

*Am*

Case No. BZA 23-79 - American  
Cab requests variance to  
waive requirement to surface  
parking/storage lot and use c.  
front yard setback for over-  
head antenna anchor pole on  
property zoned "R-1"

*Postcard  
6-26-79*

**ACTION**

*DATE 6-26-79*

*denied*

*(a) approved (b)*

*BZA  
23-79*

COMMITTEE

M.A.P.C.

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

✓ 5649  
 Map No. 5647  
 Sec. 22  
 Twp. 27  
 Range 1E

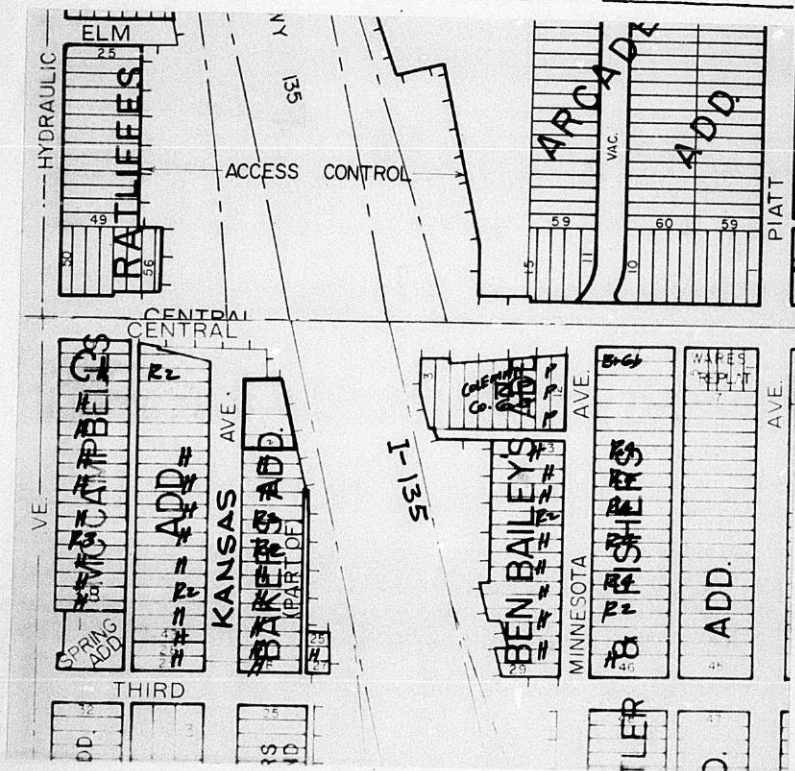
BZA- 23-79  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

Acres: 0.24 ( 85 ft. by 127 ft.)  
 Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 Land Use: East 1-135 South SINGLE FARM  
 West UNDEVELOPED North 1-135  
 Sketch Plan Land Use is for: \_\_\_\_\_  
 Present Land Use if for: \_\_\_\_\_  
 Area (is) (is not) platted.

PHOTO DATA:

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



July 6, 1979

Robert L. Welch  
3045 Valley Forge Road  
Wichita, Kansas 67210

Re: Case No. BEA 23a-79  
Request for Variance  
Case No. BEA 23b-79  
Request for Variance

Dear Mr. Welch:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on June 26, 1979, in connection with your request for a variance to vary the surfacing requirement of a parking/storage lot and a variance to reduce the front yard setback from 20' to 0' for the installation of an antenna guywire on property zoned "C" Commercial and "B" Multiple Family and generally located at the southeast corner of Central and Kansas.

These Resolutions reflect the official action of the Board to deny the variance request BEA 23a-79 and approve the variance request BEA 23b-79 subject to the condition set out therein. They are forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:bbc  
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk  
American Cab, Inc., 440 N. Kansas 67214

RESOLUTION NO. BZA 23a-79

WHEREAS, American Cabs, Inc., 440 North Kansas, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to vary the surfacing requirement of the parking and/or storage lot on property zoned the "C" Commercial District and "B" Multiple Family District and legally described as follows:

Beginning at the Southeast corner of the intersection of Kansas Ave. and Central Ave., south 131 feet, east to Canal Right-of-way, northwest to Central Ave., west to beginning of the Northwest Quarter of Section 22, Township 27 South, Range 1 East of the 6th P.M., except the north 66 feet thereof, Sedgwick County, Kansas; also Lots 1 and 2, Kansas Ave., Bakers Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Central and Kansas (440 N. Kansas).

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 26, 1979, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance does not arise from such condition which is unique to the property in question; and is created by an action or actions of the property owner or the applicant inasmuch as the demand for parking for this business is greater than the minimum required by the ordinance, and the property has no physical features that would prevent development in accordance with the requirements of the zoning ordinance.

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will adversely affect the rights of adjacent property owners or residents inasmuch as without proper surfacing and full utilization of the subject property, the street will be constantly used by the business and would be a detriment to development of other vacant property in the area.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will not constitute unnecessary hardship upon the property owners represented in the application inasmuch as occupancy of the building will require parking in a similar amount, except for possibly a warehouse type operation for which the original permit was issued.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as an unimproved parking lot is generally permitted to grow full of weeds and during the wet seasons mud and gravel are tracked into the street and the public pays for street cleaning.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as observing the operation to date the business needs more parking than this lot would provide and the intent of the zoning ordinance to require surfaced parking is to eliminate congestion in public streets and the conditions created by a sand, gravel or other loose surfacing material.

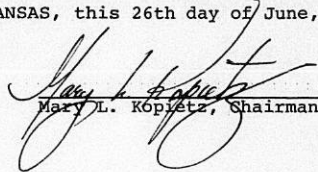
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has not been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to vary the surfacing requirement of the parking and/or storage lot on property zoned the "C" Commercial District and the "B" Multiple Family District and legally described as:

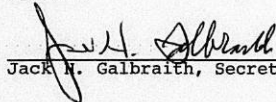
Beginning at the Southeast corner of the intersection of Kansas Ave. and Central Ave., south 131 feet, east to Canal Right-of-way, northwest to Central Ave., west to beginning of the Northwest Quarter of Section 22, Township 27 South, Range 1 East of the 6th P.M., except the north 66 feet thereof, Sedgwick County, Kansas.  
Generally located at the southeast corner of Central and Kansas (440 N. Kansas)

be denied.

ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1979.

  
Mary L. Kopietz, Chairman

ATTEST:

  
Jack N. Galbraith, Secretary

RESOLUTION NO. BZA 23b-79

WHEREAS, American Cabs, Inc., 440 N. Kansas, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to vary the front yard setback from 20 feet to 0 feet for installation of an overhead antenna anchor pole on property zoned the "C" Commercial District and the "B" Multiple Family Dwelling District and legally described as follows:

Beginning at the Southeast corner of the intersection of Kansas Ave. and Central Ave., south 131 feet, east to Canal Right-of-way, northwest to Central Ave., west to beginning of the Northwest Quarter of Section 22, Township 27 South, Range 1 East of the 6th P.M., except the north 66 feet thereof, Sedgwick County, Kansas; also Lots 1 and 2, Kansas Ave., Bakers Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Central and Kansas (440 N. Kansas).

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 26, 1979, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance 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 is not created by an action or actions of the property owner or the applicant inasmuch as there is an established zoning policy to look with favor on "C" zoning for the entire area which when implemented would reduce the front yard setback to 0 feet.

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the installation of one pole or guy approximately 30 feet from the adjacent property should not interfere with the passage of light and air or be a visual obstruction to adjacent property owners

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the business requires a transmission tower of sufficient height to transmit the metropolitan area and as such, requires the entire property to give proper support to the tower.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as the request is for one anchor or guy to be located in front of the building.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the installation of the anchor would not interfere with the open space intended by the regulation.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

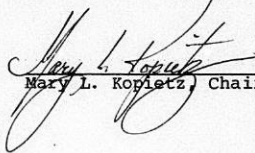
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to vary the front yard setback from 20 feet to 0 feet for installation of an overhead antenna anchor pole on property zoned the "C" Commercial District and "B" Multiple Family Dwelling District and legally described as:

Beginning at the Southeast corner of the intersection of Kansas Ave. and Central Ave., south 131 feet, east to Canal Right-of-way, northwest to Central Ave, west to beginning of the Northwest Quarter of Section 22, Township 27 South, Range 1 East of the 6th P.N., except the north 66 feet thereof, Sedgwick County, Kansas; also Lots 1 and 2, Kansas Ave., Bakers Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Central and Kansas (440 N. Kansas)

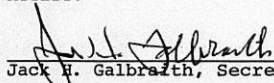
be approved subject to the following condition:

1. This variance shall reduce the front yard setback from 20 feet to 0 feet only for the installation of one anchor or guy.

ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1979.

  
\_\_\_\_\_  
Mary L. Kopietz, Chairman

ATTEST:

  
\_\_\_\_\_  
Jack H. Galbraith, Secretary

June 27, 1979

Robert L. Welch  
3045 Valley Forge Road  
Wichita, Kansas 67210

Re: Case No. BZA 23a-79  
Request for Variance  
Case No. BZA 23b-79  
Request for Variance

Dear Mr. Welch:

At the regular meeting of the Board of Zoning Appeals on June 26, 1979, your request for a variance to vary the surfacing requirement of a parking/storage lot and a variance to reduce the front yard setback from 20' to 0' for the installation of an antenna guywire on property zoned "C" Commercial and "B" Multiple Family and generally located at the southeast corner of Central and Kansas were considered.

It was the action of the Board to deny BZA 23a-79, variance to vary the surfacing requirement of a parking/storage lot and to approve BZA 23b-79 variance to reduce the front yard setback from 20' to 0' for the installation of an antenna guywire subject to the following condition:

1. This variance shall reduce the front yard setback from 20 feet to 0 feet only for the installation of one anchor or guy.

Resolutions setting forth the official action of the Board are being prepared and you will be mailed copies as soon as the signatures of the Chairman and Secretary have been obtained.

Page 2  
June 27, 1979  
BZA 23-79 (a and B)

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:bbc

cc: Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk  
American Cab, Inc., 440 N. Kansas 67214

SECRETARY'S REPORT  
CASE NO. BZA 23a-79

APPLICANT: American Cabs, Inc., 440 N. Kansas, Wichita, Kansas

AGENT: Robert L. Welch, 3045 Valley Forge Road, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to vary the surfacing requirement of the parking and/or storage lot.

GENERAL LOCATION: At the southeast corner of Kansas and Central immediately west of the Canal Route.

ZONING: Existing zoning is "C" Commercial and "D" Multiple Family. The property to the south is "B" and to the west "C" and "B".

LAND USE: The property is occupied by a warehouse building and the applicant is requesting a change of occupancy. Property to the west is vacant and the property to the south is residential.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are 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 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; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

Page 2  
Case No. BZA 23a-79  
BZA AGENDA  
6-26-79

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance from the surfacing requirement of the parking and/or storage lot to be used in conjunction with a taxicab business.

The property in question is zoned a combination of "C" Commercial and "D" Multiple Family Dwelling District. The property is under two ownerships and is being leased by the applicant for occupancy by American Cabs, Inc. The property is occupied by a 40 foot by 60 foot warehouse building located on two platted lots. The unplatted tract to the north is occupied by an off-site sign that faces toward the southbound lane of the Canal Route.

This property has been the subject of litigation because the owner failed to comply with the conditions of the building permit which included a screening fence along the south property line and installation of the three required off-street parking spaces. To this date, these improvements have not been completed. The applicant has submitted a plot plan to Central Inspection showing the intended use of the property. Central Inspection has indicated that for the use of the building as an office, shop and dispatcher, there would be ten off-street parking spaces required for occupancy for this proposed new use of the building.

Section 28.04.143-1.2 states "All off-street parking lots and loading areas and all driveways on private property ----shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing, and shall be maintained in good condition and free of all weeds, dust, trash and other debris". Section 28.04.141 states "For any area used as off-street parking ---- a parking plan shall be submitted to the Superintendent of Central Inspection for his review and approval prior to the issuance of any building, use or occupancy permit ----".

In accordance with the plan submitted to Central Inspection for approval, they have indicated the area required to be surfaced and provide curbs or barriers to prevent encroachment of vehicles over public right-of-way. The applicant has requested a variance from the strict application of the surfacing requirements on the basis that this is a storage lot.

Section 28.04.220 A of the ordinance states "The existing use and occupancy of premises shall not be changed nor shall any building be hereafter erected, enlarged, converted or altered until a building permit has been issued by the Central Inspection Superintendent stating that the proposed use of such

Page 3  
Case No. BZA 23a-79  
BZA AGENDA  
6-26-79

land or building or premises complies with all the provisions of this Chapter".

It is the opinion of the Secretary that in viewing the present operation the demand for off-street parking required for this business far exceeds the minimum requirement of the zoning ordinance. In addition to the number of vehicles that have been observed parked on the property over the past few weeks, there are always a number of vehicles parked in the street, both taxis and employee vehicles.

UNIQUENESS:

It is the opinion of the Secretary that the request is not unique inasmuch as the demand for parking at this business is greater than the minimum required by the ordinance.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the variance requested may adversely affect the rights of adjacent property owners or residents inasmuch as without proper surfacing and full utilization of the subject property, the street will be constantly used by the business and would be a detriment to development of other vacant property in the area.

HARDSHIP:

It is the opinion of the Secretary that it is difficult to determine that the strict application of the zoning ordinance would constitute an unnecessary hardship upon the applicant as the building will require parking in a similar amount, except for possibly a warehouse type operation for which the original permit was issued.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested will adversely affect the public interest inasmuch as an unimproved parking lot is generally permitted to grow full of weeds and during the wet seasons mud and gravel are tracked into the street and the public pays for street cleaning.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance desired would be opposed to the general spirit and intent of the zoning ordinance inasmuch as observing the operation to date the business needs more parking than this lot would provide.

Page 4  
Case No. BZA 23a-70  
BZA AGENDA  
6-26-70

RECOMMENDATION:

It is the recommendation of the Secretary that the variance not be approved.

SECRETARY'S REPORT  
CASE NO. BZA 235-79

APPLICANT: American Cabs, Inc., 440 N. Kansas, Wichita, Kansas

AGENT: Robert L. Welch, 3045 Valley Forge Road, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.500.B, Code of the City of Wichita, to vary the front yard setback from 20 feet to 0 feet for installation of an overhead antenna anchor pole.

GENERAL LOCATION: At the southeast corner of Kansas and Central immediately west of the Canal Route.

ZONING: Existing zoning is "C" Commercial and "E" Multiple Family. The property to the south is "D" and to the west "C" and "D".

LAND USE: The property is occupied by a warehouse building and the applicant is requesting a change of occupancy. Property to the west is vacant and the property to the south is residential.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.500.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are 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 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; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

Page 2  
Case No. BZA 23b-79  
BZA AGENDA  
6-26-79

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the front yard setback from 20 feet to 0 feet for the installation of a guy wire anchor for an antenna. The ordinance states that such anchors or guy wires shall not be located in the front yard setback or in a recorded easement.

The subject property is zoned a combination of "C" Commercial and "D" Multiple Family Dwelling District. The ordinance also establishes that the setback for the "C" district when fronting on the same street as a residential district shall be the same as the residential zoning district, which in this case is 20 feet. Whenever the entire frontage of a block is "C" Commercial, there would not be a front yard setback requirement.

It should be noted that there is an adopted policy by the Planning Commission and the City Commission to look with favor on "C" zoning for the entire area from Central to Second Street and the Canal to Cleveland.

UNIQUENESS:

It is the opinion of the Secretary that the property in question is unique on the basis of an established zoning policy to look with favor on "C" zoning for the entire area which when implemented would reduce the front yard setback to 0 feet.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested would not adversely affect the rights of adjacent property owners inasmuch as the installation of one pole or guy approximately 30 feet from adjacent property should not interfere with the passage of light and air or be a visual obstruction to adjacent property owners.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the business requires a transmission tower of sufficient height to transmit the metropolitan area and as such, requires the entire property to give proper support to the tower.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity or

Page 3  
Case No. BZA 23b-79  
BZA AGENDA  
6-26-79

general welfare inasmuch as the request is for one anchor or guy to be located in front of the building.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the installation of the anchor would not interfere with the open space intended by the regulation.

RECOMMENDATION:

If the Board concurs that the above five conditions can be found to exist it is recommended that the variance be granted ~~only for the installation of one anchor or guy to be installed in the front yard setback.~~

subject to the following condition:

1. This variance shall reduce the front yard setback from 20 feet to 0 feet only for the installation of one anchor or guy.

B

**THE CITY OF WICHITA**

OFFICE OF

DATE June 22, 1979

TO Jack Galbraith, Chief Planner

FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 23-79 (Southeast Corner of Central  
and Kansas)

On June 20, 1979, CPO Council "K" considered the captioned case. The applicant was present to speak in support of the proposed variances.

Council "K" voted 3-1 to recommend approval of the variance on surfacing the lot on the condition that the applicant provide a document guaranteeing that an asphalt or concrete surface will be provided within 5 years. In the meantime it was recommended that the lot be surfaced with gravel and oil.

Council "K" voted 4-0 to recommend approval of the reduction of front yard setback for installation of an anchor pole.

*Bill Morris*  
Bill Morris  
CPO Administrative Aide

BM:jw

Notes: *Sarah Gilbert*  
Sarah Gilbert  
Assistant CP Coordinator



**LAMBERTZ COMPANY**

Established 1955  
812 N. Waco / Wichita, Kansas 67203 / (316) 265-8537

June 12, 1979

Mr. Jack H. Galbreith  
Board of Zoning Appeals  
455 North Main/10th fl.  
Wichita, Kansas 67202



REAL ESTATE

Shopping Centers  
Investments  
Management  
Commercial  
Counseling  
Industrial  
Offices

Dear Mr. Galbreith:

This is to advise that Leo Borst, my partner, and I have no objection to a variance to permit the surface parking/storage lot and reduction of setback or the erection of an antenna pole.

It is my feeling, however, that owing to the nature of the business, the required amount of parking should be increased. I believe an inspection of the premises would indicate that the parking, as it now exists, is inadequate and certainly should be increased. Otherwise, the entire on-street parking will be affected.

Cordially yours,

LAMBERTZ COMPANY

A handwritten signature in cursive script, appearing to read "Vern Lambertz".

Vern Lambertz: jw

BZA CASE NO. 23-79

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

13 NOTICES SENT TO ADJOINING PROPERTY OWNERS

27 TOTAL NOTICES SENT 6-6-79

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

June 6, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 23-79

An application has been filed by American Cab, Inc., 440 North Kansas, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the requirement to surface parking/storage lot and to permit reduction of the front yard setback from 20 ft. to 0 ft. for installation of an overhead antenna anchor pole, on property zoned the "C" Commercial District and "D" Multiple Family Dwelling District and legally described as follows:

Beginning at the Southeast corner of the intersection of Kansas Ave. and Central Ave., south 131 feet, east to Canal Right-of-way, northwest to Central Ave., west to Beginning of the Northwest Quarter of Section 22, Township 27 South, Range 1 East of the 6th P.M., except the north 66 feet thereof, Sedgwick County, Kansas; also Lots 1 and 2, Kansas Ave., Bakers Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Central and Kansas (440 N. Kansas).

This application has been assigned case no. BZA 23-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 26, 1979, 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. 23-79

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant AMERICAN CAB, INC.

110 North Kansas

Wichita, Ks. 67214

Mailing Address \_\_\_\_\_ Phone 262-7511

Name of Authorized Agent Robert L. Welch

3045 Valley Forge Road

Wichita, Ks. 67210 Phone 683-7482

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

*C. E. WELCH  
1166 So. Lincoln  
Wk. 11720  
John Cook  
Rt. 4-Box 115  
Wk. 11720  
Cathy Bunch*

II. The variance requested is waiver of requirement to surface parking/storage  
a variance setback from 20' to ZERO FOR installation of an  
lot and use of front yard area for overhead antenna anchor pole.

for property located 110 N. Kansas and vacant lot adjacent to the north.

At the southeast corner of Central and Kansas (440 N. Kansas)

and legally described as: Beginning at the Southeast corner of the inter-  
section of Kansas Ave. and Central Ave., south 131 feet, east to Canal Right-of-  
way, northwest to Central Ave., west to beginning of the Northwest Quarter of  
Section 22, Township 27 South, Range 1 East of the 6th P.M., except the north  
66 feet thereof, Sedgwick County, Kansas; also Lots 1 and 2, Kansas Ave., Bakers  
Addition to Wichita, Sedgwick County, Kansas.

in the City of Wichita; and which is presently zoned "C" Commercial  
#18 Multiple Family

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

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

AMERICAN CAB, INC.

Applicant

*Robert L. Welch*  
Robert L. Welch

Authorized Agent President

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:30 (a.m. ~~11:30~~), May 21 19 79 together with appropriate fee of \$50.00.

*Shirley E. Lytle*  
Signed

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deeds of record in the Office of the Register of Deeds, Sedgwick County, Kansas, of:

Beginning at the Southeast corner of the intersection of Kansas Avenue and Central Avenue, south 131 feet, east to Canal Right-of-way, northwest to Central Avenue, west to beginning of the Northwest Quarter of Section 22, Township 27 South, Range 1 East of the 6th P.M., except the north 66 feet thereof, Sedgwick County, Kansas;  
 also Lots 1 and 2, Kansas Avenue, Bakers Addition to Wichita, Sedgwick County, Kansas,

together with all real estate lying within a 200 foot radius thereof.

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>McCAMPBELL'S ADDITION TO THE CITY OF WICHITA, LOTS ON VENICE, NOW KANSAS</u>	
Lot 1, exc. that part taken in CC-13158	LaVerne N. Lambertz Mary Jane Lambertz Lambertz Co. 812 N. Waco Wichita, Kansas 67202
Lot 3, exc. that part taken in CC-13158	do
Lot 5, exc. that part taken in CC-13158	do
Lot 7, exc. that part taken in CC-13158	do
Lot 9, exc. that part taken in CC-13158	do
Lot 11	do
Lot 13	do
Lot 15	do
Lot 17	Eugene C. Allen Mildred M. Allen 406 N. Green Wichita, Kansas 67214
Lot 19	do
Lot 21	Garv D. Hubbard Josephine A. Hubbard 427 N. Kansas Wichita, Kansas 67214
Lot 23	do
Lot 25	Henry A. Bozarth, Jr. 423 N. Kansas Wichita, Kansas 67214
N $\frac{1}{2}$ Lot 27	do
S $\frac{1}{2}$ Lot 27	David W. Poor Barbara E. Poor 421 N. Kansas Wichita, Kansas 67214

DESCRIPTION	OWNERS AND ADDRESSES
<u>BAKER'S ADDITION TO WICHITA, KANSAS</u>	
<u>LOTS ON KANSAS AVENUE</u>	
Lot 1	Wesley G. Ward Marie A. Ward 300 Callahan Wichita, Kansas 67209
Lot 2	do
Lot 3, exc. that part deeded to City of Wichita	William O. Preston Libby C. Preston 438 N. Kansas Wichita, Kansas 67214
Lot 4, exc. that part deeded to City of Wichita	do
Lot 5, exc. that part deeded to City	Marion N. Vanderford 315 Oakland Dr. Wichita, Kansas 67211
Lot 6, exc. that part deeded to City	do
Lot 7	Lyle J. Archer Marguerite E. Archer 428 N. Kansas Wichita, Kansas 67214
Lot 8	do
Lot 9, exc. that part taken in CC-11493	Jennie Archer 408 N. Kansas Wichita, Kansas 67214
Lot 10, exc. that part taken in CC-11493	do
<u>RATLIFFE'S ADDITION TO THE CITY OF WICHITA, LOTS ON KANSAS AVENUE</u>	
South 10 ft. Lt 56 and south 10 ft of west 10 ft of Lt 57, taken in CC-13158 and CC-19210	
Lot 56, exc. south 10 ft	Thomas W. Boyd 934 N. Vassar Wichita Kansas 67208 and Michael J. Boyd 575 S. Yale Wichita, Kansas 67218
West 10 ft Lot 57, exc. south 10 ft of west 10 ft	do
East 15 ft Lot 57	City of Wichita
Lot 58	do
Beg at SE/corner of Kansas & Central, south 131 ft east to Canal, northwest to Central, west to beg, NW $\frac{1}{4}$ Section 22-27S-1E, exc. south 65 ft.	do
Beg SE/corner of Kansas & Central, south 131 ft, east to Canal northwest to Central west to beg, NW $\frac{1}{4}$ Section 22-27S-1E, exc. north 66 ft.	Jewel Joan Hurst Branson 1926 E. First Street Wichita, Kansas 67214 221 Hillsdale 67230

Dated this 26th day of April, 1979  
at 7:00 a.m. at Wichita, Kansas

REALTY TITLE CO., INC.

By Linda Ayala  
Linda Ayala - Vice President

NW26479

AMERICAN CAB, INC.  
440 N. Kansas  
WICHITA, KANSAS



May 28, 1979

Secretary, Board of Zoning Appeals  
Tenth Floor, City Hall  
455 North Main  
Wichita, Kansas 67202

Re: Case No. BZA 23-79, Request for Variance  
Your letter, same subject, dated May 23, 1979

Dear Sir:

As stated in our Application for Variance, received by your office on May 21, 1979, we are requesting a variance from the surfacing requirements and a guy wire anchor in the front yard setback area.

Attached is a plot plan, drawn to scale, showing information requested from Mr. L. E. Welch and your May 23, 1979 letter.

In our letter of May 15, 1979, I thought the five questions required by the Application for Variance had been answered. However, I will try to be more specific.

1. Whether the variance requested is unique to the property or the use to which American Cab wishes to make of the property is unique seems to be the question. We feel
2. We cannot see where the granting of this variance would adversely affect the rights of adjacent property owners or residents.
3. The strict application of the provisions of Title 28 will cause an undue expenditure of funds by the property or American Cab or perhaps an increase in lease cost which will be an financial hardship on the leasee.
4. In the opinion of the undersigned the public health, safety, morals, order, convenience, prosperity or general welfare will not be affected if this variance is granted.

5. It is believed that the general spirit and intent of Title 28 will not be breached by the granting of this variance.

In the event additional information is required, please advise. However, it would appear that all information required to notify adjacent property owners and to give the Board general background information has been provided.

Sincerely,

*Robert L. Welch*  
Robert L. Welch  
President  
American Cab, Inc.

May 23, 1979

Mr. Robert L. Welch, President  
American Cab, Inc.  
3045 Valley Forge Road  
Wichita, Kansas 67210

Re: Case No. BZA 23-79  
Request for Variance

Dear Mr. Welch:

I am in receipt of your application for a variance for the installation of a guy wire anchor in the front yard setback and also for a waiver of the requirement to surface the parking lot at 440 N. Kansas.

At the time F. E. Welch was in the office, I gave him a list of additional information I will need in order to process your application. Since that time, I have talked to Mr. Sam Mobley of the Central Inspection Division about this property. He informs me that this property has been involved in previous court proceedings and at this time, the owner has not completed the screening and surfacing requirements of the original building permit and so ordered by the Court.

In order to properly advertise your application and give the right information to the Board of Zoning Appeals, I will require the following information from you before I can process your application:

1. A plot plan drawn to scale showing all the property in the application area and all improvements such as the screening, driveway approaches from the street, and the required parking spaces. This plan should also show parking barriers required to be installed adjacent to public property to prevent any vehicular encroachment thereon. Ingress and egress to the property shall be in accordance with the standards set forth in the enclosed information ("Typical Off-Street Parking Standards").

Page 2  
BZA 23-79  
May 23, 1979

2. Submit this plan to Central Inspection for their review prior to furnishing to this office.
3. Submit a letter stating whether you are appealing Central Inspection's interpretation of the ordinance, or whether you are requesting a variance from the surfacing requirements as set forth in the zoning ordinance (28.04.143-1.2). (An application is enclosed for an appeal from a decision of the Superintendent of Central Inspection for your use should you desire to file such an appeal.)

For your information, the original building permit for this building was for a warehouse and the off-street parking was based on an industrial or warehouse use. In my discussion with Sam Mobley this date, I believe the off-street parking required for your proposed use will be one space for each 250 square feet of floor area in the building.

Your letter dated May 15, 1979 to this office basically indicates to me that you are primarily appealing Central Inspection's interpretation of the zoning ordinance as it relates to your use. Should your request be for a variance of the surfacing requirements of the zoning ordinance, you must submit a letter justifying the following five conditions that were furnished with the variance application:

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 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; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

Page 3  
BZA 23-79  
May 23, 1979

As you are no doubt aware, the south portion of the property in question is located in the "B" Multiple Family Dwelling District. This portion of the property should not be used for repair work, storage or servicing of any vehicles, equipment, materials or supplies (28.04.070-13). Should you wish to utilize this portion of the property other than for off-street parking or a driveway, it will be necessary to file a zone change request for the south portion of the property. The Board of Zoning Appeals does not have jurisdiction on granting any variance on "uses" of property and the extension of "C" Commercial zoning would permit the use of the south portion of the lot for your business.

If it is your intent to pursue the request for variance, it will be necessary that we receive all necessary information as outlined on the foregoing pages by May 29, 1979 in order for this case to be heard by the Board of Zoning Appeals at their regularly scheduled meeting on June 26, 1979.

Should you have any questions on this matter, please feel free to give me a call at 268-4521.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:bbc  
Enclosures (2)

cc: Don Anderson, Director of Housing & Economic Development  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
John Dekker, Director, Law Department  
Robert A. Lakin, Director of Planning  
W. G. Ward, 300 Callahan 67235  
Jerald Branson, 221 Hillsdale 67230  
Robert L. Welch, 3045 Valley Forge Rd. 67210

**-VARIANCE**

RESOLUTION NO. BZA 236-79

WHEREAS, - American Cabs, Inc., 440 N. Kansas, Wichita, -  
Kansas

requests a variance as provided in Section 2.12.590.B, Code of  
the City of Wichita, to \_\_\_\_\_ vary the  
front yard setback from 20 feet to 0 feet  
for installation of an overhead antenna  
anchor pole.

on property zoned the "<sup>"B"</sup>~~"C"~~ *Commercial District and the Multiple Family Dwelling District*  
and legally described as follows:

Beginning at the Southeast corner of the inter-  
section of Kansas Ave. and Central Ave., south  
131 feet, east to Canal Right-of-way, northwest  
to Central Ave., west to beginning of the North-  
west Quarter of Section 22, Township 27 South,  
Range 1 East of the 6th P.M., except the north 66  
feet thereof, Sedgwick County, Kansas; also Lots  
1 and 2, Kansas Ave., Bakers Addition to Wichita,  
Sedgwick County, Kansas. Generally located at  
the southeast corner of Central and Kansas (440 N.  
Kansas).

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 26, 19 79, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper juris-  
diction to consider said request for a variance under the pro-  
visions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, THE Board of Zoning Appeals has found that the  
variance 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 is not created by an action or actions of the prop-  
erty owner or the applicant inasmuch as there is an

\_\_\_\_\_ established zoning policy  
to look with favor on "C" zoning for the entire area which when  
implemented would reduce the front yard setback to 0 feet.

Variance Resolution  
Page Two

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as \_\_\_\_\_ the installation of one pole or guy approximately 30 feet from adjacent property should not interfere with the passage of light and air or be a visual obstruction to adjacent property owners.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as ~~the~~ *as the* business requires a transmission tower of sufficient height to transmit the metropolitan area and as such, requires the entire property to give proper support to the tower.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare ~~due to the fact that~~ inasmuch as the request is for one anchor or guy to be located in front of the building.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as \_\_\_\_\_

\_\_\_\_\_ the installation of the anchor would not interfere with the open space intended by the regulation.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to \_\_\_\_\_ vary the front yard setback from 20 feet to 0 feet for installation of an overhead antenna anchor pole.

Variance Resolution  
Page Three

on property zoned the "C" Commercial District and "B" Multiple Family Dwelling District and legally described as follows:

*left up*

Beginning at the Southeast corner of the intersection of Kansas Ave. and Central Ave., south 131 feet, east to Canal Right-of-way, northwest to Central Ave., west to beginning of the Northwest Quarter of Section 22, Township 27 South, Range 1 East of the 6th P.M., except the north 66 feet thereof, Sedgwick County, Kansas; also Lots 1 and 2, Kansas Ave., Bakers Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Central and Kansas (440 N. Kansas).

*June* 19 *11*.

*Mary Kopiczky*, Chairman

ATTEST:

*Jack H. Galbraith* Secretary/  
~~Assistant Secretary~~

\* 1. This variance shall reduce the front yard setback from 20 feet to 0 feet only for the installation of one anchor or guy.

VARIANCE

RESOLUTION NO. BZA 23a-79

WHEREAS, American Cabs Inc., 440 North Kansas

requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to vary the surfacing requirement of the parking and/or storage lot

on property zoned the "C" Commercial District and "B" Multiple Family District and legally described as follows:

Beginning at the Southeast corner of the intersection of Kansas Ave. and Central Ave., south 131 feet, east to Canal Right-of-way, northwest to Central Ave., west to beginning of the Northwest Quarter of Section 22, Township 27 South, Range 1 East of the 6th P.M., except the north 66 feet thereof, Sedgwick County, Kansas; also Lots 1 and 2, Kansas Ave., Bakers Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Central and Kansas (440 N. Kansas).

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 26, 1979, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

<sup>does not</sup> WHEREAS, THE Board of Zoning Appeals has found that the variance <sup>arises</sup> from such condition which is unique to the property in question; and which is ~~not~~ <sup>not</sup> ordinarily found in the same zone or district; and is ~~not~~ created by an action or actions of the property owner or the applicant inasmuch as \_\_\_\_\_

<sup>for</sup> the demand for parking ~~at~~ this business is greater than the minimum required by the ordinance, and

*the property has no physical features that would prevent development in accordance with the requirements of the zoning ordinance.*

Variance Resolution  
Page Two

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will ~~not~~ adversely affect the rights of adjacent property owners or residents inasmuch as

\_\_\_\_\_ without proper surfacing and full utilization of the subject property, the street will be constantly used by the business and would be a detriment to development of other vacant property in the area.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will <sup>not</sup> constitute unnecessary hardship upon the property owner represented in the application inasmuch as <sup>occupancy of</sup> the building will require parking in a similar amount, except for possibly a warehouse type operation for which the original permit was issued.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will ~~not~~ adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare ~~interest~~ inasmuch as an unimproved parking lot is generally permitted to grow full of weeds and during the wet seasons mud and gravel are tracked into the street and the public pays for street cleaning.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will ~~not~~ be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as \_\_\_\_\_

operation to date the business needs more parking than this \_\_\_\_\_ observing the lot would provide ~~and the intent~~ of the zoning ordinance to require surfaced

parking is to eliminate congestion in public streets and the conditions created by a sand, gravel or other loose surfacing material.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has <sup>not</sup> been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to \_\_\_\_\_

\_\_\_\_\_ vary the surfacing requirement of the parking and/or storage lot.

Variance Resolution  
Page Three

on property zoned the "C" Commercial District and the "B" Multiple Family District  
and legally described as:

*lift up*

Beginning at the Southeast corner of the inter-  
section of Kansas Ave. and Central Ave., south  
131 feet, east to Canal Right-of-way, northwest  
to Central Ave., west to beginning of the North-  
west Quarter of Section 22, Township 27 South,  
Range 1 East of the 6th P.M., except the north 86  
feet thereof, Sedgwick County, Kansas; also Lots  
1 and 2, Kansas Ave., Bakers Addition to Wichita,  
Sedgwick County, Kansas. Generally located at  
the southeast corner of Central and Kansas (440 N.  
Kansas).

ADOPTED AT WICHITA, KANSAS, this 26<sup>th</sup> day of  
June 1979.

Mary Kopyetz, Chairman

ATTEST:

Jack H. Galbraith Secretary/  
~~Assistant Secretary~~

AMERICAN CAB, INC.  
440 N. Kansas  
WICHITA, KANSAS

May 15, 1979

Secretary, Board of Zoning Appeals  
Tenth Floor, City Hall  
455 North Main  
Wichita, Kansas 67202

Re: Variance for Property at 440 N. Kansas and  
Vacant Lot to the North.

Dear Sir:

Relief is sought from the zoning restrictions being levied on American Cab, Inc. in their efforts to relocate within the city of Wichita. These restrictions are outlined in a Department of Public Works Letter, dated April 17, 1979. (Copy attached).

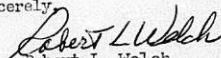
It is felt that undue stringent interpretation of the provisions of Title 28 are being made and thereby causing an unnecessary hardship on a small business trying to survive in today's business environment.

Specific areas of disagreement are as follows:

- a. Definition of "parking" vs "storage" of vehicles. For example why the placing of a vehicle on a lot zoned Light Commercial is storage and the placing of the same vehicle on a lot zoned "C" Commercial is parking.
- b. New terminology, not used in Title 28, introduced by Zoning Division Staff of "rolling stock" and whether it is parked or stored when not in use.
- c. Why some companies can operate with gravel type storage/parking areas while others are required to provide expensive surfacing.
- d. The erection of a 6 inch pipe column, 10 feet in height, in the front yard area will not adversely affect the rights of the adjacent property owners nor will it violate the rationale behind set back requirements.

Your favorable consideration of this Request for Variance is respectfully solicited and any relief that can be granted will be very much appreciated.

Sincerely,

  
Robert L. Welch  
President  
American Cab, Inc.



AMERICAN CAB, INC.  
2417 South Hillside  
Wichita, Kansas 67216

May 1, 1979

Department of Public Works  
Central Inspection Division  
455 North Main Street  
Wichita, Kansas 67202

Re: Temporary Use of 440 North Kansas and Adjacent Vacant Lot by  
American Cab, Inc.

1. This letter is to confirm our verbal agreement concerning the use  
of above property pending appeal of zoning and parking/storage lot  
requirements outlined by your letter of April 17, 1979.

2. The terms of the verbal agreement was as follows:

a. Owner to correct the three major discrepancies remaining  
from construction of the building. These are:

- (1) New approach from street.
- (2) Screen type fence on south property line.
- (3) Three paved parking slots in front of building.

b. American Cab, Inc. to process appeal to Board of Zoning Appeals  
as soon as possible. Minimum improvements to be accomplished until  
such time as a decision is rendered by the Board.

c. In the event of an adverse decision or requirements which the  
Owners are not willing to provide then American Cab, Inc. agrees  
to vacate the property within 60 days of said decision.

3. Trusting that this letter meets the spirit and intent of our verbal  
discussions, request your concurrence by indorsement.

Concur:

Allen Inlow  
Administrative Assistant  
Central Inspection Division

Sincerely,

Robert L. Welch  
President  
American Cab, Inc.

Noted: 5-21-79  
(copies distributed)

An Insp. made 5-22-79 found remodeling work in prog. w/o permit. Rec 5-22-79 SLM

# THE CITY OF WICHITA




DEPARTMENT OF PUBLIC WORKS  
CENTRAL INSPECTION DIVISION  
CITY HALL - SEVENTH FLOOR  
453 NORTH MAIN STREET  
WICHITA, KANSAS 67202

April 17, 1979

To Whom It May Concern:

Please be advised that a taxi cab company, including offices, radio, fuel and repair facilities, with vehicles kept outside of a building, is permitted in the following Zoning Districts: "C" Commercial, "D" Central Business, "E" Light Industrial, or "F" Heavy Industrial. Areas in which the vehicles are kept must be surfaced with concrete, asphaltic concrete, asphalt or other comparable material, as provided by Section 28.04.143. (1.2) of the Code of the City of Wichita.

  
Robert B. Feldner  
Superintendent of Central Inspection

RBF:bg

cc: Robert Lakin, Planning Director  
John Dekker, Director of Law

SUPERINTENDENT OF CENTRAL INSPECTION ..... 268-4460  
BUILDING CODE ENGINEER ..... 268-4468  
PLAN EXAMINATION ..... 268-4477

HOUSING ..... 268-4481  
ZONING ..... 268-4479  
SIGNS ..... 268-4475

BUILDING & CONSTRUCTION ..... 268-4461  
PLUMBING & MECHANICAL ..... 268-4476  
ELECTRICAL & ELEVATOR ..... 268-4471

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

June 6, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 23-79

An application has been filed by American Cab, Inc., 440 North Kansas, Wichita, Kansas, pursuant to Section 2.12.590.D, Code of the City of Wichita, requesting a variance to waive the requirement to surface parking/storage lot and to permit reduction of the front yard setback from 20 ft. to 0 ft. for installation of an overhead antenna anchor pole, on property zoned the "C" Commercial District and "D" Multiple Family Dwelling District and legally described as follows:

Beginning at the Southeast corner of the intersection of Kansas Ave. and Central Ave., south 131 feet, east to Canal Right-of-way, northwest to Central Ave., west to beginning of the Northwest Quarter of Section 22, Township 27 South, Range 1 East of the 6th P.M., except the north 66 feet thereof, Sedgwick County, Kansas; also Lots 1 and 2, Kansas Ave., Bakers Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Central and Kansas (440 N. Kansas).

This application has been assigned case no. BZA 23-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 26, 1979, 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 CFO Office, 268-4516.

Jack H. Galbraith  
Secretary

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202



Marion N. Vanderford  
315 Oakland Drive  
Wichita, Kansas 67211



*23-79*

*No Meeting*

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

FORM 29-021      PAYMENT NOTICE  
City of Wichita

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

Planning

DESCRIPTION	AMOUNT
4,432	

NAME: L E Wood  
ADDRESS: 116 So. Tracy St. W. Kansas  
FUND: 11000      DUE DATE: 1-15-79  
COMMENTS:  
DATE: 7/21/79      BY: [Signature]

WICHITA - SEDGWICK COUNTY

**W S C**

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

AD  
RETURN TO SENDER

*Bev*  
ADDRESS UNKNOWN  
1908 *Mason Rd*

Henry A. Bozarth, Jr.  
423 N. Kansas  
Wichita, Kansas 67214

WICHITA, KANSAS  
1979  
JUN 8

WICHITA, KANSAS  
7 JUN 1979  
U.S. POSTAGE  
15  
250924

*23-79*

*Resent 6-11-79*

\*

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

Roll # 2