

BZA5-62 - RIVER OAKS, INC. REQUESTS
EXCEPTION TO ALLOW SWIMMING POOL;
VARIANCE FROM SETBACK RULES; AND TO
ALLOW PARKING IN FRONT YARD AREAS.
LOCATED S OF W. RIVER BLVD. BETWEEN
FAULKNER AND BUFFUM.

ACTION

DATE 12-22-62

Appl

Rya COMMITTEE

M.A.P.C. _____

B.C.C./B. CO. C. _____

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE — FIRST FLOOR

Bld'g & Elev. _____ Elec. _____ Elev. Insp. _____
Exam Fees _____ Hse. Mvr. _____ Hse. Moving _____
Licse. _____ Mech. _____ Oil Well _____ Pav. Cuts _____
Plan. _____ Plb'g. _____ Plb'g Cert. _____
Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
Street _____ Trailers _____

DESCRIPTION	AMOUNT
<i>Plb'g</i>	<i>2.00</i>
<i>Plb'g Cert.</i>	<i>1.00</i>

Name _____

Address _____

Type _____ Due Date *1-1-12*

Comments _____

Date *10-4-11* By _____

RESOLUTION NO. 5-62

WHEREAS, RIVER OAKS, Inc., by JAMES W. SARGENT, ATTORNEY, 500 FARMERS & BANKERS BUILDING, WICHITA, KANSAS, HAS REQUESTED THE GRANTING OF AN EXCEPTION TO ALLOW A SWIMMING POOL IN THE FRONT YARD AREA ALONG RIVER BOULEVARD, AS PROVIDED IN SECTION 28.04.070.A.1. AND 28.04.040.A.8 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND

WHEREAS, RIVER OAKS, Inc., by JAMES W. SARGENT, ATTORNEY, HAS ALSO REQUESTED THE GRANTING OF A VARIANCE FROM THE REQUIREMENTS OF SECTION 28.04.070.C.1 SO AS TO ALLOW 10 FOOT FRONT YARD BUILDING SETBACKS ON FAULKNER AND BUFFUM AVENUES, AND 15 FOOT FRONT YARD SETBACKS ON HARRISON; AND

WHEREAS, RIVER OAKS, Inc., by JAMES W. SARGENT, ATTORNEY, HAS ALSO REQUESTED THE GRANTING OF A VARIANCE FROM THE PROVISIONS OF SECTION 28.04.140.A 1.1 SO AS TO ALLOW PARKING IN THE FRONT YARD AREAS ALONG FAULKNER AND HARRISON, AS PER PLANS ON FILE IN THE OFFICE OF THE SECRETARY OF THE BOARD OF ZONING APPEALS; AND

WHEREAS, THE ABOVE REQUESTS APPLY TO LOTS 1 THROUGH 9 AND RESERVE "A" IN COX'S SECOND ADDITION TO WICHITA, KANSAS, GENERALLY LOCATED BETWEEN FAULKNER AND BUFFUM AVENUE AND BETWEEN HARRISON AVENUE AND RIVER BOULEVARD; AND

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, IN REGULAR MEETING CONSIDER SAID APPLICATION ON THE 23RD DAY OF OCTOBER, 1962; AND

WHEREAS, THE BOARD OF ZONING APPEALS DETERMINED THAT IT HAD PROPER JURISDICTION TO CONSIDER SAID REQUESTS FOR VARIANCES AND EXCEPTION UNDER THE PROVISIONS OF SECTION 2.12.590 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND

WHEREAS, THE PROPERTY IS ZONED "B" MULTIPLE FAMILY RESIDENTIAL DISTRICT; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE VARIANCE ARISES FROM SUCH CONDITION WHICH IS UNIQUE AND NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT IN THAT THE PROPERTY INVOLVED IS A SMALL NEARLY SQUARE "SHORT BLOCK" OF 1.55 ACRES BOUNDED BY STREETS ON EACH OF ITS FOUR SIDES CREATING A FRONT YARD ON EACH SIDE, WHICH REDUCES THE USABLE AREA; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE GRANTING OF THE VARIANCE WOULD NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS IN THAT ONLY ONE PROPERTY OWNER ENTERED A PROTEST AND THAT SUCH REASON OF PROTEST DID NOT APPEAR TO BE SUFFICIENTLY VALID IN THAT DENSITY OF POPULATION WOULD NOT BE INCREASED BY SAID GRANTING OF VARIANCES, AND FURTHER THAT THE DESIGN OF THE PROJECT AS APPROVED AND CONTROLLED BY THE CITY COMMISSION WILL ENHANCE THE VALUE OF PROPERTY IN THE AREA; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS AUTHORITY TO PERMIT ACCESSORY STRUCTURES IN THE FRONT YARD UNDER THE PROVISIONS OF SECTION 28.04.040.A.9 OF THE CODE OF THE CITY OF WICHITA, PROVIDED THAT ADEQUATE ACCESS TO THE LAND IS MAINTAINED FOR FIRE AND POLICE PROTECTION AND FOR THE SERVICE OF UTILITIES AND THE FOREGOING IS ADEQUATELY PROVIDED FOR IN THE DEVELOPMENT PLANS OF THIS PROJECT AND PROPER SCREENING IS PROPOSED AND WILL BE REQUIRED UNDER RESTRICTIVE COVENANTS APPLICABLE TO THE PROPOSED DEVELOPMENT; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL CONSTITUTE UNNECESSARY HARDSHIP UPON THE PROPERTY OWNER REPRESENTED IN THE APPEAL IN THAT THEY HAVE HERETOFORE RELIED UPON INFORMATION FURNISHED THEM BY THE FORMER CITY BUILDING INSPECTION SUPERINTENDENT WHICH LED THEM TO BELIEVE THAT PROPERTY ABUTTING HARRISON, FAULKNER AND BUFFUM WOULD BE CONSIDERED AS SIDE YARDS HAVING A SETBACK OF 5 FEET AND THE PLANS FOR THE PROJECT WERE PREPARED ON THIS BASIS; AND FURTHER THAT PRIOR TO THE ADOPTION OF ORDINANCE No. 26-765, OFF-STREET PARKING WAS ALLOWED IN AT LEAST ONE-HALF OF A FRONT YARD AREA; AND THAT SAID ORDINANCE WAS PASSED AFTER THE CITY COMMISSION HAD APPROVED THE ZONING IN THIS CASE AND ESTABLISHED THE CONTROL OVER PROJECT DESIGN; 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 IN THAT ACCESS FOR POLICE AND FIRE PROTECTION WILL NOT BE INTERFERED WITH; AND

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA, KANSAS, THAT THE REQUESTS FOR VARIANCES AND EXCEPTION AS DESCRIBED ABOVE FOR PROPERTY DESCRIBED AS LOTS 1 THROUGH 9 AND RESERVE A, COX'S SECOND ADDITION TO WICHITA, ARE HEREBY APPROVED AS FOLLOWS:

VARIANCES -

- A. FRONT YARD SETBACKS OF 10 FEET ON BUFFUM AND FAULKNER AVENUES.
- B. FRONT YARD SETBACK OF 15 FEET ON HARRISON AVENUE.
- C. PARKING IN FRONT YARD AREA ALONG HARRISON AND FAULKNER AS SHOWN AND INDICATED IN PLOT PLANS FILED WITH THE APPLICATION AND ON FILE IN THE OFFICE OF THE SECRETARY OF THE BOARD OF ZONING APPEALS.

EXCEPTION -

A SWIMMING POOL AS AN ACCESSORY STRUCTURE IN THE FRONT YARD AREA ALONG RIVER BOULEVARD, SUBJECT TO:

1. WEEKLY SAMPLES OF SWIMMING POOL WATER AND WEEKLY REPORTS ON SWIMMING POOL OPERATION BEING SUBMITTED TO THE CITY-COUNTY HEALTH DEPARTMENT IN ACCORDANCE WITH THEIR PROCEDURES,

ALL BEING SUBJECT TO CONSTRUCTION COMMENCING WITHIN TWELVE MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION.

ADOPTED AT WICHITA, KANSAS, THIS 23RD DAY OF OCTOBER, 1962.


HAROLD BAUER, VICE CHAIRMAN

ATTEST:


R. A. LAKIN, SECRETARY

NOVEMBER 5, 1962

MR. JAMES W. SARGENT, ATTORNEY
RIVER OAKS, INC.
500 FARMERS & BANKERS BUILDING
WICHITA, KANSAS

DEAR MR. SARGENT:

RE: BZA 5-62

ON OCTOBER 24, 1962, WE ADVISED YOU THAT THE BOARD OF ZONING APPEALS HAD APPROVED SUBJECT APPLICATION FOR VARIANCES IN SETBACK LINES AND OFF-STREET PARKING IN FRONT YARD AREA, AND AN EXCEPTION TO ALLOW A SWIMMING POOL IN THE FRONT YARD OF PROPERTY GENERALLY LOCATED IN AN AREA BOUNDED BY RIVER BOULEVARD, HARRISON, BUFFUM AND FAULKNER.

WE ALSO ADVISED THAT THE BOARD'S DECISION MIGHT BE APPEALED TO THE CITY COMMISSION PROVIDED THAT SUCH APPEAL WAS FILED ON OR BEFORE NOVEMBER 2, 1962.

THE CITY CLERK HAS ADVISED THAT NO APPEAL WAS FILED ON OR BEFORE THE DATE INDICATED, AND THE DECISION OF THE BOARD OF ZONING APPEALS IS, THEREFORE, FINAL.

A COPY OF THE RESOLUTION SETTING FORTH THE ACTION OF THE BOARD IS ATTACHED FOR YOUR INFORMATION AND FILES.

VERY TRULY YOURS,

ROBERT A. LAKIN
SECRETARY

RAL:BER
ATTACHMENT

CC: GLEN LYTLE
SUPT. CENTRAL INSP.

OCTOBER 24, 1962

MR. JAMES W. SARGENT, ATTORNEY
RIVER OAKS, INC.
500 FARMERS & BANKERS BUILDING
WICHITA, KANSAS

DEAR MR. SARGENT:

Re: BZA 5-62

THIS IS TO ADVISE YOU THAT AT ITS REGULAR MEETING OF OCTOBER 23, 1962, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA CONSIDERED YOUR REQUEST FOR VARIANCES IN SETBACK LINES, OFF-STREET PARKING AREA IN FRONT YARD AREA, AND FOR AN EXCEPTION TO ALLOW A SWIMMING POOL TO BE CONSTRUCTED IN THE FRONT YARD OF PROPERTY LOCATED GENERALLY IN THE AREA BOUNDED BY RIVER BOULEVARD, HARRISON, BUFFUM AND FAULKNER. THE BOARD APPROVED THE REQUESTS.

SECTION 2.12.610 OF THE CODE OF THE CITY OF WICHITA PROVIDES THAT THE DECISION OF THE BOARD OF ZONING APPEALS SHALL BE FINAL UNLESS IT IS APPEALED TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN DAYS OF THE DATE OF THE BOARD'S ACTION. ACCORDINGLY, AN APPEAL COULD BE FILED IN THIS CASE ON OR BEFORE NOVEMBER 2, 1962.

SUBSEQUENT TO THE EXPIRATION OF THE APPEAL PERIOD, YOU WILL BE ADVISED WHETHER OR NOT AN APPEAL HAS BEEN FILED. IF NO APPEAL HAS BEEN FILED ON OR BEFORE NOVEMBER 2, 1962, THE DECISION OF THE BOARD WILL BE FINAL AND THE SUPERINTENDENT OF CENTRAL INSPECTION WILL BE IN A POSITION TO ISSUE THE APPROPRIATE PERMITS.

VERY TRULY YOURS,

ROBERT A. LAKIN
SECRETARY

RAL:BER
cc: C. H. FUNK
CITY CLERK

OCTOBER 26, 1962

SPECIAL DELIVERY

MRS. OLIVE SMITH SNELBAKER
1214 RIVERSIDE AVENUE
WICHITA, KANSAS

DEAR MRS. SNELBAKER:

RE: BZA 5-62

THIS IS TO ADVISE YOU THAT THE BOARD OF ZONING APPEALS AT ITS REGULAR MEETING OF OCTOBER 23, 1962, CONSIDERED THE REQUEST MADE BY RIVER OAKS, INC., IN CONNECTION WITH GRANTING CERTAIN VARIANCES AS TO SETBACKS AND PARKING AREAS AND AN EXCEPTION FOR A SWIMMING POOL. THE BOARD ALSO CONSIDERED YOUR LETTER WHICH WAS READ IN FULL TO THE BOARD AND ALL PRESENT. AFTER REVIEWING THE FACTS IN THE CASE AND DETERMINING THE AFFECT UPON THE AREA, AND CONSIDERING THE BENEFIT WHICH WOULD ACCRU TO THE GENERAL NEIGHBORHOOD, THE BOARD OF ZONING APPEALS APPROVED ALL OF THE REQUESTS MADE BY THE APPLICANT.

THE DECISION OF THE BOARD OF ZONING APPEALS IS FINAL UNLESS IT IS APPEALED TO THE CITY COMMISSION WITHIN TEN DAYS OF THE BOARD'S ACTION. THIS TEN DAY PERIOD WILL EXPIRE AT 5 P.M. ON NOVEMBER 2, 1962. WE ARE ENCLOSING AN APPEAL FORM IF IT IS YOUR DESIRE TO FILE SUCH AN APPEAL. THIS SHOULD BE FILED IN THE OFFICE OF THE CITY CLERK PRIOR TO THE ABOVE TIME AND DATE IF AN APPEAL IS TO BE PERFECTED ON THIS CASE. SHOULD YOU HAVE ANY QUESTIONS CONCERNING THIS MATTER, PLEASE FEEL FREE TO CONTACT THIS OFFICE.

SINCERELY YOURS,

ROBERT A. LAKIN
SECRETARY

RAL:BER

CC: JAMES W. SARGENT, ATTORNEY
500 FARMERS AND BANKERS BUILDING

G. W. PIKE
1305 WEST RIVER BOULEVARD

BOARD OF ZONING APPEALS

OCTOBER 26, 1962

C. H. FUNK, CITY CLERK

ROBERT A. LAKIN, SECRETARY, BOARD OF ZONING APPEALS

BZA 5-62

ATTACHED IS ONE COPY OF RESOLUTION No. 5-62, WHICH WAS
ADOPTED BY THE BOARD OF ZONING APPEALS ON OCTOBER 23,
1962. THE APPEAL PERIOD IN THIS MATTER WILL EXPIRE
NOVEMBER 2, 1962.

ROBERT A. LAKIN
SECRETARY

RAL:BER
ATTACHMENT

BOARD OF ZONING APPEALS

NOVEMBER 5, 1962

GLEN LYTLE, SUPERINTENDENT CENTRAL INSPECTION

ROBERT A. LAKIN, SECRETARY

BZA-5-62

ATTACHED IS A CARBON COPY OF RESOLUTION NO. 5-62 ADOPTED
BY THE BOARD OF ZONING APPEALS ON OCTOBER 23, 1962.

THE APPEAL PERIOD FOR THIS PARTICULAR CASE ENDED ON
NOVEMBER 2, 1962, AND INASMUCH AS NO APPEAL WAS FILED WITH
THE CITY CLERK ON OR BEFORE THAT DATE, THE BOARD'S
DECISION IS FINAL.

ROBERT A. LAKIN
SECRETARY

RAL:BER

ATTACHMENT - 1

CC: C. H. FUNK
CITY CLERK

SECRETARY'S REPORT

BZA CASE NO. 5-62

GENERAL DESCRIPTION

THIS CASE INVOLVES A TRACT OF LAND KNOWN AS THE KIRBY TRACT LOCATED ON RIVER BOULEVARD BETWEEN BUFFUM AND FAULKNER AVENUE. IT IS A "SHORT BLOCK" COMPOSED OF A TRACT 250 BY 300 FEET. IT IS BOUNDED ON ALL SIDES BY STREETS; IT IS CURRENTLY ZONED "B" MULTIPLE FAMILY AND IS SURROUNDED BY "A" DUPLEX ZONING. THE PROPERTY CURRENTLY HAS A SINGLE FAMILY RESIDENCE LOCATED ON IT AND IS IN THE PROCESS OF BEING REMOVED. IN ADJOINING AREA THERE ARE SINGLE FAMILY AND TWO FAMILY RESIDENCES. THE LITTLE RIVER IS IMMEDIATELY TO THE NORTH.

REQUEST

THE REQUEST IS FOR AN EXCEPTION AND TWO VARIANCES. OF THE VARIANCES, ONE IS TO ALLOW MAIN STRUCTURES TO BE WITHIN TEN FEET OF FAULKNER AVENUE AND BUFFUM AVENUE (20 FEET IS REQUIRED) AND TO ALLOW OFF-STREET PARKING TO EXTEND INTO FRONT YARD SETBACK AREAS ALONG HARRISON AVENUE. THE EXCEPTION IS TO ALLOW THE CONSTRUCTION OF A SWIMMING POOL AS AN ACCESSORY STRUCTURE IN THE FRONT YARD AREA ALONG THE RIVER BOULEVARD.

THE VARIANCES ARE WITHIN THE JURISDICTION OF THE BOARD OF ZONING APPEALS TO GRANT, PROVIDING THAT THE FOUR CONDITIONS AS SET FORTH BELOW ARE FOUND TO EXIST:

- A. THAT THE VARIANCE DESIRED ARISES FROM SUCH CONDITION WHICH IS UNIQUE AND WHICH IS NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT;
- B. THAT THE GRANTING OF THE PERMIT FOR THE VARIANCE WILL NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS;
- C. THAT THE STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL CONSTITUTE UNNECESSARY HARDSHIP UPON THE PROPERTY OWNER REPRESENTED IN THE APPEAL;

- D. THAT THE VARIANCE DESIRED WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE.

THE BOARD MAY ALSO ALLOW THE SWIMMING POOL AS AN ACCESSORY STRUCTURE IN THE FRONT YARD UNDER THE PROVISIONS OF 28.04.040.A.9. THE CRITERIA FOR THE EXCEPTION IS THAT IT SHALL NOT IMPEDE ACCESS TO THE PROPERTY FOR FIRE AND POLICE PROTECTION, NOR SHALL IT INTERFERE WITH UTILITY LINES, ETC. APPLICANT HAS SUBMITTED JUSTIFICATION FOR EACH OF THESE REQUESTS AND THE STATEMENT OF JUSTIFICATION IS ATTACHED TO THIS REPORT.

HISTORY

THIS AREA WAS THE SUBJECT OF A ZONING REQUEST UNDER CASE No. Z-0305. AT THAT TIME THE DEVELOPERS FOR THE PROPERTY PRESENTED TO THE PLANNING COMMISSION AND BOARD OF CITY COMMISSIONERS, A PROPOSAL AS TO THE DEVELOPMENT OF THIS PROPERTY FOR GARDEN TYPE APARTMENTS. COPIES OF THESE PROPOSALS IN BROCHURE FORM ARE ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT. THE BOARD OF CITY COMMISSIONERS, UPON RECOMMENDATION OF THE PLANNING COMMISSION, DID APPROVE A CHANGE IN ZONING TO "B" MULTIPLE FAMILY TO ALLOW THE DEVELOPMENT OF THIS PROJECT, PROVIDED THAT THE DEVELOPMENT WAS CONSTRUCTED AS PROPOSED. TO INSURE THIS CONDITION, THE DEVELOPERS VOLUNTARILY FILED FOR RECORD, RESTRICTIVE COVENANTS ON THE LAND GUARANTEEING THE CONSTRUCTION OF THE PROJECT IN THE FORM PRESENTED. THE APPLICATION FOR VARIANCE AND EXCEPTION SUBSTANTIALLY FOLLOW THE PROPOSALS MADE BEFORE THE BOARD OF CITY COMMISSIONERS AND PLANNING COMMISSION.

COMMENTS BY THE SECRETARY ON REASONS SUBMITTED BY THE APPLICANT

THE APPLICANT SUBMITS THAT THE PHYSICAL CHARACTERISTICS OF THE LAND INVOLVED ARE SOMEWHAT UNIQUE AND NOT NORMALLY FOUND IN THE SAME ZONING DISTRICT. THE SECRETARY CONCURS IN THAT THIS PARTICULAR SHAPE AND TYPE OF BLOCK IS UNUSUAL IN THAT THERE ARE VERY FEW BLOCKS WITH A SINGLE TRACT COMPLETELY SURROUNDED BY FOUR STREETS THEREBY CREATING FOUR FRONT YARD AREAS. IT IS BELIEVED THAT THE BOARD OF ZONING APPEALS CAN PROPERLY FIND UNIQUENESS RELATED TO THE PHYSICAL CHARACTERISTICS OF THE LAND FOR BOTH THE SETBACK VARIANCE AND THE OFF-STREET PARKING VARIANCE.

THE APPLICANT, HOWEVER, ADMITS IN HIS STATEMENT THAT THE PROPERTY CAN BE USED FOR OTHER TYPE OF DEVELOPMENT UNDER THE EXISTING ZONING, ALTHOUGH THIS PARTICULAR PROJECT WOULD NOT BE ADAPTABLE WITHOUT THE VARIANCES. IT HAS BEEN THE POSITION OF THE CURRENT SECRETARY AND HIS PREDECESSOR THAT "HARDSHIP" SHOULD BE SO CONSTRUED AS TO MEAN THAT THE PROPERTY COULD NOT BE USED FOR THE PURPOSE FOR WHICH ZONED AND WOULD BE A RIGHT OF USE NOT ACCESSIBLE TO HIM WHICH IS NORMALLY ENJOYED BY THE REST OF THE PROPERTY OWNERS IN THE SAME DISTRICT OR AREA UNDER SIMILAR CIRCUMSTANCES. IT IS BELIEVED THAT HOUSING PROJECTS OF VARIOUS TYPES, WHETHER LARGE RANCH STYLE HOMES WHICH ARE SCATTERED THROUGHOUT THIS AREA, OR DUPLEXES OR OTHER GARDEN TYPE APARTMENT ARRANGEMENTS, COULD BE CONSTRUCTED ON THIS PROPERTY UNDER THE EXISTING CIRCUMSTANCES WITHOUT THE VRIANCE REQUESTED.

IT IS THE SECRETARY'S OPINION THAT NEITHER ADJACENT PROPERTY OWNERS NOR THE CITY AS A WHOLE WOULD BE ADVERSELY AFFECTED BY THE GRANTING OF THESE VARIANCES AND EXCEPTION.

RELATIVE TO THE ESTABLISHMENT OF THE SWIMMING POOL IN THE FRONT YARD AREA, THE SECRETARY FINDS NO CONDITION EXISTING WHICH WOULD PRECLUDE THE BOARD HAVING AUTHORITY TO APPROVE THIS MATTER IF IT SO DESIRED. FURTHER CHECKS WILL BE MADE WITH THE FIRE AND POLICE DEPARTMENTS. BASED ON THE PLANNING COMMISSION APPROVAL AND THE CITY COMMISSION APPROVAL, WITH SUCH A SWIMMING POOL IN THE DEVELOPMENT PLAN, AND THE FACT THAT NO PROPERLY OWNERS APPEARED IN PROTEST TO THE PROPOSED DEVELOPMENT AT THAT TIME, THE SECRETARY RECOMMENDS THAT THE EXCEPTION FOR THE SWIMMING POOL BE GRANTED.

IT IS THE SECRETARY'S OPINION THAT THE APPLICANT HAS MET THREE OF THE CONDITIONS FOR THE APPROVAL OF THE VARIANCES AND THAT THE FOURTH CONDITION (HARDSHIP) HAS NOT BEEN MET UNDER THE TERMS AND INTENT OF THE ORDINANCE. ON THIS BASIS, IT IS RECOMMENDED THAT THE APPLICATION FOR A VARIANCE FOR BOTH THE SETBACK AND FOR THE OFF-STREET PARKING ENCRDACHING INTO FRONT YARD SETBACK AREA, BE DENIED.

CONDITIONS IN EVENT OF APPROVAL

IN THE EVENT THE BOARD OF ZONING APPEALS DOES FIND THAT ALL FOUR POINTS RELATIVE TO GRANTING A VARIANCE EXISTS, THEN IT IS THE RECOMMENDATION OF THE SECRETARY THAT THE FOLLOWING CONDITIONS BE ESTABLISHED AS CONDITIONS TO APPROVAL.

1. THAT WEEKLY SAMPLES OF SWIMMING POOL WATER AND REPORTS ON SWIMMING POOL OPERATION BE SUBMITTED TO THE CITY-COUNTY HEALTH DEPARTMENT IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THEM.
2. THAT THE PROJECT BE DEVELOPED IN ACCORDANCE WITH THE RESTRICTIVE COVENANTS PLACED ON THE PROPERTY AS A RESULT OF THE ZONING CHANGE IN CASE No. Z-0305.
3. THAT THE OFF-STREET PARKING AREA BE APPROVED BY THE TRAFFIC ENGINEER AS TO DESIGN, LAYOUT, AND FEASIBILITY.

EXCEPTION TO ALLOW SWIMMING POOL
AS ACCESSORY STRUCTURE IN FRONT YARD

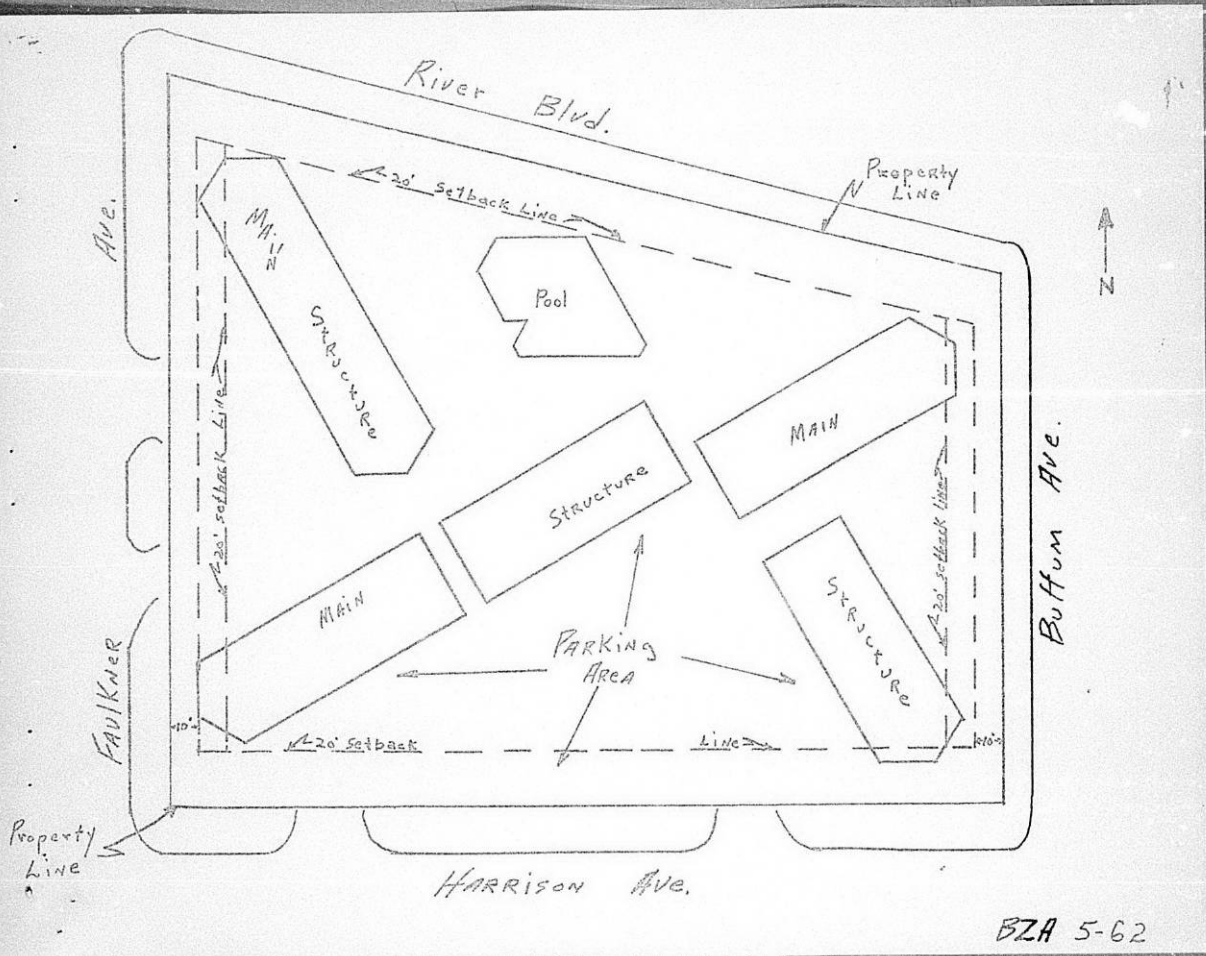
BZA CASE NO. 5-62

MOTION MADE BY	SECONDED BY	ACTION
<i>Jung</i>	<i>Lester</i>	

MOTION: approve only to Cond /
MC
Wass

BZA ACTION

MOTION MADE BY	SECONDED BY	ACTION
		JURISDICTIONS
		FINDINGS OF FACT
<i>Lester</i>	<i>Jemp.</i>	1. VARIANCE DESIRED ARISES FROM SUCH CONDITION WHICH IS UNIQUE AND WHICH IS NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT. <i>MC Unann.</i>
<i>Jemp Lester</i>	<i>only 1 opposed</i>	2. GRANTING OF THE PERMIT FOR THE VARIANCE WILL NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS. <i>MC Unann.</i>
<i>Jemp</i>	<i>Bauer</i>	3. STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL CONSTITUTE UNNECESSARY HARDSHIP UPON THE PROPERTY OWNER REPRESENTED IN THE APPEAL. <i>Relied on S. B. Maple findings</i> <i>MC - 2 - Lester</i>
<i>Jemp Lester</i>		4. VARIANCE DESIRED WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE. <i>MC Unann -</i>
		DETERMINATION (APPROVE OR DENY) <i>OK</i> <i>12 mo limit</i>



BZA 5-62

STATEMENT WITH REGARD TO UNIQUENESS,
HARDSHIP AND ADVERSITY

The following discussion is with regard to the two variances requested in the attached application. Inasmuch as the variances apply to a single piece of property and affect that property on the same basis, no attempt will be made to separate the two at this point.

A. UNIQUENESS.

From an all-over-city standpoint, the piece of property involved and the construction contemplated thereon is unique to the City of Wichita for two reasons. First in regard to the physical location of the property itself, the area is an odd-shaped block totaling 67,650 square feet and consists of 1.55 acres. Secondly, only a very small fractional percentage of the blocks in Wichita are so arranged and contain so few square feet. This, of course, is neither the fault of the present owners nor of the people who have drawn the ordinances from which variances are requested. It is certainly appreciated that over-all planning cannot be developed by taking into account unusual block geography created many years ago, all of which was necessitated by the physical fact of the river passing through Wichita. Nevertheless, in order to utilize this land from economical, land planning and esthetic viewpoints such variances are desired because it is felt that the present architectural concepts most nearly conform to the aforementioned viewpoints without endangering any of the three remaining points to be discussed, which will be brought out hereafter.

The applicant feels that the requested variances from the ordinances establishing set backs and the ordinances prohibiting parking in front-yard areas did not contemplate the present land use of this particular piece of land. Consequently, this use is unique in the sense that the ordinances themselves were not designed to prohibit that type of use desired, all as more particularly described by the attached plat.

The applicant emphasizes that no attack can be made upon the ordinances themselves. Our position is merely that no ordinance can be drawn so as to afford both protection and adequate land use in every instance. This in itself would seem to justify the uniqueness of the situation and be substantial reason for granting the variances.

B. HARDSHIP.

The applicant feels that to not grant the two variances requested would impose a very definite hardship upon both the individuals interested in the project and likewise upon land use. The architectural concepts to which we are presently committed are certainly in keeping with both geographic and use viewpoints insofar as the general Riverside area is concerned. The buildings have been designed so as to provide each resident with a maximum view of the beauty of the Riverside area. Oblinger and Smith, land planning experts, along with the architects have arranged the construction so as to maintain as much of the original landscape beauty as possible. This is in keeping with the Riverside Area concept of Wichita. The applicant will be the first to admit that other structures could be devised which might possibly come within the strict application of the ordinances from which the variances are requested. It is submitted, however, that to do so would not only create a great deal more economic expense but also could very possibly destroy the continuity of the area. It is almost superfluous to mention that if the variances were not allowed, many hundreds of dollars and many hours of time heretofore expended would be completely wasted. It is also superfluous to say that we feel that other designs would not be nearly so appealing and, more importantly, the economic value of the land would be greatly decreased.

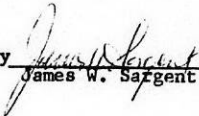
At this point we have contacted many potential lessees and have verbal commitments based upon the present architectural construction and landscape planning. These potential lessees are

more than satisfied with the present concept and our planning is based as much around their desires as anything else. Taking these various factors into account, it would seem to work a tremendous hardship on the applicant if such variances were not granted.

C. ADVERSITY.

Your applicant feels that the requested variances neither adversely affect surrounding property owners nor the public in general. The entire concept of Metropolitan Planning and the ordinances created by reason thereof are for the protection of the residents of the City and to gain, as much as possible, harmonious land-use without detriment to either near-by residents or the City itself. The purposes for which the ordinances were created do not adversely affect either the City or the near-by residents as far as use is concerned. Since the true intent of such ordinances are not violated by the requested variances, your applicant feels that the strict and literal application of the ordinances is not necessary. In fact, to the contrary, if this construction and land planning were to be permitted to go forward, it is your applicant's opinion that the entire area would be up-graded.

Respectfully submitted,
RIVER OAKS, INC.

By 
James W. Sargent, Its Agent

BOARD OF ZONING APPEALS

MINUTES

SEPTEMBER 27, 1962

THE ADJOURNED MEETING OF THE REGULARLY SCHEDULED MEETING OF THE BOARD OF ZONING APPEALS FOR SEPTEMBER 25, 1962, WHICH WAS RECESSED TO 4 A.M. SEPTEMBER 26, 1962, AND FURTHER RECESSED FROM THAT TIME, WAS HELD ON THURSDAY, SEPTEMBER 27, 1962, AT 10 A.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS. THE FOLLOWING WERE PRESENT: MEMBERS E. B. LAW; H. D. LESTER; RUSSELL JUMP; AND KENNETH BECK. MEMBER ABSENT WAS HAROLD BAUER. ALSO PRESENT WERE L. L. LITTLE, ACTING SECRETARY OF THE BOARD; JIM HOWE, LYNN SHIRKEY AND BERNIECE RATHKE OF THE PLANNING DEPARTMENT STAFF. E. B. LAW, CHAIRMAN, PRESIDED.

1. THE MINUTES OF THE MEETINGS OF JUNE 26, JULY 24, AND AUGUST 28, ALL IN 1962, WERE APPROVED AS MAILED.

2. BZA 4-62 - KENNETH P. STEWART, ATTORNEY FOR THE WICHITA COMMUNITY THEATER, INC., 340 SOUTH BROADWAY, DESIRES A VARIANCE TO PERMIT PROPERTY LOCATED AT 258 NORTH FOUNTAIN, WICHITA, KANSAS, LEGALLY DESCRIBED AS LOTS 54, 56, 58, 60, 62, 64, 66, 68, 70, AND 72, FOUNTAIN AVENUE, IN ROGERS' HILL TERRACE ADDITION, TO BE USED FOR COMMUNITY THEATER AND ALLIED PURPOSES. GENERALLY LOCATED AT THE SOUTHEAST CORNER OF FOUNTAIN AND FIRST STREET.

L. L. LITTLE, ACTING SECRETARY, REVIEWED THE FOLLOWING WRITTEN REPORT WHICH HAD BEEN PREPARED BY ROBERT A. LAKIN, SECRETARY OF THE BOARD OF ZONING APPEALS. THE REPORT IS SHOWN IN FULL AS FOLLOWS:

(NOTE: THE FULL REPORT IS SET OUT IN THE FORMAL MINUTES).

THE ACTING SECRETARY POINTED OUT ON THE MAP THE AREA IN QUESTION AND LAND USES AND ZONING IN THE AREA.

BEFORE CALLING FOR DISCUSSION OF THIS CASE, THE CHAIRMAN POINTED OUT THAT THIS IS A DIRECT REQUEST TO THE BOARD AND NOT AN APPEAL FROM A RULING OF THE CENTRAL INSPECTION DIVISION.

KENNETH P. STEWART, ATTORNEY FOR THE APPLICANT, WAS PRESENT AND SPOKE ON BEHALF OF THIS APPLICATION. HE STATED THAT MRS. TEALL AND MARTIN UMANSKY OF THE COMMUNITY THEATER WERE ALSO PRESENT, AND THAT WM. COHEN, MEMBER OF THE BOARD OF TRUSTEES FOR THE CONGREGATIONAL EMANUEL CHURCH, WAS ALSO PRESENT IN SUPPORT OF THE REQUEST.

MR. STEWART REVIEWED THE BACKGROUND OF THE COMMUNITY THEATER AND ITS ORGANIZATION SINCE 1951. HE STATED THAT IT IS ADMINISTERED ON A VOLUNTEER BASIS BY THOSE PEOPLE INTERESTED IN PROVIDING THIS TYPE OF ACTIVITY TO THE COMMUNITY FOR THOSE INTERESTED IN THE DRAMATIC ARTS. HE STATED THAT AT PRESENT PERFORMANCES ARE HELD AT

WICHITA UNIVERSITY, BUT THAT THEY NEED A CENTRAL LOCATION FOR OFFICE, WORK SHOP ACTIVITIES, STORAGE OF PROPS AND SCENERY, AND WHERE THEY CAN PERFORM FOR THE PUBLIC OCCASIONALLY. HE STATED THAT HERETOFORE AND PRESENTLY, THESE ACTIVITIES ARE CARRIED ON AT HOMES OF THE PEOPLE WHO ARE INTERESTED IN THE COMMUNITY THEATER ACTIVITIES. HE STATED THAT PRESENTLY THE PREMISES ARE BEING USED FOR OFFICE BUT THAT NO TRY OUTS, REHEARSALS ARE BEING HELD THERE. HE NOTED ALSO THAT THE CONGREGATIONAL EMANUEL CHURCH VOLUNTARILY OFFERED SUBJECT PREMISES TO THE APPLICANT AND NOW THE COMMUNITY THEATER INTENDS TO PURCHASE THE PROPERTY IF APPROVAL CAN BE OBTAINED FOR ITS USE AS PROPOSED IN THE APPLICATION. IT WAS HIS FEELING THAT THE PROPOSED USE WOULD NOT BE A GREAT DEAL DIFFERENT SO FAR AS ITS EFFECT ON THE NEIGHBORHOOD THAN WHEN THE CONGREGATIONAL EMANUEL CHURCH USED THE PROPERTY.

MR. STEWART SAID THAT HE HAD DISCUSSED THIS MATTER WITH THE PLANNING DEPARTMENT STAFF AND REQUESTED THAT THE PLANNING COMMISSION CONSIDER AMENDING THE ZONING ORDINANCE TO PROVIDE FOR COMMUNITY THEATER ACTIVITIES AND OTHER ACTIVITIES OF A SIMILAR NATURE, TO THE APPROVAL OF THE BOARD OF ZONING APPEALS AS AN "EXCEPTION". THIS HEARING ON THIS AMENDMENT IS SCHEDULED FOR OCTOBER 18, 1962, BEFORE THE PLANNING COMMISSION.

MR. STEWART STATED THAT A MEETING WAS HELD AT THE CHURCH WITH PROPERTY OWNERS LIVING WITHIN 200 FEET OF SUBJECT PROPERTY, AND EXPLAINED TO THEM WHAT ACTIVITIES ARE PROPOSED TO BE CARRIED ON AT SUBJECT PROPERTY. HE INDICATED THAT, GENERALLY SPEAKING, THE RESIDENTS WERE NOT OPPOSED AT ALL TO THE PROPOSED USES BY THE COMMUNITY THEATER AND THEY HAD HAD A HAPPY ASSOCIATION WITH THE CHURCH. THE RESIDENTS NOTED THAT THE CHURCH PROVIDED NO OFF-STREET PARKING IN CONNECTION WITH THEIR USE, AND THEY WOULD SEE NO REASON WHY ANY SHOULD BE REQUIRED FOR THE COMMUNITY THEATER.

MR. STEWART POINTED OUT THAT UNDER THE TERMS OF THE ZONING ORDINANCE, THE BOARD OF ZONING APPEALS IS NOT THE ONLY BODY AUTHORIZED TO GRANT EXCEPTIONS; SUCH POWER BEING GIVEN TO THE BOARD OF CITY COMMISSIONERS IN CERTAIN INSTANCES. MR. STEWART REFERRED TO A STUDY MADE BY THE PLANNING DEPARTMENT IN 1958 WHEREIN IT WAS STATED "THE FUNCTION OF THE BOARD OF ZONING APPEALS IS TO PROVIDE FOR MODIFICATION OF THE REGULATIONS WHEN NECESSARY TO PERMIT REASONABLE USE OF THE PROPERTY WHEN SUCH USE WOULD NOT BE PERMITTED IF THE ZONING REGULATIONS WERE STRICTLY ENFORCED."

MR. STEWART FELT THAT UNDER THE JURISDICTION PROVISION RELATING TO VARIANCES IN SECTION 2.12.590, WHICH READS "THE BOARD SHALL HAVE JURISDICTION TO GRANT VARIANCES FROM THE STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE" SUBJECT TO THE FOUR CONDITIONS TO APPROVAL BEING FOUND TO EXIST.

MR. STEWART REFERRED TO THE SECRETARY'S REPORT IN WHICH IT WAS THE OPINION OF THE SECRETARY THAT ONLY TWO OF THE FOUR REQUIREMENTS HAD BEEN MET - THE ONE HAVING TO DO WITH UNIQUENESS OF THE SITUATION AND MATTER OF HARDSHIP ON THE APPLICANT.

IN DISCUSSING THE MATTER OF UNIQUENESS, MR. STEWART AGREED WITH THE SECRETARY THAT UNIQUENESS APPLIES TO PHYSICAL CHARACTERISTICS OF THE PROPERTY, BUT IT WAS ALSO HIS BELIEF THAT IT WOULD APPLY TO THE PHYSICAL CHARACTERISTICS OF THE IMPROVEMENTS. HE NOTED THAT IT IS UNIQUE TO FIND A CHURCH BUILDING WHICH HAS BEEN VACANT FOR OVER TWO YEARS, WITHOUT PEWS AND WITHOUT STAINED GLASS WINDOWS. IT IS DESIGNED WITH NUMEROUS SMALL ROOMS WHICH MAKE IT USEFUL FOR THE ACTIVITIES OF THE COMMUNITY THEATER.

IN DISCUSSING THE HARDSHIP INVOLVED, MR. STEWART POINTED OUT THAT IT WILL BE A HARDSHIP TO THE OWNERS OF THE PROPERTY IF THIS REQUEST IS NOT GRANTED, INASMUCH AS THEY HAVE ATTEMPTED FOR OVER TWO YEARS TO DISPOSE OF THE PROPERTY BUT BECAUSE OF THE LIMITED NUMBER OF USERS OF SUCH PROPERTY SUCH EFFORTS HAVE BEEN UNSUCCESSFUL. IT WAS HIS BELIEF THAT ONLY AN ORGANIZATION SIMILAR IN NATURE TO THE COMMUNITY THEATER WOULD ACTUALLY HAVE USE FOR SUCH PREMISES.

MR. STEWART POINTED OUT ALSO THAT THE USE PROPOSED IS NOT DESIGNATED IN ANY CERTAIN ZONING CATEGORY, NOTING SPECIFICALLY THAT SOME OF THE ACTIVITIES PROPOSED TO BE CARRIED ON AT THIS LOCATION WOULD BE PERMITTED UNDER "RAA", SOME UNDER "B" AND SOME UNDER "LC". HE NOTED THAT THE "LC" WOULD BE REQUIRED TO PERMIT PUBLIC PERFORMANCES, WHICH PERFORMANCES WOULD BE FEW AND INVOLVE AN AUDIENCE OF NOT MORE THAN 200 INASMUCH AS THAT IS THE SEATING CAPACITY OF THE FACILITIES.

IT WAS HIS FEELING THAT INASMUCH AS THERE IS NO SINGLE ZONING CATEGORY DESIGNATED FOR THE USE PROPOSED, IT QUALIFIES AS A UNIQUE SITUATION AND ALSO A HARDSHIP SITUATION.

MR. STEWART STATED THAT THE COMMUNITY THEATER OFFICERS HAVE LOOKED FOR A NUMBER OF YEARS FOR A SUITABLE FACILITY TO ACCOMMODATE ITS ACTIVITIES. HE POINTED OUT THE LIMITED USES FOR THE SUBJECT PROPERTY.

MR. STEWART DISCUSSED THE POSSIBLE REQUIREMENT OF OFF-STREET PARKING, NOTING THAT IF REQUIRED IT SHOULD NOT BE ON THE BASIS OF LIGHT COMMERCIAL USE, BUT ON THE BASIS OF WHAT APPEARS TO BE REASONABLE AND NECESSARY UNDER THE CIRCUMSTANCES. MR. STEWART WAS OF THE OPINION THAT THE PROPOSED USE WOULD BE SIMILAR TO THE PAST ACTIVITIES OF THE CONGREGATIONAL EMANUEL CHURCH, AND INASMUCH AS THERE HAS NEVER BEEN ANY PARKING PROBLEM IN THE NEIGHBORHOOD RELATED TO THE CHURCH USE, HE FELT IT WOULD NOT BE NECESSARY TO REQUIRE ANY FOR THE USE OF THE COMMUNITY THEATER. HE FELT THAT THE THEATER USE WOULD NOT CHANGE IN ANY SUBSTANTIAL WAY THE TYPE OF VEHICULAR ACTIVITIES WHICH EXISTED WHEN THE PROPERTY WAS USED BY THE CHURCH.

MR. STEWART STATED THAT THERE IS SUFFICIENT AREA THAT OFF-STREET PARKING REQUIREMENTS COULD BE PROVIDED IF DEEMED NECESSARY BY THE BOARD.

IN DISCUSSING THE PROPOSED AMENDMENT TO COME BEFORE THE PLANNING COMMISSION ON OCTOBER 18, 1962, IT WAS POINTED OUT THAT IF APPROVED, THE MATTER WOULD STILL HAVE TO BE CONSIDERED BY THE BOARD OF ZONING APPEALS AND SPECIAL PERMISSION GRANTED IN ACCORDANCE WITH THE ZONING ORDINANCE.

HENRY PELITIER, 237 NORTH FOUNTAIN; MORRIS PERKINS, 230 NORTH FOUNTAIN; AND FRANCIS HESSE, 233 NORTH FOUNTAIN, ALL PROPERTY OWNERS, INDICATED THEIR SUPPORT OF THE COMMUNITY THEATER AND ITS ACTIVITIES, AND OFFERED NO OBJECTION TO ITS USE OF SUBJECT PREMISES, BUT DID EXPRESS STRONG OPPOSITION TO REQUIRING ANY OFF-STREET PARKING. THEY INDICATED THEY DID NOT DESIRE TO SEE A PARKING LOT ESTABLISHED IN THIS RESIDENTIAL AREA, AND ALL STATED THEY HAD ENJOYED CONGENIAL RELATIONSHIPS WITH USERS OF THE CONGREGATIONAL EMANUEL CHURCH SO FAR AS PARKING WAS CONCERNED, AND THEY ANTICIPATED NO PROBLEM ON PARKING WITH THE COMMUNITY THEATER'S USE OF THE PROPERTY. THEY ALL INDICATED A DESIRE TO HAVE THE PARKING REMAIN ON THE STREET.

THE OPPONENTS AS STATED ABOVE, EXPRESSED OPPOSITION TO PUBLIC PERFORMANCES AT SUBJECT LOCATION, WHICH MIGHT CREATE THE POSSIBLE NEED FOR OFF-STREET PARKING.

MR. PELITIER EXPRESSED A DESIRE TO HAVE THE COMMUNITY THEATER LOCATE ON SUBJECT PROPERTY (BUT WITHOUT PUBLIC PERFORMANCES OR OFF-STREET PARKING REQUIRED), AND WAS ALSO INTERESTED IN SEEING THAT THE CONGREGATIONAL EMANUEL CHURCH REALIZE SOMETHING FROM THE SALE OF THE PROPERTY. IT WAS HIS FEELING THAT A PARKING LOT ASSOCIATED WITH THE PROPOSED USE WOULD LOWER THE RESIDENTIAL VALUE OF HOMES IN THE AREA CONSIDERABLY. HE STATED FURTHER THAT THERE WOULD BE NO OBJECTION TO THE PUBLIC PERFORMANCES IF IT WERE NOT FOR THE NECESSITY OF REQUIRING OFF-STREET PARKING.

MR. PELITIER WAS OF THE OPINION THAT IT WOULD BE MUCH BETTER FOR THE COMMUNITY TO HAVE THE PARKING REQUIREMENTS (ACCOMMODATED ON THE STREETS IN THE AREA) SPREAD OVER A LARGER AREA THAN TO CONCENTRATE IT AT ONE LOCATION (OFF-STREET PARKING LOT).

THE CHAIRMAN POINTED OUT THAT TO GRANT THIS REQUEST WITHOUT REQUIRING OFF-STREET PARKING WOULD BE IN DIRECT VIOLATION OF ALMOST EVERYTHING THE PLANNING COMMISSION HAS ENDEAVORED TO DO TO ALLEVIATE PARKING CONGESTION.

HE NOTED ALSO THAT THE DESIRE ON THE PART OF THE ADJOINING RESIDENTS THAT PARKING BE ON THE STREET IS VERY UNUSUAL - AS A RULE RESIDENTS ARE MUCH OPPOSED TO ON-STREET PARKING IN RESIDENTIAL AREAS TO THE DEGREE THAT COULD OCCUR IN THIS INSTANCE.

FRANCIS HESSE STATED THAT HE HAS CONFERRED WITH MANY OWNERS IN THE AREA AND NOT ONE IS OPPOSED TO THE COMMUNITY THEATER AND ITS PROGRAM, BUT THAT THEY ARE NOT ENTHUSIASTIC ABOUT THE POSSIBILITY OF A PARKING LOT. MR. HESSE STATED THAT IN THE INTEREST OF CIVIC BETTERMENT, HE HOPED THE BOARD WOULD SEE FIT TO TAKE JURISDICTION AND DETERMINE A BASIS ON WHICH THIS REQUEST CAN BE APPROVED WHICH WILL BE FAVORABLE TO THE COMMUNITY THEATER AS WELL AS THE RESIDENTS. HE DOUBTED THAT THERE WOULD EVER BE ANY COMPLAINT ABOUT THE COMMUNITY THEATER'S USE OF THE PREMISES, INASMUCH AS THE PERSONS MOST AFFECTED HAVE EXPRESSED THEIR FEELINGS AT THIS TIME.

RICHARD LLOYD, 308 NORTH FOUNTAIN, FELT THAT THE COMMUNITY THEATER IS AN ASSET TO THE COMMUNITY; THAT HE HAD NO FEELINGS ONE WAY OR THE OTHER AS TO OFF-STREET PARKING, BUT HE IS NOT SO DIRECTLY AFFECTED AS OWNERS IN THE SECOND BLOCK OF NORTH FOUNTAIN. HE AGREED THAT PARKING HAS NEVER BEEN A PROBLEM IN THE AREA WHEN THE

CHURCH GROUP WAS USING THE PREMISES AND HE DID NOT VISUALIZE ANY THAT WOULD ARISE UNDER THE PROPOSED USE. HE URGED THE BOARD TO ACCEPT JURISDICTION AND GRANT THE EXCEPTION WITHOUT REQUIRING OFF-STREET PARKING.

THE CHAIRMAN POINTED OUT THAT THE BOARD SHOULD TAKE ACTION IN THREE STEPS: 1. DECIDE WHETHER OR NOT IT HAS JURISDICTION; 2. DECIDE WHETHER THE FOUR REQUIREMENTS WHICH MUST BE FOUND TO EXIST, DO EXIST; AND 3. IF JURISDICTION IS TAKEN AND THE FOUR CONDITIONS FOUND TO EXIST, THEN ANY SPECIFIC REQUIREMENTS AS TO USE CONDITIONS.

THE CHAIRMAN STATED THAT AS FAR AS HIS PERSONAL POSITION IS CONCERNED, IT WAS HIS FEELING THAT THE WORDING IN THE ORDINANCE "THE BOARD SHALL HAVE JURISDICTION TO GRANT VARIANCES FROM THE STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE...." INDICATES THAT THE BOARD DOES HAVE JURISDICTION.

MOTION: BECK MOVED, LESTER SECONDED AND IT CARRIED UNANIMOUSLY THAT THE BOARD TAKE JURISDICTION IN THIS CASE.

MOTION: LESTER MOVED, JUMP SECONDED AND IT CARRIED UNANIMOUSLY THAT THE VARIANCE DESIRED ARISES FROM SUCH CONDITION WHICH IS UNIQUE AND WHICH IS NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT, IN THAT THE EXISTING STRUCTURE IS UNIQUE IN THAT IT WAS CONSTRUCTED AS A CHURCH; THAT IT HAS BEEN VACANT FOR OVER TWO YEARS IN SPITE OF DILIGENT EFFORTS TO DISPOSE OF THE PROPERTY FOR A USE FOR WHICH IT IS ZONED; THAT IT IS WITHOUT Pews AND STAINED GLASS WINDOWS AND IS DESIGNED WITH NUMEROUS SMALL ROOMS RATHER THAN LARGE ASSEMBLY AREAS, THUS NOT BEING EASILY ADAPTABLE FOR CHURCH USE.

IN DISCUSSING THE MATTER OF ADVERSITY TO THE RIGHTS OF ADJACENT PROPERTY OWNERS, THE CHAIRMAN POINTED OUT THAT IT WOULD CERTAINLY BE UNUSUAL TO GRANT THIS REQUEST WITHOUT REQUIRING OFF-STREET PARKING, IN VIEW OF THE REQUIREMENTS OF THE ZONING ORDINANCE RELATED TO PARKING.

IT WAS SUGGESTED THAT PERHAPS NO OFF-STREET PARKING COULD BE REQUIRED FOR A TRIAL PERIOD, OR AS LONG AS SUBJECT PROPERTY REMAINED IN THE OWNERSHIP OF THE APPLICANT, AND THE POSSIBILITY OF A PERFORMANCE BOND BEING POSTED TO ASSURE CONSTRUCTION OF PARKING FACILITIES IF IN THE FUTURE IT WAS DECIDED TO REQUIRE THEM.

MARTIN UMANSKY, AS BUSINESS MANAGER OF THE COMMUNITY THEATER, INC., STRESSED THE FACT THAT PERFORMANCES WOULD BE AT A MINIMUM AND CROWDS ASSEMBLING WOULD BE NO LARGER THAN WHEN THE PROPERTY WAS USED BY THE CHURCH. HE NOTED THAT A PERFORMANCE OF SOME KIND IS ESSENTIAL TO A WORK SHOP CENTER AND ACTIVITIES WHICH ARE PLANNED FOR THE PROPERTY. HE STRESSED ALSO THE FACT THAT THERE IS NO INTENTION TO DISPOSE OF THE PROPERTY EVENTUALLY, BUT RATHER IT IS EXPECTED TO BE USED FOR COMMUNITY THEATER ACTIVITIES FOR AN INDEFINITE TIME.

MOTION: JUMP MOVED, BECK SECONDED AND IT CARRIED UNANIMOUSLY THAT THE VARIANCE DESIRED WILL NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS IN THAT THE TOTAL EFFECT UPON THE NEIGHBORHOOD WOULD BE COMPATIBLE AND IN CONFORMITY WITH THE PREVIOUS USE OF THE PROPERTY BY THE CONGREGATIONAL EMANUEL, AND FURTHER SUPPORTED BY THE FACT THAT THE ADJOINING PROPERTY OWNERS DID NOT ENTER ANY FORMAL PROTEST.

MOTION: BECK MOVED, JUMP SECONDED AND IT CARRIED UNANIMOUSLY THAT THE STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL CONSTITUTE UNNECESSARY HARSHSHIP UPON THE APPLICANT AND PROPERTY OWNER INASMUCH AS ATTEMPTS TO UTILIZE THE PROPERTY OVER THE LAST TWO YEARS FOR ANY PURPOSE NOW PERMITTED IN THE "AA" ZONE HAVE BEEN UNSUCCESSFUL.

MOTION: JUMP MOVED, LESTER SECONDED AND IT CARRIED UNANIMOUSLY THAT THE VARIANCE DESIRED WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE WHEN SUBJECTED TO CERTAIN CONDITIONS.

AFTER A LENGTHY DISCUSSION OF CONDITIONS WHICH SHOULD BE ATTACHED IF THIS APPLICATION IS APPROVED, THE FOLLOWING MOTION WAS MADE:

MOTION: LESTER MOVED, JUMP SECONDED AND IT CARRIED BY A VOTE OF 3 IN FAVOR AND 1 OPPOSED THAT THE REQUEST FOR A VARIANCE FROM THE STRICT ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE PROHIBITING THE USE OF THE FOLLOWING DESCRIBED PROPERTY:

LOTS 54, 56, 58, 60, 62, 64, 66, 68, 70
AND 72, FOUNTAIN AVENUE IN ROGERS' COLLEGE
HILL TERRACE ADDITION.

FOR USE AS A COMMUNITY THEATER BE APPROVED AND THE SUPERINTENDENT OF CENTRAL INSPECTION AUTHORIZED TO ISSUE A PERMIT AND ALLOW THE USE OF SAID PROPERTY BY THE WICHITA COMMUNITY THEATER, INC., SUBJECT TO CERTAIN CONDITIONS AS SHOWN IN FULL IN THE RESOLUTION ADOPTED.

(THE RESOLUTION AS ADOPTED IS NOT SHOWN AS A PART OF THE MINUTES AS MAILED, BUT IS SHOWN IN FULL IN THE PERMANENT MINUTE BOOK OF PROCEEDINGS OF THE BOARD OF ZONING APPEALS ON FILE IN THE OFFICE OF THE SECRETARY).

PAGE 7 - BOARD OF ZONING APPEALS MINUTES
SEPTEMBER 27, 1962

THE CHAIRMAN SPOKE IN OPPOSITION TO ANY APPROVAL OF THIS
REQUEST WITHOUT REQUIRING OFF-STREET PARKING, AND INDICATED THAT
HE WOULD VOTE IN OPPOSITION TO GRANTING THE REQUEST INSOFAR AS
OFF-STREET PARKING REQUIREMENTS ARE CONCERNED.

MEETING ADJOURNED ABOUT 12:35 P.M.

L. L. LITTLE
ACTING SECRETARY

Handicap -

Dealing w/ maple - ruling now changed -
relates to City's original position.

Uniqueness of found does ipso facto constitute
handicap -

S. W. Pike -

Fairfax, Virginia
17 October 1962

Board of Zoning Appeals
Room 402, City Building Annex
104 South Main Street
Wichita, Kansas



Re: Case No. B.Z.A. 5-62

Gentlemen:

Your notice to adjoining property owners of 5 October 1962 concerning the above case has been received. As I will be absent from the city on the hearing date (23 October 1962), I am taking this means of registering my objection to the variances and exceptions requested by River Oaks Inc. in connection with lots 1 through 9 and Reserve "A" in Cox's second addition to Wichita, Kansas as more fully described in the notice.

Any relaxation of the set-back requirements will:

1. Increase the population density (which is the obvious reason for the request) in the limited area available to River Oaks Inc. for construction of apartments. High density in garden type apartments has been proven unsatisfactory in many instances and the current trend in well designed developments is to greater open space. Locally, of course, for such a condition to exist in an area of detached housing is unacceptable.
2. From an esthetic standpoint an island of non-conforming buildings, regardless of design features, would constitute an obvious attempt at over-commercialization which would seriously detract from the desirability of the surrounding residential area.

In connection with the proposed variance from the provisions of Section 28.04.140A to permit construction of a swimming pool, I wish to invite your attention to the following facts:

1. Swimming pools in apartment areas trend to become semi-public pools in a very short time. I am sure that River Oaks Inc. has in hand and will present a proposed series of rules for the operation of the pool restricting its use to residents and their guests. Your attention is invited to the fact that swimming pools are notorious "friend makers" and I assert that during the

swimming season many residents will find that they are entertaining "guests" with whom they are barely acquainted. Thus, the number of persons utilizing the pool will be far in excess of the number of development residents.

2. Semi-private swimming pools are frequently inadequately supervised. With, or without, supervision and despite any well considered operating rules, this type pool is noisy at best and thus becomes undesirable in what has always been a relatively quiet neighborhood. With the gradual relaxation of operating rules which always occurs with time such a pool can easily become a general nuisance.

The property, of which I am the sole owner, involved in this case is located at 1214 Riverside Avenue, Wichita, Kansas.

It is requested that this letter be read publically on my behalf at the hearing on 23 October 1962 for the consideration of the Board and others who may be present.

I am unalterably opposed to the proposed variances and trust that the good judgement of the Board can be relied upon in denying same.

Very truly yours,

Olive Smith Snelbaker

OLIVE SMITH SNEBBAKER

BOARD OF ZONING APPEALS
ROOM 402 CITY BUILDING ANNEX
104 SOUTH MAIN
WICHITA, KANSAS

OCTOBER 5, 1962

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPLICATION FOR A VARIANCE AND EXCEPTION TO THE ZONING ORDINANCE HAS BEEN FILED BY JAMES W. SARGENT, AGENT, FOR RIVER OAKS, INC., 500 FARMERS & BANKERS BLDG., WICHITA, KANSAS, AS PROVIDED IN SECTION 2.12.560 OF THE CODE OF THE CITY OF WICHITA. THE APPLICANT REQUESTS THE GRANTING OF A VARIANCE FROM THE REQUIREMENTS OF SECTION 28.04.070C1 SO AS TO ALLOW 10 FOOT BUILDING SETBACKS ON FAULKNER AND BUFFUM AVENUES AND 15 FOOT SETBACK ON HARRISON AVENUE AND THE GRANTING OF A VARIANCE FROM THE PROVISIONS OF SECTION 28.04.140A SO AS TO ALLOW A SWIMMING POOL IN THE FRONT YARD AREA ALONG RIVER BLVD. AS PROVIDED IN SECTION 28.04.070A1.

ALL OF SAID VARIANCES AND EXCEPTIONS TO APPLY TO LOTS 1 THROUGH 9 AND RESERVE "A" IN COX'S SECOND ADDITION TO WICHITA, KANSAS, GENERALLY LOCATED BETWEEN FAULKNER AND BUFFUM AND BETWEEN HARRISON AND RIVER BLVD.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 5-62. A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, OCTOBER 23, 1962, AT 1:45 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, AT WHICH TIME YOU MAY APPEAR, IF YOU SO DESIRE, EITHER IN PERSON OR BY AGENT OR ATTORNEY.

ROBERT A. LAKIN
SECRETARY

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THE 23RD DAY OF OCTOBER, 1962 THE BOARD OF ZONING APPEALS IN 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS AT 1:45 P.M. WILL CONSIDER AS PROVIDED IN SECTION 2.12.560 ET. SEQ. OF THE CODE OF THE CITY OF WICHITA, KANSAS THE FOLLOWING APPLICATION:

BZA 5-62 - THE RIVER OAKS, INC., 500 FARMERS & BANKERS BLDG. REQUEST:

- A. THE GRANTING OF A VARIANCE FROM THE REQUIREMENTS OF SECTION 28.04.070C1 SO AS TO ALLOW 10 FOOT BUILDING SETBACKS ON FAULKNER AND BUFFUM AVENUES AND 15 FOOT SETBACK ON HARRISON AVENUE.
- B. THE GRANTING OF A VARIANCE FROM THE PROVISIONS OF SECTION 28.04.140A SO AS TO ALLOW PARKING IN THE FRONT YARD AREAS ALONG FAULKNER AND HARRISON AS PER PLANS ON FILE IN THE OFFICE OF THE SECRETARY OF THE BOARD OF ZONING APPEALS.
- C. THE GRANTING OF AN EXCEPTION TO ALLOW A SWIMMING POOL IN THE FRONT YARD AREA ALONG RIVER BLVD. AS PROVIDED IN SECTION 28.04.070A1.

ALL OF SAID VARIANCES AND EXCEPTIONS TO APPLY TO LOTS 1 THROUGH 9 AND RESERVE "A" IN COX'S SECOND ADDITION TO WICHITA, KANSAS, GENERALLY LOCATED BETWEEN FAULKNER AND BUFFUM AND BETWEEN HARRISON AND RIVER BLVD.

THE SAME WILL THERE BE DISCUSSED AND CONSIDERED BY THE SAID BOARD OF ZONING APPEALS, AND ALL PERSONS INTERESTED IN SAID MATTER WILL BE HEARD AT THIS TIME CONCERNING THEIR VIEWS AND WISHES IN THE PREMISES AND ANY PROTEST AGAINST ANY OF THE PROVISIONS OF THE PROPOSED VARIANCE, WILL BE CONSIDERED BY THE BOARD AS PROVIDED BY LAW.

WITNESS MY HAND AND SEAL ON THIS 5TH DAY OF OCTOBER, 1962.

ATTEST:

E.B. LAW, CHAIRMAN
BOARD OF ZONING APPEALS
ROBERT A. LAKIN, SECRETARY

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR VARIANCE

I. NAME OF APPLICANT River Oaks, Inc.
MAILING ADDRESS 500 Farmers & Bankers Bldg. PHONE AM 2-8446
NAME OF AUTHORIZED AGENT James W. Sargent
MAILING ADDRESS 500 Farmers & Bankers Bldg. PHONE AM 2-8446

(RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF _____
(OWNER, TENANT, LESSEE, OTHER)

II. THE VARIANCE REQUESTED IS from the City ordinance 28-04-070(C-1) so as to allow 10 ft. set backs on Faulkner and Buffum and 15 ft. set back on Harrison, and also a variance from ordinance 28-04-140 so as to allow parking on the front-yard area, per the attached plat

FOR PROPERTY LOCATED AT 1201 West River Blvd.

AND LEGALLY DESCRIBED AS LOT(S) 1 through 9 and Reserve "A"

Block(s) in Cox's Second

ADDITION TO THE CITY OF WICHITA; AND WHICH IS PRESENTLY ZONED _____.

(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE):

III. THE APPLICANT HEREIN, OR HIS AUTHORIZED AGENT, HEREBY 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 24-606); AND THAT THE APPROPRIATE FEE IS HEREWITH TENDERED;
- C. THAT HE HAS BEEN ADVISED OF HIS RIGHT OF APPEAL OF THE DECISION OF THE BOARD OF CITY COMMISSIONERS WITHIN TEN (10) DAYS OF THAT DECISION;
- D. THAT ALL DOCUMENTS ARE ATTACHED HERETO AS NOTED IN PARAGRAPHS 3 AND 4 OF THE INSTRUCTIONS.

APPLICANT

AUTHORIZED AGENT

OFFICE USE ONLY

RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, _____
(A.M. - P.M.) _____, 19____, TOGETHER WITH APPROPRIATE
FEE OF \$30.00

SIGNED

CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. NAME OF APPLICANT River Oaks, Inc.

MAILING ADDRESS 500 Farmers & Bankers Bldg. PHONE AM 2-8446

NAME OF AUTHORIZED AGENT James W. Sargent

MAILING ADDRESS 500 Farmers & Bankers Bldg. PHONE AM 2-8446

(RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF _____
(OWNER, TENANT, LESSEE, OTHER)

II. APPLICATION IS MADE FOR AN EXCEPTION AS PROVIDED IN SECTION

23-04-040(A-9), CODE OF THE CITY OF WICHITA, KANSAS,

(ZONING ORDINANCE); TO PERMIT THE INSTALLATION OR CONSTRUCTION

OF a swimming pool to be located per the attached plat

ON PROPERTY ZONED _____; LOCATED AT 1201 West River Blvd.

_____, AND LEGALLY DESCRIBED AS LOT(S)

1 through 9 and Reserve A,
_____, Block(s) _____

in Cox's Second _____ ADDITION.

(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE):

III. THE APPLICANT HEREIN, OR HIS AUTHORIZED AGENT:

- A. ACKNOWLEDGES RECEIPT OF AN INSTRUCTION SHEET RELATING TO THIS APPLICATION FOR AN EXCEPTION;
- B. AGREES TO CONFORM TO ALL REQUIREMENTS OF THE APPROPRIATE SECTION OF THE ZONING ORDINANCE IF THIS APPLICATION IS APPROVED;
- C. DECLARES THAT ALL REQUIRED SUPPORTING DOCUMENTS OR INFORMATION ARE ATTACHED HERETO AND MADE A PART OF THIS APPLICATION;
- D. ACKNOWLEDGES THAT HE HAS BEEN ADVISED OF HIS RIGHT OF APPEAL OF THE DECISION OF THE BOARD OF ZONING APPEALS TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN (10) DAYS OF THE DATE OF THAT DECISION.

RIVER OAKS, INC.

APPLICANT

James W. Sargent
AUTHORIZED AGENT

OFFICE USE ONLY

RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, 5:00
(A.M. P.M.) October, 19 62, TOGETHER WITH APPROPRIATE
FEE OF \$30.00

M. Martin
SIGNED

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
)
 Sedgwick County,)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft. of: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, & Reserve A, in Cox's 2nd Addition to the City of Wichita, Kansas.

**Fidelity
 Title
 Company,
 inc.**

And from such examination find that the owners thereof are as set opposite the description of the property below, viz:

Lot	Street	Addition	Owner
1	Faulkner	Cox's 2nd Add.	James R. & Nancy L. Schaefer, ux Und. 1/10 int. 312 <i>Webb Drive</i>
2	"	" " " "	Richard J. Boushka, Robert C. Braden, William J. Froplich, Jr. & James M. Sargent <i>14 Hampton Rd</i>
3	"	" " " "	Und. 1/2 int.
4	"	" " " "	Paul K. Lewis, sgle d/b/a River Oaks Development Co.
5	"	" " " "	Und 4/10 int. <i>1319 W River Rd</i>
6	"	" " " "	Do
7	"	" " " "	Do
8	"	" " " "	Do
9	"	" " " "	Do
	Res. A,	in Cox's 2nd Add.	Do



Lot	Street	Addition	Owner
124	Riverside	Riverside Add.	John W. & Olga E. Pearson, ux <i>1317 W. River Blvd.</i>
126	"	" "	Earl G. & Viola M. Teubner, ux <i>1311 W. River Blvd.</i>
128	"	" "	" " " "
130	"	" "	Gerald W. & Mona C. Pike, ux <i>1305 W. River Blvd.</i>
132	"	" "	" " " "
134	"	" "	" " " "
85	Faulkner	" "	Jack W. & Alma Grace Shane, ux <i>945 Faulkner</i>
87	"	" "	" " " "
89	"	" "	Chester F. & Lydia H. Miller, ux <i>947 Faulkner</i>
91	"	" "	" " " "
93	"	" "	Gilbert Burgerhoff <i>953 Faulkner</i>
95	"	" "	" " " "
97	"	" "	Richard A., Jr. & Jane Louise Kucharo, ux
99	"	" "	" " " " <i>825 Cassidge</i>
101	"	" "	" " " "
103	"	" "	Beatrice Brown <i>no address found</i>
105	"	" "	" " " "
107	"	" "	W. H. & Doris M. Chilson, ux <i>1624 Pleasant View</i>
109	"	" "	" " " "
86	"	" "	Howard L. & Doris A. Evens, ux <i>950 Faulkner</i>
88	"	" "	" " " "
90	"	" "	Elmer W. & Mildred L. Martin, ux <i>952 Faulkner</i>
92	"	" "	" " " "
94	"	" "	M. G. & Myrtle E. McKee, ux <i>956 Faulkner</i>
96	"	" "	" " " "
85	Buffum	" "	Eliza Lucile Hodson <i>945 Buffum</i>
87	"	" "	Lauren F. Burnett <i>957 Buffum</i>
89	"	" "	" " " "
91	"	" "	" " " "
93	"	" "	" " " "
95	"	" "	" " " "
1	River Blvd.	Flat Iron Add.	Florence Tucker <i>1020 Buffum</i>
2	"	" "	" " " "
3	"	" "	T.T. & Loretta C. Brady, ux <i>1171 River Blvd.</i>
4 (N 45')	Buffum St.	" "	Klon & Genevieve I. Randle, ux <i>1018 Buffum</i>

Lot	Street	Addition	Owner
4 (S 5')	Buffum	Flat Iron Add.	May Morris 208 N. Broadway
5	"	" " "	" "
6	Riverside	" " "	Joe J., Jr. & Eugenie M. Stevens 1224 Riverside Ave " " ux
7	"	" " "	" " " " " "
8	"	" " "	Jay Byron Cain, Emma Speer, & Co (Olive Smith Snelbaker, heirs of Zoda Cain, decd. 1214 Riverside Ave.

Dated at Wichita, Kansas this 3rd
day of October, 1962 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Eddie M. Farrell
Sec. OEH

Tracer # 49045