

Posted  
3-6-75  
MAD ✓  
C.J. ✓  
4-23-75  
J.H. ✓

BZA 6-75 - George R. Tiller, M.D.  
requests Exception to permit est-  
ablishment of off-street parking  
on east side of Bleckley and in  
an area south of Kellogg.

ACTION

DATE

B3a COMMITTEE Approved 3-25-75

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

Map No. 5846  
 Sec. 25  
 Twp. 27  
 Range 1E

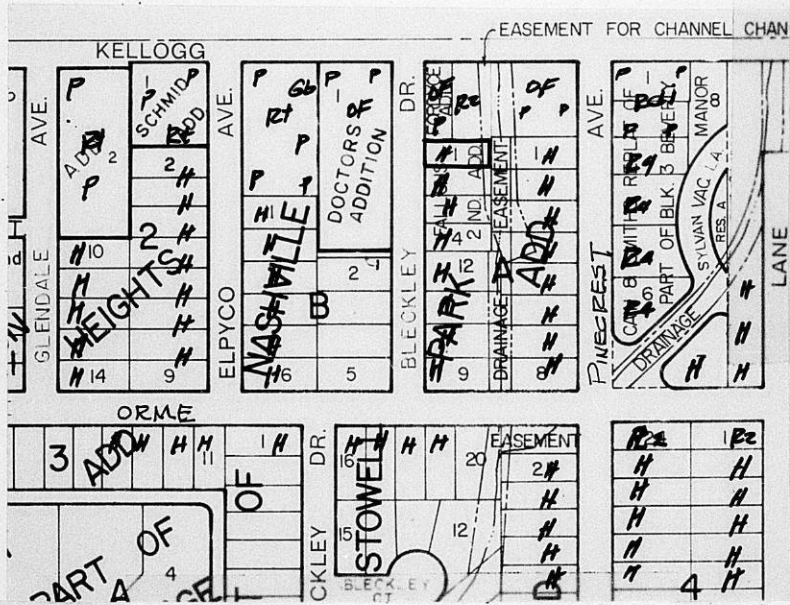
BZA- 6-75  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.13 ( 50 ft. by 120 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East SINGLE FAM South SINGLE FAM  
 West OFFICE North PARKING LOT - TRUCK
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

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



HASTING - AN - LICE ANGELER  
 LODAN CH. - W. - ANBOR TH U S A

**Shirley**  
 No. 2-153C

RESOLUTION NO. BZA 6-75

WHEREAS, George R. Tiller, M.D., 5101 East Kellogg, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lot 1, Fallon's 2nd Addition, Wichita, Kansas. Generally located on the east side of Bleckley in an area south of Kellogg.

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 an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District and legally described as follows:

Lot 1, Fallon's 2nd Addition, Wichita, Kansas. Generally located on the east side of Bleckley in an area south of Kellogg.

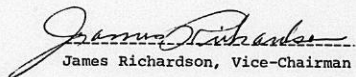
subject to the following conditions:

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.

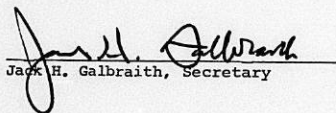
Resolution No. BZA 6-75  
Page Two

6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required front yard setback. The front yard setback area except for points of ingress and egress, shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
8. A detailed landscape plan for the setback area on Bleckley showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence with slats) shall be constructed along the south property line behind the front yard setback line.
10. The addition to the doctor's office, on adjoining property to the north, shall not extend any further east than shown on the submitted plot plan dated March 23, 1975.
11. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

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

  
James Richardson, Vice-Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

SECRETARY'S REPORT

CASE NO. BZA 6-75

APPLICANT: George R. Tiller, M.D., 5101 East Kellogg, Wichita, Ks.

AGENT: William B. Livingston, 239 Pattie, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation of an off-street parking lot.

GENERAL LOCATION: On the east side of Bleckley in an area south of Kellogg.

LAND USE: Subject property is developed as a single family dwelling, south and east are single family, north is a doctors office and parking lot, west is also a doctor's offices and parking.

ZONING: Subject property is zoned the "RB" Four Family Dwelling District as are properties to the south and east. North is the "B" Multiple Family Dwelling District and west is the "BB" Office District.

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.145 can be complied with.

COMMENTS BY THE SECRETARY

The applicant desires to expand an existing office building on property adjacent to the north of subject property. In order to comply with the off-street parking requirements of the Zoning Ordinance, additional parking must be provided. The applicant is requesting an exception on subject property to permit an off-street parking lot for the purpose of providing part of this required parking. The existing building on the property adjacent to the north is a doctor's office with associated parking. In the proposed plans for expansion an addition to the existing building would be constructed on the south side of the present offices, encroaching into what is now off-street parking. This property as well as adjoining property to the east to the drainage channel is all

Secretary's Report  
BZA 6-75  
Page Two

zoned the "B" Multiple Family Dwelling District and owned by the applicant. The submitted plans show that in addition to off-street parking being provided on subject property, the "B" zoned property between the existing office and the drainage channel would also be utilized as off-street parking. A two family dwelling presently occupies that property and a single family home is located on subject property. Both dwellings would be removed to provide parking. The property to the west is zoned the "BB" Office District and extends approximately 150 feet further south than subject property. This property to the west is developed with a medical building and its associated off-street parking.

When the applicant first contacted us about expansion plans for his office building, he was advised that he could approach the off-street parking problem from one of two ways. One would be to request a change of zoning on his total ownership from the "B" and "RB" zoning districts to the "BB" Office District, which would be compatible with the property to the west. It was pointed out that "BB" zoning on the property would permit parking to the property line, which would not be permitted with "B" zoning or with an off-street parking exception. As mentioned, the other method was the off-street parking exception, whereby the Board of Zoning Appeals can grant the utilization of the lot for off-street parking provided certain conditions, such as paved parking, screening, landscaping, etc. are met. He was advised that for a change of zoning the Planning Commission would most likely require a replat of his entire ownership, requiring the dedication of additional street right-of-way and solving of the serious drainage problems associated with the property. The exception route was chosen. The Flood Control Division of Public Works advises that this ownership is in a flood plain and that they could not support approval of further development of the area without solutions to the drainage problems. They did, however, comment that expansion of the doctor's office to the south would be more favorable than expansion to the east, nearer to the drainage channel.

With the "BB" zoning to the west extending further south than this request and the location of the drainage channel on the east, this exception would not seem to be inappropriate for the neighborhood. The off-street parking lot would not of itself be incompatible with the existing drainage problem.

Secretary's Report  
Case No. EZA 6-75  
Page Three

The submitted plot plan indicates a willingness on the part of the applicant to provide proper screening and landscaping for the protection of the dwelling district to the south.

RECOMMENDATION:

Although the drainage problems in the area remain a concern to the Secretary, it is realized that this one ownership cannot solve the total problem. It is therefore the recommendation of the Secretary that the application to permit the installation of an off-street parking lot be approved, subject to the following conditions:

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required front yard setback. The front yard setback area shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.

Secretary's Report  
Case No. BZA 6-75  
Page Four

8. A detailed landscape plan for the setback area on Bleckley showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence with slats) shall be constructed along the south property line behind the front yard setback line.
10. There shall be no ingress or egress from the parking lot through the front yard landscaped area to Bleckley.
11. The addition to the doctor's office, on adjoining property to the north, shall not extend any further east than the east wall of the existing structure.
12. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

Case No. BZA 6-75

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

Page - BZA Minutes  
March 25, 1975

5. Case No. BZA 6-75 - George R. Tiller, M.D., 5101 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lot 1. Fallon's 2nd Addition, Wichita, Kansas.  
Generally located on the east side of Bleckley  
in an area south of Kellogg.

GALBRAITH pointed out the area on the map and presented the following Secretary's report.

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.145 can be complied with.

COMMENTS BY THE SECRETARY

The applicant desires to expand an existing office building on property adjacent to the north of subject property. In order to comply with the off-street parking requirements of the Zoning Ordinance, additional parking must be provided. The applicant is requesting an exception on subject property to permit an off-street parking lot for the purpose of providing part of this required parking. The existing building on the property adjacent to the north is a doctor's office with associated parking. In the proposed plans for expansion an addition to the existing building would be constructed on the south side of the present offices, encroaching into what is now off-street parking. This property as well as adjoining property to the east to the drainage channel is all zoned the "B" Multiple Family Dwelling District and owned by the applicant. The submitted plans show that in addition to off-street parking being provided on subject property, the "B" zoned property between the existing office and the drainage channel would also be utilized as off-street parking. A two family dwelling presently occupies that property and a single family home is located on subject property. Both dwellings would be removed to provide parking. The property to the west is zoned the "BB" Office District and extends approximately 150 feet further south than subject property

Page -BZA Minutes  
March 25, 1975

This property to the west is developed with a medical building and its associated off-street parking.

When the applicant first contacted us about expansion plans for his office building, he was advised that he could approach the off-street parking problem from one of two ways. One would be to request a change of zoning on his total ownership from the "B" and "RB" zoning districts to the "BB" Office District, which would be compatible with the property to the west. It was pointed out that "BB" zoning on the property would permit parking to the property line, which would not be permitted with "B" zoning or with an off-street parking exception. As mentioned, the other method was the off-street parking exception, whereby the Board of Zoning Appeals can grant the utilization of the lot for off-street parking provided certain conditions, such as paved parking, screening, landscaping, etc. are met. He was advised that for a change of zoning the Planning Commission would most likely require a replat of his entire ownership, requiring the dedication of additional street right-of-way and solving of the serious drainage problems associated with the property. The exception route was chosen. The Flood Control Division of Public Works advises that this ownership is in a flood plain and that they could not support approval of further development of the area without solutions of the drainage problems. They did, however, comment that expansion of the doctor's office to the south would be more favorable than expansion to the east, nearer to the drainage channel.

With the "BB" zoning to the west extending further south than this request and the location of the drainage channel on the east, this exception would not seem to be inappropriate for the neighborhood. The off-street parking lot would not of itself be incompatible with the existing drainage problem.

The submitted plot plan indicates a willingness on the part of the applicant to provide proper screening and landscaping for the protection of the dwelling district to the south.

RECOMMENDATION

Although the drainage problems in the area remain a concern to the Secretary, it is realized that this one ownership cannot solve the total problem. It is therefore the recommendation of the Secretary that the application to permit the installation of an off-street parking lot be approved, subject to the following conditions:

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required front yard setback. The front yard setback area shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
8. A detailed landscape plan for the setback area on Bleckley showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence with slats) shall be constructed along the south property line behind the front yard setback line.

10. There shall be no ingress or egress from the parking lot through the front yard landscaped area to Bleckley.
11. The addition to the doctor's office, on adjoining property to the north, shall not extend any further east than the east wall of the existing structure.
12. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

GALBRAITH continued that he felt Condition #7 should be amended to read as follows: "There shall be no parking in the required front yard setback. The front yard area except for points of ingress and egress shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary."

He felt Condition #10 which read "There shall be no ingress or egress from the parking lot through the front yard landscaped area to Bleckley" should be eliminated.

He suggested that Condition #11 be amended to reflect the position of the proposed addition on the plot plan which was dated March 23, 1975.

BILL LIVINGSTON, an architect representing the applicant, Dr. Tiller, stated the conditions as outlined by the Secretary were satisfactory to his client and that they would appreciate the Board's cooperation in granting this exception to them.

No one spoke in opposition to this request.

MOTION: MURPHY moved, SPEARS seconded and it carried unanimously that the exception be approved subject to the amended conditions suggested by the Secretary as shown by the adoption of the following Resolution.

RESOLUTION BZA 6-75

WHEREAS, George R. Tiller, M.D., 5101 East Kellogg, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Page - BZA Minutes  
March 25, 1975

Lot 1, Fallon's 2nd Addition, Wichita,  
Kansas. Generally located on the east  
side of Bleckley in an area south of Kellogg.

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 an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District and legally described as follows:

Lot 1, Fallon's 2nd Addition, Wichita,  
Kansas. Generally located on the east  
side of Bleckley in an area south of Kellogg.

subject to the following conditions:

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and other debris.

Page - BZA Minutes  
March 25, 1975

5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required front yard setback. The front yard setback area except for points of ingress and egress, shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
8. A detailed landscape plan for the setback area on Bleckley showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence with slats) shall be constructed along the south property line behind the front yard setback line.
10. The addition to the doctor's office, on adjoining property to the north, shall not extend any further east than shown on the submitted plot plan dated March 23, 1975.
11. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

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

Case No. BZA 6-75

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

Page - BZA Minutes  
March 25, 1975

5. Case No. BZA 6-75 - George R. Tiller, M.D., 5101 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lot 1. Fallon's 2nd Addition, Wichita, Kansas.  
Generally located on the east side of Bleckley  
in an area south of Kellogg.

GALBRAITH pointed out the area on the map and presented the following Secretary's report.

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.145 can be complied with.

COMMENTS BY THE SECRETARY

The applicant desires to expand an existing office building on property adjacent to the north of subject property. In order to comply with the off-street parking requirements of the Zoning Ordinance, additional parking must be provided. The applicant is requesting an exception on subject property to permit an off-street parking lot for the purpose of providing part of this required parking. The existing building on the property adjacent to the north is a doctor's office with associated parking. In the proposed plans for expansion an addition to the existing building would be constructed on the south side of the present offices, encroaching into what is now off-street parking. This property as well as adjoining property to the east to the drainage channel is all zoned the "B" Multiple Family Dwelling District and owned by the applicant. The submitted plans show that in addition to off-street parking being provided on subject property, the "B" zoned property between the existing office and the drainage channel would also be utilized as off-street parking. A two family dwelling presently occupies that property and a single family home is located on subject property. Both dwellings would be removed to provide parking. The property to the west is zoned the "BB" Office District and extends approximately 150 feet further south than subject property

This property to the west is developed with a medical building and its associated off-street parking.

When the applicant first contacted us about expansion plans for his office building, he was advised that he could approach the off-street parking problem from one of two ways. One would be to request a change of zoning on his total ownership from the "B" and "RB" zoning districts to the "BB" Office District, which would be compatible with the property to the west. It was pointed out that "BB" zoning on the property would permit parking to the property line, which would not be permitted with "B" zoning or with an off-street parking exception. As mentioned, the other method was the off-street parking exception, whereby the Board of Zoning Appeals can grant the utilization of the lot for off-street parking provided certain conditions, such as paved parking, screening, landscaping, etc. are met. He was advised that for a change of zoning the Planning Commission would most likely require a replat of his entire ownership, requiring the dedication of additional street right-of-way and solving of the serious drainage problems associated with the property. The exception route was chosen. The Flood Control Division of Public Works advises that this ownership is in a flood plain and that they could not support approval of further development of the area without solutions of the drainage problems. They did, however, comment that expansion of the doctor's office to the south would be more favorable than expansion to the east, nearer to the drainage channel.

With the "BB" zoning to the west extending further south than this request and the location of the drainage channel on the east, this exception would not seem to be inappropriate for the neighborhood. The off-street parking lot would not of itself be incompatible with the existing drainage problem.

The submitted plot plan indicates a willingness on the part of the applicant to provide proper screening and landscaping for the protection of the dwelling district to the south.

RECOMMENDATION

Although the drainage problems in the area remain a concern to the Secretary, it is realized that this one ownership cannot solve the total problem. It is therefore the recommendation of the Secretary that the application to permit the installation of an off-street parking lot be approved, subject to the following conditions:

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required front yard setback. The front yard setback area shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
8. A detailed landscape plan for the setback area on Bleckley showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence with slats) shall be constructed along the south property line behind the front yard setback line.

Page - BZA Minutes  
March 25, 1975

10. There shall be no ingress or egress from the parking lot through the front yard landscaped area to Bleckley.
11. The addition to the doctor's office, on adjoining property to the north, shall not extend any further east than the east wall of the existing structure.
12. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

GALBRAITH continued that he felt Condition #7 should be amended to read as follows: "There shall be no parking in the required front yard setback. The front yard area except for points of ingress and egress shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary."

He felt Condition #10 which read "There shall be no ingress or egress from the parking lot through the front yard landscaped area to Bleckley" should be eliminated.

He suggested that Condition #11 be amended to reflect the position of the proposed addition on the plot plan which was dated March 23, 1975.

BILL LIVINGSTON, an architect representing the applicant, Dr. Tiller, stated the conditions as outlined by the Secretary were satisfactory to his client and that they would appreciate the Board's cooperation in granting this exception to them.

No one spoke in opposition to this request.

MOTION: MURPHY moved, SPEARS seconded and it carried unanimously that the exception be approved subject to the amended conditions suggested by the Secretary as shown by the adoption of the following Resolution.

RESOLUTION BZA 6-75

WHEREAS, George R. Tiller, M.D., 5101 East Kellogg, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Page - BZA Minutes  
March 25, 1975

Lot 1, Fallon's 2nd Addition, Wichita,  
Kansas. Generally located on the east  
side of Bleckley in an area south of Kellogg.

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 juris-  
diction to consider said request for an exception under the pro-  
visions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to  
permit the installation of an off-street parking lot on property  
zoned the "RB" Four Family Dwelling District, subject to the con-  
ditions outlined in Section 28.04.145, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning  
Appeals of the City of Wichita, that this application be approved  
to permit the installation of an off-street parking lot on property  
zoned the "RB" Four Family Dwelling District and legally described  
as follows:

Lot 1, Fallon's 2nd Addition, Wichita,  
Kansas. Generally located on the east  
side of Bleckley in an area south of Kellogg.

subject to the following conditions:

1. The parking area shall be used for passenger vehicles  
only and in no case shall it be used for sales, repair  
work, storage, dismantling or servicing of any vehicles,  
equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation  
of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities  
provided hereunder.
4. The off-street parking lot shall be paved with concrete,  
asphaltic concrete, or asphalt and shall be maintained  
in good condition and free of all weeds, dust, trash and  
other debris.

Page - BZA Minutes  
March 25, 1975

5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required front yard setback. The front yard setback area except for points of ingress and egress, shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
8. A detailed landscape plan for the setback area on Bleckley showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence with slats) shall be constructed along the south property line behind the front yard setback line.
10. The addition to the doctor's office, on adjoining property to the north, shall not extend any further east than shown on the submitted plot plan dated March 23, 1975.
11. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

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

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 6-75

An application has been filed by George R. Tiller, M.D., 5101 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lot 1, Fallon's 2nd Addition, Wichita, Kansas. Generally located on the east side of Bleckley in an area south of Kellogg.

This application has been assigned Case No. BZA 6-75, 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 - 15 Notices mailed to adjacent property owners  
3-4-75 - 10 Notices mailed to MAPC

GEORGE R. TILLER, M.D., P.A.

FAMILY PRACTICE  
5101 E. KELLOGG  
WICHITA, KANSAS 67218

February 24, 1975

Board of Zoning Appeals  
City of Wichita  
104 South Main  
Wichita, Kansas 67202

Gentlemen:

Under the provisions of Section 28.04.145 we respectfully solicit your cooperation in granting as an exception a special permit for the establishment of an off-street parking area on Lot 1 of Fallon's Second addition, in the City of Wichita which is currently zoned "RB"-four family dwelling classification or district. We request this exception to provide adequate off-street parking for our planned expansion of our existing Doctors' offices on the adjacent property to the north. Your favorable action on our request will be most appreciated.

Sincerely,

  
George R. Tiller, M. D.

GRT:mam



5746

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 6-75  
FILED 2-25-75

APPLICATION FOR EXCEPTION

- ✓ I. Name of Applicant GEORGE R. TILLER, M. D.  
Mailing Address 5101 East Kellogg Phone 684-5255
  - ✓ Name of Authorized Agent William B. Livingston  
Mailing Address 239 Pattie 47211 Phone 265-9367
- Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of Off-street parking on property zoned RB-4 plex, located southeast corner of Bleckley and Kellogg and legally described as: Lot 1, Fallon's 2nd Addition, in the City of Wichita.

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

Applicant George R. Tiller  
Authorized Agent William B. Livingston

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 4:20 (a.m. - p.m.), 2/25, 19 75, together with appropriate fee of \$50.00

Signed L. S. Nelson

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 6-75

An application has been filed by George R. Tiller, M.D., 5101 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lot 1, Fallon's 2nd Addition, Wichita, Kansas. Generally located on the east side of Bleckley in an area south of Kellogg.

This application has been assigned Case No. BZA 6-75, 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 - 15 Notices mailed to adjacent property owners  
3-4-75 - 10 Notices mailed to MAPC

GEORGE R. TILLER, M.D., P.A.

FAMILY PRACTICE  
5101 E. KELLOGG  
WICHITA, KANSAS 67218

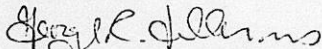
February 24, 1975

Board of Zoning Appeals  
City of Wichita  
104 South Main  
Wichita, Kansas 67202

Gentlemen:

Under the provisions of Section 28.04.145 we respectfully solicit your cooperation in granting as an exception a special parking permit for the establishment of an off-street parking area on Lot 1 of Fallon's Second addition, in the City of Wichita which is currently zoned "RB"-four family dwelling classification or district. We request this exception to provide adequate off-street parking for our planned expansion of our existing Doctors' offices on the adjacent property to the north. Your favorable action on our request will be most appreciated.

Sincerely,

  
George R. Tiller, M. D.

GRT:mam



5846

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 6-75  
FILED 2-25-75

APPLICATION FOR EXCEPTION

✓ I. Name of Applicant GEORGE R. THILFER, M. D.  
Mailing Address 5101 East Kellogg Phone 684-5255  
✓ Name of Authorized Agent William B. Livingston  
Mailing Address 239 Pattie 67211 Phone 265-9367  
Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section  
2.12.590.C, Code of the City of Wichita, Kansas, to permit  
the establishment of Off-street parking  
\_\_\_\_\_ on property zoned  
RR-4 plex, located southeast corner of Bleckley and Kellogg  
\_\_\_\_\_ and legally described as:  
Lot 1, Fallon's 2nd Addition  
\_\_\_\_\_  
\_\_\_\_\_, in the City of Wichita.

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

Applicant George R. Thilfer  
Authorized Agent William B. Livingston

OFFICE USE ONLY: Received in the office of the Secretary, Board of  
Zoning Appeals, 4:20 (a.m. - p.m.), 3/25, 19 75,  
together with appropriate fee of \$50.00

Secretary Lawrence DeLong

5846

BOARD OF ZONING APPEALS

CASE NO. 6-75

CITY OF WICHITA, KANSAS

FILED 2-25-75

APPLICATION FOR EXCEPTION

✓ I. Name of Applicant GEORGE R. TILLER, M. D.

Mailing Address 5101 East Kellogg Phone 684-5255

✓ Name of Authorized Agent William B. Livingston

Mailing Address 239 Pattie <sup>64211</sup> Phone 265-9367

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

II. Application is made for an exception as provided in Section  
2.12.590.C, Code of the City of Wichita, Kansas, to permit  
the establishment of Off-street parking

\_\_\_\_\_ on property zoned

RB-4 plex, located southeast corner of Bleckley and Kellogg

\_\_\_\_\_ and legally described as:

Lot 1, Fallon's 2nd Addition

\_\_\_\_\_, in the City of Wichita.

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

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

Applicant *George R. Tiller*

Authorized Agent *William B. Livingston*

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 4:20 (a.m. - p.m.), 3/25, 19 75, together with appropriate fee of \$50.00

Signed *L. D. Nelson*

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 6-75

An application has been filed by George R. Tiller, M.D., 5101 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lot 1, Fallon's 2nd Addition, Wichita, Kansas. Generally located on the east side of Bleckley in an area south of Kellogg.

This application has been assigned Case No. BZA 6-75, 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 - 15 Notices mailed to adjacent property owners  
3-4-75 - 10 Notices mailed to MAPC

GEORGE R. TILLER, M.D., P.A.  
FAMILY PRACTICE  
5101 E. KELLOGG  
WICHITA, KANSAS 67218

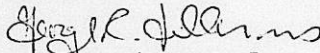
February 24, 1975

Board of Zoning Appeals  
City of Wichita  
104 South Main  
Wichita, Kansas 67202

Gentlemen:

Under the provisions of Section 28.04.145 we respectfully solicit your cooperation in granting as an exception a special permit for the establishment of an off-street parking area on Lot 1 of Fallon's Second addition, in the City of Wichita which is currently zoned "RB"-four family dwelling classification of district. We request this exception to provide adequate off-street parking for our planned expansion of our existing Doctors' offices on the adjacent property to the north. Your favorable action on our request will be most appreciated.

Sincerely,

  
George R. Tiller, M. D.

GRT:mam



RESOLUTION NO. BZA 6-75

WHEREAS, George R. Tiller, M.D., 5101 East Kellogg, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lot 1, Fallon's 2nd Addition, Wichita, Kansas. Generally located on the east side of Bleckley in an area south of Kellogg.

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 an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District and legally described as follows:

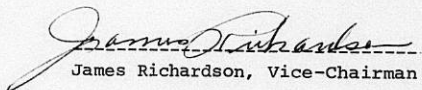
Lot 1, Fallon's 2nd Addition, Wichita, Kansas. Generally located on the east side of Bleckley in an area south of Kellogg.

subject to the following conditions:

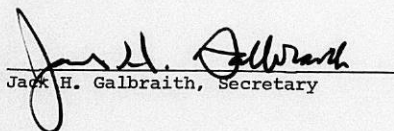
1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.

6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required front yard setback. The front yard setback area except for points of ingress and egress, shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
8. A detailed landscape plan for the setback area on Bleckley showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence with slats) shall be constructed along the south property line behind the front yard setback line.
10. The addition to the doctor's office, on adjoining property to the north, shall not extend any further east than shown on the submitted plot plan dated March 23, 1975.
11. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

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

  
James Richardson, Vice-Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

GOSSEN LIVINGSTON PESCE, P.A.

P. O. BOX 11265 239 PATTIE WICHITA, KANSAS 67211 316-265-9367

April 16, 1975

Mr. Jack H. Galbraith, Secretary  
THE CITY OF WICHITA  
Board of Zoning Appeals  
City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

Subject: Case No. BZA 6-75  
Request for Exception

Mr. Galbraith:

Pursuant to Item 8 on your March 31, 1975, letter, I am enclosing two (2) copies of our detailed landscape plan for the setback area on Bleckley indicating the locations and sizes of the two (2) existing trees and the other plant material which we propose to use in landscaping the berm.

Should you have any questions or require additional information, please do not hesitate to contact me.

*William B. Livingston*

William B. Livingston, A. I. A.

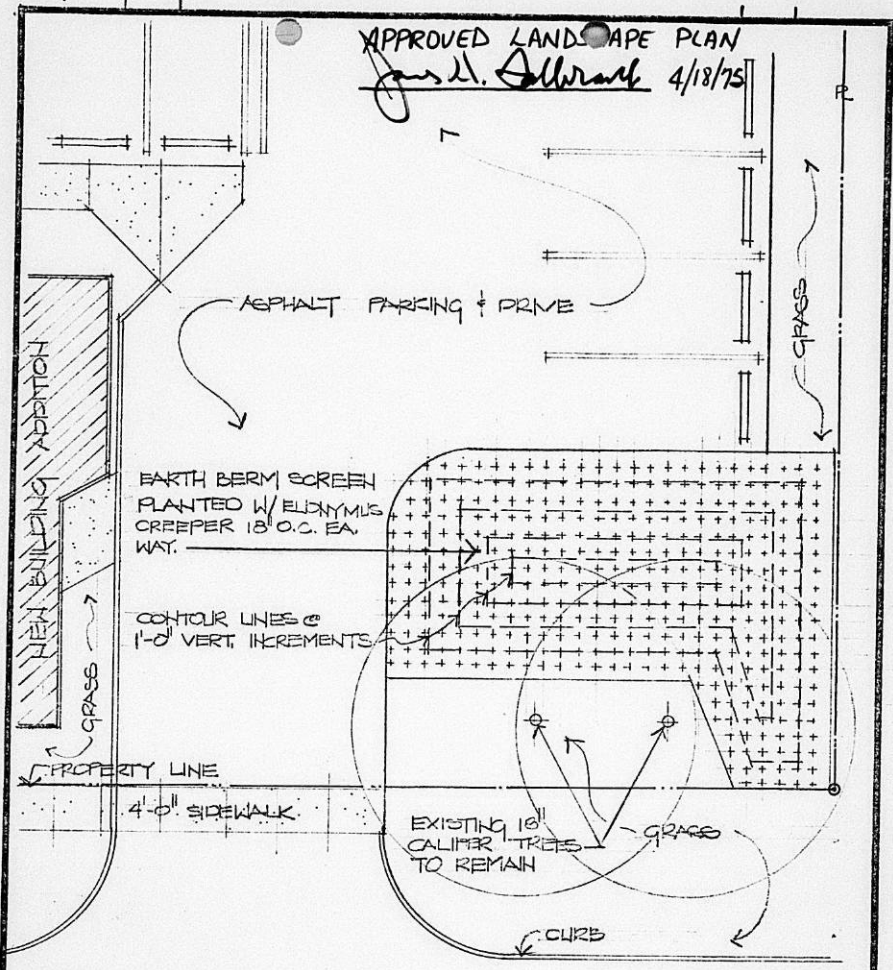
d  
cc: George R. Tiller, M. D.



ARCHITECTS AND ENGINEERS

APPROVED LANDSCAPE PLAN

*James L. Sollwage* 4/18/75



MEDICAL OFFICES - LANDSCAPE PLAN

1" = 10'-0"



**GOSSEN LIVINGSTON  
PESCE, P.A.** 318-265-9367  
ARCHITECTS AND ENGINEERS  
237 S. PATTIE WICHITA, KANSAS 67211

MEDICAL OFFICES FOR  
**GEORGE R. TILLER, M.D.**  
JOB NO. 119 - DATE 4/15/75  
DRAWN *D.L.H.* CHECKED

1/1

April 23, 1975

William B. Livingston  
239 Pattie  
Wichita, Kansas 67211

Subject: Case No. BZA 6-75  
Request for Exception

Dear Mr. Livingston:

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 an exception to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District and generally located on the east side of Bleckley in an area south of Kellogg.

This Resolution reflects the official action of the Board and sets out the conditions of approval. 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:js

cc: George R. Tiller, M.D., 5101 E. Kellogg, 67218  
Robert Feldner, Superintendent of Central Inspection  
Don C. Gisick, City Clerk  
Joe Donnelly, Central Inspection

March 31, 1975

William E. Livingston  
239 Pattie  
Wichita, Kansas 67211

Subject: Case No. BEA 6-75  
Request for Exception

Dear Mr. Livingston:

At the regular meeting of the Board of Zoning Appeals on March 25, 1975, your request for an exception to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and generally located on the east side of Bleckley in an area south of Kellogg was considered.

It was the action of the Board to approve this request subject to the following conditions:

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.

William B. Livingston  
March 31, 1975

6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required front yard setback. The front yard setback area, except for points of ingress and egress, shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
8. A detailed landscape plan for the setback area on Bleckley showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence with slats) shall be constructed along the south property line behind the front yard setback line.
10. The addition to the doctor's office, on adjoining property to the north, shall not extend any further east than shown on the submitted plot plan dated March 23, 1975.
11. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

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

JGH:LD:rme

cc: Robert Feldner, Superintendent of Central Inspection  
Don C. Gisick, City Clerk  
Joe Donnelly, Central Inspection  
George R. Tiller, M.D., 5101 East Kellogg, 67218

SECRETARY'S REPORT

CASE NO. BZA 6-75

APPLICANT: George R. Tiller, M.D., 5101 East Kellogg, Wichita, Ks.

AGENT: William B. Livingston, 239 Pattie, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation of an off-street parking lot.

GENERAL LOCATION: On the east side of Bleckley in an area south of Kellogg.

LAND USE: Subject property is developed as a single family dwelling, south and east are single family, north is a doctors office and parking lot, west is also a doctor's offices and parking.

ZONING: Subject property is zoned the "RB" Four Family Dwelling District as are properties to the south and east. North is the "B" Multiple Family Dwelling District and west is the "BB" Office District.

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.145 can be complied with.

COMMENTS BY THE SECRETARY

The applicant desires to expand an existing office building on property adjacent to the north of subject property. In order to comply with the off-street parking requirements of the Zoning Ordinance, additional parking must be provided. The applicant is requesting an exception on subject property to permit an off-street parking lot for the purpose of providing part of this required parking. The existing building on the property adjacent to the north is a doctor's office with associated parking. In the proposed plans for expansion an addition to the existing building would be constructed on the south side of the present offices, encroaching into what is now off-street parking. This property as well as adjoining property to the east to the drainage channel is all

Secretary's Report  
BZA 6-75  
Page Two

zoned the "B" Multiple Family Dwelling District and owned by the applicant. The submitted plans show that in addition to off-street parking being provided on subject property, the "B" zoned property between the existing office and the drainage channel would also be utilized as off-street parking. A two family dwelling presently occupies that property and a single family home is located on subject property. Both dwellings would be removed to provide parking. The property to the west is zoned the "BB" Office District and extends approximately 150 feet further south than subject property. This property to the west is developed with a medical building and its associated off-street parking.

When the applicant first contacted us about expansion plans for his office building, he was advised that he could approach the off-street parking problem from one of two ways. One would be to request a change of zoning on his total ownership from the "B" and "RB" zoning districts to the "BB" Office District, which would be compatible with the property to the west. It was pointed out that "BB" zoning on the property would permit parking to the property line, which would not be permitted with "B" zoning or with an off-street parking exception. As mentioned, the other method was the off-street parking exception, whereby the Board of Zoning Appeals can grant the utilization of the lot for off-street parking provided certain conditions, such as paved parking, screening, landscaping, etc. are met. He was advised that for a change of zoning the Planning Commission would most likely require a replat of his entire ownership, requiring the dedication of additional street right-of-way and solving of the serious drainage problems associated with the property. The exception route was chosen. The Flood Control Division of Public Works advises that this ownership is in a flood plain and that they could not support approval of further development of the area without solutions to the drainage problems. They did, however, comment that expansion of the doctor's office to the south would be more favorable than expansion to the east, nearer to the drainage channel.

With the "BB" zoning to the west extending further south than this request and the location of the drainage channel on the east, this exception would not seem to be inappropriate for the neighborhood. The off-street parking lot would not of itself be incompatible with the existing drainage problem.

Secretary's Report  
Case No. BZA 6-75  
Page Three

The submitted plot plan indicates a willingness on the part of the applicant to provide proper screening and landscaping for the protection of the dwelling district to the south.

RECOMMENDATION:

Although the drainage problems in the area remain a concern to the Secretary, it is realized that this one ownership cannot solve the total problem. It is therefore the recommendation of the Secretary that the application to permit the installation of an off-street parking lot be approved, subject to the following conditions:

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required front yard setback. The front yard setback area shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.

Secretary's Report  
Case No. BZA 6-75  
Page Four

8. A detailed landscape plan for the setback area on Bleckley showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence with slats) shall be constructed along the south property line behind the front yard setback line.
10. There shall be no ingress or egress from the parking lot through the front yard landscaped area to Bleckley.
11. The addition to the doctor's office, on adjoining property to the north, shall not extend any further east than the east wall of the existing structure.
12. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

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 6-75

An application has been filed by George R. Tiller, M.D., 5101 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lot 1, Fallon's 2nd Addition, Wichita, Kansas. Generally located on the east side of Bleckley in an area south of Kellogg.

This application has been assigned Case No. BZA 6-75, 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 - 15 Notices mailed to adjacent property owners  
3-4-75 - 10 Notices mailed to MAPC

GEORGE R. TILLER, M.D., P.A.

FAMILY PRACTICE  
5101 E. KELLOGG  
WICHITA, KANSAS 67216

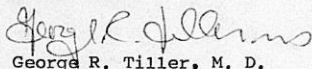
February 24, 1975

Board of Zoning Appeals  
City of Wichita  
104 South Main  
Wichita, Kansas 67202

Gentlemen:

Under the provisions of Section 28.04.145 we respectfully solicit your cooperation in granting as an exception a special permit for the establishment of an off-street parking area on Lot 1 of Fallon's Second addition, in the City of Wichita which is currently zoned "RB"-four family dwelling classification or district. We request this exception to provide adequate off-street parking for our planned expansion of our existing Doctors' offices on the adjacent property to the north. Your favorable action on our request will be most appreciated.

Sincerely,



George R. Tiller, M. D.

GRT:mam



5846

BOARD OF ZONING APPEALS

CASE NO. 6-75

CITY OF WICHITA, KANSAS

FILED 2-25-75

APPLICATION FOR EXCEPTION

✓ I. Name of Applicant GEORGE R. TILLER, M. D.

Mailing Address 5101 East Kellogg Phone 684-5255

✓ Name of Authorized Agent William B. Livingston

Mailing Address 239 Pattie 67211 Phone 265-9367

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

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of Off-street parking

\_\_\_\_\_ on property zoned

RB-4 plex, located southeast corner of Bleckley and Kellogg

\_\_\_\_\_ and legally described as: \_\_\_\_\_

Lot 1, Fallon's 2nd Addition

\_\_\_\_\_, in the City of Wichita.

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

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

Applicant George R. Tiller

Authorized Agent William B. Livingston

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 4:20 (a.m. - p.m.), 2/25, 19 75, together with appropriate fee of \$50.00

Signed Larry Dobson

5200 11/11

### REAL ESTATE PURCHASE CONTRACT

This Agreement, made this 2nd day of January, 1975, by and between George R. Tiller, deceased, and Catherine Irwin Tiller, deceased, party of the First Part, hereinafter referred to as "Seller," whether one or more, and George R. Tiller, M.D., P.A. party of the Second Part, hereinafter referred to as "Buyer," whether one or more.

**WITNESSETH:** That for and in consideration of the mutual promises, covenants and payments hereinafter set out, the parties hereto do hereby contract to and with each other, as follows:

1. The Seller does hereby agree to sell and convey to the Buyer by a good and sufficient warranty deed the following described real property, situated in Sedgewick County, Kansas, to-wit:  
Lot 1, Fallon's Second Addition to  
Wichita, Sedgewick County, Kansas

2. The Buyer hereby agrees to purchase, and pay to the Seller, as consideration for the conveyance to him of the above described real property, the sum of Twelve Thousand Five Hundred (\$12,500) Dollars in manner following, to-wit: Two Thousand Five Hundred Dollars (\$2,500) payable on or before Jan 2, 1975 and the balance of Ten Thousand (\$10,000) payable at One Hundred Seventy-five Dollars (\$175) monthly including nine per cent (9%) interest as per schedule attached

3. The Seller, at his option, agrees to furnish to the Buyer, either a complete abstract of title certified to date, or a title insurance company's commitment to insure, to the above described real property, showing a merchantable title vested in the seller, subject to: penalties and easements and restrictions of record

The Title Evidence shall be sent to George R. Tiller, M.D., P.A. for examination by the Buyer as promptly and expeditiously as possible, and it is understood and agreed that the Seller shall have a reasonable time after said Title Evidence has been examined in which to correct any defects in title.

4. A duly executed copy of this Purchase Agreement shall be delivered to the parties hereto.

5. The Buyer agrees to and does hereby deposit with the sum of Two Thousand Five Hundred Dollars (\$2,500) Dollars, earnest money, as a guarantee that the terms and conditions of this contract shall be fulfilled by him, said deposit to be applied on the purchase price upon acceptance of title by the Buyer and delivery of deed by the Seller. In the event the Buyer shall fail to fulfill his obligation hereunder, the Seller may, at his option, cancel this agreement, and thereupon the aforementioned deposit shall become the property of the Seller and his Agent, not as a penalty but as liquidated damages. Provided, however, that in the event the Seller is unable to furnish merchantable title, the earnest money deposited shall be returned to the Buyer, and this Agreement shall be null and void and of no further force and effect.

6. It is further agreed by and between the parties hereto that all rentals, insurance (if policies acceptable to Buyer) and interest, if any shall be adjusted and prorated as of January 2, 1975. Taxes shall be pro-rated for calendar year on the basis of taxes levied, or for prior year.

7. The Seller further agrees to convey the above described premises with all the improvements located thereon and deliver possession of the same in the same condition as they now are, reasonable wear and tear excepted.

8. It is understood and agreed between the parties hereto that time is of the essence of this contract, and that this transaction shall be consummated on or before dates specified No. 2 above

9. Possession to be given to Buyer on or before January 2, 1975

10. In the event an Owners title insurance policy is furnished, the total cost of the commitment to insure and the title insurance policy will be paid 50% by seller and 50% by buyer.

WITNESS OUR HANDS AND SEALS the day and year first above written.

George R. Tiller, M.D., P.A.  
 George R. Tiller, M.D., P.A.  
 Buyer

H. W. Hill  
 H. W. Hill  
 Senior Vice President and Trust Officer  
 Seller



WICHITA, KANSAS **FIRST NATIONAL BANK IN WICHITA**

January 22, 1975

Dr. George R. Tiller, M.D.  
5101 East Kellogg  
Wichita, Kansas 67218

Re: D. J. and Catherine Tiller T/T (72-0130-3)

Dear Dr. George:

As of 1-1-75, you purchased 5101 East Kellogg and 520 South Bleckley from the trust under contract. In accordance with the contract, you are to pay the insurance applicable to the two properties.

Enclosed herewith you will find a copy of Aetna Casualty & Surety Company policy 30FP180884 covering 520 South Bleckley which has a contract of sale clause attached in your favor. The premium on this three-year policy in the amount of \$279 has been paid to 5-9-76. You owe the trust for the prepaid premium from 1-1-75 to 5-9-76 in the amount of \$125.87.

Likewise, enclosed will be found St. Paul Fire and Marine Insurance Company policy copy No. 180NA0894 on 5101 East Kellogg with attached contract of sale clause in your favor. The \$362 annual payment to 6-3-75 has been paid and you should reimburse the trust for the portion of the prepayment from 1-1-75 to 6-3-75 amounting to \$151.74.

Also, enclosed will be found a Xerox copy of St. Paul Fire and Marine Insurance Company Multicover Policy No. 680NA1878 covering liability, glass, and the equipment which you bought. The premium on this policy from 6-3-74 to 6-3-75 amounted to \$166. It would follow that you are responsible for reimbursing the trust for the premium from 1-1-75 to 6-3-75 in the amount of \$69.58.

It will be appreciated if you will send us your checks totaling \$347.19 payable to the trust to reimburse it for insurance described above.

We have had abstracts of titles on the two properties certified to date and they are ready to be submitted to your attorney at such time as you desire such action. If you will let me know the name of your attorney who you desire to employ for investigation of the property titles, please let me know and we will see that the abstracts reach that individual.

Very truly yours,

*William Hill*

H. W. Hill  
Senior Vice President and Trust Officer

HWH:lc

GEORGE R. TILLER, M.D., P.A.

FAMILY PRACTICE  
5101 E. KELLOGG  
WICHITA, KANSAS 67218

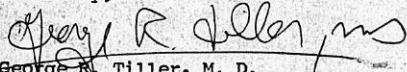
February 24, 1975

Board of Zoning Appeals  
City of Wichita  
104 South Main  
Wichita, Kansas 67202

Gentlemen:

Under the provisions of Section 28.04.145 we respectfully solicit your cooperation in granting as an exception a special permit for the establishment of an off-street parking area on Lot 1 of Fallon's Second addition, in the City of Wichita which is currently zoned "RB"-four family dwelling classification or district. We request this exception to provide adequate off-street parking for our planned expansion of our existing Doctors' offices on the adjacent property to the north. Your favorable action on our request will be most appreciated.

Sincerely,



~~George R. Tiller, M. D.~~

GRT:mam

O W N E R S H I P   L I S T

Lot	Block	Addition	Property Owner
1		Fallons 2nd Add.	✓ Catherine Irwin Tiller Address unknown
2		"	✓ Cleo F. Singer, 524 S. Bleckley Wichita, Kansas, 67218
3		"	✓ George F. Figgins & Linda S. Figgins, 528 S. Bleckley Wichita, Kansas, 67218
4		"	✓ Ethelyn K. Smith, 532 S. Bleckley Wichita, Kansas, 67218
1		Doctors Add.	✓ Kellogg Medical Building, Inc. 5025 E. Kellogg Wichita, Kansas, 67218
1		Fordyce Add.	✗ Cathering Irwin Tiller Address unknown
N 50' of 1	A	Nashville Park Addition	✓ Leta M. Weidner, 515 S. Pinecrest Wichita, Kansas, 67218
S 6.5' of 1 all of 2	"	"	✗ George W. Schoenborn, Jr & Sandy J. Schoenborn, Address unknown
3	"	"	✓ Allan D. Smith & Jo Ann Smith 6410 Magill, Wichita, Kan. 67206
4	"	"	✓ George C. McNeill, Jr & Owetta McNeill, 533 S. Pinecrest Wichita, Kansas, 67218
5	"	"	✓ June Marie Weigand, 539 S. Pinecrest, Wichita, Kan. 67218
12	"	"	✓ J. C. Henderson & Pauline S. Henderson, 538 S. Bleckley Wichita, Kansas, 67218
N 50' of 2	B	"	✓ David S. Brewer & Ann C. Brewer 537 S. Bleckley, Wichita, Kansas, 67218
11	"	"	✓ Richard H. Kyser & Dorothy M. Kyser, 526 Elpyco, Wichita, Kansas, 67218
Beginning 180 ft. W. & 40 ft. S. of the NE corner of the NW¼ of the NW¼ of Sec. 25-27-1E, thence S. 140 ft., thence W. 120 ft., thence N 140 ft., thence E. 120 ft. to beginning, except the W. 50 ft. thereof			✓ George R. Tiller & Jeanne Tiller 5101 E. Kellogg Wichita, Kansas, 67218

Continued page 2

Description

Property Owner

Beginning 495 ft. W. of the NE corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Sec. 25-27-1E, thence W. 138 ft., thence S. 280 ft., thence E. 138 ft., thence N 280 ft. to beginning, except N. 40 ft. for street

Kelmeco, Inc.  
Address unknown

Beginning 30 ft. W. & 150' S. of the NE corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Sec. 25-27-1E, thence S. 25 ft., thence W. 150 ft., thence N. 25 ft., thence E. 150 ft. to beginning

Meta M. Weidner, 515 S. Pinecrest  
Wichita, Kansas, 67218

Beginning 30 ft. W. of NE corner of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 25-27-1E, thence S. 150 ft., thence W. 150 ft., thence N 150 ft., thence E. 150 ft. to beginning, except the N. 40 ft. for street

J. Melvin Allen & Mary B. Allen,  
5119 E. Kellogg  
Wichita, Kansas, 67218

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of Lot 1, Fallon's 2nd Addition, Sedgwick County, Kansas, as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 24th day of February, 1975 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Mary Doble*  
Vice-President

Order No. 222050

Form 3-021

**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	



434 N. MAIN  
267-71

TITLE INSURANCE — ABSTRACTING ORDER AND INVOICE

No 222050

Billing Date 2-24-75

Order Date 2-24-75

Wanted

CHARGE TO **Dr. George Tiller**  
**5101 E. Kellogg, Wichita 67218 (Mail)**

DESCRIPTION

200' radius of Lot 1, Fallon's  
2nd Addition, Sedgwick County,  
Kansas.

Abstracting Charges

Entries	
Certification	
Dist. Court Proceedings	
Prob. Court Proceedings	
Plat	
Ch. of Title	
Judg'l Search	
Contract	
Req.	

Papers Left

Com/Ins.

Extend. Spec. Cf. Cf. Ownership **XX** Plat. Cf. of Title Pay Taxes.  
New Abst. Supl. Comply with Req. Hold/Rel.

Owner's

Misce's

Deliver to

TOTAL \$32 00

\*

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