

POSTED
6-6-77
MADD
C.I.
6-15-77

Case No. BZA 21-77 -James and Betty Bowman request an exception to permit the establishment of an off-street parking lot of additional parking to connect to existing parking on property generally lo-

ACTION

DATE 6-28-77

Approved

BZA 21-77 COMMITTEE

M.A.P.C. _____

B.C.C./B. CO. C. _____

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

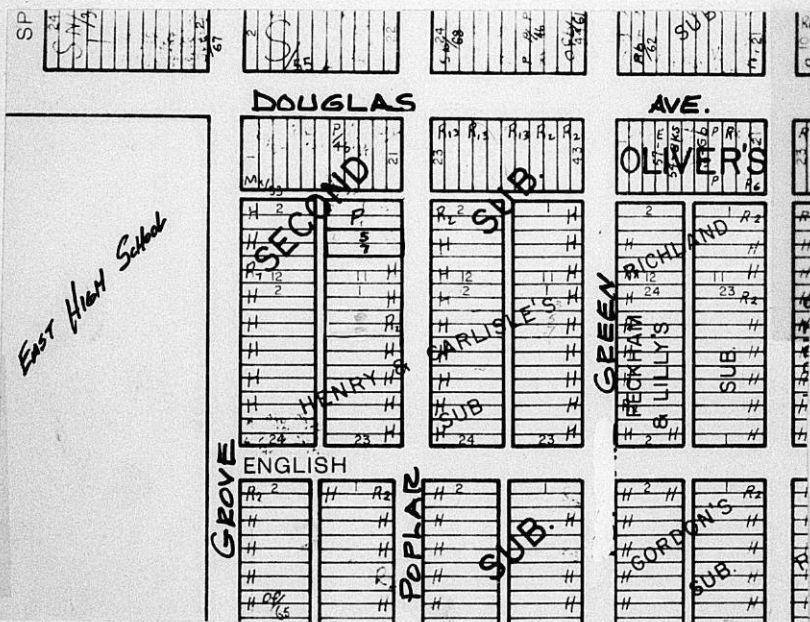
BZA- 21-77
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.15 (50 ft. by 135 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North PARKING LOT
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: PARKING LOT
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



HASTINGS TRI-LOG ADDRESS
 LOCAL CH. AMHERST, N. H. U. S. A.

S
 No. 2-153C

Ownership list checked out to Mr Bowman

[Handwritten initials]

RESOLUTION NO. BZA 21-77

WHEREAS, James H. and Betty Jean Bowman, 5613 Coe Court, Wichita, Kansas, request an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an off-street parking lot on property zoned the "A" Two Family Dwelling District and legally described as follows:

Lots 5 and 7, Poplar Street, Second Subdivision of Lots 3 and 4, Richland Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Poplar in an area south of Douglas.

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 June 28, 1977, 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 establishment of an off-street parking lot on property zoned the "A" Two Family Dwelling District, subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

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

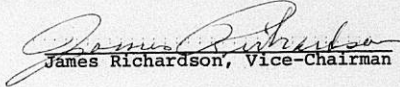
Lots 5 and 7, Poplar Street, Second Subdivision of Lots 3 and 4, Richland Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Poplar in an area south of Douglas.

subject to the following conditions:

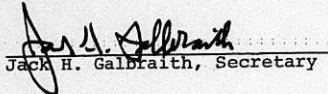
1. The parking areas shall be used for passenger vehicles only and in no case shall it be used for sales, repair work storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
2. Only such signs as are necessary for the proper operation of the parking lots shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways 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. All parking areas 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. The required 25 foot front yard setback except for points of ingress and egress shall remain unpaved, and shall be landscaped with trees, and/or shrubs and grass and shall be maintained compatible with the residential area.

8. A five to six foot solid fence, constructed of redwood or rough sawed cedar shall be erected along the south property line behind the 25 foot front yard setback area; and a 3 to 4 foot high fence of the same material shall be constructed along the front yard setback line except for the point of ingress and egress.
9. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot, and within 90 days from the date of the Board of Zoning Appeals approval or the case shall be considered null and void.
10. Approval of this request shall be contingent upon compliance with the conditions of BZA Case No. 41-65, on the property to the north.

ADOPTED AT WICHITA, KANSAS, this 28th day of June, 1977.


James Richardson, Vice-Chairman

ATTEST:


Jack H. Galbraith, Secretary

July 21, 1977

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

Tenth Floor, City Hall
455 North Market Street

Re: Case No. BZA 21-77
Request for Exception

Ms. Betty Jean Bowman
J. H. Bowman Co., Inc.
2431 E. Douglas
Wichita, Kansas 67211

Dear Ms. Bowman:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 28, 1977, in connection with your request for an exception to permit the establishment of an off-street parking lot of additional parking to connect to the existing parking on property zoned "A" and generally located on the west side of Poplar between Douglas and English.

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,

Larry Dobson
Assistant Secretary

LD:bh

Attach.

cc: Aurelia Lammons, 121 S. Poplar, 67211
Robert Feldner, Supt., Central Inspection
Donald Gisick, City Clerk
Joe Donnelly, Central Inspection

6-27-77

I would prefer the whole lot to be resurfaced
with no fence across the front

Mrs Jm Lemmons (Aurelia S)

121 S Poplar

67211

Carrier

*Submitted at
Meeting by appho*

J. H. Bowman Co., Inc.

AIR CONDITIONING • HEATING • REFRIGERATION

2431 East Douglas • Wichita, Kansas 67211 • (316) 686-7321

J. H. BOWMAN, President

June 28, 1977

Planning Department
Wichita, Sedgwick County
Metropolitan Area

Gentlemen:

I thank the board for this opportunity to speak before this governing body. Mr. Chairman, I present to you a plan as submitted originally on which I have illustrated what the 25' set back would result in. This plan we submitted when we filed and it was returned to us. We were told we would have to file a plan showing a 25' set back which we prepared called Plan B that you have.

You will note that the committee's recommendation of a 25' set back, landscaping and front lot fencing, ~~is~~ not conforming to the 25' set back. The existing homes do not exactly tie in with existing conditions. The area next to the alley has not changed in the last 10 years and we purchased it as you now see it on the plan.

Businesses are expanding in Wichita and the Wichita businessman can not employ people or do business in the city without adequate off street parking for employees and clients. They need parking 5 or 6 days a week. The Church you just voted on has a big need once a week. Our need is much greater.

One of our tenants has a trade school employing nine people and now has 46 day time students and 27 night time students. This fall they expect more students and they are always interviewing students and do have visitors. These people are over 18 years old and most drive cars. The present tenant at 2431 E. Douglas is the J. H. Bowman Co., Inc. and employees over 30 people year round and they also have visitors and customers. Office-Aide has about 5 employees and they have customers. Now you see the need for off street parking is a great need, especially since we have been advised there will be no street parking on Douglas in our area.

We have been contacted about the expected condemnation of about 50% of the parking area on our west lot for purposes of widening Grove.

We would like to accept the boards recommendation with a few exceptions. Remove the 25' set back and the front lot board fence. Allow parking to the sidewalk. This would allow six more parking spaces badly needed for our four tenants on Douglas. The southeast corner fence would only create another problem with East High students, a new hiding spot between the 1st auto on the south and the fence.

Page 2
Planning Department
June 28, 1977

I submit a statement from the lady who lives and owns the property to the south of this lot. She prefers the whole lot to be surfaced and no front fencing, as you propose. I also checked the cross directory and find 116 and 118 is one house with two tenants so the homes that appear one family dwellings are not necessarily so. In fact at least five of these homes are plural family dwellings as they are now zoned. In fact the property on Douglas and Grove are almost 100% multiple family dwellings or businesses. For these reasons I beg of you to allow this whole lot to be surfaced to the sidewalk and to the alley and marked in accordance to city laws for off street parking.

Betty Jean Bowman
Co-owner of the lot
to be considered for
exception variance zoning.

June 30, 1977

Mrs. Betty Jean Bowman
J. H. Bowman Co., Inc.
2431 East Douglas
Wichita, Kansas 67211

Re: Case No. BZA 21-77
Request for Exception

Dear Mrs. Bowman:

At the regular meeting of the Board of Zoning Appeals on June 28, 1977, your request for an exception to permit the establishment of an off-street parking lot of additional parking to connect to existing parking on property zoned "A" and generally located on the west side of Poplar, between Douglas and English was considered.

It was the action of the Board to approve this request subject to the conditions in the Secretary's Report with the following amendment and additional condition:

Condition #9 amended to read All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot, and within 90 days from the date of the Board of Zoning Appeals approval or the case shall be considered null and void.

Add condition #10 Approval of this request shall be contingent upon compliance with the conditions of BZA case 41-65, on the property to the north.

With reference to condition #10, I am enclosing a copy of the conditions attached to BZA Case 41-65 and call your attention to conditions 7 and 8 of that case. These conditions prohibit parking in the front 25 feet and require the erection of a 3 foot high fence along the 25 foot setback line.

During the discussion of your case at Tuesday's meeting, you stated that it was your desire to be able to utilize the entire lot for off-street parking. As was pointed out at the meeting,

Page Two
Mrs. Betty Jean Bowman
June 30, 1977

the Board of Zoning Appeals has no jurisdiction to allow parking in the front yard setback associated with an exception case.

The first zoning district which would permit parking in the front yard setback area is the "BB" Office District, however, even with "BB" zoning a 3 foot high fence would be required along the east property line.

I am sorry for any misunderstanding you had about utilizing the front yard setback for parking and if we can be of assistance to you in the filing of a zone change application, please contact our office.

A copy of the Resolution reflecting the Board's official action will be forwarded to you as soon as the signatures of the Vice-Chairman and Secretary have been obtained.

Sincerely,

Larry Dobson
Assistant Secretary
Board of Zoning Appeals

LD:el

cc: Aurelia Lammons, 121 S. Poplar, 67211
Robert Feldner, Superintendent, Central Inspection
Donald C. Gisick, City Clerk
Joe Donnelly, Central Inspection

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE June 23, 1977



TO Larry Dobson, Junior Planner, Current Plans
FROM Warren Gilkey, CPO Administrative Aide

SUBJECT BZA 21-77: In an Area South of
Douglas on the West Side of Poplar

Council "K" recommended that this request for exception be denied at their meeting on June 21, 1977.

The Council made their recommendation to limit the amount of unsupervised parking in this area because an enormous amount of vandalism is happening around East High, Hardees and the Central Vocational School.

Please convey the recommendation of Council "K" to deny the request for exception to the Board of Zoning Appeals as background information for their consideration.

Warren Gilkey
Warren Gilkey
CPO Administrative Aide

WG:rh

NOTED:

D.F.
David Furnas
CPO Coordinator

Bobson

6-15

To the Board of zoning app
455 N. Main Wichita



Dear Sirs:

In regards to a letter I received from you people referring to case B2A-2177, I wish to go on record as being very much in favor of this. Mr Bowman is a very nice neighbor of mine and the lot he is talking is right next door to me. I think his plan for the paving is really needed, because for one thing it has water stood after rains & mosquitoes are bad then —

I would come down to the meeting but I am a wheelchair person and can't —
So please count me as a yes —

Mrs Aurelia Sammons
121 S. Taylor
Wichita Kansas
67211

SECRETARY'S REPORT
CASE No. BZA 21-77

APPLICANT: James H. and Betty Jean Bowman, 5613
Coe Court, Wichita, Kansas.

AGENT: N/A

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

GENERAL LOCATION: On the west side of Poplar in the area be-
tween Douglas and English.

LAND USE: Subject property is vacant. Properties to
the south, east and west are all developed
as single family residences. Property to
the north is a paved parking lot.

ZONING: Subject property is zoned the "A" Two Family
Dwelling District as are properties to the
north, south and east. Property to the
west is zoned the "B" Multiple Family
Dwelling District.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicants are requesting an exception to permit the establishment of an off-street parking lot, on property zoned the "A" Two Family Dwelling District, that would be utilized as additional off-street parking for the commercial property located at the southwest corner of Poplar and Douglas.

In 1965 a similar request was made for this same property (EZA 19-65), however, the Board denied the request based on the fact that it would be placing a parking lot between two residences. Later that year, the Board approved a request for a parking lot for the property immediately north of subject property, which is adjacent to the commercial property it was intended to serve (BZA 41-65). This parking lot was subsequently developed and is in use today. The current request before the Board would extend this existing parking area for an additional 50 feet to the south. Subject property is vacant and although unpaved is being used for parking.

The applicants point out that the Grove Street improvement project will take a portion of their present parking and also that parking will undoubtedly be removed from Douglas in front of their business. Single and multiple family residences west of subject property will be removed for the Grove Street improvement. This property is only one block from East High School,

which creates a parking problem for this entire area. There are also apartments on the south side of Douglas in the block immediately east of Poplar Street, none of which have any off-street parking.

It should be noted that the BZA approved parking lot north of subject property was not to be paved in the front 25 foot setback and a 3 foot high solid fence was to be erected along the setback line except for the driveway area. Upon inspection of the site, it was noted that the paving extends all the way to the east property line, and that no fence is located on the property. A six foot fence previously located along the south property line has been moved to the south property line of subject property. Although the applicants utilize this parking lot for their business, they are not shown as the owners of the property. The site plan submitted with the application shows no paving in the front yard setback of the proposed lot or the existing lot.

A very large shade tree exists in the street right-of-way adjacent to subject property and it is not known whether this tree will have to be removed for the proposed driveway approaches to this parking lot.

It is the opinion of the Secretary that off-street parking is a critical need in this area and inasmuch as this would simply be an extension of an existing lot, and with proper screening for adjacent residential properties, would not adversely affect the general area.

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 areas 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 lots shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways 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. All parking areas shall have adequate markings for channelization and movement of vehicles.

SECRETARY'S REPORT

Case No. BZA 21-77

Page 3

6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
 7. The required 25 foot front yard setback except for points of ingress and egress shall remain unpaved, and shall be landscaped with trees, and/or shrubs and grass and shall be maintained compatible with the residential area.
 8. A five to six foot solid fence, constructed of redwood or rough sawed cedar shall be erected along the south property line behind the 25 foot front yard setback area; and a 3 to 4 foot high fence of the same material shall be constructed along the front yard setback line except for the point of ingress and egress.
 9. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.
-

28 notices sent to agent and/or applicant and adjacent property owners
10 notices sent to MAPC members
1 notice sent to CPO
39 notices mailed on BZA 21-77, June 6, 1977

BOARD OF ZONING APPEALS
TENTH FLOOR - CITY HALL
455 North Main, Wichita, Kansas 67202

June 7, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 21-77

An application has been filed by James H. and Betty Bowman, 5613 Coe Court, Wichita, Kansas, pursuant to Section 2.12. 590.C, Code of the City of Wichita, requesting an exception to permit the establishment of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 5 and 7, Poplar Street, Second Subdivision of Lots 3 and 4, Richland Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Poplar in an area south of Douglas.

This application has been assigned Case No. BZA 21-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 28, 1977, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant James H. Bowman and Betty Jean Bowman

Mailing Address 5613 Coe Court, Wichita, Ks. 67208 Phone 682-5628 or 686-7321

Name of Authorized Agent N/A

Mailing Address _____ Phone _____

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

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of an off-street parking lot (additional parking to connect to existing parking) on property zoned _____

A, located on the west side of Poplar between Douglas and English and legally described as: Lots 5 and 7, Poplar Street, Second Subdivision of Lots 3 and 4, Richland Addition, in the City of Wichita, Sedgwick County, Kansas,
_____, 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 Betty Jean Bowman
James H. Bowman & Betty Jean Bowman
Authorized Agent _____

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 4:40 (a.m. p.m.), 5-3, 19 77, together with appropriate fee of \$50.00

Signed Larry Dobson

5647

April 29, 1977

The parking on East Douglas is to be removed. Our business properties in the 2400 block of East Douglas is to be leased and additional "off street" parking will be required for the tenants.

The lots next to the alley known as lots 1 and 3 now have exception variance parking with no problems. Lots 5 and 7 would increase the parking from 50' to 100' on South Poplar.

The city now plans to widen Grove and take part of our property on the west for this city's improvement also removing part of our present parking. For these reasons we believe it reasonable to request a change on lots 5 and 7 for exception variance parking to be allowed.

It is believed that the Board of Zoning Appeals has jurisdiction for this exception under Section 2.12.590. C, Code of the City of Wichita, Kansas.

Yours truly,

Betty Jean Bowman

James H. and Betty Jean Bowman, Owners
5613 Coe Court
Wichita, Kansas, 67208

FORM 3-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION AMOUNT

Name

Address

Type Due Date

Comments:

Date By

*

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