

BZA 5-75 - Donald Walenta request
variance of rear yard setback and
landscaping provisions on west
side of Dellrose in an area so.
of Kellogg.

POSTED

3-6-75

MAP V

CI V

9-6-75

ACTION

DATE

3-25-75

BZA COMMITTEE

denied

M.A.P.C.

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

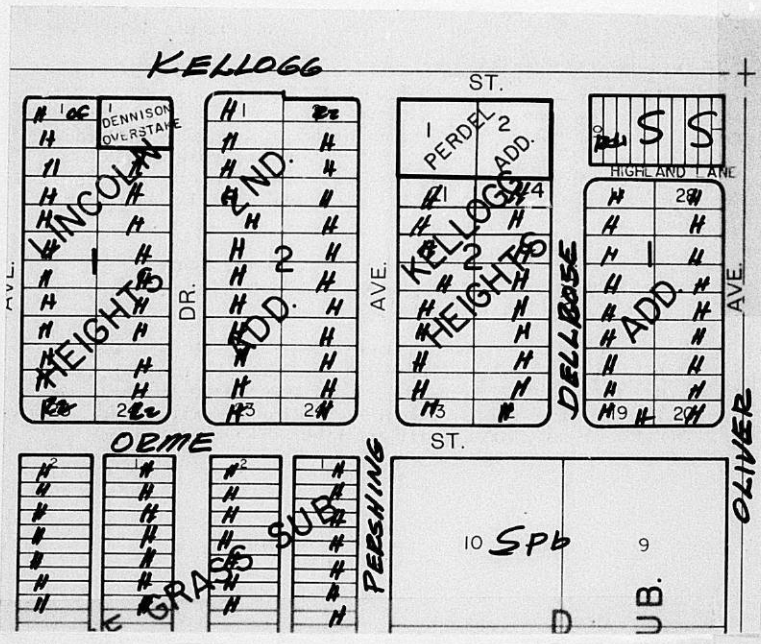
*Approved at direction
of District Court Order 8/26/75*

Map No. 5746
 Sec. 26
 Twp. 27
 Range 1E

BZA- 5-75
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.86 (140 ft. by 270 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East RESTAURANT & SERV. STAT South SINGLE FAM
 West SINGLE & TRD. FAM North KELLOGG ST.
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: UNDEVELOPED
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



Symonds
 No. 2-153C
 HARTMAN, INC. - LOS ANGELES
 LOGAN, OH - HERRICK, TX U.S.A.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

March 3, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 5-75

An application has been filed by Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

This application has been assigned Case No. BZA 5-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 25, 1975, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

March 3, 1975

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Case No. BZA 5-75

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Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

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Jack H. Galbraith
Secretary

Case No. BZA 5-75

Minutes of the Board of Zoning Appeals meeting of March 25, 1975 (not officially approved by the Board).

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March 25, 1975

4. Case No. BZA 5-75 - Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "IC" Light Commercial District, and legally described as follows:

Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

GALBRAITH pointed out the area on the map and commented that, although the following staff report was written to justify the five conditions necessary to grant the variances requested, it was written in the form that the previous case (BZA 4-75) would be approved.

JURISDICTION

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

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

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

COMMENTS BY THE SECRETARY

This application was filed simultaneously with the previous case, BZA 4-75. The applicant is the owner of the properties in both cases and is desirous of developing both as one project.

Subject property lies on the south side of Kellogg between Pershing and Dellrose and is immediately north of the property previously considered for an off-street parking exception.

The applicant is requesting a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping. The applicant's letter of justification is based on the premise of his off-street parking lot exception to the south gaining approval of the Board. It is from this same position that this report is written, for without the parking lot exception it would be most difficult to justify the five conditions necessary to the granting of a variance.

As shown on the submitted plot plan, the applicant proposes to construct a commercial building on subject property that would encroach into the entire 10 foot required rear yard for a 52 foot portion of the rear yard adjacent to the property to the south that is proposed for off-street parking. The remainder of subject property would maintain the required 10 foot setback.

The other part of the variance request involves the recently adopted landscaping provision of the zoning ordinance. As the requirements apply to subject property the ordinance states that, "Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a landscaped yard equal in depth to the minimum front yard required by this ordinance on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least 50 feet, including the width of any intervening alley". In this case the property to the south is zoned the "A" Two Family Dwelling District, which requires a 25 foot front yard setback. Therefore, the applicant is required to extend this 25 foot landscaped setback area for at least 50 feet north from the adjacent residential district on both Pershing and Dellrose. The applicant's

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plot plan indicates compliance with this provision on the Pershing side, but suggests an alternate proposal on the Dellrose side which would provide the landscaping area on the parking lot property to the south instead of on subject property.

NOTE: The following justification is based on the premise of the off-street parking lot exception being approved by the Board.

UNIQUENESS

It is the opinion of the Secretary that this is a unique situation inasmuch as screening and landscaping would be provided on the property to the south by the conditions of approval on the exception for an off-street parking lot.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not adversely affect adjacent property owners inasmuch as property to the south is owned by the applicant and would be a part of the overall development; and the property to the east is zoned and developed with a Light Commercial use.

HARDSHIP

It is the opinion of the Secretary that the applicant may be burdened with an unnecessary hardship if the variance is not granted inasmuch as the requests are both adjacent to property that is part of the proposed overall development.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as the rear yard variance request is interiorly located and the landscaped area is provided at a point further south on the parking lot exception property.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as the parking lot area provides the open space, screening and landscaping necessary to protect the rights of adjacent property owners.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and therefore it is recommended that the application to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping be approved subject to the following conditions:

1. Board approval has been given to Case No. BZA 4-75, with the conditions as outlined in the Secretary's report.
2. The request to reduce the rear yard setback from 10 to 0 feet be approved for only the 52 foot portion of the rear yard as proposed on the applicant's plot plan.

GALBRAITH continued that since the previous case (BZA 4-75) which was for an exception to permit the construction of an off-street parking lot, had just been denied by the Board, he felt the five conditions which must be present before the Board can grant these variances could not now be justified. He commented on the five conditions as follows:

UNIQUENESS

It is the opinion of the Secretary that the variance requested does not arise from such condition which is unique to the property in question, and would in fact be created by the action of the applicant in attempting to overdevelop this site.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would have an adverse effect on adjacent property inasmuch as there would not be sufficient landscaping and buffering provided for the adjacent residential property, and the location of the commercial structure on the property line would eliminate the open space adjacent to the residential property, necessary for the passage of light and air.

HARDSHIP

It is the opinion of the Secretary that the strict application of the zoning ordinance will not constitute undue hardship on the applicant inasmuch as he is not being deprived the utilization of his property any more than for any other property where setback and landscaping provisions are required to be maintained.

PUBLIC INTEREST

It is the opinion of the Secretary that it is difficult to determine whether the granting of the variance would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance desired would be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as rear yard setback requirements are established to provide open space for the passage of light and air, and landscaping requirements are established to provide for a compatible atmosphere for commercial uses when located adjacent to residential development.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary to the granting of this variance cannot be found to exist and therefore, it is recommended that this request be denied.

The applicant or his attorney did not speak as they felt their application had already been adequately presented.

No one appeared in opposition to this request.

MOTION: TAYLOR moved, SPEARS seconded and it carried unanimously that the five conditions necessary to the granting of this variance could not be found to exist and this request be denied as shown by the adoption of the following Resolution.

RESOLUTION NO. BZA 5-75

WHEREAS, Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District and legally described as follows:

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Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

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 March 25, 1975, 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 does not arise 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 in fact created by an action of the property owner or the applicant inasmuch as the applicant is attempting to overdevelop this site; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance would adversely affect the rights of adjacent property owners or residents inasmuch as there would not be sufficient landscaping and buffering provided for the adjacent residential property, and the location of the commercial structure on the property line would eliminate the open space adjacent to the residential property, necessary for the passage of light and air; 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 not constitute unnecessary hardship upon the property owner represented in the application inasmuch as he is not being deprived the utilization of his property any more than for any other property where setback and landscaping provisions are required to be maintained; and

WHEREAS, the Board of Zoning Appeals has found that it is difficult to determine whether the desired variance would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired would be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as rear

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yard setback requirements are established to provide open space for the passage of light and air, and landscaping requirements are established to provide for a compatible atmosphere for commercial uses when located adjacent to residential development; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District and legally described as:

Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

be denied.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1975.

S/S James Richardson
James Richardson, Vice Chairman

Attest:

S/S Jack H. Galbraith
Jack H. Galbraith, Secretary

extra

RESOLUTION NO. BZA 5-75(2)

WHEREAS, Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals was given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of March 25, 1975, consider said application; 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, could not be found to exist, the action of the Board, as reflected by Resolution No. BZA 5-75, dated March 25, 1975, was to deny the request; and

WHEREAS, the Board's decision was appealed to the District Court of Sedgwick County, Kansas; and

WHEREAS, the District Court overruled the Board of Zoning Appeals action and directed the Board of Zoning Appeals to grant the requested variance; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that, as directed by the District Court of Sedgwick County, Kansas, this request for a variance be approved to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to a residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping, on property zoned the "LC" Light Commercial District and legally described as:

Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

ADOPTED AT WICHITA, KANSAS, this 26th day of August, 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Jack H. Galbraith, Secretary

September 15, 1975

Robert L. Smith
Boyer, Donaldson & Stewart
1030 First National Bank Building
Wichita, KS 67202

Subject: Case Number's BZA 4-75
and BZA 5-75, known also
as District Court Case
No. C-33296.

Dear Mr. Smith:

At the Board of Zoning Appeals meeting of August 26, 1975, the Board, acting on the District Court Order of Judge Herb Rohleder, voted to approve the requested exception and variance as directed by the Order. Also, as directed, the Board established conditions of approval for the off-street parking lot exception, as provided in Section 28.06.145 of the Code of the City of Wichita, Kansas.

On this date you were in our office and personally picked-up your copies of Resolutions BZA 4-75(2) and BZA 5-75(2), which reflect the above action of the Board in approving these requests. By copy of this letter we are forwarding copies of these two resolutions to those listed below for their information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

LD:va

cc: Robert Feldner, Superintendent of Central Inspection
Don Cisick, City Clerk
Joe Donnelly, Maintenance Inspection Supervisor
Donald Walenta, 7332 Plaza Lane, Wichita, KS 67208

RESOLUTION NO. BZA 5-75(2)

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Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals was given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of March 25, 1975, consider said application; 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, could not be found to exist, the action of the Board, as reflected by Resolution No. BZA 5-75, dated March 25, 1975, was to deny the request; and


WHEREAS, the Board's decision was appealed to the District Court of Sedgwick County, Kansas; and

WHEREAS, the District Court overruled the Board of Zoning Appeals action and directed the Board of Zoning Appeals to grant the requested variance; and

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Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

ADOPTED AT WICHITA, KANSAS, this 26th day of August, 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Jack H. Galbraith, Secretary

June 26, 1975

Ralph Wuls, City Manager

Jack H. Galbraith, Secretary to the Board of Zoning Appeals

Case Nos. BZA 4-75 and BZA 5-75 and the associated District Court Case

At the June 24, 1975, meeting of the Board of Zoning Appeals the members were informed by their legal counsel that their decision to deny the requests associated with the above captioned cases had been reversed in District Court. The two cases are related with the same proposed development of a Midas Muffler Shop and other small commercial uses to be developed on the south side of U.S. 54 between Pershing and Dellrose. One of the cases requested an exception which would have permitted the removal of two single family homes and the paving of the lots for a parking lot associated with the proposed commercial development to the north. The second application was for a variance of a rear yard setback and a request for relocating the required 25x50 ft. landscaped area when adjacent to a residential district.

Following a discussion of their previous action in denying these cases based on their determination that such commercial parking lot would be an encroachment into the residential neighborhood, and the subsequent decision of the Court, the Board felt that it was appropriate to reaffirm its original decision and to state that they believe they acted properly and not unreasonably in reaching their unanimous decision. They requested that I advise you and the City Commissioners of their feeling on this matter and their recommendation that subject cases be pursued further in the courts. I would appreciate you advising the Chairman of the Board of Zoning Appeals of the City Commissioner's determination on this matter.

Jack H. Galbraith
Secretary

JHG:js

cc: Board of City Commissioners
Marjorie L. Taylor, Chairman, Board of Zoning Appeals
John Dekker, Director of Law
Tom Powell, Legal Counsel for Board of Zoning Appeals

RESOLUTION NO. BZA 5-75

WHEREAS, Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

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 March 25, 1975, 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 does not arise 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 in fact created by an action of the property owner or the applicant inasmuch as the applicant is attempting to overdevelop this site; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance would adversely affect the rights of adjacent property owners or residents inasmuch as there would not be sufficient landscaping and buffering provided for the adjacent residential property, and the location of the commercial structure on the property line would eliminate the open space adjacent to the residential property, necessary for the passage of light and air; 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 not constitute unnecessary hardship upon the property owner represented in the application inasmuch as he is not being deprived the utilization of his property any more than for any other property where setback and landscaping provisions are required to be maintained; and

WHEREAS, the Board of Zoning Appeals has found that it is difficult to determine whether the desired variance would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired would be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as rear yard setback requirements are established to provide open space for the passage of light and air, and landscaping requirements are established to provide for a compatible atmosphere for commercial uses when located adjacent to residential development; and

Resolution No. BZA 5-75
Page Two

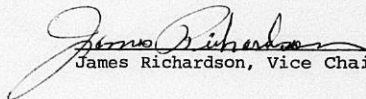
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District and legally described as:

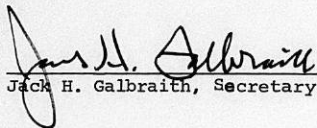
Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

be denied.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1975.


James Richardson, Vice Chairman

ATTEST:


Jack H. Galbraith, Secretary

37th st ~~North~~
south

AA

Rear not less than 5

side 3

front

April 18, 1975

Robert L. Smith
Boyer, Donaldson & Stewart
1030 First National Bank Building
Wichita, Kansas 67202

Subject: Case No. BZA 5-75
Request for Variance

Dear Mr. Smith:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 25, 1975, in connection with your request for a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District, and generally located on the south side of Kellogg between Pershing and Dellrose Avenues.

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:LD:js

cc: Robert Feldner, Superintendent of Central Inspection
Don C. Gisick, City Clerk
Joe Donnelly, Central Inspection
Donald Walenta, 7332 Plaza Lane, 67208

CASE # BZA 5-75

March 24, 1975

If BZA 4-75 is denied, then the following comments concerning the five conditions would be appropriate:

UNIQUENESS

It is the opinion of the Secretary that the variance requested does not arise from such condition which is unique to the property in question, and would in fact be created by the action of the applicant in attempting to overdevelop this site.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would have an adverse effect on adjacent property inasmuch as there would not be sufficient landscaping and buffering provided for the adjacent residential property, and the location of the commercial structure on the property line would eliminate the open space adjacent to the residential property, necessary for the passage of light and air.

HARDSHIP

It is the opinion of the Secretary that the strict application of the zoning ordinance will not constitute undue hardship on the applicant inasmuch as he is not being deprived the utilization of his property any more than for any other property where setback and landscaping provisions are required to be maintained.

PUBLIC INTEREST

It is the opinion of the Secretary that it is difficult to determine whether the granting of the variance would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance desired would be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as rear yard setback requirements are established to provide open space for the passage of light and air, and landscaping requirements are established to provide for a compatible atmosphere for commercial uses when located adjacent to residential development.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary to the granting of this variance cannot be found to exist and therefore, it is recommended that this request be denied.

March 31, 1975

Robert L. Smith
Boyer, Donaldson & Stewart
1030 First National Bank Building
Wichita, Kansas 67202

Subject: Case No. BIA 5-75
Request for Variance

Dear Mr. Smith:

At the regular meeting of the Board of Zoning Appeals on March 25, 1975, your request for a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50 x 25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District, and generally located on the south side of Kellogg between Pershing and Dellrose Avenues was considered.

It was the action of the Board to deny this request.

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

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:LD:rme

cc: Robert Feldner, Superintendent of Central Inspection
Don C. Gisick, City Clerk
Joe Donnelly, Central Inspection
Donald Walenta, 7332 Plaza Lane, 67208
Harry Sauas, Attorney, 4th Financial Center, 67202
Francis Talbott, 522 South Pershing, 67218

SECRETARY'S REPORT

CASE NO. BZA 5-75

APPLICANT: Donald Walenta, 7332 Plaza Lane, Wichita, Kansas.

AGENT: Robert L. Smith, 1030 First National Bank Building, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping.

GENERAL LOCATION: The south side of Kellogg between Pershing and Dellrose Avenues.

ZONING: Subject property is zoned the "LC" Light Commercial District, as is the property to the east; west is the "BB" Office District and the "A" Two Family Dwelling District; south is "A" Two Family; north is the "BB" Office District and "A" Two Family.

LAND USE: Subject property is vacant; north is office and single family; south is single family; east is a service station; west is office and single family.

JURISDICTION

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

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

Secretary's Report
Case No. BZA 5-75
Page Two

3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance)

COMMENTS BY THE SECRETARY

This application was filed simultaneously with the previous case, BZA 4-75. The applicant is the owner of the properties in both cases and is desirous of developing both as one project.

Subject property lies on the south side of Kollogg between Pershing and Dellrose and is immediately north of the property previously considered for an off-street parking exception.

The applicant is requesting a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping. The applicant's letter of justification is based on the premise of his off-street parking lot exception to the south gaining approval of the Board. It is from this same position that this report is written, for without the parking lot exception it would be most difficult to justify the five conditions necessary to the granting of a variance.

As shown on the submitted plot plan, the applicant proposes to construct a commercial building on subject property that would encroach into the entire 10 foot required rear yard for a 52 foot portion of the rear yard adjacent to the property to the south that is proposed for off-street parking. The remainder of subject property would maintain the required 10 foot setback.

The other part of the variance request involves the recently adopted landscaping provision of the zoning ordinance. As the

Secretary's Report
Case No. BZA 5-75
Page Three

requirements apply to subject property the ordinance states that, "where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a landscaped yard equal in depth to the minimum front yard required by this ordinance on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least 50 feet, including the width of any intervening alley". In this case the property to the south is zoned the "A" Two Family Dwelling District, which requires a 25 foot front yard setback. Therefore, the applicant is required to extend this 25 foot landscaped setback area for at least 50 feet north from the adjacent residential district on both Pershing and Dellrose. The applicant's plot plan indicates compliance with this provision on the Pershing side, but suggests an alternate proposal on the Dellrose side which would provide the landscaping area on the parking lot property to the south instead of on subject property.

NOTE: The following justification is based on the premise of the off-street parking lot exception being approved by the Board.

UNIQUENESS

It is the opinion of the Secretary that this is a unique situation inasmuch as screening and landscaping would be provided on the property to the south by the conditions of approval on the exception for an off-street parking lot.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not adversely affect adjacent property owners inasmuch as property to the south is owned by the applicant and would be a part of the overall development; and the property to the east is zoned and developed with a Light Commercial use.

HARDSHIP

It is the opinion of the Secretary that the applicant may be burdened with an unnecessary hardship if the variance is not granted inasmuch as the requests are both adjacent to property that is part of the proposed overall development.

Secretary's Report
Case No. BZA 5-75
Page Four

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as the rear yard variance request is interiorly located and the landscaped area is provided at a point further south on the parking lot exception property.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as the parking lot area provides the open space, screening and landscaping necessary to protect the rights of adjacent property owners.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and therefore it is recommended that the application to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping be approved subject to the following conditions:

1. Board approval has been given to Case No. BZA 4-75, with the conditions as outlined in the Secretary's Report.
2. The request to reduce the rear yard setback from 10 to 0 feet be approved for only the 52 foot portion of the rear yard as proposed on the applicant's plot plan.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

March 3, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 5-75

An application has been filed by Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

This application has been assigned Case No. BZA 5-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 25, 1975, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

3-4-75 - 32 Notices mailed to adjacent property owners
3-4-75 - 19 Notices mailed to MAPC

5746
BOARD OF ZONING APPEALS

CASE NO. 5-75

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Donald Walenta

Mailing Address 7332 Plaza Lane, Wichita, KS Phone 685-1503
Kansas

Name of Authorized Agent Robert L. Smith of Boyer, Donaldson & Stewart

Mailing Address 1030 First National Bank Bldg Phone 264-7321
Wichita, Kansas 67202

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

2.12.590B

II. The variance requested is Area: (rear yard [28.04.090-C 3.1])

Zero setback along south line of Lot Two in Perdel Addition,
Wichita, Kansas, and screening and landscaping pursuant to §28.04.160
as to Lots 1 and 2 of Perdel Addition, Wichita, Kansas,

for property located on the west side of Dellrose and south of
Kellogg

and legally described as: Lots 1 and 2, Perdel Addition, Wichita, Kansas

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

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

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of 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.

Donald Walenta

Applicant Donald Walenta
BOYER, DONALDSON & STEWART

By Robert L. Smith
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:00 (a.m. - p.m.), 2/25 1975
together with appropriate fee of \$50.00.

T9-402

Larry Dobson
Signed

STATEMENT IN SUPPORT OF APPLICATION FOR VARIANCE

The applicant seeks variance from enforcement of Zoning Ordinance 28.04.090, subparagraph C, Area Regulations, 3.1:

"3.1 There shall be a rear yard having a depth of not less than fifteen feet on all lots which are developed for residential use, including those used for motor courts. On lots which are used for commercial purposes, the rear yard depth shall be not less than ten feet."

Applicant has filed simultaneously with this application a request for exception so as to allow off-street parking in the area immediately to the south of this lot.

The property so affected to the south is owned by applicant and is legally described as:

Lot 4, and the North five feet of Lot 5, Block 2, and the South 45 feet of Lot 5, and the North ten feet of Lot 6, Block 2, KELLOGG HEIGHTS ADDITION to Wichita, Kansas;

The above-described property is presently zoned "A". The granting of the variance will allow the applicant to utilize the property to its fullest extent.

The applicant further seeks a variance from the enforcement of §28.04.160 of the Code relating to screening and landscaping, as it relates to Lot 2, Perdel Addition, for the reason that immediately to the south thereof will be screening, all as provided in the case filed simultaneously with this application to allow off-street parking.

The Request for Variance of the screening and landscaping requirements, as it applies to Lot 1, Perdel ^{already} Addition, is requested for the purpose that there is ^{required} screening along the south property line, which is adjacent to a residential zoning district.

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

- I. Name of Applicant Donald Walenta
Mailing Address 7332 Plaza Lane, Wichita, Kansas Phone 685-1503
Name of Authorized Agent Robert L. Smith of Boyer, Donaldson & Stewart
Mailing Address 1030 First National Bank Bldg Phone 264-7321
Wichita, Kansas 67202
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)
2.12.590B
- II. The variance requested is Area: (rear yard [28.04.090-C 3.1])

Zero setback along south line of Lot Two in Perdel Addition, Wichita, Kansas, and screening and landscaping pursuant to §28.04.160 as to Lots 1 and 2 of Perdel Addition, Wichita, Kansas,

for property located on the west side of Dellrose and south of Kellogg

and legally described as: Lots 1 and 2, Perdel Addition, Wichita, Kansas

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

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
 - That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
 - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Donald Walenta
Applicant Donald Walenta
BOYER, DONALDSON & STEWART
By Robert L. Smith
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals _____ (a.m. - p.m.), _____ 19____ together with appropriate fee of \$50.00.

STATEMENT IN SUPPORT OF APPLICATION FOR VARIANCE

The applicant seeks variance from enforcement of Zoning Ordinance 28.04.090, subparagraph C, Area Regulations, 3.1:

"3.1 There shall be a rear yard having a depth of not less than fifteen feet on all lots which are developed for residential use, including those used for motor courts. On lots which are used for commercial purposes, the rear yard depth shall be not less than ten feet."

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The above-described property is presently zoned "A". The granting of the variance will allow the applicant to utilize the property to its fullest extent.

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The Request for Variance of the screening and landscaping requirements, as it applies to Lot 1, Perdel, *Already* Addition, is requested for the purpose that there is required screening along the south property line, which is adjacent to a residential zoning district.



434 NORTH MAIN
WICHITA, KANSAS 67202
267-8371

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
1		Perdel Addition	Donald Walenta 7332 Plaza Lane 67208
2		Same	Same
5	1	Kellogg Heights Addition	Socony-Vacuum Oil Co., Inc. c/o Benjamin Service Center 4749 E. Kellogg 67218
6,7, 8,9, 10 exc S 57'	1	Same	James T. Klepper 122 Ridgecrest 67218
S57' 6,7, 8,9,10	1	Same	Diane J. Klepper & Kay M. 122 Ridgecrest 67218
11	1	Same	William R. Wood & Marilyn B. Derby, Kansas 67037
N5' 12	1	Same	Same
S45' 12	1	Same	Don Schwartz & Mildred A. 522 S. Dellrose 67218
N10' 13	1	Same	Same
S40' 13	1	Same	Bessie M. Hatchett & Verna Lona 528 S. Dellrose 67218
N20' 14	1	Same	Same
S30' 14	1	Same	Robert M. Love & Dorothy M. 532 S. Dellrose 67218
N20' 15	1	Same	Same
S30' 15	1	Same	Eldon Watts & Thelma J. Watts 7603 E. Gilbert 67207
N25' 16	1	Same	Same
S25' 16	1	Same	Aurelia R. Aguilera 544 S. Dellrose 67218
N30' 17	1	Same	Same

Lot	Block	Addition	Property Owner
N13' 24	1	Kellogg Heights Addition	X W. H. Molling & Norma Address Unknown
S38' 25	1	Same	Same
N12' 25	1	Same	√ Billy Ray Rogers 531 S. Oliver 67218
S39' 26	1	Same	Same
N11' 26	1	Same	√ Ray Stekoll & Wichita Iron & Metals Corporation Inc. 5909 East 13th 67208
27	1	Same	Same
28	1	Same	Same
4	2	Same	Donald Walenta √ 7332 Plaza Lane 67206
5	2	Same	Same
N10' 6	2	Same	Same
S40' 6	2	Same	√ Murl M. Tipton 525 S. Dellrose 67218
N15' 7	2	Same	Same
S35' 7	2	Same	√ Mary L. Robards 531 S. Dellrose 67218
N20' 8	2	Same	Same
S30' 8	2	Same	√ Jimmie D. Gillenwater Bettie M. Gillenwater 537 S. Dellrose 67218
N25' 9	2	Same	Same
S25' 9	2	Same	√ F. Russell Hughes Jr. 543 S. Dellrose 67218
N30' 10	2	Same	Same
N23' 15	2	Same	√ Dale W. Scott & Thelma L. 544 S. Pershing 67218
S37' 16	2	Same	Same

Lot	Block	Addition	Property Owner
N13' 16	2	Kellogg Heights Addition	✓ Lillian P. Whipple 538 S. Pershing 67218
S46' 17	2	Same	Same
N4' 17	2	Same	✓ W. T. Bowker & Edith M. 534 S. Pershing 67218
18	2	Same	Same
S20' 19	2	Same	Same
N30' 19	2	Same	✓ Francis H. Talbott Katharyn Talbott 522 S. Pershing 67208
S45' 20	2	Same	Same
N5' 20	2	Same	✓ Kenneth A. Kimbell & Ruth 518 S. Pershing 67218
21	2	Same	Same
S 150 ft of W 125 ft Block 14		Lincoln Heights Addition	X City of Wichita 204 S. Main 67202
9	12	Same	✓ John Richard Mead & Gayle 435 S. Dellrose 67218
9	11	Same	✓ Ralph G. Wise & Lucille 461 S. Pershing 67218
10 exc W 30'	11	Same	Same
2	2	Lincoln Heights 2nd Add.	✓ Margaret B. Ash 221 S. Oliver 67218
4	2	Same	✓ Dean O. Mason & Carlie O. 4529 E. Kellogg 67218
6	2	Same	X Gerold E. Laughlin Hazel Ann Laughlin Address Unknown
8	2	Same	✓ Albert L. Heitzenrader L. Geraldine Heitzenrader 519 S. Pershing 67218
10	2	Same	✓ Charles W. Cox & Helen H. 525 S. Pershin 67218

Lot	Block	Addition	Property Owner
12	2	Lincoln Heights 2nd Add.	√ Reid M. Hanley & Karen S. 5524 East 3rd 67208
14	2	Same	√ James M. Brady & Beverly A. 4480 S. Meridian Lot 171 67217

Beginning at a point 48 feet west of the Northeast corner of Lot 10, Block 12, Lincoln Heights Addition, thence South parallel with the East line of said Lot 10, 45 feet, thence in a Southwesterly direction 28.5 feet more or less to a point 76 feet west and 50 feet south of the northeast corner of said Lot 10, thence West parallel with the North line of Lot 11 in said Block 12, 40 feet, thence in a Southwesterly direction 52.25 feet more or less to a point on the east line of Pershing Avenue as platted in said Addition, said point being 85 feet Southeasterly from the northwest corner of Lot 11, thence in a southeasterly direction along the easterly line of Pershing Avenue; 106.5 feet more or less to the southwest corner of said Lot 10, thence east 26.4 feet, thence north 80 feet, to a point 48 feet west of the east line of said Lot 10, thence in a northeasterly direction 29.58 feet more or less to a point 47 feet south and 24 feet west of the northeast corner of said Lot 10, thence north parallel to the east line of said Lot 10, 47 feet to the north line of said Lot 10, thence west 24 feet to place of beg.

√ Garry O. Carson
466 S. Pershing 67218

Part of Lot 11, Block 12, Lincoln Heights Addition described as: Beginning at a point 48 feet West of the Northeast corner of Lot 10, Block 12; thence South parallel with the East line of said Lot 10, 45 feet; thence in a Southwesterly direction 28.5 feet more or less to a point 76 feet West and 50 feet South of the Northeast corner of said Lot 10; thence West parallel with the North line of Lot 11, 40 feet; thence in a Southwesterly direction 52.25 feet more or less to a point on the East line of Pershing Avenue, said point being 85 feet Southeasterly from the Northwest corner of said Lot 11, thence Northwesterly along the East line of Pershing Avenue, as platted in said Addition, 85 feet to the Northwest corner of said Lot 11; thence East 137 feet to place of beginning.

√ Gene Knackstedt
Jane Knackstedt
460 S. Pershing
67218

ONE BLOCK

WICHITA

DEEDS

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners of:

A 200 foot radius of: Lots 1 and 2, Perdel Addition, and Lot 4, and the North 5 feet of Lot 5, Block 2, and the South 45 feet of Lot 5, and the North 10 feet of Lot 6, Block 2, Kellogg Heights Addition to Wichita, Kansas

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 19th day of February, 1975 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Seale

Vice President

Order No. 221920
wh

FORM 1-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION

AMOUNT

Name

Address

Type

Due Date

Comments:

Date

BY

FORM 1-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION

AMOUNT

Name

Address

Type

Due Date

Comments:

Date

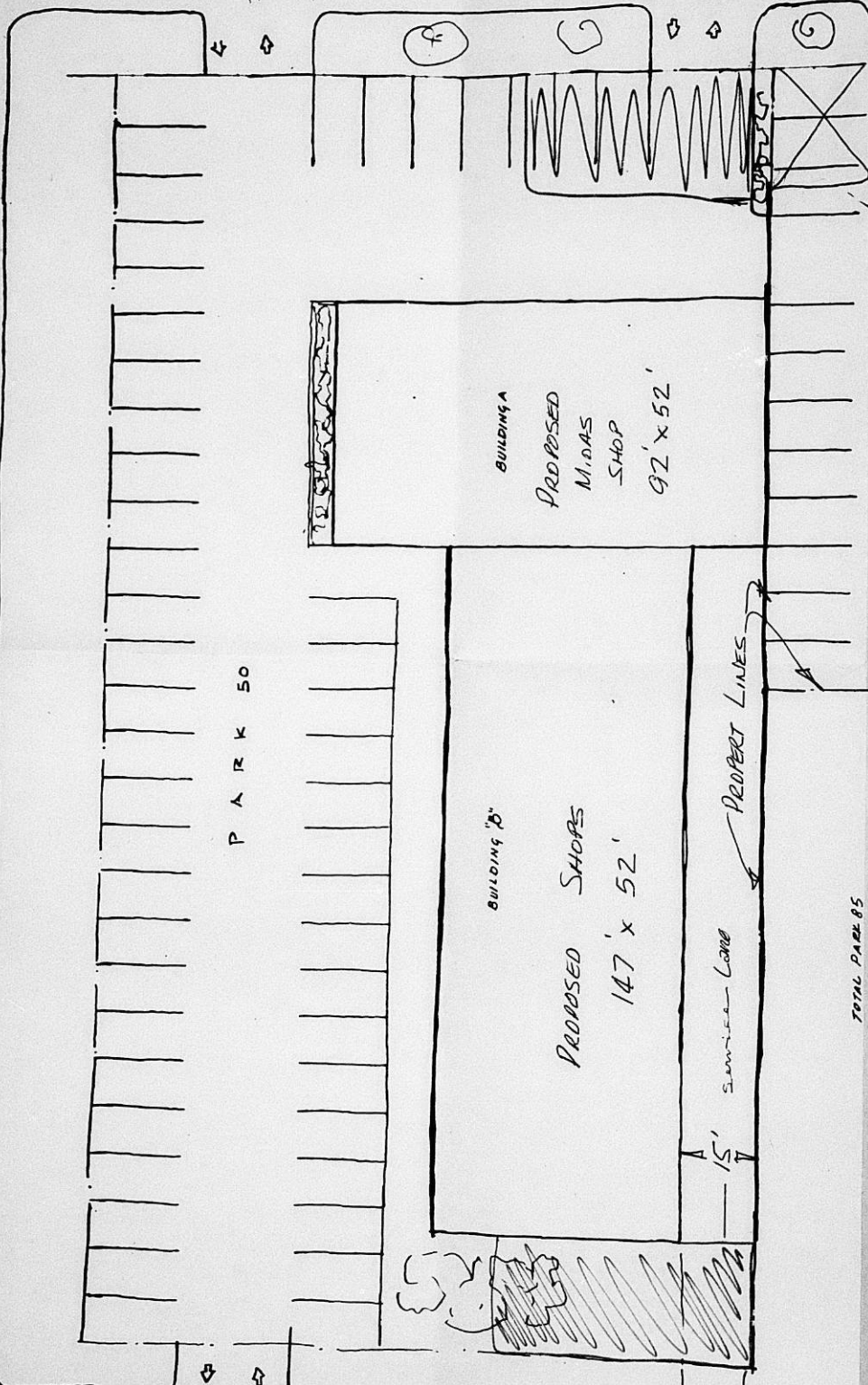
BY

Kellogg Ave.

P A R K 50

FRISHING AVE.

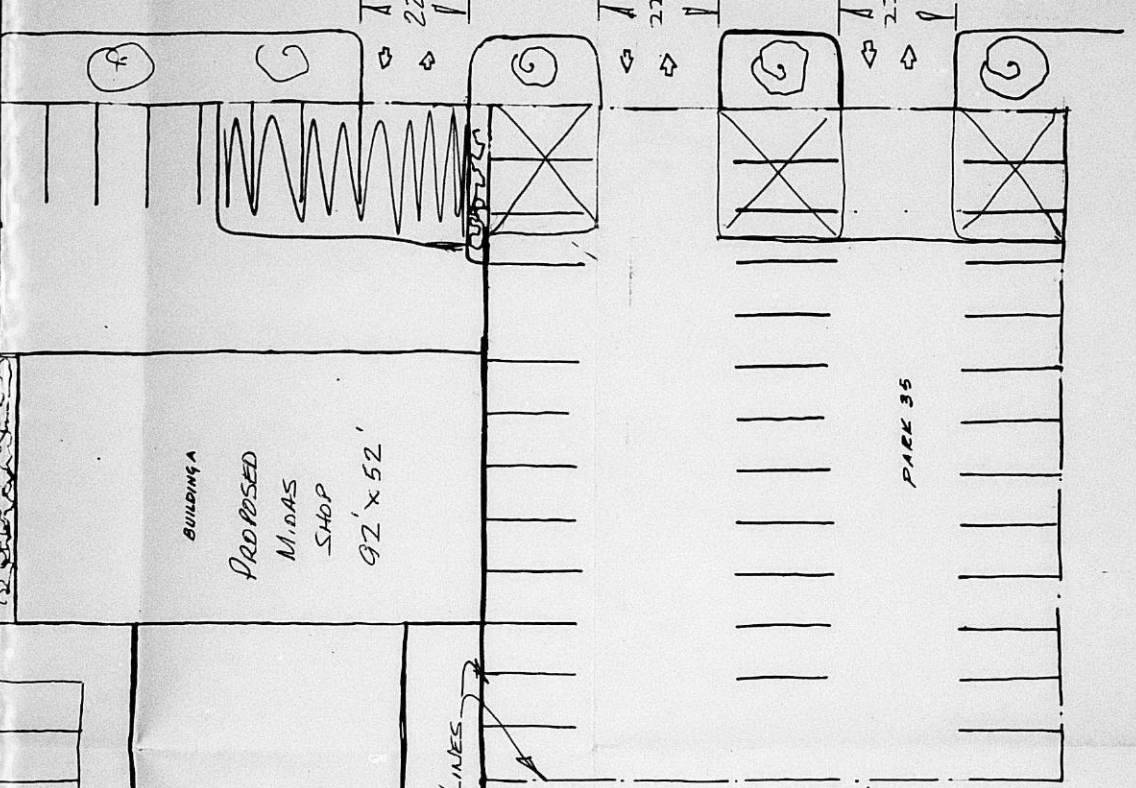
DELRoss AVE.



TOTAL PARK 85

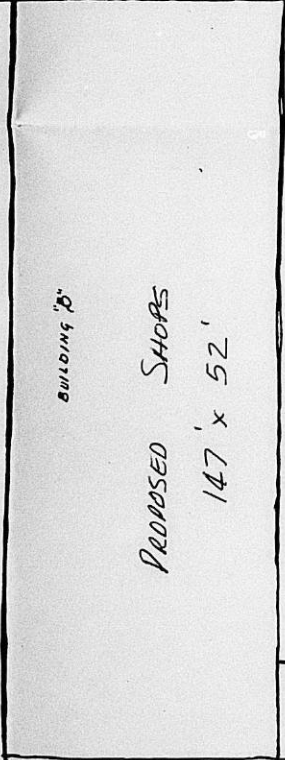
S. T. P. 3/4

DELRROSE AVE.



BUILDING A
 PROPOSED
 MIDAS
 SHOP
 92' x 52'

PARK 35



BUILDING B
 PROPOSED SHOPS
 147' x 52'

PROPERTY LINES

SEMI-CIRCLE DRIVE

15'

TOTAL PARK 85

Site Plan
 Scheme B



DONALD WALENTA

FRESHING A

FILE COPY

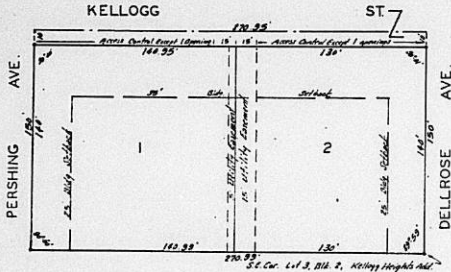
PERDEL ADDITION

APPROVED FOR RECORDING

WICHITA, KANSAS.

RECORDED ON 8-27-71

PERDEL ADDITION



State of Kansas } s.s. Be it remembered that
 Sedgewick County } on this _____ day of _____ 1971, before
 me a notary public in aforesaid county
 and state came A. J. King and Alma
 Jane King, to me known to be some per-
 sons who executed the foregoing instrument
 of writing and duly acknowledged the exec-
 ution of the same. In testimony whereof I
 have hereunto set my hand and affixed my
 notarial seal the day and year above written.

My Comm. Exp. _____ Notary Public

This plat of "PERDEL
 ADDITION" Wichita, Kansas has been submitted
 to and approved by the Wichita-Sedgewick County
 Metropolitan Area Planning Commission, Wichita
 Kansas. Dated this 22nd day of April, 1971.
 Wichita-Sedgewick County Metropolitan Area
 Planning Commission, Wichita, Kansas.

Lloyd Sanders Chairman
Robert A. Lakin Secretary

This plat approved and all
 dedications shown hereon accepted by the
 Board of Commissioners of the City of Wichita
 Kansas, this 10th day of August, 1971.

Richard E. Stryker City Clerk
 Ralph O. Stryker

This plat approved and all
 dedications shown hereon accepted by the
 Board of Commissioners, Sedgewick County,
 Kansas, this _____ day of _____ 1971.

Elmer Peters Chairman
Earl Rush Commissioner
Tom Scott Commissioner
Marie Warden County Clerk

Entered on transfer record
 this _____ day of _____ 1971.

MARIE WARDEN County Clerk

State of Kansas } s.s. This is to certify that
 Sedgewick County } this plat was filed for record in the office
 of the Register of Deeds this _____ day of
 1971, at _____ o'clock _____ M., and is
 duly recorded.

John Haze Register of Deeds
Earl S. Gilbert Deputy

We, Wichita Federal Savings and Loan
 Association, holders of a mortgage on the above described
 property do hereby consent to the plat of "PERDEL
 ADDITION" Wichita, Kansas.

Wichita Federal Savings and Loan Association

Blaine [Signature] President
[Signature] Secretary

State of Kansas } s.s. We, Baughman Company,
 Sedgewick County } surveyors in aforesaid county and state do
 hereby certify that we have surveyed and
 plotted "PERDEL ADDITION" Wichita,
 Kansas and that the accompanying plat is
 a true and correct exhibit of the property
 surveyed described as and being a Replat
 of Lots 1-2-3 and 22-23-24, Block 2, Kellogg
 Heights Addition to Wichita, Kansas.

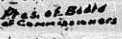
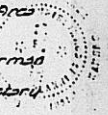
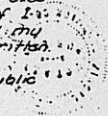
William L. Karper Surveyor
 William L. Karper

Know all men by these
 presents that we A. J. King and Alma Jane
 King, his wife have caused the land des-
 cribed in the surveyors certificate to be
 plotted into lots and a street to be known
 as "PERDEL ADDITION" Wichita, Kansas.
 Easements are hereby granted as indicated for the
 construction and maintenance of all public
 utilities. The street is hereby dedicated to
 and for the use of the public. All abutters
 rights of access to or from Kellogg over
 and across the west 115.95 feet of the north line of
 Lot 1 and the east 115 feet of the north line of Lot 2
 are hereby granted to the City of Wichita, provided however
 that the west 115.95 of Lot 1 and the east 115 feet of Lot
 2 shall each have access to Kellogg at 1 point, as
 shall be determined by the City Engineer of the City
 of Wichita, Kansas.

A. J. King Alma Jane King

State of Kansas } s.s. Be it remembered that on
 Sedgewick County } this _____ day of _____ 1971, before me a
 notary public in aforesaid county and state
 came [Signature] Secretary of Wichita
 Federal Savings and Loan Association to me
 known to be the same persons who executed
 the foregoing instrument of writing and duly
 acknowledged the execution of the same. In
 testimony whereof I have hereunto set my
 hand and affixed my notarial seal the day
 and year above written.

[Signature] Notary Public
 My Comm. Exp. _____



*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1