

Case No. BZA 6-84 - Red Oaks, Inc. -
requests a variance to reduce the
required side yard setback from 5'
to 1½' on property zoned the "BB"
Office District and generally
located on the east side of Webb
Road and north of Harry.

POSTED 5-7-84
Shot 5:22
Record ✓

POSTED
1-30-84

ACTION

B.Z.A. 6-84 Refer / mo. 2-28-84
to readvertise - o's setback DATE
BZA APPROVED 3-27-84

POSTED 5-7-84
Shot 522
Record

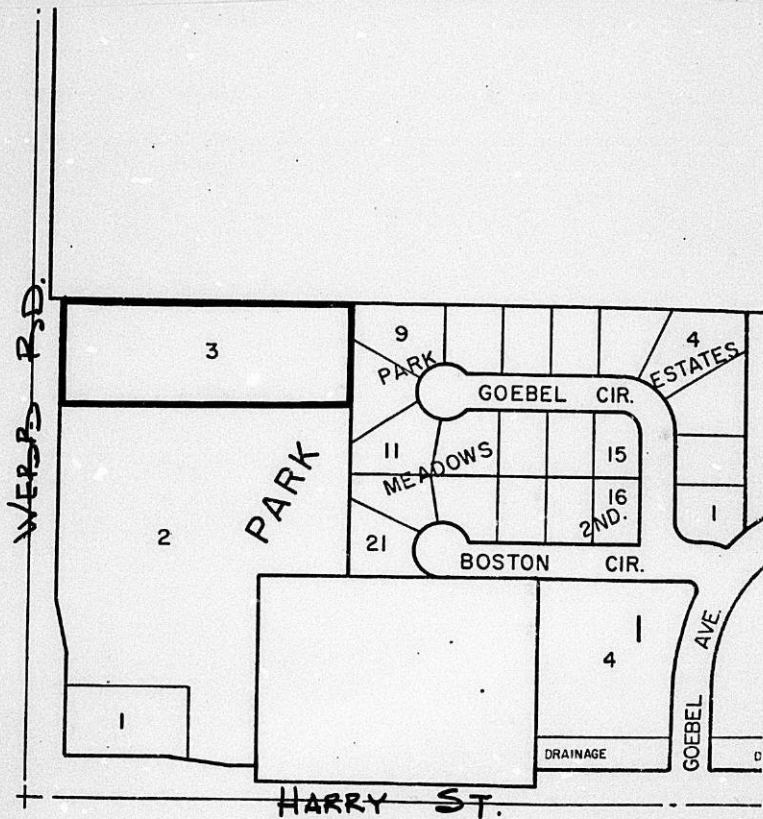
CASE NO. BZA 6-84 - RED OAKS, INC.
requests a variance to reduce the
required side yard setback from 5'
to 1 1/2' on property zoned the "B8"
Office District and generally
located on the east side of Webb
Road and north of Harry.

Map No. 6146

BZA 6-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E R-5 S LC W LC N AA
3. Land Use: East APTS South Comm
West Decmt North Park
4. Area (is) (~~is not~~) platted.



LOS ANGELES CHILLAGO LOGAN OH
MORRESON TX-OCUST GROVE, GA
U.S.A.

SHILL
Spreed
No. 2-153C

April 2, 1984

Red Oaks, Inc.
1231 Longfellow
Wichita, Ks. 67207

Re: BZA 6-84 - Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 27, 1984.

This Resolution reflects the official action of the Board to approve your request, and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Bill Yung, 8225 East 35th North, Wichita, Kansas 67226
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 6-84

WHEREAS, Red Oaks, Inc., 1231 Longfellow, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 5' to 0' adjacent to the south property line on property zoned the "BB" Office District and legally described as follows:

Lot 3, Block 1, Park Meadows Estates Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Webb Road and north of Harry.

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 27, 1984, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the property is adjacent to a parcel that is zoned the "LC" Light Commercial District which does not have to observe a setback; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the adjacent property owner has agreed to a lessor setback; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the lot is platted with a 20 foot easement along the north which reduces the potential use of the property and if garages are to be constructed they need to be located to the south; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the reduction of the side yard on the south will not interfere with any easements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the front garage will not be located closer than 60 feet to the front of the property which is the normal front half of a residential lot; 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 side yard setback on the south from 5' to 0' on property zoned the "BB" Office District and legally described as:

Lot 3, Block 1, Park Meadows Estates Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Webb Road and north of Harry.

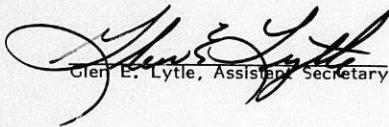
be approved subject to the following conditions:

1. The reduction of the side yard adjacent to the south property line shall apply only to accessor structures.
2. Any structures constructed closer than 5 feet to the south property line shall not be constructed within 60 feet of the west property line.
3. The reduction of the side yard shall be to 0 feet, but if a side yard is provided, it shall not be less than 5 feet.

ADOPTED AT WICHITA, KANSAS, this 27th day of March, 1984.


Earl Henderson, Vice President

ATTEST:


Glen E. Lytle, Assistant Secretary

SECRETARY'S REPORT
CASE NO. BZA 6-84

APPLICANT: Red Oaks, Inc., 1231 Longfellow, Wichita, Kansas.

AGENT: Bill Yung, 8225 East 35th North, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 5' to 0'.

GENERAL LOCATION: On the east side of Webb Road and north of Harry.

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

LAND USE: Subject property is being developed with apartments. To the east are two-family dwellings. Property to the north is a park and to the west is vacant. Property to the south is partially developed commercially.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

This case was readvertised to vary the side yard setbacks on the south from the original request of 5 feet to 1-1/2 feet to the present 5 feet to 0 feet. This is so that accessory structures not exceeding 3,000 square feet may be constructed right on the property line. It was the consensus of the Board at the last meeting that the variance would be looked on in favor if the property owner to the south had no objection to the request.

The application area is zoned "BB" Office and is between a city park zoned "AA" One-family on the north and "LC" Light Commercial on the south. The apartment complex is designed to take advantage of the park and open space to the north with the garages and vehicular circulation to the south adjacent to the "LC" district. This is partially dictated by the 20 foot utility easement located on the north of the property. It is the Secretary's opinion that since the property line in question is adjacent to the "LC" Light Commercial District which may fully utilize the property with structures, it would serve no purpose to maintain a setback on this property if the applicant complies with the building code requirements. In this case as it is in the "LC" Light Commercial District, the buildings should be constructed on the property line or maintain a 5 foot side yard.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as property adjacent to the south is zoned the "LC" Light Commercial District that may build without a setback along the same property line.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the adjacent property owner has previously agreed to a reduction in the setback by private covenant.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance constitute an unnecessary hardship upon the applicant inasmuch as the applicant has designed the project to orient the apartments to the north and use the garages to provide protection to the project from the commercial development to the south. The project is already started on the basis of a reduction of the side yard and the garages would not have adequate ingress drives without a variance.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the side yard will not interfere with any easements and the applicant will be required to comply with the building code.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the side yard required by the ordinance is primarily to provide open space adjacent to other than commercial properties, and in this case the property to the south is to be developed with commercial uses.

RECOMMENDATION:

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

1. The reduction of the side yard adjacent to the south property line shall apply only to accessory structures.
 2. Any structures constructed closer than 5 feet to the south property line shall not be constructed within 60 feet of the west property line.
 3. The reduction of the side yard shall be to 0 feet, but if a side yard is provided, it shall not be less than 5 feet.
-

BZA CASE NO. 6-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>16</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>19</u>	TOTAL NOTICES SENT <u>3-7-84</u>

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

March 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 6-84

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Red Oaks, Inc., 1231 Longfellow, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required side yard setback from 5 feet to 0 feet on property zoned "BB" Office District. A legal description of the applicant's property is as follows:

Lot 3, Block 1, Park Meadows Estates Addition to
Wichita, Sedgwick County, Kansas. Generally located
on the east side of Webb Road and north of Harry.

This application has been assigned Case BZA 6-84. It will be considered by the Board of Zoning Appeals on March 27, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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

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

Jack H. Galbraith
Secretary

Red Oaks, Inc.
1231 Longfellow
Wichita, Ks.67207

Re: BZA 6-84 - Request for Variance

Gentlemen:

On February 28, 1984, the Board of Zoning Appeals considered your request to reduce the side yard setback from 5 feet to 1½ feet. It was the decision of the Board to defer official action on the case until the meeting of March 27, 1984 so the case can be readvertised to reduce the side yard setback to 0 feet.

Although the Board could not take official action to reduce the setback to 0 feet until it is advertised, they agreed to look with favor on the request as long as the adjacent property owner does not object to this change. Should this office be furnished evidence that the adjacent property owner is in agreement with the reduction to 0 feet, I will advise Central Inspection of the Board's decision to look with favor on the change in the side yard variance request.

If you have any questions please advise.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Bill G. Yung Design, 8225 E. 35th North, Wichita, Ks. 67226
Robert Feldner, Superintendent of Central Inspection

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE February 22, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Enriken, Administrative Aide III

SUBJECT BZA 6-84 (East side of Webb
Road and North of Harry)

CPO Council "H" considered the above captioned case at its February 13 meeting and voted 6-0 to recommend approval of the request for variance.

Bill Yung, of Bill Yung Designs, was present representing the applicant. No area residents were present.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered on February 28.

Cindy Enriken
Cindy Enriken
Administrative Aide III

CE:sm

RECEIVED

FEB 24 1984

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 6-84

APPLICANT: Red Oaks, Inc., 1231 Longfellow, Wichita, Kansas.

AGENT: Bill Yung, 8225 East 35th North, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 5' to 1½'.

GENERAL LOCATION: On the east side of Webb Road and north of Harry.

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

LAND USE: Subject property is being developed with apartments. To the east are two-family dwellings. Property to the north is a park and to the west is vacant. Property to the south is partially developed commercially.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required side yard setback from 5' to 1½' in order to construct 12 car garages along the south property line. In accordance with the requirements of the "BB" Office District a five foot side yard is required on the property for any structures located on the front half of the lot, and the side yard may be reduced to 3' on the rear half of the lot. In addition, the building code requires that accessory structures (private garages not to exceed 3,000 square feet) must maintain a 3 foot distance from the property line. The applicant has furnished a copy of a covenant on the adjacent property to provide a maintenance easement. This does not eliminate the fire resistive requirement of the building code when the construction is less than 3 feet from the property line, according to the plans examining section of Central Inspection.

The application area is zoned "BB" Office and is between a city park zoned "AA" One-family on the north and "LC" Light Commercial on the south. The apartment complex is designed to take advantage of the park and open space to the north with the garages and vehicular circulation to the south adjacent to the "LC" district. This is partially dictated by the 20 foot utility easement located on the north of the property. It is the Secretary's opinion that it is difficult to see any uniqueness to the property and that the project could have been designed to comply with all the regulations.

UNIQUENESS:

It is the opinion of the Secretary that this property is not unique inasmuch as it is a large rectangular tract that could be designed to comply with the provisions of the zoning ordinance.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will adversely affect the rights of adjacent property owners inasmuch as the location of the garage structures at a 1- $\frac{1}{2}$ foot setback will affect the total usage of the adjacent property in conformance with the regulations of the "LC" Light Commercial District.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance will not constitute an unnecessary hardship upon the applicant inasmuch as the project could be designed in conformance with the regulations and that any hardship has been created by the applicant.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would adversely affect the public interest inasmuch as the space between buildings could end up being 3 feet or less which could create a maintenance and safety problem.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the regulations is to provide not less than 5 feet to the property line.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance cannot be found to exist and the application should be denied, however, should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following condition:

1. The reduction of the side yard shall not be less than 3 feet to the property line, and shall apply only to accessory private garages not to exceed 3,000 square feet in area.

BZA CASE NO.

6-84

2

NOTICES SENT TO APPLICANT/AGENT

10

LEGAL ADVERTISEMENT

~~NOTICE~~ SENT TO MAPC

1

NOTICES SENT TO CPO

17

NOTICES SENT TO ADJOINING PROPERTY OWNERS

20

TOTAL NOTICES SENT

2-8-84

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

February 8, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 6-84

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Red Oaks, Inc., 1231 Longfellow, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required side yard setback from 5' to 1½' on property zoned "BB" Office District. A legal description of the applicant's property is as follows:

Lot 3, Block 1, Park Meadows Estates Addition to
Wichita, Sedgwick County, Kansas. Generally located
on the east side of Webb Road and north of Harry.

This application has been assigned Case BZA 6-84. It will be considered by the Board of Zoning Appeals on February 28, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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

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

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 6-84

CITY OF WICHITA, KANSAS

FILED 1-30-84

APPLICATION FOR VARIANCE

I. Name of Applicant Reg Oaks, Inc.

Mailing Address 1231 Longfellow, Wichita, KS 67207 Phone 681-0662

Name of Authorized Agent Bill G. Yung Design

Mailing Address 8225 E. 35th North, Wichita, KS 67226 Phone 683-5567

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

II. The variance requested is to reduce side yard setback from 5' to 1 1/2'
with an additional 1 1/2' restriction on adjacent lot to south for a total of
3' for building separation and maintenance access.

for property located north of Harry Street on the east side of Webb Road.

and legally described as: Lot 3, Blk. 1 Park Meadows Estates Addition
to Wichita, Sedgewick County, Kansas.

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

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 Sedgewick 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.

[Signature]
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:30 (a.m. - p.m.), Jan 30 1984 together with appropriate fee of ~~\$50.00~~ 75.00

[Signature]
Signed

OWNERS STATEMENT OF JUSTIFICATION FOR REQUESTED VARIANCE

The following statement is in reference to the required written statement stating our position on why we feel the requested variance is justified. These statements are written in direct response to the five (5) conditions which must be met.

1. Uniqueness - We feel the uniqueness of this variance is related to the site being narrow and deep in configuration and its relationship to park property on the north and commercial zoning on the south. Since the property is zoned BB and since the developer wishes to construct residential uses in lieu of office uses, several conditions became important in the formulation of the design concept which we feel are unique requirements for this particular property.
 - a. Residential units should be designed to relate to park property which places the garage units on the south.
 - b. Garages should be constructed to act as a buffer from future commercial uses to the south.
 - c. Setback from park property was set to insure existing hedge row separating uses will not be in jeopardy.
 - d. Private street system should be wider than the minimum normally used since the parking movement into garage spaces appears tighter than open parking conditions.
2. Adjacent Property Owners - Granting the variance will not adversely affect the adjacent property owner since he has agreed to the conditions contained herein and has joined by separate covenant (copy attached) to grant a restriction on his property for maintenance access and building setback requirements.
3. Hardship - The hardships that would be created if this variance is not granted is directed more to the future property owners in that without the variance, the garages would have to be eliminated and open parking provided in their place. This is due to the extra width of drive needed to negotiate the turning movement into and away from proposed garages. Additionally, without the garages, the buffering effect from the commercial property will not be constructed making the property less private.
4. Public Protection - We cannot in any way determine how this variance will have any adverse affect on public health, safety, morals, order, convenience, prosperity or general welfare. We, instead, feel that by granting the variance and thus allowing the construction of the proposed garages, that the variance will, in fact, increase the safety, order, convenience and general welfare of these prospective homeowners.



OWNERS STATEMENT OF JUSTIFICATION
FOR REQUESTED VARIANCE

PAGE 2

5. Intent of Title 28 - In regards to the general spirit and intent of title 28 in the relationship of residential uses and commercial property, we feel that the design concept of locating habitable structures adjacent to the park and open space and the location of automobile circulation and garages adjacent to commercial uses provides the best form of separation of uses. We feel this condition is the basis for most planning restrictions and, therefore, feel our plan meets the intent of the ordinance.

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be the true and correct property owners as shown by the last deed of record in the Office of the Register of Deeds, Sedgwick County, Kansas, of:

A 200' radius of Lot 3, Block 1, Park Meadow Estates Addition.

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>PARK MEADOW ESTATES</u>	
<u>BLOCK 1</u>	
Lot 2	✓ Crossroads, a Kansas ✓ General Partnership 3705 E. Douglas Wichita, Kansas 67218
Lot 3	✓ Red Oaks, Inc. D 1231 Longfellow Wichita, Kansas 67207
<u>PARK MEADOW ESTATES 2ND</u>	
Lot 8	✓ Colby B. Sandlian ✓ 435 N. Broadway Wichita, Kansas 67202
The west half of Lot 9	✓ Jerusha J. Sullivan ✓ 1400 Goebel Circle Wichita, Kansas 67207
The east half of Lot 9	✓ Thomas H. Kirk III and ✓ Timothy J. Swanson 1402 Goebel Circle Wichita, Kansas 67207
The south half of Lot 10	James S. Rodgers ✓ 1403 Goebel Circle ✓ Wichita, Kansas 67207
The north half of Lot 10	✓ Macon Development, Inc. ✓ 566 S. Oliver #B Wichita, Kansas 67218
The east half of Lot 11	✓ Clarence W. Consolver and ✓ Hazel I. Consolver 1409 Goebel Circle Wichita, Kansas 67207
The west half of Lot 11	Edwin W. George and ✓ Rebecca A. George 1407 Goebel Circle Wichita, Kansas 67207
The east half of Lot 12	Howard Short and ✓ Lois H. Short 1419 Goebel Circle Wichita, Kansas 67207

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>PARK MEADOW ESTATES 2ND cont'd</u>	
The west half of Lot 12	✓ Jonetta K. Kelly ✓ 1417 Goebel Circle Wichita, Kansas 67207
Lot 19	✓ Ronald V. Erken and ✓ Teresa E. Erken 1328 Perth Wichita, Kansas 67208
The east half of Lot 20	Thomas K. Barnes ✓ 9810 Boston Circle Wichita, Kansas 67207
The west half of Lot 20	✓ Marcia A. Gilliland ✓ 9808 Boston Circle Wichita, Kansas 67207
The north half of Lot 21	Ilene H. Steele and ✓ Don R. Steele, Jr. 9802 Boston Circle Wichita, Kansas 67207
<u>QUAIL MEADOWS 2ND ADDITION</u>	
<u>BLOCK 5</u>	
Lot 1	McNeil Real Estate Fund XII, LTD. ✓ A California Limited Partnership c/o Marvin F. Poer & Co. Suite 410 1200 Harger Road Oakbrook, Illinois 60521
<u>QUAIL MEADOWS 5TH ADDITION</u>	
<u>BLOCK 1</u>	
Lot 1	Carl W. Nelson, Trustee of Rebecca Blackwood Rounds, Living Trust #2, Robert Sheldon Rounds, Living Trust #2, and Steven Cooper Rounds, Living Trust #2 P.O. Box 849 Wichita, Kansas 67201 <i>Returned</i>
<u>BLOCK 2</u>	
Lot 1	✓ Keith L. Anderson ✓ 1125 S. Rock Road Wichita, Kansas 67207

Dated this 19th day of January, 1983, at 7:00 o'clock A.M.

REALTY TITLE CO., INC.

P 27184

By _____
Karen K. Frye

EASEMENT TO RUN WITH LAND

THIS EASEMENT granted and conveyed this 1st day of
~~February~~
January, 1984, in Wichita, Sedgwick County, Kansas, from:

*Alan
LITTLE
from Bill Young*

Homer Morgan and
~~A single man~~, his wife,

hereinafter referred to, indi-
vidually and collectively, as:

"Grantor"

to:

Red Oaks, Inc., a Kansas
corporation with its principal
place of business at 1231 South
Longfellow, Wichita, Kansas,
hereinafter referred to as:

"Grantee"

WHEREAS, Grantor is the fee owner of Lot 2, Block 1, Park
Meadows Estates, an Addition to Wichita, Sedgwick County, Kansas,
hereinafter referred to as "Tract A";

WHEREAS, Grantee is the fee owner of Lot 3, Block 1, Park
Meadows Estates, an Addition to Wichita, Sedgwick County, Kansas,
hereinafter referred to as "Tract B";

WHEREAS, the parties wish to grant and convey an easement
upon Tract A to run with the land and to benefit the owners and
occupants of Tract B, all as set forth herein;

NOW, THEREFORE, for and in consideration of the payment
of Ten Dollars and other good and valuable consideration, the
receipt and sufficiency of which are hereby acknowledged, Grantor
does hereby grant to Grantee a permanent easement to run with
the land permitting Grantee and Grantee's successors and assigns

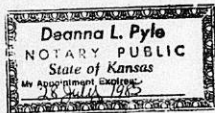
the right to enter upon the north 1.5 feet of Tract A for the purpose of erecting, maintaining, and repairing improvements located on Tract B.

Homer Morgan
Homer Morgan

STATE OF KANSAS)
SEDGWICK COUNTY) ss:

On this 1st day of February, 1984, before me, a Notary Public, personally appeared Homer Morgan ~~and~~ a single man, ~~his wife~~, to me known to be the persons who executed the above and foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Deanna L. Pyle
Notary Public

EASEMENT TO RUN WITH LAND

THIS EASEMENT granted and conveyed this 3rd day of February 1984, in Wichita, Sedgwick County, Kansas, from:

Red Oaks, Inc., a Kansas corporation, with its principal place of business at 1231 S. Longfellow, Wichita, Kansas 67214, hereinafter referred to as:

"Grantor"

to:

Homer Morgan,

hereinafter referred to as:

"Grantee"

WHEREAS, Grantor is the fee owner of Lot 3, Block 1, Park Meadows Estates, an Addition to Wichita, Sedgwick County, Kansas, hereinafter referred to as "Tract A";

WHEREAS, Grantee is the fee owner of Lot 2, Block 1, Park Meadows Estates, an Addition to Wichita, Sedgwick County, Kansas, hereinafter referred to as "Tract B";

WHEREAS, the parties wish to grant and convey an easement upon Tract A to run with the land and to benefit the owners and occupants of Tract B, all as set forth herein;

NOW, THEREFORE, for and in consideration of the payment of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant to Grantee a permanent easement to run with the land permitting Grantee and Grantee's successors and assigns the right to enter upon the south 1.5 feet of Tract A for the purpose of erecting, maintaining, and repairing improvements located on Tract B.

RED OAKS, INC. by:

ATTEST:

Regina Humphrey

[Signature]

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

On this 3rd day of February, 1984, before me, a Notary Public, personally appeared Stephen D. Russell, who is President of Red Oaks, Inc., and as such Stephen D. Russell has acknowledged to me that he is authorized to execute the above and foregoing instrument on behalf of Red Oaks, Inc. and acknowledged to me that he executed the same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Judy Albrecht
Notary Public



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

March 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 6-84

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Red Oaks, Inc., 1231 Longfellow, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required side yard setback from 5 feet to 0 feet on property zoned "BB" Office District. A legal description of the applicant's property is as follows:

Lot 3, Block 1, Park Meadows Estates Addition to
Wichita, Sedgwick County, Kansas. Generally located
on the east side of Webb Road and north of Harry.

This application has been assigned Case BZA 6-84. It will be considered by the Board of Zoning Appeals on March 27, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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

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

Jack H. Galbraith
Secretary

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AVAILABLE COPY**

FORM 2 21

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
12th St	95.00
NAME: <i>Red Dress Inc</i>	
ADDRESS: <i>231 So Long St</i>	
FUND: <i>4071-003</i>	DUE DATE:
COMMENTS:	
DATE: <i>10/30/11/84</i>	BY: <i>[Signature]</i>

WICHITA - SEDGWICK COUNTY

W S C

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

NO POSTAGE
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WICHITA
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1984

Carl A. Nelson, Trustee
of Rebecca Blackwood Rounds
Robert Sheldon Rounds &
Steven Cooper Rounds
P. O. Box 849
Wichita, Ks. 67201

WICHITA
9 FEB 1984
FEB-01
20

*

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

Roll # 2