

ACTION

DZA COMMITTEE *Closed at* DATE *4-24-73*  
*applicant's request*

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

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

BZA No. 8-73 Dan W. Peniston reqts  
variance at the SE corner of Ash  
and Central to reduce required off  
street parking spaces

POSTED  
4-10-73  
SN

# ACTION

DZA COMMITTEE *Closed at* DATE *4.24.73*  
*Applicant's request*

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

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

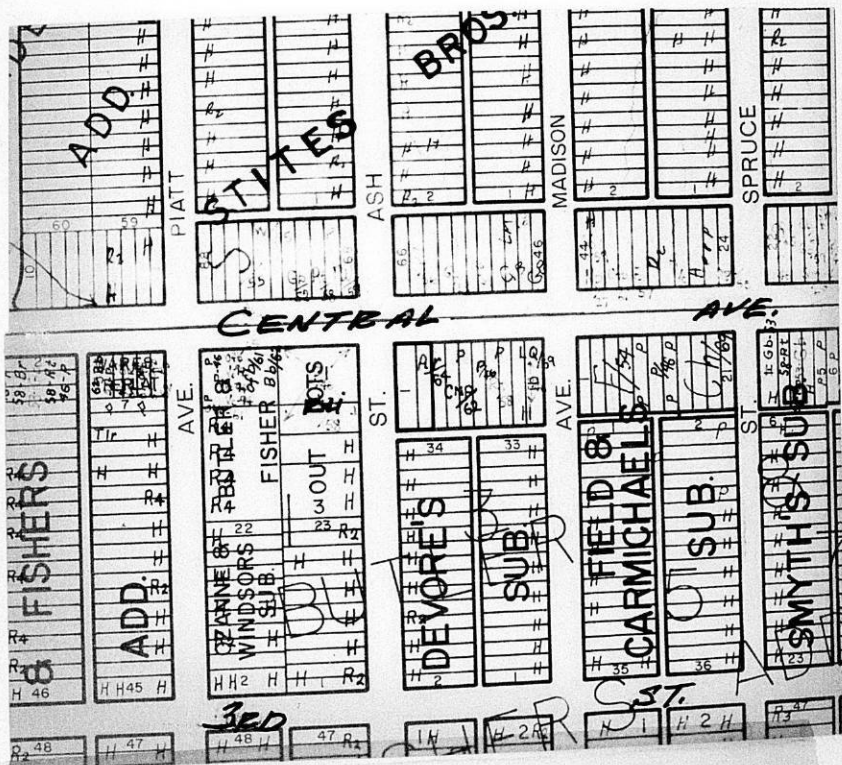
BZA No. 8-73 Dan W. Peniston reqts  
maintenance at the SE corner of Ash &  
street parking spaces

Map No. 5647  
 Sec. 22  
 Twp. 27  
 Range 1E

BZA- 8-73  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 0.21 ( 62 ft. by 150 ft.)  
 2. Adjoining Zoning: E LC S B W LC N LC  
 3. Land Use: East PACKING LOT, DRY CLEANERS South SINGLE FAM  
 West DELIVER IN FRONT North COOP COMMUNITY CENTER  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: AUTO REPAIR SERVICE  
 6. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



KASSEBAUM & REES

PHILIP KASSEBAUM  
JOHN E. REES  
DOUGLAS D. JOHNSON  
RICHARD E. GRANDALE

LAW OFFICES  
FIFTEENTH FLOOR  
125 NORTH MARKET  
WICHITA, KANSAS 67202

(316) 263-4921

April 20, 1973

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

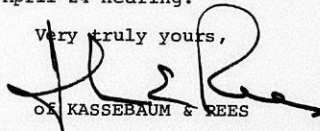
Attention: Office of the Secretary

Gentlemen:

On March 27 and on behalf of Dan W. Peniston, we submitted to you an Application for Variance together with supporting documents. It is our understanding that this matter has been set for hearing at 1:30 p.m. on Tuesday, April 24.

In view of the fact that issuance of building permit for the desired construction has now been approved, this letter is written to request that you consider the said Application for Variance to be withdrawn. We will not plan to be in attendance at the April 24 hearing.

Very truly yours,



OF KASSEBAUM & REES

JER:bd1

cc: Mr. Dan W. Peniston



KASSEBAUM & REES

PHILIP KASSEBAUM  
JOHN E. REES  
DOUGLAS D. JOHNSON  
RICHARD E. OXANDALE

LAW OFFICES  
FIFTEENTH FLOOR  
125 NORTH MARKET  
WICHITA, KANSAS 67202

April 11, 1973

(316) 263-4921

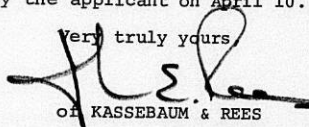
Board of Zoning Appeals  
City of Wichita, Kansas  
402 City Building Annex  
104 South Main  
Wichita, Kansas 67202

Attention: Office of the Secretary

Gentlemen:

On March 27, and on behalf of Dan W. Peniston, we submitted to you an Application for Variance together with other documents including a Statement in Support of Variance Request. In the Statement in Support of Variance Request, reference was made to negotiations being conducted for permission to the applicant to use parking spaces at a location in the 400 block of North Madison, Wichita, Kansas, belonging to the Central Assembly of God. Enclosed in duplicate for your consideration in connection with the other instruments filed in this matter is executed copy of letter in this regard and, although undated, the letter was executed on behalf of the Central Assembly of God on April 9 and received by the applicant on April 10.

Very truly yours



of KASSEBAUM & REES

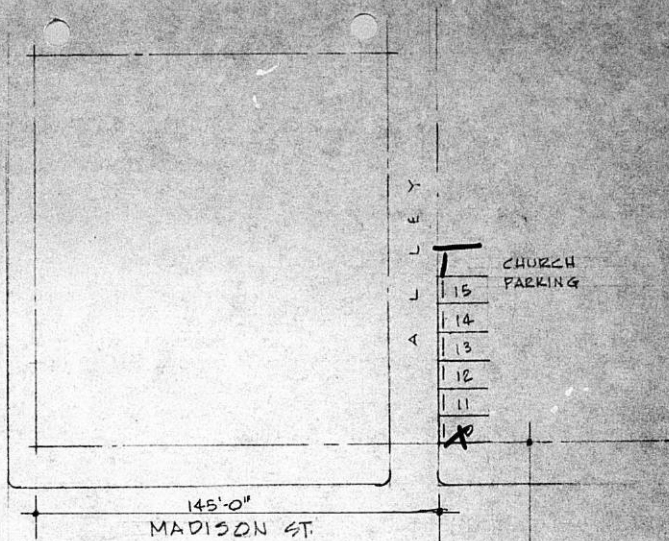
JER:bd1

Enclosure

cc: Mr. Dan W. Peniston



Sketch "B"



TRAFFIC ENGINEERING DIVISION APPROVED

*Neil Fuller*

Date: *9-13-73*

(A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".

(B) Stall lines shall be painted and 4" or greater in width.

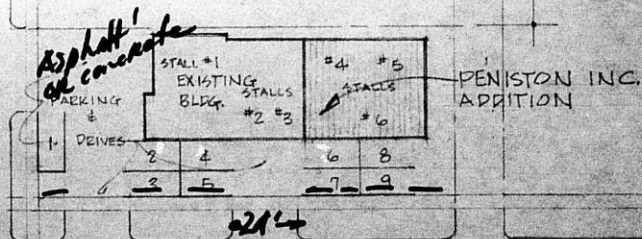
(C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

CENTRAL ST.

27'-0"

Authorized from church for 6 parking spaces (9-11-73)

A L L E Y



N 1"=40'-0"

ASH ST.

SITE & PARKING PLAN for PENISTON INC.  
PETTIT & BULLINGER, ARCHITECTS

D-R-R-804

Mr. Dan W. Peniston  
c/o Peniston, Inc.  
2101 East Central  
Wichita, Kansas 67214

Dear Mr. Peniston:

This letter is being written to confirm our recent discussions and to extend to you authorization to use up to six (6) parking spaces in our parking lot located in the 400 block of North Madison, Wichita, Kansas. It is our understanding that such use will be limited to the hours of 7:30 a.m. to 5:30 p.m., Monday through Friday, and that no such use will be made on Saturdays and Sundays.

We also understand that you plan to and are making efforts to acquire and develop property adjacent to your premises at 2101 East Central so as to provide parking space at such time as real estate availability and your business development and capability permits. However, we now know of no reason why the authority we are granting you may be withdrawn within the reasonably foreseeable future.

Very truly yours,  
CENTRAL ASSEMBLY OF GOD

By \_\_\_\_\_

cc: Board of Zoning Appeals  
City of Wichita, Kansas

BOARD OF ZONING APPEALS

CASE NO. 8-73

CITY OF WICHITA, KANSAS

FILED 3-27-73

APPLICATION FOR VARIANCE

I. Name of Applicant ✓ Dan W. Peniston

Mailing Address 2101 East Central  
Wichita, Kansas 67214 Phone 263-1295

Name of Authorized Agent ✓ John E. Rees

Mailing Address 15th Floor - 125 North Market  
Wichita, Kansas 67202 Phone 263-4921

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

II. The variance requested is <sup>to reduce the required number of</sup> ~~of the requirement for~~ off-street parking  
~~spaces~~ <sup>from 15 to 9</sup> pursuant to 28.04.140 for addition to existing building on

pursuant to 2.12.590-B

~~xxx~~ property located at 2101 East Central, Wichita, Kansas,

*sp* and legally described as: Lots 1 and 2 on Central Avenue, Devore's  
Subdivision of Lot 3, Butler and Fishers Addition to Wichita,  
Sedgwick County, Kansas

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

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

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

Dan W. Peniston  
Applicant

John E. Rees  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:50 (am - p.m.), March 27 1973 together with appropriate fee of \$50.00.

Margaret McJurry  
Signed

KASSEBAUM & REES

PHILIP KASSEBAUM  
JOHN E. REES  
DOUGLAS D. JOHNSON  
RICHARD E. OXANDALE

LAW OFFICES  
FIFTEENTH FLOOR  
125 NORTH MARKET  
WICHITA, KANSAS 67202

(316) 263-4921

March 27, 1973

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

Attention: Office of the Secretary

Gentlemen:

Enclosed is completed Application for Variance together with check payable to the order of City of Wichita in the amount of \$50.00 for filing fee.

Also enclosed is certified listing from Security Abstract and Title Co., Inc., of the names and current mailing addresses of owners of all property within a distance of 200 feet of the property involved in this application.

In addition, there are enclosed in duplicate Statement in Support of Variance Request and sketches, marked "A" and "B", setting forth the information which is the subject of Paragraph 4 of your Instructions to Applicant.

Although it is understood that your next regular hearing date is April 24, 1973, it is requested that you advise the undersigned of the correctness of this date, as well as the time of such hearing, in order that the applicant may appear to answer any questions you may have and to furnish such additional information as may be of assistance.

If there are any questions in regard to this matter, please contact the undersigned.

Very truly yours,



of KASSEBAUM & REES

JER:bd1

Enclosures

cc: Mr. Dan W. Peniston

STATEMENT IN SUPPORT OF VARIANCE REQUEST

Re: Lots 1 and 2 on Central Avenue,  
Devore's Subdivision of Lot 3,  
Butler and Fishers Addition to  
Wichita, Sedgwick County, Kansas,  
commonly known as 2101 East Central,  
Wichita, Kansas

The applicant and his wife, Loretta M. Peniston, are the equitable owners of the North 100 feet of the subject property under a purchase contract entered into on January 30, 1971, by and between applicant, as purchaser, and Ennis B. Dodd and Ethel B. Dodd, as sellers and present titleholders of record. The applicant and his wife are the owners as joint tenants of the South 50 feet of the subject property. In addition, the applicant and his wife are the sole stockholders of Peniston, Inc., doing business as Peniston Alignment at 2101 East Central, Wichita, Kansas, and which is the lessee of the subject property.

In December, 1969, the name of the said corporation was changed from Peniston-McKee Alignment & Brake Service, Inc. In October, 1969, applicant and his wife acquired all the corporate stock of Peniston-McKee Alignment & Brake Service, Inc., held by persons other than applicant and his wife.

At all times since September, 1963, the business conducted at 2101 East Central, Wichita, Kansas, has been that of automobile wheel alignment, brake servicing and maintenance and has been conducted by the two named corporations.

In connection with the commencement of the said business, the then existing building located within the North 100 feet of the subject property was altered to accommodate the described business activity and the alterations were effected pursuant to a building permit issued by the City of Wichita. The building as altered contains approximately 2,060 square feet of floor area. It is applicant's information that in connection with the granting of said building permit and the application of Code requirements for off-street parking, it was considered that surfaced space within the building was such as to provide three (3) parking spaces as defined by 28.04.020.

Sketch "A" submitted herewith shows the existing building as altered in 1963. In addition, Sketch "A" shows the presently proposed addition to the building and which will be located almost entirely on the South 50 feet of the subject property.

As disclosed by Sketch "A", nine (9) outside parking spaces are provided and these spaces, according to applicant's information, have been located on Sketch "A" by applicant's architect in conformance with the request and/or suggestion of City personnel. It is applicant's further information that building permit for the proposed building addition has been declined because of failure to provide a total of fifteen (15) outside parking spaces.

There are three (3) locations (each of dimensions at least as great as described in 28.04.020-PARKING SPACE) in the existing building and there are three (3) such locations which will be available in the proposed building addition. The nature of the subject business is such that the said six (6) locations will be occupied by automobiles belonging to the business' customers while work is being performed, while awaiting work or while awaiting return to business customers after work has been completed. It is not the business' practice or custom to provide vehicle storage for customers' automobiles during non-business hours, that is, overnight or on weekends.

Applicant plans to acquire additional adjacent real property at such time as such property is available and business development and capability permits.

As shown by Sketch "B", there is a paved parking area located in the 400 block of North Madison, Wichita, Kansas, which is owned by the Central Assembly of God and which is within six hundred (600) feet of the subject property. Negotiations are being conducted for permission to the applicant to use up to six (6) parking spaces at that location by applicant, during business hours, for off-street parking. Such use will be for parking only and will not be for sales, repair work, storage, dismantling or servicing of vehicles, equipment, materials or

supplies. Such written expression or statement of authority as may be obtained in this regard will be submitted as soon as received.

It is applicant's belief and contention that a variance from the specific terms of the relevant parts of Title 28 will not be contrary to the public interest, that owing to the special conditions of this individual matter, literal enforcement of Title 28 will result in unnecessary hardship, and that the authorization of a variance in this matter will not conflict with the observation of the spirit of Title 28, the securing of public safety and welfare and substantial justice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John E. Rees', written over a horizontal line.

John E. Rees  
Authorized Agent for Applicant

STATEMENT IN SUPPORT OF VARIANCE REQUEST

Re: Lots 1 and 2 on Central Avenue,  
Devore's Subdivision of Lot 3,  
Butler and Fishers Addition to  
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commonly known as 2101 East Central,  
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supplies. Such written expression or statement of authority as may be obtained in this regard will be submitted as soon as received.

It is applicant's belief and contention that a variance from the specific terms of the relevant parts of Title 28 will not be contrary to the public interest, that owing to the special conditions of this individual matter, literal enforcement of Title 28 will result in unnecessary hardship, and that the authorization of a variance in this matter will not conflict with the observation of the spirit of Title 28, the securing of public safety and welfare and substantial justice.

Respectfully submitted,



JOHN E. REES  
Authorized Agent for Applicant

O W N E R S H I P   L I S T

Lot	Block	Addition	Property Owner
54	on Central	Stites Brothers Second Add.	✓ Ralph W. Cramm Jr. and Mary Lou Cramm 997 N. Robin Road Wichita, Kansas 67212
56	Same	Same	Same
58	Same	Same	✓ Lula Krause (widow Henry) 709 Stackman Drive Apt. B Wichita, Kansas 67203
60	Same	Same	The Harry Newton Company Address Unknown
62	Same	Same	Same
64	Same	Same	Same
66	Same	Same	Same
68	Same	Same	Lyle L. Killion Address Unknown
70	Same	Same	Same
S 50 ft of N 200 ft of E ½ lot 1, Butler & Fishers Addition			✓ Zenophon Bowens Carol Lee Bowens 2652 E. 8th Wichita, Kansas 67214
Beg. 200 ft South of the Northeast corner of Lot 1, Butler and Fishers Addition of Outlots, South 50 ft, West 135.4 ft, North 50 ft, East 135.4 feet to beginning			✓ Earl P. Vandenberg 427 N. Ash Wichita, Kansas 67214
North 100 feet of the North Half of the East Half of Lot 1, Butler and Fishers Addition of Outlots			✓ Maxine Cole 642 N. Hampton Wichita, Kansas 67208
Beginning 240ft. South and 1293.3 feet West of the Northeast Corner of the Northwest Quarter of Section 22-27-1E, thence South 96 ft, East 135.4 feet, North 96 feet, West 135.4 feet to point of beginning			✓ Lelus B. Brown Violet F. Brown Address Unknown
The South 100 feet of the North 200 feet of the West Half of Lot 1, Butler and Fishers Addition of Outlots			✓ Cleveland Avenue Church of Christ Address Unknown

Lot	Block	Addition	Property Owner
		Beginning 1022 feet West and 140 ft. South of the Northeast corner of the Northwest Quarter of Section 22-27-1E thence South 50 ft, West 135.8 feet, North 50 ft, East 135.8 ft to pob	<input checked="" type="checkbox"/> Max Cohen 1400 N. Woodlawn Apt. 3B Wichita, Kansas 67206 <input checked="" type="checkbox"/> Willie Cohen Address Unknown
		The East 50.4 feet of: Beginning 1293.2' West and 40 ft South of the Northeast corner of the Northwest Quarter of Section 22-27-1E, South 100 ft, East 135.4 ft, North 100 ft, West 135.4 ft to beg.	<input checked="" type="checkbox"/> F. J. Walker Address Unknown
21		Longmires Sub.	<input checked="" type="checkbox"/> St. Francis Hospital and School of Nursing 929 N. Emporia Wichita, Kansas 67214
23		Same	Same
20	on Ash	Devore's Sub	<input checked="" type="checkbox"/> Myrtle Jones 424 North Ash Wichita, Kansas 67214
22	Same	Same	Same
24	Same	Same	Same
26	Same	Same	<input checked="" type="checkbox"/> Myrtle McDonough 741 S. Holyoke Wichita, Kansas 67211
28	Same	Same	<input checked="" type="checkbox"/> Fourth National Bank and Trust Company Market at Douglas Wichita, Kansas 67202
30	Same	Same	Same
32	Same	Same	<input checked="" type="checkbox"/> Henry Krause Address Unknown
34	Same	Same	Same
21	on Madison	Same	<input checked="" type="checkbox"/> Fred Bevan and Virlee M. 425 N. Madison Wichita, Kansas 67214
23	Same	Same	<input checked="" type="checkbox"/> Gereard Rodriguez and Margaret Lee Rodriguez 431 N. Madison Wichita, Kansas 67214

Lot	Block	Addition	Property Owner
25	on Madison	Devore's Sub	<i>D</i> Gerard Rodriguez and Margaret Lee Rodriguez 431 N. Madison Wichita, Kansas 67214
27	Same	Same	<del>Samuel F. Dutton and Ethel J. Dutton Address Unknown</del>
29	Same	Same	Same
31	Same	Same	<del>Jessie G. Doyle Address Unknown</del> ✓ Richard J. Doyle 2018 S. Mosley Wichita, Kansas 67211  <del>Virginia M. Harris Address Unknown</del>
33	Same	Same	Same
S 50' lot 1	on Central	Same	✓ Dan W. Peniston and Loretta M. Peniston 630 Brookhaven Wichita, Kansas 67206
S 50' lot 2	on Central	Same	Same
N 100' lot 1	Same	Same	✓ Ennis B. Dodd and Ethel B. Dodd 6307 E. Orme Wichita, Kansas 67218
N 100' lot 2	Same	Same	Same
3	Same	Same	✓ Eva Finch 435 S. Roosevelt Wichita, Kansas 67218
4	Same	Same	✓ W. C. & Eva E. Finch 435 S. Roosevelt Wichita, Kansas 67218
5	Same	Same	Same
6	Same	Same	✓ Virginia L. McAdoo Address Unknown Rosalie Roth Address Unknown

Send notices to:  
*O.J. Kaufman*  
 830 First Nat'l Bank  
 Bldg.

Lot	Block	Addition	Property Owner
7	on Central	Devore's Sub	D Virginia L. McAdoo Address Unknown <del>Rosalie Roth</del> <del>Address Unknown</del>
8	Same	Same	Same
N 84.35'	lot 9	Same	Same
N 84.35'	lot 10	Same	Same
9 exc			✓ Clyde H. Helton Jr. Judy A. Helton 441 N. Madison Wichita, Kansas 67214
N 84.35'		Same	
10 exc			
N 84.35'		Same	Same
46	on Central	Stites Bros. 2nd	✓ Anna Shuker 411 South Poplar Wichita, Kansas 67211
48	Same	Same	Same
50	Same	Same	✓ Paul C. Denny Sr. and Esther L. 1725 Drollinger Road Wichita, Kansas 67218
52	Same	Same	Same
72	Same	Same	✓ Lyle L. Killion and Melvina C. Killion <del>Address Unknown</del>
74	Same	Same	Same
76	Same	Same	Same
78	Same	Same	Same

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

A 200 foot radius of:  
Lots 1 and 2, Central Avenue, Devores Sub  
of Lot 3, Butler and Fishers Addition to  
Wichita, Sedgwick County, Kansas

as shown by the records on file in the Office of the Register of  
Deeds of Sedgwick County, Kansas, on this 21st day of March, 1973  
at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Mary Gable*

Vice President

Orders No. 200252  
200324

wh