

Case No. EZA 11-82 - Miklos Lorik -  
Requests a variance to reduce the  
required parking spaces from 36 to 24  
spaces on property zoned "LC" Light  
Commercial and generally located on  
the southwest corner of Douglas and  
K... ..

ACTION

11-82  
COMMITTEE

*Withdrawn*

DATE  
4-27-82

M.A.P.C.

*by Dean Felt*

*for applicant*

*B.C.C./B.C.O.C. by phone conversation*

*4-27-82*

*POSTED*  
*4-9-82*

Map No. 5247  
 Sec. 24  
 Twp. 27  
 Range 1W

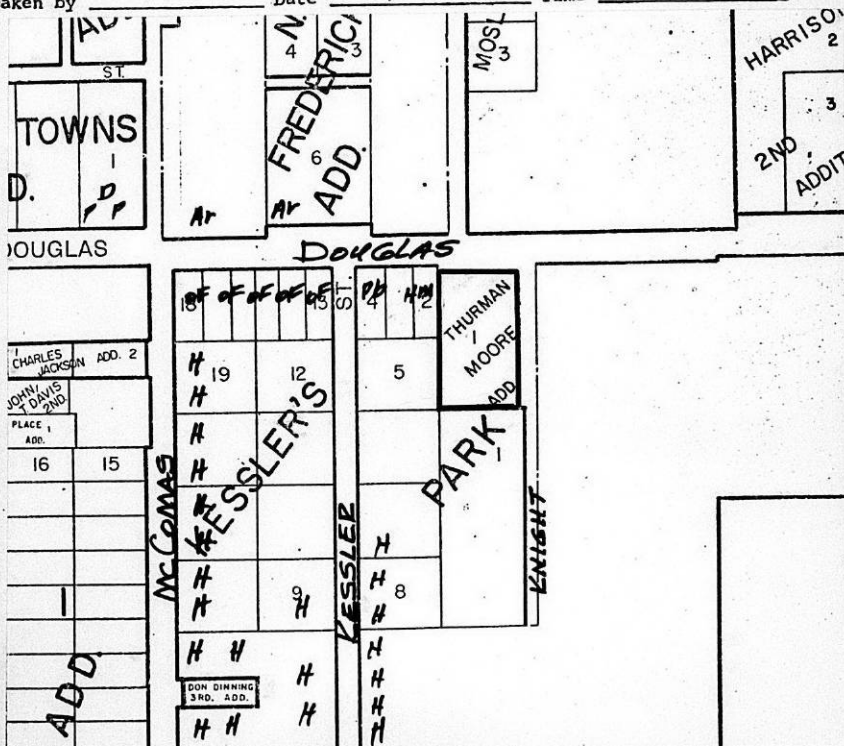
BZA- 11-82  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.73 ( 133 ft. by 240 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
 West MANUFACTURING Co. North \_\_\_\_\_
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: \_\_\_\_\_
6. Area (is) (is not) platted.

PHOTO DATA:

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



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

April 7, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 11-82

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 Miklos Lorik, 2232 South Osage, 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 of the required off-street parking spaces from 36 spaces to 24 spaces, on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 1, Thurman Moore Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Douglas and Knight (3635 West Douglas).

This application has been assigned Case No. BZA 11-82. It will be considered by the Board of Zoning Appeals on April 27, 1982 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  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202

April 7, 1982

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Jack H. Galbraith  
Secretary

November 2, 1983

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner, Current Plans

3407 West Douglas

On April 30, 1982 I sent you the attached memo related to the zoning violation at the southeast corner of Douglas and Kessler and asked that I be advised of progress in resolving the matter.

To my knowledge this office has not been contacted by any representative of Precision Winding, Inc. to request a change of zoning. Since this use cannot be authorized in the "LC" Light Commercial District, it appears that this should be brought to the attention of the occupants at this address.

Please advise of any action taken to clear this matter.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:GEL:sad

Attachments

cc: Don Anderson, Director of Housing & Economic Development

WICHITA-SEDGWICK COUNTY

DATE

April 30, 1982

METROPOLITAN AREA PLANNING DEPARTMENT

TO Robert Feldner, Superintendent of Central Inspection

FROM Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT Case No. BZA 11-82 - Request for Variance  
South side of Douglas between Knight and Kessler

On March 30, 1982, this office received an application for a variance of the off-street parking requirements for a building to be constructed at 109 South Knight. This case was filed on behalf of the owner, Miklos Lorik, by Dean Felt. In the statement of justification by Mr. Felt, the reason for the variance was that this was for the Office and Engineering Department for Precision Winding Inc. and that the demand for parking for such a use is not justified.

In reviewing the application and the facts of this case, we find that Precision Winding Inc. is located on the property immediately west of the application area in the "LC" Light Commercial District. In reviewing old city directories and permits issued on the properties with Sam Mobley, it appears that the use has been established in what has previously been retail stores without benefit of proper permits to convert the structures to a light manufacturing business. Also Mr. Mobley indicated that he had inspected the property and found that there had been quite a bit of remodeling in the buildings that did not have permits. In checking the ownership list and the dates on which property has been acquired, we find that in March 1973 the north part of Lot 5, on Kessler of Kessler Park Addition was acquired. This property is located in the "AA" One-family Dwelling District. Since that date, our aerial photographs indicate that the graveled parking area and small storage buildings have been erected on the property, all in violation of provisions of the zoning ordinance.

Our staff report recommended that the application be denied and that the applicant's attempt to secure appropriate zoning for the entire property so that the parking could then be calculated on a manufacturing use. On the scheduled date of the hearing, Dean Felt called to withdraw the case for consideration by the Board.

It would appear to me that nothing will be done to correct the problem unless Central Inspection takes steps to seek compliance with all aspects of the ordinances. Since there is a large tract of "C" zoning immediately north of Douglas, and the National Guard Armory is immediately to the east, it would appear that similar zoning would not be out of line. With a change of zoning to "C" Commercial, there would still possibly be a need to vary the condition in the District Regulations stating that ground floor of the front of the buildings must be retained as office, display or retail or wholesale sales.

Please keep me advised of the progress in this matter in securing compliance.

*Jack H. Galbraith*

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** April 19, 1982

**TO** Glen Lytle, Special Assistant for Zoning

**FROM** Shirley Mast, Administrative Aide III

**SUBJECT** BZA 11-82 (Southwest corner  
of Douglas and Knight -  
3635 West Douglas)



CPO Council Area "O" considered the captioned case at their April 15th meeting and voted 6-0 to concur with the MAPD Secretary's report recommendation regarding the variance request to reduce the required number of off-street parking spaces from 36 to 24, "It is the opinion of the Secretary that all five conditions necessary to the granting of a variance cannot be found to exist, and the application should be denied. It is also recommended that the applicant secure appropriate zoning on the entire property for the uses involved and secure the necessary permits and comply with all regulations."

Council members expressed concern about the permits that were not obtained for conversion and expansion purposes, the zoning violations occurring on the property and possible drainage problems that would occur in the low lying area on Douglas if the variance request was granted.

Dean Felt, agent for the applicant was present and spoke in support of the application. No one was present to speak in opposition to the case.

Please provide the Council's position to the Board of Zoning Appeals when the case is considered at their April 27th meeting.

*Shirley Mast*  
Shirley Mast  
Administrative Aide III

SM:dm

Noted:

*Sarah Gilbert*  
Sarah Gilbert  
CP Coordinator

SECRETARY'S REPORT  
CASE NO. BZA 11-82

APPLICANT: Miklos Lorik, 2232 South Osage, Wichita, Kansas.  
AGENT: Dean Felt, 715 West 13th, Wichita, Kansas.  
REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 36 to 24 spaces.

GENERAL LOCATION: On the southwest corner of Douglas and Knight (3635 West Douglas).

ZONING: Subject property is zoned the "LC" Light Commercial District as are the properties to the west and north. Property to the south and east is zoned the "AA" One-family Dwelling District.

LAND USE: Subject property is presently occupied by an auto parts store. Property to the west is developed with commercial and residences. To the north commercial. To the east a National Guard Armory. To the south is a park.

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 and 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 off-street parking spaces for the construction of an office building, which will include offices, engineering department and storage areas for a manufacturing business located on the property immediately west of the application area. In addition to this proposed building, there is already located on the property an auto parts store adjacent to Douglas. It is the applicant's statement that neither use requires the minimum off-street parking as set forth in the zoning ordinance, and that the number of spaces be reduced from 36 to 24.

In reviewing the application with a representative of Central Inspection, it is found that all of the property used by this manufacturing firm is located in the "LC" Light Commercial District. In review of the records in Central Inspection, there have never been permits issued to convert the former retail store uses to manufacturing. Also the manufacturing firm has expanded the parking area in the rear of the business into the "AA" One-family Dwelling District. Not only is the use in violation of the zoning ordinance, the expansion was done without benefit of permit and the surfacing is not in conformance with the regulations.

The main reason submitted by the applicant's agent for requesting that the variance be granted is that the use does not require the one space for each 250 square feet of floor space for retail business. It is agreed that manufacturing business do not demand parking as necessary for most office and retail uses, and the ordinance takes that into consideration.

It is the Secretary's opinion that it would be inappropriate to grant a variance to expand a use in the "LC" Light Commercial District that is first permitted by the "C" Commercial District, particularly when the use has been established without benefit of appropriate zoning and remodeling permits.

UNIQUENESS:

It is the opinion of the Secretary that the only uniqueness to the property is that it is for a part of a manufacturing business that has been established on adjacent property in an inappropriate zoning district and the use doesn't demand the parking as a retail business.

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 applicant will continue to use the adjacent property for necessary parking that is not in conformance to the regulations.

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 applicant can seek a zoning change on the property which would then allow the calculation of off-street parking based on a legal manufacturing business.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would adversely affect the public interest inasmuch as the reduction in parking would cause the continued use of unpaved parking on adjacent property.

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 parking demand for the use involved is provided for by the ordinance, and the intent of the zoning ordinance is to establish any manufacturing use in an appropriate zoning district.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of a variance cannot be found to exist, and the application should be denied. It is also recommended that the applicant secure appropriate zoning on the entire property for the uses involved and secure the necessary permits and comply with all regulations.

BZA CASE NO. 11-82

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

16 NOTICES SENT TO ADJOINING PROPERTY OWNERS

29 TOTAL NOTICES SENT 47-82

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

April 7, 1982

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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  
CITY OF WICHITA, KANSAS

CASE NO. 11-82  
FILED 3-30-82

APPLICATION FOR VARIANCE

I. Name of Applicant ✓ Miklos Lorik <sup>67213</sup>

Mailing Address 2232 S. Osage Phone 264-6050

Name of Authorized Agent ✓ Dean W. Felt dba Felt Design Service

Mailing Address 715 W. 13th St. Phone 264-3248

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

II. The variance requested is to <sup>the number</sup> ~~Reduction of~~ required parking spaces from  
36 to 24 spaces

for property located on the southwest corner of Douglas and Knight  
(3635 W. Douglas and 109 S. Knight.)

and legally described as: Lot No. 1 of Thurman Moore Addition  
to Wichita, Kansas.

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

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

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); 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.

Applicant Miklos Lorik

Authorized Agent Dean W. Felt

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 9:45 (a.m.), MAR. 30, 1982 together with appropriate fee of 150.00.

Signed [Signature]

## FELT DESIGN SERVICE

715 W. THIRTEENTH ST. WICHITA, KANSAS 67203

316/264-3248



March 30, 1982

Board of Zoning Appeals  
City of Wichita  
455 N. Main St.  
Wichita, KS 67202

Re: W. Douglas (Existing)  
S. Knight (Proposed)

We request a reduction of required number of off street parking stalls as follows.

1. The building located at 3635 W. Douglas. (Green Light Auto Supply) Requires much less than the 1/250 ratio due to low volume traffic and that 30% of building is available to public only with 70% used for parts storage and receiving area.

The building to be located at 109 S. Knight. (Precision Winding Office) Will require much less than the 1/250 ratio due to large office's, engineering dept. and storage areas since their business is specialized with little or no customer traffic.

2. The granting of the variance will not adversely effect the rights of adjacent property owners as the area is bordered on North by "L.C." and "C" zoning, on the East by the National Guard Armory, on the South by Park Board property and one residence on the West by one residence and L.C. zoned property.
3. The strict application of the provisions of the title 28 will cause the owner to provide 33% more parking than is required for efficient operation and investment of approx. \$12,000.00 more at todays high interest rates.
4. Any investment in improvements on the property can only help the evaluation of adjacent property and should not adversely affect the public health, safety, morals, prosperity, general welfare or convenience to adjacent property.

## FELT DESIGN SERVICE

715 W. THIRTEENTH ST. WICHITA, KANSAS 67203

316/264-3248



March 30, 1982  
Board of Zoning Appeals  
Page 2

5. By granting this variance the intent and spirit of title 28 (Zoning Ordinance) will not be opposed as it was not meant to impose undue hardship or cost on a property owner.

Sincerely,

*Dean W. Felt*  
Dean W. Felt  
FELT DESIGN SERVICE

cc: Miki Lorik  
Munn Building, Inc.

## OWNERSHIP LIST

<u>Lot</u>	<u>Street or Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1		Thurman Moore Addition	Miklos Lorik Gabriella Lorik 2232 S. Osage 67213
Lot 1, except the South 253.425 feet, and except the North 249 feet, and except the East 20 feet for st.	Douglas	Kessler Park	✓ Sharon Marie Rieth 127 S. Knight 67213
Lot 2 and the East 25 feet 8 inches of Lot 3	"	"	✓ Precision Winding Inc. 3407 W. Douglas 67213
West half of Lot 3, except the East 8 inches	"	"	Same as above
Lot 4	"	"	Lee Pemberton Jr. Kay Pemberton Address Unknown
Lot 5 except the South 70 feet	Kessler	Acquired 3-22-73 4-6-73 "	✓ Precision Winding Inc. 3407 West Douglas 67213
The South 70 feet of Lot 5	"	"	✓ Thomas R. Szambecki Elizabeth A. Szambecki 124 S. Kessler 67213
North half of Lot 6	"	"	✓ Eugene J. Metzen Marietta E. Metzen 126 S. Kessler 67213
South half of Lot 6	"	"	✓ Samuel Boman Odenbaugh Ilma Odenbaugh 1516 West 2nd Street 67203

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
North half of Lot 7	Kessler	Kessler Park	Andrew A. Morgan ✓ Lorene I. Morgan 138 S. Kessler 67213
South half of Lot 7	"	"	<del>C. H. Bird (dec.)</del> Demuth L. Bird <u>Address Unknown</u>
Lot 11 except the South 63.5 feet	"	"	✓ Tolema O. Cornett Reta P. Cornett 131 S. Kessler 67213
South 63½ feet of Lot 11	"	"	✓ John O. B. Weber 133 S. Kessler 67213
Lot 12	"	"	William P. Alcorn Ruth E. Alcorn 127 S. Kessler 67213
Lot 13	Douglas	"	<i>returned 4-12-82</i> ✓ Joe V. Spaulding Frieda S. Spaulding <del>5324 West Douglas</del> 67213
Lot 6		N. C. Frederick	✓ <del>Self-Service Oil Co. Inc.</del> 487 N. Woodlawn <i>returned</i> 67220
Lot 1		Razook Addition	✓ Jameel G. Razook 3919 E. Kellogg 67218

Tract Description

A tract beginning 40 feet South of the Northwest corner of the SE¼ of the SW¼ of Section 24, Township 27 South, Range 1 West of the 6th P.M., thence South 225 feet, thence East parallel with the North line of said SE¼ of SW¼, 325 feet; thence North parallel with the West line of the SE¼ of the SW¼ to a point 40 feet South of the North line of SE¼ of SW¼; thence West 325 feet to beg.

Property Owner

✓ Kansas Military Board  
3535 West Douglas  
67213

Tract Description

A tract beginning 20 feet South of the Northwest corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 24, Township 27 South, Range 1 West of the 6th P.M. thence South 639.3 feet, thence with an angle to the left of 90°42' 330.4 feet; thence with an angle to the left of 89°21' 220 feet, thence with an angle to the right of 89°17' 979.57 feet; thence with an angle to the left of 89°27' 417.6 feet, thence with an angle to the left of 98° 28' parallel to and 20 feet South of the North line of said SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , 1308.4 feet to beginning, except beginning 20 feet South of the NE corner of said SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , thence West 200 feet, thence South 10 feet, thence SEly on a curve to the right with a radius of 198.95 feet a distance of 122.8 feet, thence on a curve to the left with a radius of 201.35 feet to the East line of said SE $\frac{1}{4}$  of SW $\frac{1}{4}$  thence North 80 feet to beginning, and except tract described on the previous page deeded to the Kansas Military Board.

A tract beginning at a point 162 feet East of the Southeast corner of the West 2 rods of the South half of the East half of the East half of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 24, Township 27 South, Range 1 West of the 6th P.M., thence North parallel with the east line of the said west 2 rods, 170 feet more or less, to a point 490 feet South of the south line of Grand Ave. as platted in St. Louis Addition; thence East parallel to the south line of said Grand Avenue, 90 feet; thence North 100 feet, thence East 30 feet to the SE corner of Lot 3, Mosley's Addition, (description continued on following page)

Property Owner

*hand  
del*  
Board of Park Commissioners  
City Building  
455 N. Main  
67202

~~PROS, Inc.~~  
3400 West Douglas  
67213

*returned*

Tract Description

Property Owner

(description continued  
from previous page)  
thence North 390 feet to the NE  
corner of said Mosley's Addition;  
thence East along the South line of  
Grand Ave. 377.9 feet, thence South  
660 feet, more or less to a point on  
the South line of the North half of  
said SW $\frac{1}{4}$  and 500.5 feet East of the  
beginning point; thence West along the  
South line of said North half, 500.5  
feet to beginning, subject to the  
south 20 feet thereof for Douglas  
Ave. right of way.

The North 206.5 feet of the  
following described tract:  
Beginning 2 rods East of the Southwest  
corner of the East half of the South-  
east Quarter of the Northwest Quarter of  
the Southwest Quarter of Section 24,  
Township 27 South, Range 1 West of the  
6th P.M., thence North parallel with  
the West line of said East half, 330  
feet; thence East, 132 feet; thence  
South 330 feet; thence West, 132 feet  
to the place of beginning, except the  
East 20 feet.

Edward Alfreda Andra  
Box 338  
Colwich

67030

Page 5

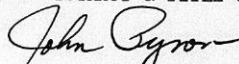
We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 200 foot radius of:

Lot 1, Thurman Moore Addition  
to Wichita, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas on the 29th day of March, 1982 at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

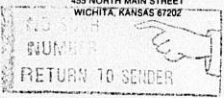
  
Vice-President

Order No: 307955  
AP

WICHITA - SEDGWICK COUNTY

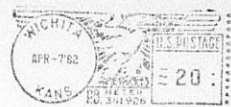


BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202



11-82

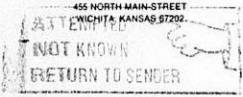
~~Joe V. & Freida S. Spaulding  
5324 West Douglas  
Wichita, Kansas 67213~~



WICHITA - SEDGWICK COUNTY



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



BZA  
11-82



PRD 00 061422N1 04/14/82  
RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

PROS, Inc.  
3400 West Douglas  
Wichita, Kansas 67213



WICHITA - SEDGWICK COUNTY



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



returns to sender

Self-Service Oil Co. Inc.  
4855 North Woodlawn  
Wichita, Kansas 67220



not At this address

BZA  
11-82

**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 29-21      PAYMENT NOTICE  
 City of Wichita

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

DESCRIPTION	AMOUNT

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

FUND \_\_\_\_\_ DUE DATE \_\_\_\_\_

COMMENTS \_\_\_\_\_

DATE \_\_\_\_\_ BY \_\_\_\_\_

\*

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

Roll # 2