

BZA 23-67 - Aylward Drilling Co. requests **Exception** for off-street parking lot in "A"; and **Variance** of side-yard setback in "A" on the north side of Pine between Stackman Drive and

*Revised  
7-12-67*

**ACTION**

*By* COMMITTEE *Approved* *7-25-67*

DATE

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

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

*CZM ✓  
PZM -*

April 2, 1968

Mr. B. J. Weldon, President  
Weldon Insurance, Inc.  
212 South Market  
Wichita, Kansas 67202

Subject: BZA 44-65

Dear Mr. Weldon:

We are in receipt of your letter of March 27, 1968 requesting that the bond associated with the above-captioned case be released. In addition to the bond requirement on this case, another condition was that all improvements be installed within 12 months from the effective date of the approval of this application. Since these conditions were not complied with in the one year period the applicant refiled this request under a new case, BZA 23-67. This case was approved by the Board in July, 1967 and the guarantee with a bond was not required. Therefore, since this case became null and void, the bond may be released upon request of the City Clerk.

The requirements associated with BZA 23-67 must still be complied with prior to the occupancy of the site for an off-street parking lot. If you have any questions concerning this matter, please contact our office.

Sincerely,

Jack H. Galbraith  
Senior Planner

JHG:js



## Weldon Insurance, Inc.

212 SOUTH MARKET · 305 KAUFMAN BUILDING · AREA CODE 316 · TELEPHONE AM 5-6241 · WICHITA, KANSAS 67202

BERNARD J. WELDON, C.P.C.U.  
PRESIDENT

March 27, 1968

JAMES M. WELDON  
VICE-PRESIDENT  
SECRETARY  
NADINE C. McMILLAN  
TREASURER

Mr. Jack H. Galbraith, Secretary  
Metropolitan Planning Commission  
City Building  
Wichita, Kansas

Re: Resolution No. BZA 44-65  
1-25-66  
A. L. "Pete" Bateman


Dear Mr. Galbraith:

I am informed by Mr. Robert Kirsch, Architect, that conditions laid out in Resolution No. BZA 44-65 have been contracted.

Would you be in a position to release the Indemnity Bond executed on March 4, 1966, on behalf of A. L. "Pete" Bateman, successor in interest to Bertha Stackman Gouldner and Evelyn T. Stackman, to the City of Wichita.

Yours sincerely,

WELDON INSURANCE, INC.

  
B. J. WELDON, CPCU  
President

BJW:nm



WELDON INSURANCE, INC.  
305 Kaufman Building  
212 South Market  
WICHITA, KANSAS 67202



MR. JACK H. GALBRAITH, SECRETARY  
METROPOLITAN PLANNING COMMISSION  
CITY BUILDING  
WICHITA, KANSAS

August 10, 1967

Mr. Robert M. Collins  
1400 Wichita Plaza  
Wichita, Kansas 67202

Dear Mr. Collins:

Re: Case No. BZA 23-67 - Request for  
an exception and variances of the  
side yard setbacks

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 25, 1967, in connection with your application for an exception to allow property zoned "A" to be utilized as an off-street parking lot, and variance of the setback requirements on property generally located on the north side of Pine between Litchfield and Stackman Drive. This Resolution reflects the official action of the Board and sets out the conditions of approval.

If you have any questions concerning this matter, please call.

Very truly yours,

Ronald A. Williamson  
Assistant Secretary

RAW:kkj

Attachment

cc: Ralph Eberly, City Clerk  
Glen Lytle, Superintendent of Central Inspection  
Alyward Drilling Company, 909 First National Bank Bldg.

R E S O L U T I O N   N O .   B Z A 23-67

WHEREAS, Alyward Drilling Company, 909 First National Bank Building, Wichita, by Robert M. Collins, 1400 Wichita Plaza, Wichita, Kansas, has requested an exception to permit the installation or construction of off-street parking facilities; and

WHEREAS, the applicants have also requested variances as follows:

Variance of side yard setback adjacent to the north side of Lot 41 and the south side of Lot 47 in Stackman's Second Addition from the required 3 foot setback to 0 feet for parking only;

Variance of side yard setback adjacent to the south side of south 25 feet of Lot 1 in Stackman-Gouldner Addition from the required 20 foot setback to 0 feet for parking only;

all related to property legally described as Lots 41, 43, 45, and 47, on Litchfield Avenue, in Stackman's Second Addition to Wichita; and the South 25 feet of Lot 1, in Stackman-Gouldner Addition, Wichita, all in Sedgwick County, Kansas. Generally located on the north side of Pine between Litchfield and Stackman Drive.

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, in regular meeting, consider said applications on July 25, 1967; and

WHEREAS, the Board of Zoning Appeals has jurisdiction to consider the request for an exception, and also the requests for variances under Section 2.12.590, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the conditions set forth in Section 28.04.145, Code of the City of Wichita, relating to off-street parking exceptions, can be complied within this instance; and

WHEREAS, the applicant desires this exception and variances in order to provide additional parking for the apartment complex which is being planned on the property adjacent to this subject area, in that they desire to provide two spaces per dwelling unit rather than one space for each dwelling unit as required under the ordinance; and

WHEREAS, the Board of Zoning Appeals has found that the variances of the side yard setbacks as requested arise from such

condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and it is not created by an action or actions of the property owner or the applicant inasmuch as when an exception is granted (such as requested in this application), the side yard setbacks are reduced to 3 feet in the "A" zone and this setback is virtually unuseable and unenforceable; and further, the request for the reduction of the 20-foot setback to 0 feet for parking only is unique in that the plat of Stackman-Gouldner Addition has been required to have a greater front yard setback than normally required of other properties in the same zoning district; further, no parking is allowed in the front yard setback by the ordinance and, therefore, the property has been reduced as far as its useability is concerned; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variances will not adversely affect the rights of adjacent property owners or residents since fencing will be required on the exception approval and the property to the south is the Art Museum; and

WHEREAS, the Board of Zoning Appeals has determined that the strict application of the provisions of Title 28, of which variances are requested, will constitute unnecessary hardship upon the property owner represented in this application since an essentially unuseable piece of property 3 feet wide would be left on both sides of the exception, which would eliminate four parking spaces and; further, if the 20-foot side yard setback is not reduced on the Stackman-Gouldner Addition, it would represent an unnecessary hardship for the applicant since the applicant has provided a greater front yard setback than normally required on the Stackman-Gouldner Addition; and

WHEREAS, the Board of Zoning Appeals has found that the variances desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variances desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance); and

WHEREAS, each of the five conditions required to be found to exist before a variance can be approved, has been found to exist; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the exception request be approved to permit the installation and construction of off-street parking facilities on property zoned "A" and legally described as:

Lots 41, 43, 45, and 47, on Litchfield Avenue, in Stackman's Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Pine and Litchfield.

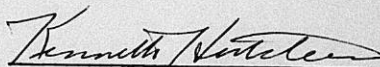
subject to the following:

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 vehicles, equipment, material, or supplies.
2. Only such signs as are necessary for the proper operation of the parking shall be permitted. No sign shall project over any public right-of-way.
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 shall be free of all weeds, dust, trash and other 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 so as to reflect or direct light away from adjacent properties and in no event shall lights be permitted to reach a height of greater than 6 feet.
7. A six foot high solid wall constructed of masonry, wood, or louvered redwood shall be erected along the north property line. A solid wall constructed of masonry, wood, or louvered redwood with a minimum height of 3 feet and a minimum height of 4 feet shall be erected within one foot of the required 22.5 foot front yard setback line from Litchfield and within one foot of the south property line, except for the points of access on Pine Street and that said fence shall be so located at the southwest corner of the tract so as to be in conformance with Chapter 11.22 Visibility at Intersections of the Code of the City of Wichita.
8. Prior to the time the permit is issued for the occupancy of this off-street parking lot, the applicant shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all parking spaces, the width and dimensions of parking spaces, the markings for channelization and location of all driveways, width of all driveways, etc., for his approval.
9. The required front setback adjacent to Litchfield shall not be paved and it shall be landscaped with grass, trees, and shrubs, which shall be maintained and replaced when necessary.


10. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

and that a variance of the side yard setback adjacent to the north side of Lot 41 and the south side of Lot 47 in Stackman's Second Addition from the required 3 foot setback to 0 feet; and a variance of side yard setback adjacent to the south side of Lot 1 in Stackman-Gouldner Addition from the required 20 foot setback to 0 feet, be approved for off-street parking only.

ADOPTED AT WICHITA, KANSAS, this 25th day of July, 1967.

  
Kenneth Hartstein, Chairman

ATTEST:

  
Ronald A. Williamson  
Assistant Secretary

July 26, 1967

Mr. Robert M. Collins  
1400 Wichita Plaza  
Wichita, Kansas 67202

Dear Mr. Collins:

Re: Case No. BZA 23-67 - Request for  
an exception and variances of the  
side yard setbacks

At the regular meeting of the Board of Zoning Appeals on July 25, 1967, your request for an exception to allow property zoned "A" to be utilized as an off-street parking lot; a variance to reduce the sideyard setbacks from 3 feet to 0 feet on the property utilized for the parking lot and a variance to reduce a 20 foot side yard setback to 0 feet for parking purposes only, was considered. Subject property is located on the north side of Pine between Litchfield and Stackman Drive.

It was the action of the Board to approve the exception 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 vehicles, equipment, material, or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted. No sign shall project over any public right-of-way.
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

Mr. Robert M. Collins

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July 26, 1967

maintained in good condition and shall be free of all weeds, dust, trash and other 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 so as to reflect or direct light away from adjacent properties and in no event shall lights be permitted to reach a height of greater than 6 feet.
7. A six foot high solid wall constructed of masonry, wood, or louvered redwood shall be erected along the north property line. A solid wall constructed of masonry, wood, or louvered redwood with a minimum height of 3 feet and a maximum height of 4 feet shall be erected within one foot of the required 22.5 foot front yard setback line from Litchfield and within one foot of the south property line, except for the points of access on Pine Street and that said fence shall be so located at the southwest corner of the tract so as to be in conformance with Chapter 11.22 Visibility at Intersections of the Code of the City of Wichita.
8. Prior to the time the permit is issued for the occupancy of this off-street parking lot, the applicant shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all parking spaces, the width and dimensions of parking spaces, the markings for channelization and location of all driveways, width of all driveways, etc., for his approval.
9. The required front setback adjacent to Litchfield shall not be paved and it shall be landscaped with grass, trees, and shrubs, which shall be maintained and replaced when necessary.
10. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

Mr. Robert M. Collins  
Page -3-  
July 26, 1967

It was also the action of the Board to approve the requests for variance to reduce the side yard setbacks from 3 feet to 0 feet on the property utilized for the parking lot, and the variance to reduce a 20 foot side yard setback to 0 feet for parking purposes only.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the Chairman and Secretary of the Board have signed it. If you have any questions, please call.

Very truly yours,

Ronald A. Williamson  
Assistant Secretary

RAW:kkj

cc: Ralph Eberly, City Clerk  
Glen Lytle, Superintendent of Central Inspection  
Alyward Drilling Company, 909 First National Bank Bldg., Wichita

SECRETARY'S REPORT

CASE NO. BZA 23-67

APPLICANT: Alyward Drilling Company, 909 First National Bank Bldg.,  
Wichita

AGENT: Robert M. Collins, 1400 Wichita Plaza, Wichita, Kansas

REQUEST: Exception pursuant to Section 28.04.145, Code of the City of Wichita to allow the property zoned "A" to be utilized as an off-street parking lot; a variance pursuant to Section 2.12.590.2, Code of the City of Wichita to reduce the side yard setbacks from 3 feet to 0 feet on the property utilized for the parking lot and a variance pursuant to Section 2.12.590.2, Code of the City of Wichita to reduce a 20 foot side yard setback to 0 feet for parking purposes only on the Stackman-Gouldner Addition plat.

GENERAL LOCATION: North side of Pine between Litchfield and Stackman Drive

LAND USE: Subject property is vacant, north is single family, west is single family and duplexes, south is the art museum, and east is the Little Arkansas River

ZONING: Subject property is "A" and "B", to the north, west and south is "A", east is "AA"

PART I EXCEPTION

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.3, Code of the City of Wichita. The Board may grant the exception request providing the conditions outlined under Section 28.04.145, Code of the City of Wichita can be complied with.

COMMENTS BY THE SECRETARY

This application (EZA Case No. 44-65) was considered by the Board on January 25, 1966, and it was the action of the Board to approve the request subject to several conditions. One of the

July 25, 1967

conditions of approval was as follows:

"All improvements as outlined above shall be installed within 12 months of the effective date of the approval of this application or the permit shall be null and void."

The applicant points out that due to unforeseen problems in mortgage financing, the development process of this apartment project did not take place as anticipated. He further states that two major loan commitments were withdrawn due to the extreme deficit of available capital. The twelve month time period elapsed without development taking place and the permit became null and void. Now the applicant desires to construct the project and the only available solution was to refile the application. At the original consideration of this application, it was the recommendation of the Secretary that the application be approved and the following staff report is a duplication of that recommendation.

The applicant in his statement of justification has pointed out that he desires to provide additional parking for the apartment complex which is planned for the property adjacent to the east. The ordinance requires one parking space per dwelling unit, however, the applicant feels that this is a higher quality development where tenants will probably have two cars rather than one, and therefore is requesting the exception to provide sufficient amount of off-street parking.

It is the opinion of the Secretary that many apartment complexes are planned with too little parking which eventually leads to traffic congestion and other problems for the surrounding neighbors. Inasmuch as proper screening can be required and since this application is contiguous to the apartment property, the application appears to be logical and should prove to be an asset to the neighborhood.

It should be noted that the property to the south is the art museum which, of course, should receive no ill effects from the granting of this application. Also, according to the sketch plan submitted, there will be a 22.5 foot setback adjacent to Litchfield, which will be screened by wall and landscaped to protect the development on the west side of Litchfield. The only property that could possibly receive any adverse affects is the property immediately to the north and by requiring a screening fence adjacent to this property line, adequate protection should be provided.

Recommendation

It is the recommendation of the Secretary that the exception be granted to permit an off-street parking lot on Lots 41, 43, 45, and 47 in Stackman Addition subject to the following conditions and requirements:

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 vehicles, equipment, material, or supplies.
2. Only such signs as are necessary for the proper operation of the parking shall be permitted. No sign shall project over any public right-of-way.
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 conditions and shall be free of all weeds, dust, trash and other 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 so as to reflect or direct light away from adjacent properties and in no event shall lights be permitted to reach a height of greater than 6 feet.
7. A six foot high solid wall constructed of masonry, wood, or louvered redwood shall be erected along the north property line. A solid wall constructed of masonry, wood, or louvered redwood with a minimum height of 3 feet and a maximum height of 4 feet shall be erected within one foot of the required 22.5 foot front yard setback line from Litchfield and within one foot of the south property line, except for the points of access on Pine Street and that said fence shall be so located at the southwest corner of the tract so as to be in conformance with Chapter 11.22 Visibility at Intersections of the Code of the City of Wichita.

8. Prior to the time the permit is issued for the occupancy of this off-street parking lot, the applicant shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all parking spaces, the width and dimensions of parking spaces, the markings for channelization and location of all driveways, width of all driveways, etc., for his approval.
9. The required front setback adjacent to Litchfield shall not be paved and it shall be landscaped with grass, trees, and shrubs, which shall be maintained and replaced when necessary.
10. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

PART II - VARIANCE

JURISDICTION

The Board has jurisdiction to consider the variance requests under the provisions outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the variance requests when all five of the following conditions have been found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and it is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

July 25, 1967

UNIQUENESS

It is the opinion of the Secretary that the request is unique in that when an exception for off-street parking is granted, the side yard setbacks are reduced to 3 feet in the "A" zone. This setback is virtually unusable and unenforceable.

The request for the reduction of the 20 foot setback to 0 feet for parking only is unique in that the plat of Stackman-Gouldner Addition has been required to have a greater front yard setback than normally required of other properties in the same zoning district. No parking is allowed in this front setback by the ordinance and, therefore, the property has been reduced as far as its useability is concerned.

ADJACENT PROPERTY

It is the opinion of the Secretary that neither of the variance requests will adversely affect the adjacent properties since fencing has been required on the exception and the property to the south is the Art Museum.

HARDSHIP

It is the opinion of the Secretary that a hardship would be placed on the applicant if the request is not granted since an essentially unuseable piece of property 3 feet wide would be left on both sides of the exception which would eliminate four parking spaces and that an unnecessary hardship would result if the 20 foot side yard setback is not reduced on the Stackman-Gouldner Addition since the applicant provided a greater front yard setback than normally required.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance requests would in no way have an adverse affect on the public interest.

SPIRIT AND INTENT - TITLE 28

It is the opinion of the Secretary that the variance requests are in conformance with the general psirit and intent of the Zoning Ordinance.

Case No. BZA 23-67

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July 25, 1967

RECOMMENDATION

For the reasons outlined above, it is the recommendation of the Secretary that this application be approved to permit parking only and no structures shall be built in the setback areas as originally determined.

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

July 7, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 23-67

An application has been filed by Aylward Drilling Company, 909 First National Bank Building, Wichita, by Robert M. Collins, 1400 Wichita Plaza, Wichita, Kansas, pursuant to Section 2.12.590.3, Code of the City of Wichita, requesting an exception pursuant to Section 28.04.145, Code of the City of Wichita to permit the installation of an off-street parking lot on property zoned "A" Two Family Residential and legally described as: Lots 41, 43, 45, and 47 on Litchfield Avenue in Stackman's 2nd Addition to Wichita, Sedgwick County, Kansas; and, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a variance to reduce the sideyard setback from 3 feet to zero feet adjacent to the north side of Lot 41 and the south side of Lot 47 in Stackman's Second Addition, and a variance pursuant to Section 2.12.590.2, Code of the City of Wichita to reduce the 20 foot sideyard setback to zero feet for parking purposes only adjacent to Pine Street in Stackman-Couldner Addition. Generally located on the north side of Pine Street between Litchfield and Stackman Drive.

This application has been assigned Case No. BZA 23-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1967, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

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

July 7, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 23-67

An application has been filed by Aylward Drilling Company, 909 First National Bank Building, Wichita, by Robert M. Collins, 1400 Wichita Plaza, Wichita, Kansas, pursuant to Section 2.12.590.3, Code of the City of Wichita, requesting an exception pursuant to Section 28.04.145, Code of the City of Wichita to permit the installation of an off-street parking lot on property zoned "A" Two Family Residential and legally described as: Lots 41, 43, 45, and 47 on Litchfield Avenue in Stackman's 2nd Addition to Wichita, Sedgwick County, Kansas; and, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a variance to reduce the sideyard setback from 3 feet to zero feet adjacent to the north side of Lot 41 and the south side of Lot 47 in Stackman's Second Addition, and a variance pursuant to Section 2.12.590.2, Code of the City of Wichita to reduce the 20 foot sideyard setback to zero feet for parking purposes only adjacent to Pine Street in Stackman-Gouldner Addition. Generally located on the north side of Pine Street between Litchfield and Stackman Drive.

This application has been assigned Case No. BZA 23-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1967, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. 28-67

CITY OF WICHITA, KANSAS

FILED 6-26-67

APPLICATION FOR VARIANCE

I. Name of Applicant Aylward Drilling Company  
Mailing Address 909 First National Bank Building Phone AM 56656  
Wichita, Kansas 67202  
Name of Authorized Agent Robert M. Collins  
Mailing Address 1400 Wichita Plaza, Wichita 67202 Phone AM 7-0235  
Relationship of applicant to property is that of owner  
(owner, tenant, lessee, other)

II. The variance requested is to reduce the side yard setback from 6'  
and 20' to 0' in order to utilize the setback area for off-street  
parking.

for property located on the north side of, Pine Street between  
Stackman Drive and Litchfield

and legally described as: Lots 41 and 47, on Litchfield Avenue in Stack-  
man's Second Addition to Wichita; and the South 25 feet of Lot 1, in  
Stackman-Gouldner Addition, Wichita, all in Sedgwick County, Kansas

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

(Give metes and bounds description below if appropriate):

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 appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

AYLWARD DRILLING COMPANY

Applicant

Robert M. Collins

Authorized Agent  
Robert M. Collins

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,  
4:50 (a.m. - ~~p.m.~~), June 26, 1967, together with  
appropriate fee of \$50.00.

John W. Hiest, Jr.  
Signed

CERTIFICATE OF OWNERSHIP

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CALLAHAN 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 of Sedgwick County, of the real estate within a radius of 200 feet of and including the following described property (except property belonging to the City of Wichita):

Lots 41 and 47, on Litchfield Avenue,  
in Stackman's Second Addition to Wichita; and  
the South 25 Feet of Lot 1, in Stackman-Gouldner  
Addition, Wichita, all in Sedgwick County, Kansas

DESCRIPTION	OWNER/OWNERS	ADDRESS
<u>Stackman-Gouldner Add.</u>		
Lot 1	✓ First National Bank	Main at Douglas Avenue. 67202
<u>Stackman's 2nd</u>		
N 23½ Feet of Lot 25	✓ Josephine Schlotthauer	728 Litchfield 67203
S 1½ Feet of Lot 25, all of 27 and the N 23½ Feet of Lot 29	✓ C. E. Summers, Jr. and Darlene V.	2124 96th Place, S.E. Everett, Washington <del>67203</del>
S 1½ Feet of Lot 29, all of Lot 31 and 33 and N 3½ Ft. of Lot 35	✓ James W. Kerr and E. Lucille	435 Turquoise St. 67209
S 21.5 Ft. of Lot 35, all of Lots 37 and 39	✓ Ralph L. Cook and Dorothy D.	708 Litchfield 67203
Lots 41-43-45 and 47	✓ First National Bank	Main at Douglas Ave.
<u>Stackman's Addition</u>		
<u>Litchfield</u>		
Lot 26	✓ David L. Holland and Arie L.	733 Litchfield 67203
Lots 28 and 30	✓ Lola B. Sand-Roy E. Sand and Leroy E. Sand	725 Litchfield 67203
Lots 32 and 34	✓ Clyde L. Madden and Edna Jean	1602 West Pine 67203
Lots 36 and 38	X Morris D. McCormack & Mary E.	no address none found
Part of Lots 40-42-44:- Beg. 10.5' S of SE/cor Lot 42, W 103.5', N 39.4', W 36.54', N 21.1' to N/1 Lot 40 extended West, E 140.05' to NE/cor Lot 40, S 60.5' to beg.	✓ Glen F. Darbyshire & Mary C.	232 N. Old Manor 67208

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Stackman's Addition  
Litchfield

S 11.6' of Lot 42, exc. E. 103.5',  
N 10.5' of Lot 44, exc. E 103.5',  
S 14.5' of Lot 44, exc. E. 95' and  
Lots 46 and 48, exc. E. 95'

X Perle C. Frazier

no address

*none found*

S 3.9' of Lot 40, N 13.4' of  
Lot 42, exc. E 103.5', and

E 95' of S 14.5' of Lot 44 and  
E. 95' of Lots 46 and 48

✓ William N. Fox and Shirley A.  
✓ Perry J. Eash and Ione E.

703 Litchfield

701 Litchfield 67203

WITNESS our Hand and Seal this the 22nd day of June, 1967  
at 7:00 o'clock A.M.

CALLAHAN GUARANTEE TITLE CO. Inc.,

By

*Nellie M. Pestinger*

Vice-President.

Order No. 12969

Form 223-021

**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.	Plbz. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>Paid to ... #10000</i>	

Name *City of Wichita*

Address *City of Wichita, Kansas*

Type *P-712* Due Date *5*

Comments:

Date *6-20-67* By *[Signature]*

BOARD OF ZONING APPEALS

NO. 23-67

CITY OF WICHITA, KANSAS

FILED 6-26-67

APPLICATION FOR EXCEPTION

I. Name of Applicant Aylward Drilling Company  
 909 First National Bank Building  
 Mailing Address Wichita, Kansas 67202 Phone AM 56656  
 Name of Authorized Agent Robert M. Collins  
 Mailing Address 1400 Wichita Plaza, Wichita 67202 Phone AM 7-0235  
 Relationship of applicant to property is that of owner  
 (owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section  
28.04.140.B, Code of the City of Wichita, Kansas  
 (Zoning Ordinance); to permit the installation or construction  
 of an off-street parking lot  
on property zoned  
A, located on the NE corner of Pine and  
Litchfield and legally described as:  
lots 41, 43, 45 and 47 on Litchfield Avenue in Stackman's  
Second Addition, in the City of Wichita.  
 (Give metes and bounds description below if appropriate).

- III. The applicant herein, or his authorized agent:
- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
  - B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
  - C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant AYLWARD DRILLING COMPANY

Authorized Agent Robert M. Collins

Robert M. Collins

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 4:50 (a.m. - p.m.), June 26, 1967, together with appropriate fee of \$50.00.

Signed John R. Hill

Bl. 75

## STATEMENT OF JUSTIFICATION

### EXCEPTION

The Board of Zoning Appeals has jurisdiction to consider the application for an exception to permit off-street parking under Section 2.12.590.3 Code of the City of Wichita provided the conditions of Section 28.04.140.B of the Zoning Ordinance are met.

I would like to obtain the exception for off-street parking in order to provide additional parking spaces for the apartment complex we are planning to construct on the property immediately to the east of this property. The Zoning Ordinance only requires one parking space per dwelling unit, but the complex we are planning is to be of a high quality where it is assumed that the tenants will probably have two cars. The exception would allow us to provide two parking spaces per unit rather than one. At the time a zoning change on the property to the east was applied for, it was intended to apply for this property also. However, the staff stated that they would rather an exception be filed so that protection could be given to the properties adjacent to the parking lot. We intend to fence the north and west sides of the lot and use Pine Street for access as is shown on the accompanying sketch. The lots to the east need not be screened because they are a part of the development and both properties will be under one ownership.

We feel that this additional off-street parking is a necessity to provide a good development and that it will be an asset to the neighborhood since it will eliminate the on-street parking problem and future traffic congestion in the area.

### VARIANCE

We are applying for a variance of the side yard setback adjacent to the north side of Lot 41 and the south side of Lot 47 in Stackman's Second Addition, and also the side yard setback adjacent to the south side of the south 25' of Lot 1 in Stackman-Couldner Addition.

The variance for said Lots 41 and 47 is from 6' to 0'. These two lots are in the above mentioned exception and according to the zoning ordinance, parking is permitted in half of the side yard setback. Therefore, parking would be permitted in three of the six feet of the side yard setback. We feel that the variance request is unique because the three foot setback will be inside the fenced area and will serve no purpose whatsoever. The variance will not affect the rights of adjacent property owners since a fence will be

provided for their protection. It would be a hardship for us if the variance is not approved because it would eliminate four parking spaces from our plan and leave us with an unusable piece of land. We believe that the variance is in the public interest because it will alleviate on-street parking and reduce traffic congestion and that the variance is not opposed to the general intent of the Zoning Ordinance.

The variance for the South 25 feet of Lot 1 in Stackman-Gouldner Addition will be a part of the plat of Stackman-Gouldner Addition which is nearly completed at this time. The plat of Stackman-Gouldner and a zoning change from A to B were approved by the City Commission on December 21, 1965. The side yard set back for B zoning is 20 feet, however again, parking is permitted in half of the side yard setback. Therefore, we are actually applying for a 10 foot variance rather than a 20 foot variance. The plat of Stackman-Gouldner Addition has a platted building setback line of 20' so that the only thing that will be able to be put in the setback area is parking. All buildings will have to observe the platted 20' setback.

We think that this variance is unique because we have had to give up a larger portion of our property for a front yard setback than is normally required in the B zoning district and because we are planning to build a fence along the property line adjacent to Pine Street which means that the 5' setback will serve no useful purpose. The granting of this variance will not affect the rights of adjacent property owners since no one lives across from this property and a fence will be provided for proper screening. It would constitute an unnecessary hardship for the development of this property if this variance is not approved because the proper amount of parking could not be provided close to buildings as originally planned before the setback was taken adjacent to Stackman Drive. We believe that the variance requested is in the public interest and that it is not opposed to the general intent of the Zoning Ordinance.

  
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Robert M. Collins, Agent

CERTIFICATE OF OWNERSHIP

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CALLAHAN 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 of Sedgwick County, of the real estate within a radius of 200 feet of and including the following described property (except property belonging to the City of Wichita):

Lots 41, 43, 45 and 47, on Litchfield Avenue, in STACKMAN'S SECOND ADDITION to Wichita, Sedgwick County, Kansas.

DESCRIPTION	OWNER/OWNERS	ADDRESS
<u>Stackman-Gouldner Add.</u>		
Lot 1	First National Bank	Main at Douglas Avenue.
<u>Stackman's 2nd</u>		
N 23½ Feet of Lot 25	Josephine Schlotthauer	728 Litchfield
S 1½ Feet of Lot 25, all of 27 and the N 23½ Feet of Lot 29	C. E. Summers, Jr. and Darlene V.	2124 96th Place, S.E. Everett, Washington
S 1½ Feet of Lot 29, all of Lot 31 and 33 and N 3½ Ft. of Lot 35	James W. Kerr and E. Lucille	435 Turquoise St.
S 21.5 Ft. of Lot 35, all of Lots 37 and 39	Ralph L. Cook and Dorothy D.	708 Litchfield
Lots 41-43-45 and 47	First National Bank	Main at Douglas Ave.
<u>Stackman's Addition</u>		
<u>Litchfield</u>		
Lot 26	David L. Holland and Arie L.	733 Litchfield
Lots 28 and 30	Lola B. Sand-Roy E. Sand and Leroy E. Sand	725 Litchfield
Lots 32 and 34	Clyde L. Madden and Edna Jean	1602 West Pine
Lots 36 and 38	Morris D. McCormack & Mary E.	no address
Part of Lots 40-42-44:- Beg. 10.5' S of SE/cor Lot 42, W 103.5', N 39.4', W 36.54', N 21.1' to N/1 Lot 40 extended West, E 140.05' to NE/cor Lot 40, S 60.5' to beg.	Glen F. Darbyshire & Mary C.	232 N. Old Manor

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Stackman's Addition  
Litchfield

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N 10.5' of Lot 44, exc. E 103.5',  
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Lots 46 and 48, exc. E. 95'

Perle C. Frazier                      no address

S 3.9' of Lot 40, N 13.4' of  
Lot 42, exc. E 103.5', and

E 95' of S 14.5' of Lot 44 and  
E. 95' of Lots 46 and 48

William N. Fox and Shirley A.      703 Litchfield  
Perry J. Eash and Ione E.          701 Litchfield

WITNESS our Hand and Seal this the 22nd day of June, 1967  
at 7:00 o'clock A.M.

CALLAHAN GUARANTEE TITLE CO. Inc.,

By *Nellie M. Keeling*  
Vice-President.

Order No. 12968

Form 223-021

**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

*Plumbing, etc. \$100.00*

Name *City of Wichita*

Address *1000 Wichita Plaza*

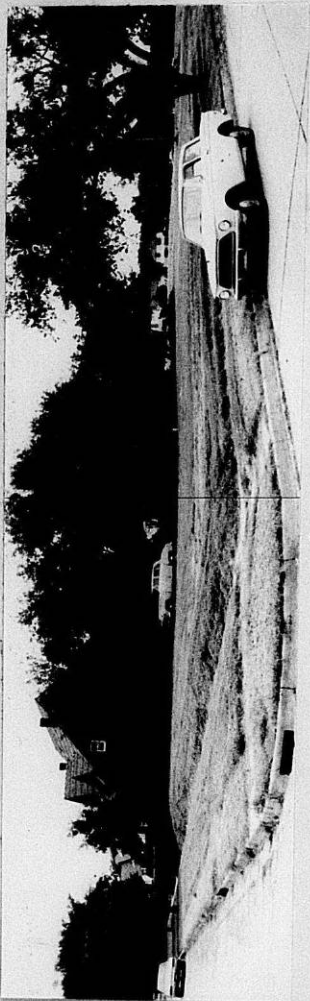
Type *R-71-C*

Due Date *0*

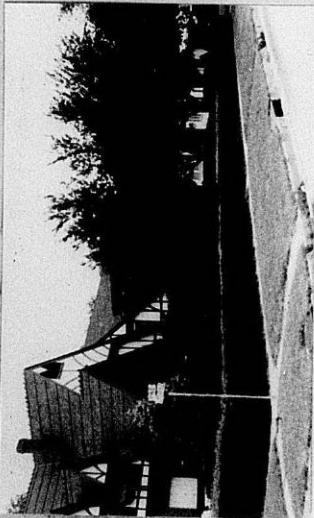
Comments:

Date *6-21-67*

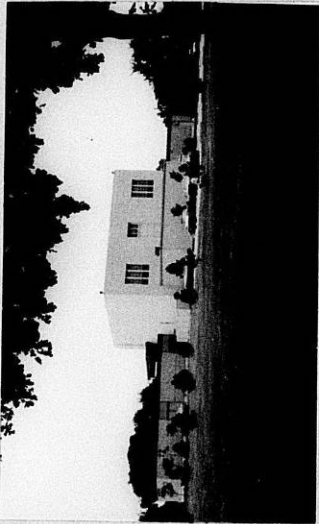
By *[Signature]*



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Map No. 53  
Sec. \_\_\_\_\_  
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AREA DATA:  
1. Acres: \_\_\_\_\_  
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3. Land Use \_\_\_\_\_  
4. Sketch P \_\_\_\_\_  
5. Present \_\_\_\_\_  
6. Area (is \_\_\_\_\_

PHOTO DATA:  
Taken by \_\_\_\_\_

Map No. 53-98  
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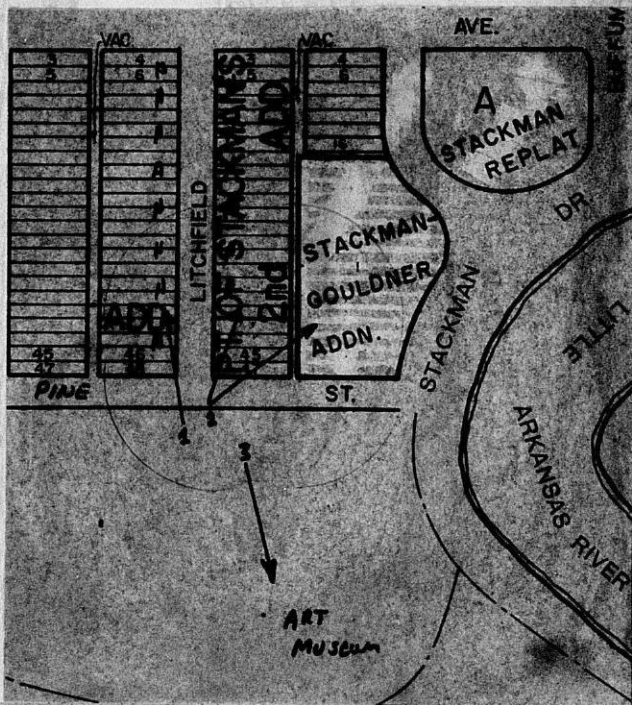
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SCZ- \_\_\_\_\_  
CU- \_\_\_\_\_  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
West \_\_\_\_\_ 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 \_\_\_\_\_



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

BZA Case

No.

23-67