.2., C.3. and C.4. above and this Covenant of Continued Maintenance is intended to comply with paragraph C.5. above and embodies the requirements and contingencies set forth in paragraph C.6. above.

NOW, THEREFORE, and in consideration of the foregoing and the covenants and promises hereinafter made,

the owner hereby agrees to be bound by this Covenant of Continued Maintenance.

1. Owner agrees to and does hereby assume the responsibility for the continued maintenance of the fence and landscaping as described in paragraph C.2. above and promises to maintain the same in good condition.

2. In the event the Owner fails to so maintain the landscaping as required by paragraph C.5. above, and the City gives Owner notice in writing of said failure, and said Owner continues in said failure to properly maintain said landscaping for a period of time 30 days after said notice is given, then, in that event, Owner will be required to meet the alternative requirements set out in paragraph C.6. above and the Board of Zoning Appeals may void BZA Resolution 3-87, as set forth in paragraph C.6. above.

3. Notices as contemplated herein shall be directed by certified mail, return receipt requested. Notices shall be deemed given when posted and notices shall be deemed properly posted when deposited in the United States mail addressed to the current owner of the property and at the address to which current real estate property tax notices are directed. Any notices to the City shall be deemed given when sent to the City Clerk and to the Office of Central

the owner hereby agrees to be bound by this Covenant of Continued Maintenance.

1. Owner agrees to and does hereby assume the responsibility for the continued maintenance of the fence and landscaping as described in paragraph C.2. above and promises to maintain the same. *in good condition*

2. In the event the Owner fails to so maintain the landscaping as required by paragraph C.5. above, and the City gives Owner notice in writing of said failure, and said Owner continues in said failure to properly maintain said landscaping for a period of time 30 days after said notice is given, then, in that event, Owner will be required to meet the alternative requirements set out in paragraph C.6. above and the Board of Zoning Appeals may void BZA Resolution ~~58-77~~³⁻⁸⁷ as set forth in paragraph C.⁶~~7~~ above.

3. Notices as contemplated herein shall be directed by certified mail, return receipt requested. Notices shall be deemed given when posted and notices shall be deemed properly posted when deposited in the United States mail addressed to the current owner of the property and at the address to which current real estate property tax notices are directed. Any notices to the City shall be deemed given when sent to the City Clerk and to the Office of Central

Inspection and to the Secretary of the Board of Zoning Appeals, City of Wichita, City Hall, 455 N. Main, Wichita, Kansas.

4. This covenant is intended to be binding and is binding upon the present and all subsequent owners of or persons claiming any interest in the above described real property and shall be deemed to run with the land.

5. These restrictions shall not be altered, amended or terminated without a public hearing before the Board of Zoning Appeals of the City of Wichita. Notice of such hearing shall be given as would be required by law for a variance or exception to the zoning of the property. Any such alteration, amendment or termination shall require the approval of the Board of Zoning Appeals of the City of Wichita, Kansas.

IN WITNESS WHEREOF, the Owner has caused this Covenant of Continued Maintenance to be executed on the ____ day of _____, 1988.

"OWNER"

ANDEEL & ANDEEL PROPERTIES

By: _____
LINDY ANDEEL, General Partner

APPROVED:

MORTGAGEE:

By: _____

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

I, _____, a Notary Public within and for said County and State aforementioned, duly commissioned and acting, do hereby certify that on this ____ day of _____, 1988, personally appeared before me LINDY ANDEEL, who executed the foregoing instrument, to me personally well known and known to be the person who signed the foregoing instrument, and known to be and who, being by me fully sworn and being informed of the contents of said foregoing instrument, stated and acknowledged on oath that he is the General Partner of Andeel & Andeel Partnership, the Partnership named in and which executed the foregoing instrument, and that he signed, executed and sealed and delivered the same individually and on behalf of the said Partnership, with authority, as its free and voluntary act and deed for the uses, purposes and considerations therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public the day and year in this certificate above written.

NOTARY PUBLIC

My Commission Expires:

STATE OF KANSAS)
) SE:
COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this ____ day of _____, 1988, before me, a Notary Public, in and for the said County and State, came

_____, _____ of _____, to me personally known to be the same person who executed the within and foregoing instrument and duly acknowledged the execution of the same, for and on behalf and as the act and deed of said _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

NOTARY PUBLIC

My Commission Expires:

Approved as to form:

Ed L. Randels

Ed Randels, Assistant City Attorney
City of Wichita, Kansas

TURNER LAW OFFICES, CHARTERED

EXECUTIVE PARK EAST - ROCKBOROUGH BUILDING

SUITE 220, 260 NORTH ROCK ROAD

WICHITA, KANSAS 67206

316-685-6950

JACK N. TURNER
August 22, 1988

MAILING ADDRESS:
P. O. BOX 760283
WICHITA, KANSAS 67278-0283

Ms. Louise Olivarez
Assistant Secretary
Board of Zoning Appeals
Metropolitan Area Planning Dept.
10th Floor - City Hall
455 North Main
Wichita, Kansas 67202-1688

RECEIVED

AUG 24 1988

METROPOLITAN PLANNING
ROUTE

RE: BZA-3-87
Variance of Screening Requirements
at China Bowl Restaurant,
1140 South Rock Road

Dear Ms. Olivarez:

Thank you for your letter of August 16, 1988 and the enclosure. I have drafted the Covenant of Continued Maintenance along the lines suggested by your Department of Law with a couple of exceptions. In regard to the proposed language at paragraph 1 of page 3 as follows:

"in a reasonably prudent manner that will be harmonious with the surrounding neighborhood."

This was not the language of the letter from the Board of Zoning Appeals to Mr. Yung of February 25, 1987 and is not appropriate here. That language does not set forth a discernable conduct or standard that would be reasonably subject to enforcement.

I have also re-included the closing of paragraph 2 of page 3, which states that:

"...Owner will be required to meet the alternative requirements as set out in paragraph C.6. above and the Board of Zoning Appeals may void BZA Resolution 58-77, as set forth in paragraph C.7. above."

Ms. Louise Olivarez
August 22, 1988
Page Two

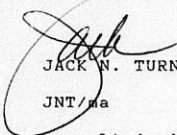
This is re-instated because of the language set forth in the letter just referred to at paragraph 6, where it notes specifically that the Resolution shall be voided by the Board. This indicates to me that Board action voiding the Resolution was intended to be necessary or the language, "shall be voided by the Board", would not have been used.

With these two exceptions, it would appear to me that the agreement as redrafted by Mr. Randall would be appropriate.

Thank you for your continued cooperation.

Very truly yours,

TURNER LAW OFFICES, CHARTERED



JACK N. TURNER

JNT/ma

cc: Lindy Andeel



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

August 16, 1988

Mr. Jack N. Turner
260 N. Rock Road, Ste. 220
Wichita, KS 67206

Re: Covenants for China Bowl Restaurant (BZA 3-87)

Dear Mr. Turner:

The City Law Department has completed its review of the above-referenced draft covenant and the enclosed copy is marked with several requested changes. After you have reviewed these changes, let me know if we need to discuss this matter further. If not, please have Lindy Andeel sign the revised covenant and resubmit it to me so that I can get Ed Randels' signature on the last page prior to having you record the document.

Thank you for the additional information regarding the irrigation system and the landscape plans which you submitted with the covenant. Our files are now complete, except for this covenant and as soon as the covenant is recorded and we are furnished a recorded copy, the Resolution for BZA 3-87 will be released.

Sincerely,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

COVENANT OF CONTINUED MAINTENANCE

This Covenant of Continued Maintenance is entered into by ~~ANDEEL & ANDEEL PROPERTIES~~ ANDEEL & ANDEEL PROPERTIES, a Kansas General Partnership (Owner), and the CITY OF WICHITA, KANSAS (City). ^{interest to the benefit of}

RECITALS

A. Owner is the owner of the following described real property:

Lot 1, Triple "J" Addition to the City of Wichita, Sedgwick County, Kansas.

B. Owner was and is the applicant for a zoning variance made to the Board of Zoning Appeals of City, Case No. BZA-3-87.

C. The said variance was granted, subject to certain conditions, as set forth hereinafter in paragraphs 1 through 7:

1. The applicant shall submit three (3) copies of a revised site plan specifying the type of watering system and showing the location, size and type of fence and landscaping materials to the Secretary for approval.
2. The landscaping shall include street trees on the south side of Grail, and evergreen vegetation for the west 110 feet adjacent to the north property line on the drainage dedication. In addition, a six-foot wood screening fence shall be installed on the south side of Grail for a distance of not less than 75 feet. The location of the fence and landscaping material shall be approved by the Superintendent of Forestry and the Flood Control Maintenance Supervisor.

3. Prior to the installation of the fence, landscaping and the bubbler system, the applicant shall secure a minor street permit from the City of Wichita.
4. The landscaping material shall be planted by April 30, 1987.
5. The applicant shall submit a covenant guaranteeing the continued maintenance of the fence and landscaping as the responsibility of the owner of Lot 1, Triple "J" Addition. Such covenant shall be approved by the Department of Law prior to being recorded with the Register of Deeds.
6. If at any time the owner of Lot 1, Triple "J" Addition fails to maintain the landscaping in good condition, this Resolution shall be voided by the Board and the owner will be required to screen the property as required by the zoning ordinance and be located at the 15-foot maintenance access easement along the north and east property lines.
7. The release of this Resolution shall null and void BZA Resolution 58-77.

D. Owner has complied with paragraphs designated C.1., C.2., C.3. and C.4. above and this Covenant of Continued Maintenance is intended to comply with paragraph C.5. above and embodies the requirements and contingencies set forth in paragraphs C.6. and C.7. above.

NOW, THEREFORE, and in consideration of the foregoing and the covenants and promises hereinafter made, ^{owner hereby agrees} the ~~parties hereto agree~~ to be bound by this Covenant of Continued Maintenance.

1. Owner agrees to and does hereby assume the responsibility for the continued maintenance of the fence and landscaping as described in paragraph ^{C.2.} C.5. above and promises to maintain the same ^{in a reasonably prudent manner that will be harmonious with the surrounding neighborhood.} as needed.

2. In the event the Owner ^{C.5.} fails to so maintain the landscaping as required by paragraph C.6. above, and the City gives Owner notice in writing of said failure, and said Owner continues in said failure to properly maintain said landscaping for a period of time 30 days after said notice is given, then, in that event, Owner will be required to meet the alternative requirements set out in paragraph C.6. above. ~~and the Board of Zoning Appeals may void BZA Resolution 58-77, as set forth in paragraph C.7. above.~~

3. Notices as contemplated herein shall be directed by ^{Certified} ~~restricted~~ mail, return receipt requested. Notices shall be deemed given when posted and notices shall be deemed properly posted when deposited in the United States mail addressed to the current owner of the property and at the address to which current real estate property tax notices are directed. ^{Any} Notices to the City shall be deemed ^{given} complete ~~and to the Office of Central Inspection and to the Secretary of the Board of Zoning Appeals,~~ when sent to the City Clerk, City of Wichita, City Hall, ^{455 N. Main,} Wichita, Kansas.

4. This covenant is intended to be binding and is binding upon the present and all subsequent owners of ^{or persons claiming} the ^{any interest} above described real property and shall be deemed to run with the land.

5. These restrictions shall not be altered, amended or terminated without a public hearing before the Board of Zoning Appeals of the City of Wichita. Notice of such hearing shall be given as would be required by law for a variance or exception to the zoning of the property. Any such alteration, amendment, or termination shall require the approval of the Board of Zoning Appeals of the City of Wichita, Kansas.

IN WITNESS WHEREOF, the ^{owner has} ~~parties hereto~~ have caused
this Covenant of Continued Maintenance to be executed on the
____ day of _____, 1988.

"OWNER"

ANDEEL & ANDEEL PROPERTIES

By: _____
LINDY ANDEEL, General Partner

APPROVED:

~~"CITY"~~

~~CITY OF WICHITA~~

~~By: _____~~

APPROVED:

MORTGAGEE:

By: _____

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

I, _____, a Notary
Public within and for said County and State aforementioned,
duly commissioned and acting, do hereby certify that on this
____ day of _____, 1988, personally
appeared before me LINDY ANDEEL, who executed the foregoing

instrument, to me personally well known and known to be the person who signed the foregoing instrument, and known to be and who, being by me fully sworn and being informed of the contents of said foregoing instrument, stated and acknowledged on oath that he is the General Partner of Andeel & Andeel Partnership, the Partnership named in and which executed the foregoing instrument, and that he signed, executed and sealed and delivered the same individually and on behalf of the said Partnership, with authority, as its free and voluntary act and deed for the uses, purposes and considerations therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public the day and year in this certificate above written.

NOTARY PUBLIC

My Commission Expires:

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this ____ day of _____, 1988, before me, a Notary Public, in and for the said County and State, came _____ of _____ of _____

_____, to me personally known to be the same person who executed the within and foregoing instrument and duly acknowledged the execution of the same, for and on behalf and as the act and deed of said _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

NOTARY PUBLIC

My Commission Expires:

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this ____ day of _____, 1988, before me, a Notary Public, in and for the said County and State, came _____ of CITY OF WICHITA, to me personally known to be the same person who executed the within and foregoing instrument and duly acknowledged the execution of the same, for and on behalf and as the act and deed of said City of Wichita.

Approved as to form:

Ed Randels, Assistant City Attorney
City of Wichita, Kansas

IN WITNESS WHEREOF, I have hereunto subscribed my
name and affixed my official seal the day and year last above
written.

~~NOTARY PUBLIC~~

My Commission Expires:

**THE CITY OF WICHITA
METROPOLITAN AREA PLANNING DEPARTMENT**

DATE: August 1, 1988

TO: Ed Randels, Assistant City Attorney
FROM: Louise Olivarez, Assistant Secretary *L.O.*
Board of Zoning Appeals
SUBJECT: BZA 3-87: Landscape Maintenance Covenants

BZA 3-87 was approved in February 1987, subject to completion of several conditions, one of which was submission of a covenant providing for maintenance of a fence and landscaping which were required to be installed on adjacent public property. We have finally received a draft covenant for review, a copy of which is attached. Also attached is a copy of the site plan identifying the location of the fence and landscaping (highlighted in green) and the lot in the BZA application (outlined in red). All other conditions of approval for this case have been completed. A copy of the resolution, not yet released, is also attached for your information.

I would appreciate your review of this proposed covenant. I have pencilled in a few remarks of my own. A telephone call or marked copy will be sufficient -- no need to write a memo.

Thanks!

LO/jcm
Attachments

FILE COPY

TURNER LAW OFFICES, CHARTERED

EXECUTIVE PARK EAST - ROCKBOROUGH BUILDING
SUITE 220, 260 NORTH ROCK ROAD
WICHITA, KANSAS 67206

316-685-6950

JACK N. TURNER

July 28, 1988

MAILING ADDRESS:
P. O. BOX 760283
WICHITA, KANSAS 67276-0283

Ms. Louise Olivarez
Assistant Secretary
Board of Zoning Appeals
Metropolitan Area Planning Dept.
10th Floor - City Hall
455 North Main
Wichita, KS 67202-1688

RECEIVED

JUL 28 1988

METROPOLITAN PLANNING

ROUTE

Re: BZA-3-87
Variance of Screening Requirements
at China Bowl Restaurant,
1140 South Rock Road

Dear Ms. Olivarez:

Enclosed herewith is a proposed draft of a covenant guaranteeing continued maintenance as required by the action of the Board of Zoning Appeals on the above referenced matter.

If I understand it, I am submitting the same to you and you will forward it to the Law Department for review and revision, if necessary.

If there is anything I can do to help you on this matter, I will be happy to do so. For your additional information, I have provided you with the letter from the Wichita Lawn Sprinkler Co. setting forth their proposal to install the sprinkling system at 8007 Grail.

I have also enclosed a copy of the contract for such installation and the invoice directed to the then owner, Woodlawn Properties, showing that the work has been completed and paid for by Woodlawn Properties.

I have also directed to your attention water bills showing that the water has been provided to the system.

According to my understanding, this is an underground system that may not readily be observed.

If your inspector has any questions about it, he may address the same to me or to the Wichita Lawn Sprinkler Co., who did the installation job.

Ms. Louise Olivarez
Page 2
July 28, 1988

It would probably be well for the inspector to use the attached contract and invoices in order to refresh the memory of the Wichita Lawn Sprinkler Co. concerning the installation. The building permit referred to in the proposal is probably of record before the City of Wichita and, if so, will probably give you a diagram of what was to be anticipated.

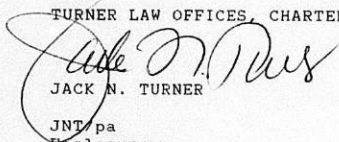
In any event, if you have any questions about this matter, please let me hear from you.

In addition to the above, I have submitted herewith three copies of the design completed by Bill G. Yung, which I presume are the revised copies of the site plan referred to in paragraph 1 of the variance conditions.

Again, if you have any questions, please let me hear from you.

Very truly yours,

TURNER LAW OFFICES, CHARTERED


JACK N. TURNER

JNT/pa
Enclosures

**Wichita
Lawn
Sprinkler Co.**

PROPOSAL

August 7, 1987

Submitted to: Andeal & Co.

We hereby propose to furnish the materials and perform the labor necessary for the completion of a drip irrigation system for the Rock Road drainage easement at Rock Road and Grail. This system provides emitters at trees only.

The system will be connected to a new irrigation meter. Wichita Lawn Sprinkler Co. will purchase permits and have service inspected by the City of Wichita.

The system will include the following:

- 1 ea. 1" Orion Backflow Prevention Device and Vault
 - 1 ea. Rain Bird Ev-100 Automatic Valve
 - 1 ea. Toro EL-6+ Controller
 - 1 ea. Toro 720-02 Pressure Regulator
 - 1 ea. Toro 730-01 Filter
 - 51 ea. Toro 700-08 Emitters
 - 1 ea. 1" Irrigation meter
- All necessary miscellaneous parts, pipe and fittings to satisfactorily complete job.

All parts and labor will have a one-year warranty on workmanship. Warranty will not cover any damage by vandals or abuse. An as-built print will be furnished upon completion of the job.

All material is guaranteed to be as specified and the above work to be performed in accordance with the drawings and specifications submitted for the above work and completed in a substantial workmanlike manner for \$1663.81 plus sales tax \$83.19 for a total of \$1747.00.

Respectfully submitted,

Jack Maltby

Jack Maltby

WICHITA LAWN SPRINKLER CO.
2301 W. 27th North
Wichita, Kansas 67204
Phone: 838-6069

CONTRACT

This contract is made by and between _____
Woodlawn Properties of Wichita, Kansas
herein referred to as OWNER, and Wichita Lawn Sprinkler Co., of
Wichita, Kansas, herein referred to as CONTRACTOR. In consideration
of the performance of the mutual promises and covenants contained
herein the parties hereby agree as follows:

1. OWNER owns and desires to have construction or remodeling
work performed, in the nature of installation of a lawn sprinkler
system and related work, on real property commonly described as follows:
8007 Grail

2. CONTRACTOR agrees to furnish all labor, materials, equip-
ment and other items necessary to perform said construction and in-
stallation, which shall include ONLY the items listed below:

AS PER PROPOSAL DATED AUGUST 7, 1987

3. OWNER does hereby agree to pay to CONTRACTOR the total sum
of \$ 1747.00 for the construction and installation described in
paragraph 2. This sum shall include all labor, materials, fixtures
and other expenses attributable to this project. Payment shall be
made by OWNER according to the following schedule:
\$ 873.50 when work is commenced
\$ 873.50 upon completion of the work.

4. Any scheduled times or dates for commencement of con-
struction, construction time or completion of construction are
estimates and are contingent upon weather conditions and other matters
not under the direct control of the CONTRACTOR.

5. The parties intend that an independent contractor-employer
relationship will be created by this contract. OWNER is interested
only in the results to be achieved, and the conduct and control of
the work will lie solely with CONTRACTOR. CONTRACTOR is not to be
considered an agent or employee of OWNER for any purpose.

6. Any warranties or warranties for materials or equipment
furnished by CONTRACTOR are those of the manufacturer only and
not those of the CONTRACTOR.

7. By execution of this contract, OWNER hereby acknowledges
receipt from the CONTRACTOR of a written notice of cancellation per-
taining to OWNERS right to cancel this contract.

8. NOTICE TO OWNER:
a. Do not sign this agreement before you read it or if it contains
any blank spaces.
b. You are entitled to a copy of this agreement.
c. You may prepay any unpaid balance at any time without penalty.
d. YOU THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR
TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANS-
ACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EX-
PLANATION OF THIS RIGHT.

9. Dated this 20th day of Aug., 1987.

CONTRACTOR
Wichita Lawn Sprinkler Co.

BY Jack Maltby
JACK MALTBY

OWNER


Invoice No. 1087767

Wichita Lawn Sprinkler Co.

2301 West 27th Street North (316) 838-6069 Wichita, Kansas 67204

Date 10/17/87

To: Woodlawn Properties
358 N. Rock Road
Wichita, KS 67206

DATE	DESCRIPTION OF WORK	AMOUNT
	Installation of irrigation system at 8007 Grail: Final payment	\$873 50
	Materials	
	Labor	
	Sales Tax	
	TOTAL DUE	\$873 50

10/28/87
(D.D.)

PLEASE PAY FROM THIS INVOICE — NET 15 DAYS

Thank You!

Woodlawn # 1429 10/28/87

Invoice No. 0787670

Wichita Lawn Sprinkler Co.

2301 West 27th Street North (316) 838-6069 Wichita, Kansas 67204

Date 8/20/87

To: Woodlawn Properties
358 N. Rock Rd
Wichita, KS 67206

DATE	DESCRIPTION OF WORK	AMOUNT
	Installation of irrigation system at 8007 Grail: First half	\$ 873.50
	Materials	
	Labor	
	Sales Tax	
	TOTAL DUE	\$ 873.50

Woodlawn # 1407

PLEASE PAY FROM THIS INVOICE — ~~NET 15 DAYS~~

8/20 Thank You!

CITY OF WICHITA

WATER DEPARTMENT
CITY HALL EIGHTH FLOOR
95 NORTH MAIN STREET
WICHITA, KANSAS 67202



Billing and Rate information 268 4309
Water Service 268 4301
Past Due Bills 268 4306

2 29 410

Customer
WOODLAWN PROPERTIES

Service Address:
08007 GRAIL LWN

Account Amount Due Date
136396-01 \$14.05 01-07-88

Water Service Information			
To	From	Days	
12-08-87	09-16-87	83	
Size	Present	Previous	Consumption
1	3 V	0	3
Total Meters			3
Total Gallons			2,250
Summer Allocation			22,500
Excess Gallons			

Consumption History	
Current Year	
Total Gallons	2,250
Gallons Per Day	27.1
Cost Per Day	\$ 0.16
Previous Year	
Total Gallons	0
Gallons Per Day	0.0
Cost Per Day	\$ 0.00

Bill Summary

Base Charge	13.38
Consumption Charge	0.00
Excess Use Charge	0.00
Sales Tax	0.67
Sewer Service	0.00
Current Total	14.05
Previous Balance	0.00
Previous Payment	0.00
New Balance	14.05
Deposit Applied	0.00

Woodlawn #1455 12-11-87

* FREE *
* RAIN / WATERING *
* GAUGE *
IN COOPERATION WITH THE CITY, LOCAL GARDEN-WISE DEALERS ARE PROVIDING FREE WATERING GAUGES FOR USE IN THE PUTBACK PROGRAM. CUT OUT THIS BLUE SQUARE AND TAKE IT TO YOUR NEAREST GARDEN-WISE DEALER FOR YOUR GAUGE. CALL THE WATER DEPARTMENT FOR MORE INFORMATION.

Total Now Due **\$14.05**

Also **01-07-88** 10% interest per month will be added to the unpaid balance. (Annual Percentage Rate 12%) There will be a \$5.00 charge on all returned checks.

CITY OF WICHITA

PLEASE CUT OUT FOR YOUR RECORDS

4 29 410

WATER DEPARTMENT
CITY HALL - EIGHTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



Billing and Rate information 268-4309
Water Service 268-4301
Past Due Bills 268-4305

Customer
WOODLAWN PROPERTIES

Service Address:
G8007 GRAIL LWN

Account Amount Due Date
136376-01 \$10.28 03-09-88

Water Service Information			
To	From	Days	
02-09-88	12-08-87	63	
Size	Present	Previous	Consumption
1	3	3	0
Total Units			
Total Gallons			
Summer Allocation			22,500
Excess Gallons			

Consumption History		
Current Year		
Total Gallons		0
Gallons Per Day		0.0
Cost Per Day	\$	0.00
Previous Year		
Total Gallons		0
Gallons Per Day		0.0
Cost Per Day	\$	0.00

Bill Summary	
Base Charge	9.79
Consumption Charge	0.00
Excess Use Charge	0.00
Sales Tax	0.49
Sewer Service	0.00
Current Total	10.28
Previous Balance	0.00
Previous Payment	14.05
New Balance	10.28
Deposit Applied	0.00
Total Now Due	\$10.28

Woodlawn Prop #1477 2-12-88

WICHITA BEAUTIFUL WEEK
WAIT DON'T THROW ME AWAY, DO THROW AWAY YOUR PERSONAL AND NEIGHBORHOOD WASTE DURING WICHITA BEAUTIFUL WEEK APRIL 23-30. PROJECT BEAUTY, CHAMBER OF COMMERCE, CITY & COUNTY AGENCIES AND WICHITA AREA WASTE COLLECTORS ARE ALL WORKING TOGETHER TO RID US OF UNWANTED WASTE LANDFILL FREE APRIL 23 & 30 LANDFILL HOURS 7AM - 4PM CALL 268-8351 OR 268-4498 FOR MORE INFORMATION

After **03-09-88** 1% interest per month will be added to the unpaid balance. (Annual Percentage Rate 12%). There will be a \$5.00 charge on all returned checks.

CITY OF WICHITA

WATER DEPARTMENT
CITY HALL - EIGHTH FLOOR
456 NORTH MAIN STREET
WICHITA, KANSAS 67202



Billing and Rate information 268 4309
Water Service 268 4301
Past Due Bills 268 4306

ALL RIGHTS RESERVED BY THE CITY OF WICHITA

5 29 410

Customer
WOODLAWN PROPERTIES

Service Address:
08007 GRAIL

LWN

Account
136396-01

Amount
\$13.31

Due Date
07-07-88

Water Service Information				Days	Consumption
To	From	Present	Previous		
06-08-88	04-08-88	15 V	3	61	12
Size					
1					
Total Units					12
Total Gallons					9,000
Summer Allocation					22,500
Excess Gallons					

Consumption History	
Current Year	
Total Gallons	9,000
Gallons Per Day	147.5
Cost Per Day	\$ 0.21
Previous Year	
Total Gallons	0
Gallons Per Day	0.00
Cost Per Day	\$ 0.00

Bill Summary	
Base Charge	9.79
Consumption Charge	2.88
Excess Use Charge	0.00
Sales Tax	0.64
Sewer Service	0.00
Current Total	13.31
Previous Balance	0.00
Previous Payment	10.28
New Balance	13.31
Deposit Applied	0.00

Total Now Due *Woodlawn #1521*
\$13.31 *6/5*

After 07-07-88 1.5% interest per month will be added to the unpaid balance. (Annual Percentage Rate 18%) There will be a \$5.00 charge on all returned checks.

***WATER DEPT CUSTOMER SERVICES ***
START, TRANSFER OR STOP SERVICE, 268-4301. PAST DUE BILLS 268-4306
RATE INQUIRIES & BILLING INFORMATION 268-4309. WATER LEAKS OR NO WATER 263-4908. SEWER BACK UPS 268-4071.
52 COLLECTION SITES, LISTED ON THE BACK OF BILL ARE AVAILABLE FOR YOUR CONVENIENCE TO RECEIVE YOUR PAYMENT. A NEW CONVENIENCE IS THE CITY HALL EXPRESS PAYMENT CENTER, LOCATED ON THE 1ST FLOOR OF CITY HALL, LET US KNOW OF WAYS WE CAN SERVE YOU BETTER



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

June 27, 1988

Andeel and Andeel Properties
358 N. Rock Road
Wichita, KS 67206

Re: BZA 3-87 -- Variance of screening requirements at China Bowl
Restaurant, 1140 S. Rock Road

Gentlemen:

I recently had an inquiry about the China Bowl Restaurant site which caused me to review its most recent Board of Zoning Appeals case file in which a variance of the screening requirements was requested (BZA 3-87). The variance was approved in February 1987, subject to satisfactory completion of several conditions (see our letter dated 2-25-87). In March 1987, when the revised site (landscape) plan was submitted and approved, we were advised by your agent, Bill Yung, that you might wish to withdraw that case and return to the conditions of the previous case (BZA 58-77). We informed Bill by letter that since release of the new BZA resolution would void the previous resolution, we would await further instructions. We also reminded Bill of the need for a covenant providing continued maintenance of the required fence and landscaping and the need for a minor street permit for the trees and irrigation system on Grail.

Our file would indicate that we had no further contact from you or your agent regarding your plans to proceed with BZA 3-87 or revert to the conditions of BZA 58-77. An on-site inspection by our office on June 15, 1988, indicates that the evergreens along the south side of the drainage ditch have been planted, but are not being adequately maintained. They need to be watered and the weeds at the base of the trees need to be moved. The fence and trees along Grail are in place, but we could not see a drip irrigation system. Was one installed? We did find out that the minor street permit was issued last fall, but it did not specify whether or not an irrigation system was included.

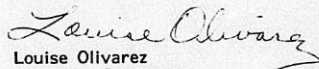
Since most of the conditions of BZA 3-87 seem to have been complied with, I assume you wish to proceed with this case. To complete the case, please submit the required covenant that maintenance of the fence and landscaping will be the responsibility of the owner of Lot 1, Triple "J" Addition.

June 27, 1988
Page 2

This covenant should be submitted to the Planning Department within the next 30 days. We will forward it to the Law Department for review. Once it is approved and recorded, the BZA resolution can be released and this case file can finally be completed.

If you have any questions about this matter, please call me at 268-4421.

Sincerely,


Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
cc: Bill Yung, 4912 E. 29th St. N., Wichita, KS 67220

CHINA BOWL

BZA

Call into Bill Young 6-18-87
he said Linley may want to go back
to the presence BZA requirements
again since 7-2-87 that Linley believes they

6-15-88

- Fence is installed - right length and height
- Canebrakes are planted - need care and maintenance. Someone should mow weeds around them and water. 12 are planted instead of 8.
- All the trees next to street ROW appear to be ash. I didn't see a drip irrigation system. Trees are not in too good shape
- I wonder why no one advised us that the conditions had been completed.

JH

Water Dept for the
hold up. They supposedly
won't put in the water
meter

Marvin
Kroul

This was left with me by Dave Bayouth...he was interested in getting something worked out relative to the landscaping, etc. for China Bowl. Anything new on this? Still in hassle?

Chris

BZA approved the latest variance request on 2-24-87, which required landscaping and screening fence along the south side of Grail, across the street from homes and across the drainage way from China Bowl. That would provide screening for the residents and allow China Bowl ^{full} use of the 15 foot maintenance easement for parking. Residents along Grail had all signed a letter indicating their consent to this plan.

By late March, we heard that the applicant (Ansel) was not sure they wanted to go along with the plan after all, and might want to return to the original conditions of the 1978 variance. We held the resolution until the applicant decided which we he wanted to go; still have not heard from him. The conditions required the landscaping to be planted by 4-30-87, so now the applicant will need to rely on the original variance or to ask for a rehearing by the BZA. We will need to ^{so} officially inform the applicant in order to "close the file."

RECEIVED

MAY 26 1987

METROPOLITAN PLANNING
ROUTE _____

Everyone has looked at this pretty closely, and there just don't seem to be any alternatives that properly screen the residents and that retain the access required by Flood Control. I will discuss the Flood Control access with Public Works, but I don't believe they will be willing to waivate the maintenance easement. M. Kroul

HOLD RESOL.
FOR REVISED
SITE PLAN

Just from my notes
Jan 11-13-87
Tues + Wednes
we in workshop
the fence I had been
when we were in
back to original
with the original
with the original

March 31, 1987

Bill G. Yung Design
4912 East 29th Street North
Wichita, Kansas 67220

RE: BZA 3-87 - Screening variance - (SE corner of Rock Road and Grail)

Dear Mr. Yung:

Attached hereto is a copy of the landscape plan that has been approved by this office. As you will note, I have requested that two gaps be maintained in the evergreen plantings located on the drainageway right-of-way that will be similar to Flood Control's approval in March 1978. In addition, the screening fence located on the applicant's property is optional, as the only fence required is the 75 feet to be located on public right-of-way.

I have not released the resolution for this case, as the last discussion I had with you, the applicant had indicated he might return to the conditions of BZA 58-77. Since the release of this resolution will void that resolution, I am holding it up until you advise me of their intentions. Also, if you are going to proceed, you need to complete the preparation of a covenant (condition #5) and the securing of a minor street permit (condition #3) as set forth in my letter to you on February 25, 1987.

I would appreciate three copies of a revised plan so that I can get the approval by Forestry and Flood Control. If you have any questions on this matter, please give me a call.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL/lw

Attachment

PL/0093/1

February 25, 1987

Bill G. Yung Design
4912 East 29th Street North
Wichita, Kansas 67220

Re: BZA 3-87 - Request for Variance (On the Southeast corner of
Rock Road and Grail)

Dear Mr. Yung:

At the regular meeting of the Board of Zoning Appeals on February 24, 1987, your request for a variance of the screening requirements adjacent to the north and east property lines, and amending the previously approved screening as established by BZA Resolution 58-77 was considered. It was the action of the Board to grant the variance subject to the following conditions:

✓ 1. The applicant shall submit three (3) copies of a revised site plan specifying the type of watering system and showing the location size and type of fence and landscaping materials to the Secretary for approval. *See prints dated 4-6-87.*

*fence and
trees as per
as per site
inspections
6-15-88*

✓ 2. The landscaping shall include street trees on the south side of Grail, and evergreen vegetation for the west 110 feet adjacent to the north property line on the drainage dedication. In addition, a six-foot wood screening fence shall be installed on the south side of Grail for a distance of not less than 75 feet. The location of the fence and landscaping material shall be approved by the Superintendent of Forestry and the Flood Control Maintenance Supervisor.

✓ 3. Prior to the installation of the fence, landscaping and the bubbler system, the applicant shall secure a minor street permit from the City of Wichita. *Permit # 3052 issued 9-16-87 to Woodlawn Properties 358 N. Rock Rd.*

4. The landscaping material shall be planted by April 30, 1987.

5. The applicant shall submit a covenant guaranteeing the continued maintenance of the fence and landscaping as the responsibility of the owner of Lot 1, Triple "J" Addition. Such covenant shall be approved by the Department of Law prior to being recorded with the Register of Deeds.

Case No. BZA 3-87
February 24, 1987
Page 1

6. If at any time the owner of Lot 1, Triple "J" Addition fails to maintain the landscaping in good condition, this Resolution shall be voided by the Board and the owner will be required to screen the property as required by the zoning ordinance and be located at the 15-foot maintenance access easement along the north and east property lines.
7. The release of this Resolution shall null and void BZA Resolution 58-77.

Release of the Resolution setting forth the official action of the Board is subject to the submission and approval of a revised site plan in conformance with the above conditions.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:lw

cc: Andeel and Andeel Properties, 358 N. Rock Road, Wichita, KS 67206
Jim Frey, 8006 Grail, Wichita, Kansas 67207
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE February 18, 1987

TO Glen Lytle, Special Assistant for Zoning

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 3-87: SE Corner of
Woodlawn and Grail

On Monday, February 16, CPO Area "F" was to have considered the above captioned request. Applicant, Andeel and Andeel Properties, 358 N. Rock Road, had requested a variance of the screening requirements adjacent to the north and east of property lines, and amending the previously approved screening as established by BZA Resolution 58-77, for property located in the "LC" Light Commercial District.

Due to inclement weather, Council members cancelled the scheduled meeting. Consequently, the Council will be unable to provide an official recommendation.

Please provide this information to the Board of Zoning Appeals when case BZA 3-87 is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

FEB 18 1987

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 3-87

APPLICANT: Andeel and Andeel Properties, 358 North Rock Road, Wichita, Kansas 67206

AGENT: Bill G. Yung, 4912 East 29th Street North, Wichita, Kansas 67220.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to amend the previously approved screening as required by BZA 58-77 adjacent to a residential district.

GENERAL LOCATION: On the southeast corner of Rock Road and Grail Street.

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

LAND USE: Subject property is occupied by a restaurant and accessory parking. To the south and west is commercial development. To the east are apartments and to the north are one-family dwellings.

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 a variance to amend the screening requirements that were varied by the Board of Zoning Appeals in 1978 to permit only a partial screening fence along the east and north, and established by BZA Resolution 58-77. That variance included a landscaped area on the drainage dedication for the west 110 feet and a six-foot high solid screening fence 15 feet south and west of the property line for the remainder of the property. This fence was installed off of the 15 foot maintenance easement and the landscaping was installed in conformance with a landscape plan approved by the Flood Control office. This was agreed to and constructed by the owner who originally constructed the "Mr. Burger" restaurant on the property.

Over the years there have been numerous complaints on the property due to a lack of maintaining the required landscaping. Over the past several years, the Planning Department and Central Inspection have had a number of contacts by the present owner trying to resolve this matter. The present owner removed the fence, paved the maintenance easement all without proper permits and in violation of BZA 58-77. Central Inspection has issued notices on several occasions trying to get this matter resolved.

The owner has resisted any attempt to reinstall the fence at the required location and after many months has decided to file a new variance application to see if the screening requirements can be amended. It is the Secretary's opinion that the prior BZA approval provides the best screening for the residences to the north and should be reinstalled.

The applicant is now proposing to install evergreen screening along the north side of the drainage dedication and located on public right-of-way. They have proposed to install this landscaping along with a bubbler watering system in order to assure the proper maintenance. They have also discussed this with the property owners to the north and all have signed their consent to the proposal. The Flood Control Maintenance Supervisor has also agreed to the location of the evergreen vegetation as it relates to his responsibility of maintenance of the drainageway.

The Superintendent of Landscape and Forestry, has some reservation on the location and type of material proposed by the applicant. His final comments will be forthcoming prior to the meeting. Should he agree to the proposal, and the Board decides to grant the variance, it would still be subject to the approval of a minor street permit for the landscaping and the bubbler system on public right-of-way.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is located adjacent to a drainage dedication and the original plat of the property was required to dedicate a 15-foot maintenance easement on the property that must be clear of obstructions. This then reduces the usability of the property if screening is required adjacent to the residential zoning district.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the property to the east maintains a fence along the east side of the drainageway, and the property owners to the north have indicated their concurrence with this proposal.

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 required screening at the property line is prohibited by the maintenance easement dedicated on the property, and the landscaping in the drainage dedication is not acceptable for the entire length of the property due to the slope and depth of the bank adjacent to the property.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the evergreen screening will not interfere with any needed public improvements in the area or the maintenance of the drainageway.

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 will provide some protection to the residential properties to the north since the trees gain some additional height.

RECOMMENDATION:

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

1. The landscaping shall be installed and maintained by the owner of Lot 1, Triple "J" Addition.
2. Prior to the installation of the landscaping and the bubbler system, the applicant shall secure a minor street permit from the City of Wichita.
3. Landscaping shall not be planted closer than 20 feet from the west line of Rock Road right-of-way.
4. The landscaping material shall be planted by April 30, 1987.
5. The applicant shall submit a covenant guaranteeing the continued maintenance to be the responsibility of the owner of Lot 1, Triple "J" Addition. Such covenant shall be recorded with the Register of Deeds and shall run with the land after being approved by the Department of Law.

6. If at any time the owner of Lot 1, Triple "J" Addition fails to maintain the landscaping in good condition, this Resolution shall be voided by the Board and the owner will be required to screen the property as required by the zoning ordinance and be located at the 15-foot maintenance access easement along the north and east property lines.

BZA CASE NO. 3-87

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>13</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>16</u>	TOTAL NOTICES SENT <u>2-2-87</u>

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

January 28, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 3-87

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Andeel and Andeel Properties, 358 N. Rock Road, Wichita, Kansas 67206 requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance of the screening requirements adjacent to the north and east property lines, and amending the previously approved screening as established by BZA Resolution 58-77 for property located in the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 1, Triple J Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of ~~Woodlawn~~ *Rock Road* and Grail.

This application has been assigned Case No. BZA 3-87. It will be considered by the Board of Zoning Appeals on February 24, 1987 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "F" will consider this case at their meeting to be held on Monday, February 16, 1987, at 7 p.m., at Mt. Vernon Presbyterian Church, 3700 East Mt. Vernon. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Glen E. Lytle
Assistant Secretary



DELIVER TO: Metro Area Planning Dept.
10th Floor
City Bldg.

ATTN: Glen Lytle

RE: China Bowl Ownership List

Property Description

Property Owner

Lot 1

✓ Andeel and Andeel
Properties
358 N. Rock Road
Wichita, KS 67206

Lot 2 and
the South
the West 2
Lot 3

1-8-87

✓ Woodlawn Properties
c/o Lindy Andeel
358 N. Rock Road
Wichita, KS 67206

Norma

Lot 1

✓ James J. Hying
Sherryl F. Hying
16290 Tower Lane
Wichita, KS 67230

SECURITY ABSTRACT AND TITLE CO., INC.

434 North Main • Wichita, Kansas 67202 • Telephone (316) 267-8371
SECURITY IS KNOWING

Lot 4

✓ Keith L. Anderson
Lois I. Anderson
1125 S. Rock Road
Wichita, KS 67207

Lot 5

"

✓ Storage Equities-
PS Partners IV
Wichita-Joplin
c/o Dept. PT-KS24429-01
P.O. Box 25025
Glendale, CA 91201

Lot 10, Block 1

Lynncrest Heights
Addition

✓ Virgil E. Neil
Lucille B. Neil
8026 Grail
Wichita, KS 67207

Lot 11, Block 1

"

✓ Manning L. Swanson Jr.
Dixie S. Swanson
8022 Grail
Wichita, KS 67207

Lot 12

Block 1

"

✓ Jack S. Collins
Betty L. Collins
8018 Grail
Wichita, KS 67207

Lot 13

Block 1

"

✓ Lich Van Phan
Hoi Thi Do
8014 Grail
Wichita, KS 67207

Lot 14

Block 1

"

✓ Leonardo Traverzo Ramos
Angelita Traverzo Ramos
8010 Grail
Wichita, KS 67207

Lot 15

Block 1

"

✓ James R. Frey
Kathryn A. Frey
8006 Grail
Wichita, KS 67207

OWNERSHIP LIST

<u>Property Description</u>			<u>Property Owner</u>
Lot 1		Triple J Addition	✓ Andeel and Andeel Properties 358 N. Rock Road Wichita, KS 67206
Lot 2 and Lot 3 except the South 25 feet of the West 200 feet of Lot 3		"	✓ Woodlawn Properties c/o Lindy Andeel 358 N. Rock Road Wichita, KS 67206
Lot 1		Branson 2nd Addition	✓ James J. Hying Sherryl F. Hying 16290 Tower Lane Wichita, KS 67230
Lot 4		Captain's Second Addition	✓ Keith L. Anderson Lois I. Anderson 1125 S. Rock Road Wichita, KS 67207
Lot 5		"	✓ Storage Equities- PS Partners IV Wichita-Joplin c/o Dept. PT-KS24429-01 P.O. Box 25025 Glendale, CA 91201
Lot 10, Block 1		Lynncrest Heights Addition	✓ Virgil E. Neil Lucille B. Neil 8026 Grail Wichita, KS 67207
Lot 11, Block 1		"	✓ Manning L. Swanson Jr. Dixie S. Swanson 8022 Grail Wichita, KS 67207
Lot 12	Block 1	"	✓ Jack S. Collins Betty L. Collins 8018 Grail Wichita, KS 67207
Lot 13	Block 1	"	✓ Lich Van Phan Hoi Thi Do 8014 Grail Wichita, KS 67207
Lot 14	Block 1	"	✓ Leonardo Traverzo Ramos Angelita Traverzo Ramos 8010 Grail Wichita, KS 67207
Lot 15	Block 1	"	✓ James R. Frey Kathryn A. Frey 8006 Grail Wichita, KS 67207

<u>Property Description</u>		<u>Property Owner</u>
Lot 16	Block 1	Lyncrest Heights Addition
		✓ Alvin L. Wight 9235 E. Lincoln Ct. Wichita, KS 67207
Lots 1, 2, 3, 4, 5 and 6	Block 4	"
		✓ H. Marvin Bastian 62 Norfolk Wichita, KS 67208 AND ✓ Frank M. Kessler 53 Via Verde Wichita, KS 67230

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

Lot 1, Triple J Addition, 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 27th day of January, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Hable

By

Sr. Vice-President

Order No.: 373954

nj

BOARD OF ZONING APPEALS

CASE NO. 3-87

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Andeel and Andeel Properties

Mailing Address 358 N. Rock Road 67206 Phone 683-7511

Name of Authorized Agent Bill G. Yung Design

Mailing Address 4912 E. 29th N. 67220 Phone 683-5567

Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is A variance of the screening requirement along the North and East lines (of the China Bowl Property) from that previously approved. (BZA-58-77)

for property located on the East side of Rock Road South of Grail.

and legally described as: Lot 1 Triple J Addition

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. 39-285); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant _____

Authorized Agent 

Bill G. Yung

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:15 ~~6:00~~ p.m.), JAN 26, 1987, together with appropriate fee of 300.00.

Signed 

January 26, 1987

Mr. Glen Lytle, Secretary
Board of Zoning Appeals
10th Floor - City Hall
455 North Main
Wichita, KS 67202

RE: Requested variance of the screening requirements on the China Bowl
Property from that previously approved.

Dear Mr. Lytle:

This request is based on the need to satisfy the problem of non-compliance with the currently approved plan for screening of the China Bowl Restaurant Property.

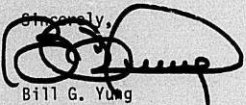
As you know, the existing plan requires a combination of plantings on the west end of the required screen and a solid fence on the east end, south and west of the existing drainage ditch.

In meetings held with you and Bob Jennings of the Flood Control Department, an alternate plan was prepared by my office using a row of cedar trees six (6) feet south of the Grail Street R.O.W. on the north side of the existing drainage ditch. Mr. Jennings indicated he could approve this solution relative to his needs for maintenance of the drainage ditch providing that the adjacent neighbors accept this solution in lieu of the approved plan.

From that meeting, I prepared a sketch illustrating the proposed compromise (Exhibit "A"). I also prepared a letter for the neighbors to the north to sign (Exhibit "B") if they found the solution acceptable. The neighbors were also shown the approved plan. Each neighbor was contacted for the explanation of our variance and their approval.

Since all neighbors signed, I feel the case is in sufficient detail to submit for hearing. I appreciate your assistance in this matter and would ask that you schedule this case for the next available meeting.

Sincerely,


Bill G. Yung

cc: Lindy Andeel

4912 E. 29TH NORTH, SUITE ONE, WICHITA, KANSAS 67220 316-683-5567 BILL G. YUNG DESIGN

TO: Mr. Glen Lytle, Secretary
Board of Zoning Appeals
Metropolitan Area Planning Dept.
10th Floor - City Hall
Wichita, KS 67202

DATE: 23 June 87

RE: Acknowledgment of alternative screening proposal for the China Bowl Property.

We, the undersigned, have reviewed the attached site plan (Exhibit "A") and understand the proposed plantings for screening purposes. We find this solution to be acceptable as an alternative to the approved screening plan.

R. L. Wright

W. H. E. Jung

Angelita Traversy

L. L. L. L.

J. Collins

M. L. Swanson

L. L. L. L.

8000 Grail
Address

8000 Grail
Address

8010 Grail
Address

8014 E. Grail
Address

8018 Grail
Address

8022 Grail
Address

8026 Grail
Address

The attachment of Exhibit "A" is a part of this document.

EXHIBIT "B"

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 25 21

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
17-824 V-2	2700.00

NAME H. L. HARRIS / P. HARRIS	
ADDRESS 1114 W. 21st St	
FUND 17-417-1-1003	DUE DATE
COMMENTS	
DATE 11-1-1947	BY [Signature]

*

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

Roll # 3