

BZA 21-70 - Jen-Rentals, Inc. req.
EXCEPTION to permit off-street
parking lot on West side of Holy-
oke, bet. Lincoln & Morris.

POSTED
7-10-70
MAPV
C.I.V.
1-7-71

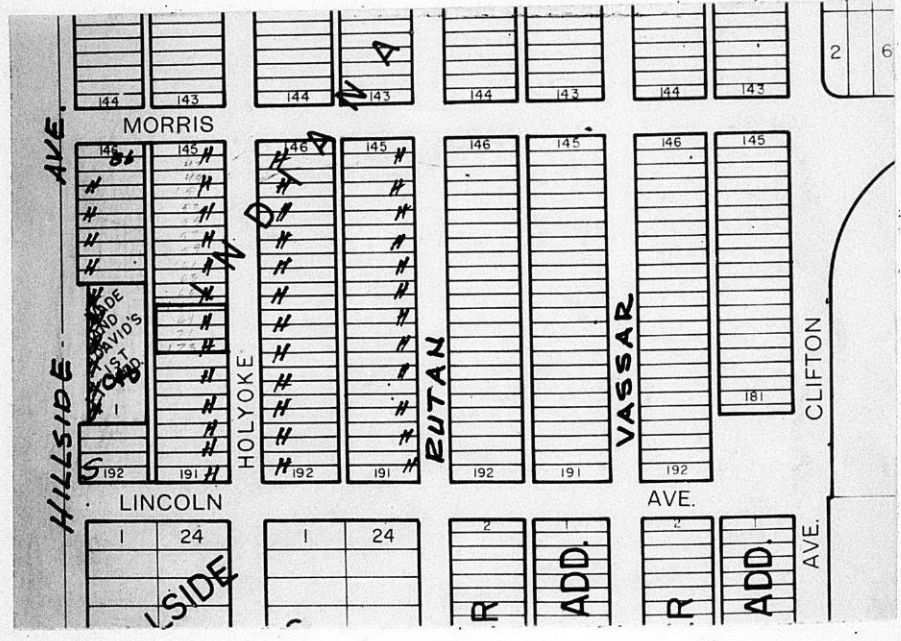
BZA 8-25-70 Approve

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

BZA 21-70
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.23 (80 ft. by 130 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
 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 _____



November 24, 1971

Mr. Robert H. Nelson
Suite 630-200 West Douglas
Wichita, Kansas 67202

Subject: Case No. BEA 21-70
Request for Exception

Dear Mr. Nelson:

You will recall that in August, 1970 you represented Jen Rentals, Inc. in requesting an exception for off-street parking on the west side of Holyoke in an area north of Lincoln. A portion of the property is now used for off-street parking associated with the State Farm Building on Hillside. You may also recall that there was considerable opposition from the neighborhood.

The plans, as approved by the Board, proposed the development of a parking lot and the removal of two homes in two phases. One home has been removed and just recently the required fence was completed. The neighbors are still complaining to the Office of Central Inspection that the applicant has not provided a barricade such as a gate, chain or cable across the points of ingress and egress to both Holyoke and Hillside. The barricades were to be locked in place during the hours the office facility is closed.

The last condition approved by the Board was that "all improvements shall be installed and the applicant shall remove the existing dwellings and garage within 1 year from the date of approval by the Board or the application shall become null and void. Yesterday I received a memo from the Office of Central Inspection advising that the house on the north (indicated as phase 2) had not been removed nor the conditions complied with. Therefore, in accordance with the adopted resolution, this is to advise you that the area indicated as phase 2 is now considered null and void and no longer may be used as off-street parking without refiling and having re-approved a new "exception" request.

Page 2 - Robert H. Nelson
November 24, 1971

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

Sincerely,

Jack H. Galbraith
Secretary
Board of Zoning Appeals

JHG:ls
cc Les Griffith, Jen-Rentals, Inc., 127 South Edgemoor 67218
State Farm Fire and Casualty Co. Claim Office, 830 South Hillside (11)
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk
Don Livingston, Central Inspection

THE CITY OF WICHITA

OFFICE OF Public Works - Central Inspection **DATE** November 22, 1971



TO Jack Galbraith, Senior Planner
FROM Don E. Livingston, Construction Inspection Supervisor
DEP.
SUBJECT B.Z.A. 21-70
Jen-Rentals Inc.

The legal owner of the property described in B.Z.A. 21-70 in the 800 block of south Holyoke is still Jen-Rentals Inc., P.O. Box 18301, Wichita, Kansas 67218.

As you will recall Phase II of this B.Z.A. was not completed within the time limit established by the board. You informed me that you would write a letter to the owner regarding the expiration and that a new B.Z.A. would have to be filed at some later date if they wished to expand their off-street parking.

Would you please send me a copy of your letter.

DEL:bc



RESOLUTION BZA 21-70

WHEREAS, Jen-Rentals, Inc., P. O. Box 18301, Wichita, Kansas, by Robert H. Nelson, Suite 630-200 West Douglas, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of an off-street parking lot, on property zoned "A" Two Family, and legally described as follows:

The south 10 feet of Lot 167, all of Lots 169, 171 and 173, on Holyoke Avenue, in Indiana Subdivision in Vincennes Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Holyoke in an area between Lincoln and Morris.

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 August 25, 1970, 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 or construction of an off-street parking lot, on property zoned "A" Two Family, 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 or construction of an off-street parking lot, on property zoned "A" Two Family, and legally described as follows:

The south 10 feet of Lot 167, all of Lots 169, 171 and 173, on Holyoke Avenue, in Indiana Subdivision in Vincennes Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Holyoke in an area between Lincoln and Morris.


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 vehicle, 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 and driveway providing ingress and egress to the 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 debris.
5. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. The parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
7. A 6 to 8 foot high solid fence constructed of masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be erected along the north line of the south 48½ feet and the south line of the application (Phase I) and shall not extend past the front building setback line of 25 feet. Said fence shall then be reduced to three feet in height and returned along and to within one foot from the front yard setback line except for the point of ingress and egress. At such time as Phase II of the application area is to be utilized for an off-street parking lot the 6 to 8 foot fence shall be reconstructed adjacent to the north property line and shall not extend past the front building setback line of 25 feet. Said fence shall then be reduced to three feet in height and returned along and to within one foot from the front yard setback line except for the point of ingress and egress. The front yard shall remain unpaved and shall be landscaped with trees, shrubs and grass, and shall be maintained compatible with the residential area.
8. The applicant shall guarantee the closing and return of the curb for the existing drive not proposed for use and also provide for the installation of the new opening.
9. Prior to the preparation of the Resolution the applicant shall submit a revised off-street parking lot plan on all their ownership to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location and width of the proposed driveway, required fencing and other pertinent information. Two copies of the revised plan approved by the Traffic Engineer shall be submitted to the Secretary of the Board.
10. The applicant shall provide a barricade such as a gate, link chain or cable across the points of ingress and egress to both Holyoke and Hillside and shall be responsible for said barricades being locked in place during the hours the office facility is closed.

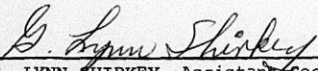
11. All improvements as outlined above shall be installed and the applicant shall remove the existing dwellings and garage within 1 year from the date of approval by the Board or the application shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 25th day of August, 1970.



NORMAN N. DOKE, Chairman

ATTEST:



G. LYNN SHIRKEY, Assistant Secretary

December 16, 1970

Mr. Robert H. Nelson
Suite 630-200 West Douglas
Wichita, Kansas 67202

Subject: Case No. BZA21-70
Request for Exception

Dear Mr. Nelson:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 25, 1970, in connection with your request for an exception to permit the installation or construction of an off-street parking lot, on property zoned "A" Two Family, and generally located on the west side of Holyoke in an area between Lincoln and Morris.

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 any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

Enclosure

cc Les Griffith, Jen-Rentals, Inc., P. O. Box 19301 67201
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

*Shirley
Felt*

COPY

KAHRS, NELSON, FANNING, HITE & KELLOGG

AUSTIN M. COWAN (1805-1844)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
ROGER M. SHERWOOD
RICHARD L. HONEYMAN
LARRY A. WITHERS
GARY A. WINFREY

ATTORNEYS AT LAW
SUITE 630 • 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AREA 316
262-3777

December 11, 1970

Mr. Les Griffith
Jen-Rentals, Inc.
Post Office Box 18301
Wichita, Kansas 67201

Re: BZA 21-70
West side of Holyoke
between Lincoln and Morris Streets



Dear Mr. Griffith:

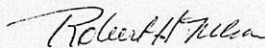
I received a call today from the Secretary of the Board of Zoning Appeals in connection with the above matter. It seems that some of the residents in the area are complaining about the fact that there has been blacktop put on the property involved in the BZA case and that the other conditions imposed by the BZA have not been complied with.

You will recall that the hearing was held on August 25, 1970, and that the action of the Board was stated in the letter from the Board dated August 26, 1970, a copy of which you received. You were to have submitted two revised lot plans on the ownership to the traffic engineer and to the Secretary of the Board. The Secretary advises me that this was never done. For your information, I am enclosing a copy of the letter dated August 25, 1970, so that you will be fully informed as to the requirements.

This matter should be brought to a hasty conclusion before further attention of the Board of City Commissioners is involved to whom a number of these complaints have been made.

Mr. Les Griffith
Page Two
December 11, 1970

Yours very truly,



Robert H. Nelson
OF KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN:kd
Enclosure

cc: Mr. Keith Leshner

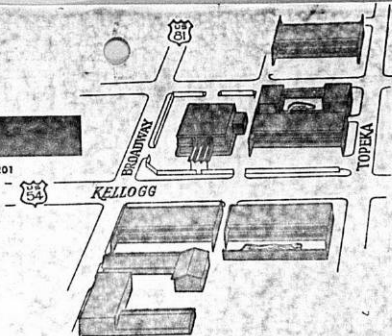


GENERAL OFFICES

TOWN HOUSE

MOTOR HOTEL

BROADWAY AT KELLOGG • BOX 7005 • WICHITA, KANSAS 67201
PHONE (316) AM 2-7211



September 2, 1970

Honorable A. Price Woodard, Jr.
Mayor of the City of Wichita
204 South Main Street
Wichita, Kansas 67202

Dear Mayor Woodard:

I am in receipt of a copy of a letter to you from Mrs. Joseph N. Haack dated August 27, 1970 discussing the Board of Zoning Appeals case number BZA 21 70.

I would like to bring to your attention that, as a member of this Board, I made a motion to deny the exception in question which was defeated by a vote of two to three. As you can see, I was not in agreement with granting the exception to the original zoning.

However, as to the comments that Mrs. Haack makes about the proceedings that took place at the meeting, I find that she is in error. The meeting was conducted in a business-like and fair manner with the decision being reached only after giving consideration to all of the information presented to the Board. I think that adequate consideration was given to the neighbors requests and objections and that the Board, as a whole, rendered a decision based on a desire to fulfill their responsibilities in the best interests of the City and to the best of each individuals abilities.

As you well know, Mayor Woodard, it is impossible to make decisions of this nature and avoid disappointing the members of one side or the other. I am sure that you are faced with this problem on many occasions.

Hoping that this is of some assistance and that you will contact me if I can be of service to you in any way, I remain

Very truly yours,
THE TOWN HOUSE MOTOR HOTEL, INC.

Kenneth M. Cusick
Kenneth M. Cusick, Jr.
Vice President and General Manager

✓ CC: Mr. Jack H. Galbraith, Secretary
Board of Zoning Appeals
KMC/vr



* AIR-CONDITIONED COMFORT * FINE FOODS * PRIVATE DINING ROOMS * REFRESHING POOLS

August 31, 1970

Board of Zoning Appeals

Jack H. Galbraith, Secretary

Case No. BZA 21-70 - Request for Exception to permit an
off-street parking lot

Gentlemen:

Attached is a letter to Mayor A. Price Woodard, Jr. concerning
the above captioned Board of Zoning Appeals case which was
considered at the last meeting.

A copy of this letter was forwarded to our department by the
Mayor's office and has been Xeroxed and forwarded to you for
your information.

JHG:ls
Attachment

Wichita, Kansas 67218
August 27, 1970

Mayor A. Price Woodard, Jr.
City of Wichita
Wichita, Kansas 67201

Dear Mr. Woodard:

Re: Case No. EA 21 70

On Tuesday, August 25th, a group of neighbors of the 800 block on South Holyoke, and adjoining blocks, met with the Board of Zoning Appeals to present our objection to petition to granting an EXCEPTION to allow an off-street parking lot to be installed and constructed in the 800 Block on South Holyoke. We presented our objection to petition, which had 46 signatures, to the Board and various members of the neighborhood voiced their personal reasons for objecting to the parking lot.

We were all very disappointed in the Board's attitude from the time they entered the room until the adjournment of the meeting. We felt they were provoked at our attendance of the meeting in a body and they felt we had no right to be there. The chairman accepted the objection to petition with the 46 signatures, which he held in his possession and which was not passed around for the other member's inspection.

None of the members of our group could hear the proceedings of the meeting and on four occasions different ones mentioned they could not hear. The acting secretary plugged in the sound system but did not turn it on. I was in the front row and could hear just part of the proceedings and I am sure the members further back could hear less. There was whispering among the board members which was very rude and inconsiderate of our neighborhood group.

In addition to the petition handed the board and our members giving their objections to the parking lot, which were all ignored, Mr. Wilkinson made the statement that he did not feel the parking lot would be as objectional to the block as we felt it would be (or words to that effect) and made a motion that it be allowed, which carried 3 to 2. A former motion was made that it not be allowed but it was defeated 3 to 2.

We as a group feel the board meeting was called as a formality only, that the decision to allow the parking lot was prearranged and made before the August 25th meeting and that our petition and attendance was completely ignored and all in vain and that their method of conducting the meeting was biased and unfair.

Our street has always been a nice quiet, peaceful neighborhood and to have it disrupted with an unsightly parking lot with cars coming and going three times daily will leave us in a position of living in Grand Central Station with no privacy whatever. I would like to ask any member of the Zoning Board, or anyone interested in anyway whatsoever, if they would like that to happen in their neighborhood?

In conclusion I would like to say - this letter is written to give you an idea of the manner in which the Board of Zoning Appeals handled the meeting and now unjustly and unfairly we as a neighborhood group were treated, being given no consideration whatsoever in any of our requests and objections and that as citizens of Wichita we are very unhappy. We appeal to you for consideration.

Sincerely,

Joseph N. Hnack
Mrs. Joseph N. Hnack.

<input type="checkbox"/>	REM	ROUTING
<input type="checkbox"/>	RM	
<input checked="" type="checkbox"/>	RW	
AUG 31 1970		
AUG 31 1970		
<input type="checkbox"/>	RM	
<input type="checkbox"/>	RM	
<i>CC REC'D - CARRIC'S</i>		



August 26, 1970

Mr. Robert H Nelson, Attorney
Suite 630-200 West Douglas
Wichita, Kansas 67202

Subject: Case No. BZA 21-70
Request for ~~Exception~~

Dear Mr. Nelson:

At the regular meeting of the Board of Zoning Appeals on August 25, 1970, your request for an exception to permit an off-street parking lot on property zoned "A" Two Family and generally located on the west side of Holyoke in an area between Lincoln and Morris, 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 vehicle, 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 and driveway providing ingress and egress to the 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 debris.

Mr. Robert H. Nelson
August 26, 1970

5. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. The parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
7. A 6 to 8 foot high solid fence constructed of masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be erected along the north line of the south 48 1/2 feet and the south line of the application (Phase I) and shall not extend past the front building setback line of 25 feet. Said fence shall then be reduced to three feet in height and returned along and to within one foot from the front yard setback line except for the point of ingress and egress. At such time as Phase II of the application area is to be utilized for an off-street parking lot the 6 to 8 foot fence shall be reconstructed adjacent to the north property line and shall not extend past the front building setback line of 25 feet. Said fence shall then be reduced to three feet in height and returned along and to within one foot from the front yard setback line except for the point of ingress and egress. The front yard shall remain unpaved and shall be landscaped with trees, shrubs and grass, and shall be maintained compatible with the residential area.
8. The applicant shall guarantee the closing and return of the curb for the existing drive not proposed for use and also provide for the installation of the new opening.
9. Prior to the preparation of the Resolution the applicant shall submit a revised off-street parking lot plan on all their ownership to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location and width of the proposed driveway, required fencing and other pertinent information. Two copies of the revised plan approved by the Traffic Engineer shall be submitted to the Secretary of the Board.

Mr. Robert H. Nelson
August 26, 1970

10. The applicant shall provide a barricade such as a gate, link chain or cable across the points of ingress and egress to both Holyoke and Hillside and shall be responsible for said barricades being locked in place during the hours the office facility is closed.
11. All improvements as outlined above shall be installed and the applicant shall remove the existing dwellings and garage within 1 year from the date of approval by the Board or the application shall become null and void.

If you have any questions, please call our office.

Very truly yours,

G. Lynn Shirkey
Assistant Secretary

- G. Lynn Shirkey:ls
cc William L. Nichols, 841 South Holyoke
Mrs. Ollie Robins, Clearwater, Kansas
Harold Connel, 818 South Holyoke
Howard Johnson, 810 South Holyoke
Glen Wheaton, 835 South Rutan
Les Griffith, Jen-Rentals, Inc., P. O. Box 18301
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

OBJECTION TO PETITION

August 12, 1970

We the undersigned property owners object to the granting of the petition for the exception of the South 10 feet of Lot 167, all of Lots 169, 171 and 173 on Holyoke Avenue, in Indiana Subdivision in Vincennes addition to Wichita, Sedgwick County, Kansas, generally located on the west side of Holyoke in an area between Lincoln and Morris from present "A" two family zoning so as to permit the installation and construction of an off street parking lot which petition for an exception is now pending in Case No. BZA 21-70.

Bertha Fletcher (West)	828 So Holyoke
✓ Harold L. Connell	818 S. Holyoke
Lynda A. Connell	818 S. Holyoke
Albert Dechinger	811 S. Rutan
W. J. Hiller	859 S. Rutan
F. D. Krue	353 S. Rutan
Walter S. Mullen	848 S. Rutan
Ray Mullen	848 S. Rutan
Val Verde Webster	824 S. Rutan
✓ Alvin L. Wheaton	835 South Rutan
Eva C. Wheaton	825 South Rutan
Joe Hulce	842 S. Rutan
Elvie A. Hulce	842 S. Rutan

OBJECTION TO PETITION

August 12, 1970

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Marquitta M. Jeffries 808 So Holyoke
Tray Bunker 802 So Holyoke
Mrs Naomi Bunker 802 So Holyoke
Joseph A. Head. 822 So Holyoke
Berlah Black 822 So Holyoke
✓ Howard A. Johnson 810 So Holyoke
Kathryn A. Johnson 810 So Holyoke
Florence D. Archer - 841 S. Rutan
Fred N. Archer - "
Mrs. Dora Uhl - 845 S. Rutan
Mrs. Mary L. House - 851 So. Rutan
Mrs Luendelys J. Hecker - 859 S. Rutan
Mrs. Saml. Solomon - 825 So. Rutan
Mr. G. O. Robinson 825 So. Rutan
- Mrs. Laphie Bradley - 826 South Holyoke
Wayne Bradley - 826 South Holyoke
Dorothy Sylvester - 821 South Rutan
Mary E. Neill 824 South Rutan
Myrtle Schaar 817 South Rutan

OBJECTION TO PETITION

August 12, 1970

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Bertha E Vreal . 835' So Holyoke

Mrs. Lang F. Bowman 844 S. Holyoke

Hallam H. Cook 832 S. Holyoke

Quinn L. Nichols 841 So. Holyoke

✓ William L. Nichols 841 So Holyoke

Joanna E. Studiburgh 845 South Holyoke

Mrs Mary Bauer 848 South Holyoke

J. L. Kendall 843 So. Holyoke

Mrs. B.D. Jacobs 842 So. Holyoke -

Raymond E. Evans 847 So Holyoke

Mrs J. L. Kendall 843 So. Holyoke

Jack E. Milburn 801 So Holyoke (owner) P.O. address 645 So Holyoke

Clyde Daniel 846 So Holyoke (owner) P.O. address 2921 E. Lincoln

OBJECTION TO PETITION

August 12, 1970

We the undersigned property owners object to the granting of the petition for the exception of the south 10 feet of Lot 167, all of Lots 169, 171 and 173 on Holyoke Avenue, in Indiana Subdivision in Vincennes addition to Wichita, Sedgewick County, Kansas, generally located on the west side of Holyoke in an area between Lincoln and Morris from present "A" two family zoning so as to permit the installation and construction of an off street parking lot which petition for an exception is now pending in Case No. 21-70.

✓^x *Ollie Robbins*
817 So Holyoke

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

August 5, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 21-70

An application has been filed by Jen-Rentals, Inc., P. O. Box 18301, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of an off-street parking lot on property zoned "A" Two Family and legally described as follows:

The south 10 feet of Lot 167, all of Lots 169, 171 and 173, on Holyoke Avenue, in Indiana Subdivision in Vincennes Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Holyoke in an area between Lincoln and Morris.

This application has been assigned Case No. BZA 21-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 25, 1970, 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 desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

32 Notices Mailed 8-5-70

SECRETARY'S REPORT
CASE NO. BZA 21-70

APPLICANT: Jen-Rentals, Inc., P. O. Box 18301, Wichita, Kansas

AGENT: Robert H. Nelson, Suite 630-200 West Douglas, Wichita, Kansas

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

GENERAL LOCATION: On the west side of Holyoke in an area between Lincoln and Morris

LAND USE: Subject property is occupied by two single family residences and a garage. North, south and east is single family with an office building under construction to the west and an unimproved parking lot.

ZONING: Subject property is zoned "A" Two Family as are those properties to the north, east and south; west is "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, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting approval of the exception to permit the use of subject property for an off-street parking lot which will be utilized by the customers and employees of an office building presently under construction to the west.

Although the Secretary is somewhat concerned with the opening to Holyoke, which is developed by residences on both sides, the use which the parking area will serve is a low generator of traffic and open a limited number of hours which should preclude any adverse affects on residences in the area. The Board has denied similar requests where commercial uses were requesting parking lots with exits onto adjacent residential streets because of the generation of traffic into the residential area at night.

The applicant has submitted an off-street parking plan which provides for 24 spaces on the site. The plan, however, proposes parking on only 62 feet of the total 85 feet of frontage and does not indicate the proposed use of their ownership not indicated on the plan. As a result of discussions with the Traffic Engineer's Office, it has been determined that the plan is unacceptable in that it does not provide for proper circulation with the parking lot proposed by the applicant to the west. Subject plan should be revised with the plan to the west to assure proper circulation.

It should be pointed out that although the applicant has property to the west which could be utilized for off-street parking, the reconstruction of Hillside in this area which is scheduled to begin this month will prohibit ingress and egress to that major street for some time.

RECOMMENDATION:

It is the recommendation of the Secretary that the application to permit the installation or construction 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 vehicle, 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 and driveway providing ingress and egress to the 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 debris.
5. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. The parking area shall have adequate markings for channelization and movement of vehicles.

6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
7. A six to eight foot high solid fence constructed of masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be erected along the north and south lines of the application area and shall not extend past the front building setback line of 25 feet. Said fence shall then be reduced to three (3) feet in height and returned along and to within one foot from the front yard setback line except for the point of ingress and egress. The front yard shall remain unpaved and shall be landscaped with trees, shrubs and grass, and shall be maintained compatible with the residential area.
8. The applicant shall guarantee the closing and return of the curb for the existing drive not proposed for use and also provide for the installation of the new opening.
9. Prior to the preparation of the Resolution the applicant shall submit a revised off-street parking lot plan on all their ownership to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location and width of the proposed driveway required fencing and other pertinent information. Two copies of the revised plan approved by the Traffic Engineer shall be submitted to the Secretary of the Board.
10. All improvements as outlined above shall be installed and the applicant shall remove the existing dwellings and garage prior to the occupancy of the site for an off-street parking lot.

BOARD OF ZONING APPEALS

CASE NO. 21-70

CITY OF WICHITA, KANSAS

FILED 7-7-70

APPLICATION FOR EXCEPTION

I. Name of Applicant JEN-RENTALS, INC.

Mailing Address P. O. Box 18301 (18) Phone _____

Name of Authorized Agent Robert H. Nelson

Mailing Address 200 W. Douglas, Suite 630 Phone 262-3777

Relationship of applicant to property is that of Owner and
(Owner, Tenant, Lessee, Other). contract under option.

II. Application is made for an exception as provided in Section
2.12.590 (C), Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction
of off-street parking^{on lot} facilities

_____ on property zoned

A, located on the west side of Holyoke in an
area between Lincoln & Monie and legally described as: _____

South 10 feet of Lot 167, all of Lots 169-171 and 173, on
Holyoke Avenue, in Indiana Sub-Division in Vincennes Addition
to Wichita, 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 Jen-Rentals, Inc.

Authorized Agent Robert H. Nelson



OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3 (a.m. - p.m.), July 7, 19 70, together with appropriate fee of \$50.00.

T9-403

Signed B. Lynn Shurkey
(ls)

KAHRS, NELSON, FANNING, HITE & KELLOGG
ATTORNEYS AT LAW

AUSTIN M. COWAN (1888-1948)

W. A. KAHRS

ROBERT H. NELSON

H. W. FANNING

RICHARD C. HITE

DARRELL D. KELLOGG

ROGER M. SHERWOOD

RICHARD L. HONEYMAN

LARRY A. WITHERS

SUITE 630 - 200 WEST DOUGLAS AVENUE

WICHITA, KANSAS 67202

AREA 316
262-3777

July 7-1970

Board of Zoning Appeals
Room 402 City Building Annex
Wichita, Kansas 67202

Re: Request for Exception

Gentlemen:

The applicant, Jen-Rentals, Inc., is the owner of Lot 173 on Holyoke Avenue in Indiana Sub-division in Vincennes Addition, and the remaining portion of the property is under option to Jen-Rentals, Inc., as set out in the enclosed application.

It is proposed that the property be used for off-street parking facilities under the exception authorized under ordinance 2.12.590 (C). This parking facility is immediately adjacent to the building which is now constructed which fronts on Hillside and is to be used in connection with the tenants in said building.

Very truly yours,

Robert H. Nelson

Robert H. Nelson
of KAHRS, NELSON, FANNING, HITE & KELLOGG

Attorneys for Jen-Rentals, Inc.

RHN/jj
Enc.

cc: Jen-Rentals, Inc.
Attention: Mr. Griffith



KAHRS, NELSON, FANNING, HITE & KELLOGG
ATTORNEYS AT LAW

SUITE 830 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AUSTIN M. COWAN (1988-1949)
W. A. KAHR
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
ROGER M. SHERWOOD
RICHARD L. HONEYMAN
LARRY A. WITHERS

AREA 316
262-3777

July 7-1970

Secretary of
Board of Zoning Appeals
Room 402 City Building Annex
Wichita, Kansas 67202

Re: Request for Exception
Off-street Parking Holyoke North of Lincoln

Dear Sir:

Enclosed herewith is an application for exception together with check in the amount of \$50 in payment of the fee, and abstracter's certificate of ownership of property within a radius of 200 feet of the proposed exception.

A plot plan is being delivered to the Traffic Engineer for examination and upon the approval thereof, will be submitted to you.

I have also enclosed herewith statement justifying the exception.

Yours very truly,

Robert H. Nelson
of KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN/jj
Encls.

cc: Jen-Rentals, Inc.
Attention: Mr. Griffith



CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO. Inc., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds, Sedgwick County, Kansas, of:

The South 10 Feet of Lot 167, all of Lots 169-171-and 173
on Holyoke Avenue, in Indiana Sub-division in Vincennes
Addition to Wichita, Sedgwick County, Kansas,
together with all lots lying within a 200 foot radius thereof.

DESCRIPTION	OWNER OWNERS	ADDRESS
<u>Indiana Sub-division</u>		
<u>Holyoke</u>		
G Lot 151	✓James D. Talbert and Lois W.	811 So. Holyoke 67218
U Lots 153-155	✓Jack C. Prothero and Ernestine M.	815 So. Holyoke 67218
A Lots 157 and 159	✓Willard L. Bentley and Ollie M.	817 So. Holyoke 67218
R Lot 161 & N 20' of 163	✓John T. Ramsey and Janice L.	819 So. Holyoke 67218
A S 5' of Lot 163- all of N 165 and N 15' of 167	✓James J. Welding and Ila May	4736 Nighthart, New Orleans, La. 70127
T S 10' of 167, all of 169 and N 7½' of Lot 171	✓Otis Wendell Brooks and Juanita L.	827 So. Holyoke 67218
E S 17½' of Lot 171, all E of 173	✓Jen-Rentals, Inc.	127 So. Edgmoor 67218
Lots 175-177	✓Bertha E. Veal, Znobias J. Cook, Wallace H. Cook	835 So. Holyoke 67218
T Lot 179 and N/2 of 181	✓Wm. L. Nichols and Vivian L.	841 So. Holyoke 67218
I S/2 of Lot 181, all of 183	✓J. L. and B. E. Kendall	843 So. Holyoke 67218
T Lots 185-187 and N 9' of 189	✓Joanna E. Hudiburgh, Anna S. Hudiburgh and Margaret L. Hudiburgh	845 So. Holyoke 67218
E Lot 189 exc. N 9'	✓Raymond E. Evans, Jr. and Norvella Kay Evans	847 So. Holyoke 67218
Lots 154-156	✓H. D. Howard and Hazel G.	810 So. Holyoke 67218
C X Lots 158-160	✓Harold L. Connell & Lynda A.	818 So. Holyoke 67218
O., Lots 162-164	✓Joseph N. Haack and Beulah	822 So. Holyoke 67218
Lots 166-168	✓Wayne Bradley and Daphyne	826 So. Holyoke 67218
I Lots 170-172	✓Bertha Fletcher	5710 Roeland Dr. Mission, Kansas 66205
N Lots 174-176	✓Wallace H. Cook and Znobias	832 So. Holyoke 67218
C. Lots 178-180	✓B. D. Jacobs and Alta May	842 So. Holyoke 67218
Lots 182-184	✓Lang F. Bowman and Floss S. Bowman	844 So. Holyoke 67218
Lots 186-188	✓Clyde Daniels and Kathryn	2921 E. Lincoln 67211
Lot 190	✓M. Eleanor Turner & Katherine M. Bauer	848 So. Holyoke 67218

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Rutan Ave.

Lots 165-167	✓ Carlen O. Solomon & Fern M.	825 So. Rutan	67218
Lots 169-171	✓ John L. Greer, Sr. and Dora E. Alice Darlene Mostrom	1027 Brookfield	67206
Lots 173-175	✓ Glen Lawrence Wheaton and Eva Christenson Wheaton	835 So. Rutan	67218
Lots 177-179	✓ Fred N. Archer and Florence I.	841 S. Rutan	67218

Hillside Ave.

Lots 154-156	✓ H. B. Missildine and Alcoque T.	2460 Aloma	67211
Lots 158 and 160	✓ Forrest G. Ramsey and Ruth	814 So. Hillside	67218
Lots 162-164	✓ Charles D. Whitcher and Rosalea A.	816 So. Hillside	67218
Lots 186-188-190	✓ Triangle Facilities, Inc.	c/o Continental Oil Drawer 1267 Ponca City, Okla.	74601

Wade & David's 1st.

Lot 1	✓ Jen-Rentals, Inc.	127 So. Edgmoor	67218
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WITNESS our Hand and Seal this the 15th day of June, 1970

at 7:00 o'clock A.M.

GUARANTEE TITLE CO. Inc.,

By *Nellie M. Pestinger*
Vice-President.

Order No. 27068



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

August 5, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 21-70

An application has been filed by Jen-Rentals, Inc., P. O. Box 18301, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of an off-street parking lot on property zoned "A" Two Family and legally described as follows:

The south 10 feet of Lot 167, all of Lots 169, 171 and 173, on Holyoke Avenue, in Indiana Subdivision in Vincennes Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Holyoke in an area between Lincoln and Morris.

This application has been assigned Case No. BZA 21-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 25, 1970, 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 desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

- Moved, left no address
 No such number
 Moved, not forwardable
 Addressee unknown

W170

POSTAGE DUE \$ 6



WICHITA 06

James J. Welding and Ila May
4736 Nighthart
New Orleans, Louisiana 70127

BZA-2170

None found



REASON CHECKED
Unclaimed Refused
Addressess unknown
Insufficient Address
No such street Number
No such office or state
Do not be mail in this

FORM 273-021

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

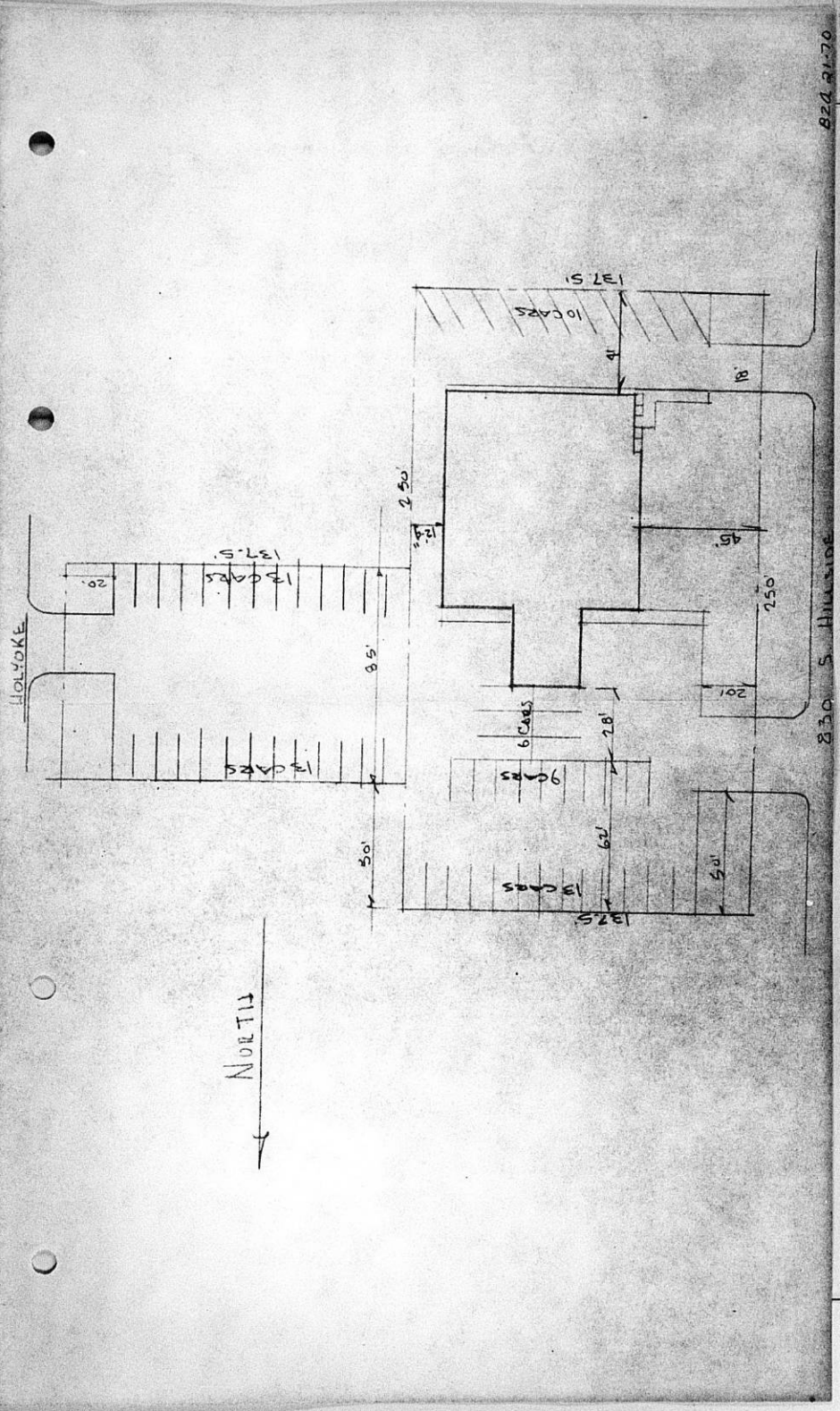
Type

Due Date

Comments:

Date

By



*

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