

12-22-55 - A. E. Hebert requests  
variance for waiver of front yard  
setback & exception for off-street  
parking at SE cor of Rutan and  
Edgemont Place

*Smead*

No. 103½C

HASTINGS, MINN. - LOGAN, OHIO U.S.A.

August 9, 1965

Mr. Justus H. Fugate  
Attorney  
606 Schweiter Building  
Wichita, Kansas

Dear Mr. Fugate:

Re: Case No. BZA 24-65

On July 29, 1965, we advised you that the Board of Zoning Appeals of the City had approved your request for an exception to permit off-street parking facilities on property zoned residential, and the request for waiver of the front yard setback area to permit parking, on property generally located at the southeast corner of Rutan and Edgemont.

We also advised that the Board's decision might be appealed to the City Commission, provided that such appeal was filed on or before August 6, 1965. The City Clerk has advised that no appeal was filed, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:JWH:ber  
Attachment

cc: A. E. Niebert, M.D.  
3306 East Central

Glen Lytle, Superintendent  
of Central Inspection

R E S O L U T I O N   N O .   B Z A   2 4 - 6 5

WHEREAS, A. E. Hiebert, M.D., 3306 East Central, Wichita, Kansas, by Justus H. Fugate, Attorney, 606 Schweiter Building, Wichita, Kansas, has requested an exception, pursuant to Section 28.04.140, Code of the City of Wichita, to permit the installation and construction of off-street parking facilities in an area zoned "A" Two Family; and has also requested a variance, pursuant to Section 2.12.590, Code of the City of Wichita, for complete waiver of the front yard setback so that this area may be used for off-street parking, all being related to property legally described as follows:

The south 40 feet of Lots 38, 39, 40, 41 and 42, except the west 19.16 feet of said Lot 42, all on Edgemont Place, in Blazer's Addition to the City of Wichita, Sedgwick County, Kansas, together with the north half of the vacated alley adjoining said lots on the south side thereof, and that part of the south half of said vacated alley lying immediately north of Lots 16 and 17, on Central Avenue in Blazer's Addition to Wichita, Sedgwick County, Kansas;

Generally located at the southeast corner of Rutan and Edgemont Place; and

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 application on July 27, 1965; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under provisions of Section 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the applicant desires to provide additional off-street parking facilities for his patients and employees of his office only, and between the hours of approximately 10 a.m. to 6 p.m. on weekdays, inasmuch as the construction of the Medical Tower Building and Wesley Motor Hotel and the enlargement of Wesley Hospital, all without adequate parking, have caused traffic congestion in the area which resulted in elimination of a part of the on-street parking near subject property; and

WHEREAS, it is very evident that there is a definite need for off-street parking facilities in this area and the request is for the extension of an existing parking lot and will provide parking for 18 vehicles; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district in that this is one of the most congested areas in the city and there is an acute shortage of parking in the area and, further, the motel on the west side of Rutan has parking to the property line since it is on land zoned "LC", and this area is one which is in a transitional stage with an increasing demand for off-street parking; and

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 none appeared to oppose the request and further, fencing will be provided for screening the residential properties; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the Zoning Ordinance will constitute unnecessary hardship upon the property owner represented in the appeal inasmuch as there is a critical need for off-street parking in this area and that all other available land owned by the applicant has been developed for parking and it is still insufficient to meet his requirements and further, all adjacent properties are improved and occupied and are unavailable for parking; and

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; and

WHEREAS, each of the four conditions required by Section 2.12.590.2, 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 the exception request to permit off-street parking in an area zoned "A" Two Family, and the request for a variance of the front yard setback so that this area might be used for off-street parking, on property legally described as follows:

The south 40 feet of Lots 38, 39, 40, 41 and 42, except the west 19.16 feet of said Lot 42, all on Edgemont Place, in Blazer's Addition to the City of Wichita, Sedgwick County, Kansas, together with the north half of the vacated alley adjoining said lots on the south side thereof, and that part of the south half of said vacated alley lying immediately north of Lots 16 and 17, on Central Avenue in Blazer's Addition to Wichita, Sedgwick County, Kansas;

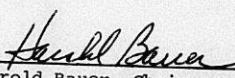
Generally located at the southeast corner of Rutan and Edgemont Place.

be approved, subject to the following:

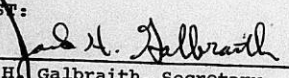
1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, material or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash and 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 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 solid wall, masonry or louvered redwood fence, not more than six feet high and not less than four feet high, shall be erected along the north and east property lines to eliminate the passage of lights from vehicles and to prevent the blowing of debris, except that in the front yard setback area of 25 feet, such fence shall not be higher than three feet. Further, the type of fence constructed may be modified by agreement between the applicant and adjoining property owners, acting in consultation with the Secretary of the Board of Zoning Appeals.
8. Bumper guards shall be installed adjacent to all property lines to prevent the extension or overhang of vehicles beyond the property lines.
9. Prior to the time the permit is issued for occupancy of this off-street parking lot, the applicants shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location of all driveways, width of driveways, etc., for his approval.
10. All improvements as outlined above shall be installed within 12 months from the effective date of the approval of this application or the permit shall be null and void.
11. In no event shall any structure be erected in the front yard setback of 25 feet.

ADOPTED AT WICHITA, KANSAS, this 27th day of July, 1965.

  
Harold Bauer, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

July 29, 1965

Mr. Justus H. Fugate,  
Attorney  
606 Schweiter Building  
Wichita, Kansas

Dear Mr. Fugate:

Re: Case No. BEA 24-65

At its regular meeting of July 27, 1965, the Board of Zoning Appeals of the City of Wichita considered the request of A. E. Niebert, M.D. for an exception to the Zoning Ordinance to allow property located at the southeast corner of Rutan and Edgemont Place to be utilized for off-street parking facilities, and the additional request for a variance of the front yard setback area of 25 feet on the same property so that off-street parking could be permitted in the setback area.

It was the decision of the Board of Zoning Appeals to approve both requests, 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.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash and 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 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 solid wall, masonry or louvered redwood fence, not more than six feet high and not less than four feet high, shall be erected along the north and east property lines to eliminate the passage of lights from vehicles and to prevent the blowing of debris, except that in the front yard setback area of 25 feet, such fence shall not be higher than three feet. Further, the type of fence constructed may be modified by agreement between the applicant and adjoining property owners, acting in consultation with the Secretary of the Board of Zoning Appeals.
8. Bumper guards shall be installed adjacent to all property lines to prevent the extension or overhang of vehicles beyond the property lines.
9. Prior to the time the permit is issued for occupancy of this off-street parking lot, the applicants shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location of all driveways, width of driveways, etc., for his approval.
10. All improvements as outlined above shall be installed within 12 months from the effective date of the approval of this application or the permit shall be null and void.
11. In no event shall any structure be erected in the front yard setback of 25 feet.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it

Page 3 - Justus H. Fugate  
July 29, 1965

is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before August 6, 1965.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If none has been filed on or before August 6, 1965, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith  
Secretary

JHS:JWH:ber

cc: A. E. Niebert, M.D.  
3306 East Central

Glen Lytle, Superintendent  
of Central Inspection

Robert Finch  
City Clerk

July 26, 1965

*Received  
7-27-65  
JWB*

Board of Zoning Appeals  
City of Wichita, Kansas

Case No. BZA 24-65  
25-65

Gentlemen:

We received notice of the hearings concerning the proposed parking lot for Dr. Hiebert. We have read the recommendation of the staff and do not wish that Dr. Hiebert be required to construct the fence on our south line, - the north line of the parking lot.

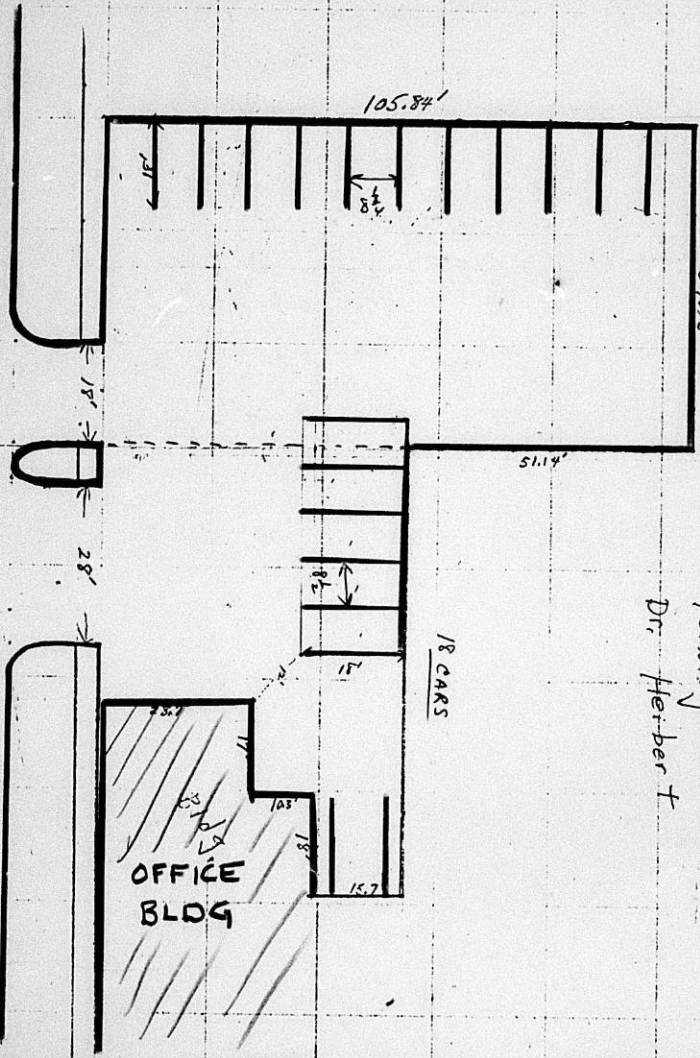
We wish to determine by several months experience whether a fence is necessary or desirable from our standpoint. If either Dr. Hiebert or we later want a fence built, it can then be done by agreement.

Yours very truly,

*Mary Belle Buckeridge*  
*(Mrs. J. H. Buckeridge)*  
*J. H. Buckeridge*



Rutan Ave.



105.84'

57.75'

18.14'

18 CARS

OFFICE  
BLDG

Parking area for  
Dr. Herbert

18'

28'

18'

18'

18'

15'

10.5'

18'

15.7'

18'

18'

18'

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SECRETARY'S REPORT

CASE NO. BZA 24-65

APPLICANT: A. E. Hiebert, M.D., 3306 East Central

AGENT: Justus H. Fugate, 606 Schweiter Building

GENERAL LOCATION: Southeast corner of Rutan and Edgemont Place

LAND USE: Subject property is occupied by a single family dwelling. Property to the south is used for parking and/or doctor's office; to the west is the Wesley Motor Hotel; north and east are single family dwellings.

ZONING: The property in question and the property to the north and east is zoned "A" Two Family. To the south is "B" multiple family and to the west is "LC" Light Commercial.

REQUEST: Exception, pursuant to Section 28.04.140.B, Code of the City of Wichita, to allow the property to be utilized as an off-street parking lot. The applicant has also requested a variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow the front yard setback of 25 feet to be utilized for off-street parking.

JURISDICTION

The Board has jurisdiction to consider the exception under the provisions outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the exception request providing the conditions outlined under Section 28.04.140.B.2, Code of the City of Wichita, can be complied with.

COMMENTS - EXCEPTION - PART I

The applicant indicates that he desires to obtain the exception in order to provide more off-street parking for his office, which is adjacent to the south line of the property in question. The parking lot will be used by patients and employees of his office only and the hours will be approximately 10 a.m. to 6 p.m. on weekdays. The lot will not be used on weekends. According to the applicant, the doctor's office has been in this location for some time and when it was installed there were no requirements for a specific minimum number of off-street parking spaces. The applicant states further that the construction of the Medical Tower Building and the Wesley Motor Hotel and the enlargement of Wesley Hospital, all without adequate parking facilities, caused traffic congestion in the area which resulted in eliminating part of the on-street parking near his office. From viewing the area in the field, it can readily be seen that there is a definite need for off-street parking. The parking, both on-street and

off-street, is used to its maximum and any additional parking provided in this area would certainly be desirable as long as it does not adversely affect the adjacent property owners. This application is an extension of an existing parking lot and the adjacent property to the north and east would be better protected since fencing can now be required.

The parking lot layout is designed to provide 18 total parking spaces and, according to the specifications of the Traffic Engineer, the layout appears to be adequate.

It is the opinion of the Secretary that the adjacent properties will not be adversely affected since fencing can be required, and that the granting of the Exception would certainly be in the public interest by alleviating some of the traffic congestion in the area.

RECOMMENDATION

It is the opinion of the Secretary that the exception is a logical request and it is the recommendation of the Secretary that the exception be approved to provide for an off-street parking lot on the south 40 feet of Lots 38, 39, 40, 41, and 42, except the west 19.16 feet of said Lot 42, all on Edgemont Place in Blazer's 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 lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash and 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 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 masonry or louvered redwood fence shall be erected along the north and east property lines to eliminate the passage of lights from vehicles and to prevent the blowing of debris, except that in the front yard setback area of 25 feet, the fence shall be reduced from 6 feet in height to 3 feet in height.
8. Bumper guards shall be installed adjacent to all property lines to prevent the extension or overhang of vehicles beyond the property lines.
9. Prior to the time the permit is issued for occupancy of this off-street parking lot, the applicants shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location of all driveways, width of driveways, etc., for his approval.
10. All improvements as outlined above shall be installed within 12 months from the effective date of the approval of this application or the permit shall be null and void.

COMMENTS - VARIANCE - PART II

The applicant has also requested that the front yard setback of 25 feet be waived so that this area may be used for off-street parking.

JURISDICTION

The Board has jurisdiction to consider the variance request when the following four conditions are found to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district.
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 enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired is not against the public interest.

UNIQUENESS

It is the opinion of the Secretary that this request is unique in the respect that this is one of the most congested areas in the city and there is an acute shortage of parking in this area. It should also be pointed out that the model on the west side of Rutan has parking to the property line since it is on land zoned "LC" and this area is one which is a transitional stage with an increasing demand for off-street parking.

ADJACENT PROPERTY

It is the opinion that the variance of the 25 foot front yard setback will not affect the adjacent property owners since fencing will be provided for screening through the granting of the exception.

HARDSHIP

It is the opinion of the Secretary that the applicant would be burdened with hardship if the variance is not granted inasmuch as there is a critical need for off-street parking in this area.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance of the 25-foot front yard setback would in no way adversely affect the public interest since the area is in a transitional stage and the off-street parking is critically needed.

RECOMMENDATION

It is the opinion of the Secretary that all four conditions necessary to the granting of the variance of the requested front yard setback of 25 feet have been found to exist and, therefore, it is recommended that the variance of the 25-foot front yard setback be approved, subject to the following condition:

1. In no event shall any structure be erected in the front yard setback of 25 feet.

SECRETARY'S REPORT

CASE NO. BZA 24-65

**APPLICANT:** A. E. Hiebert, M.D., 3306 East Central

**AGENT:** Justus H. Fugate, 606 Schweiter Building

**GENERAL LOCATION:** Southeast corner of Rutan and Edgemont Place

**LAND USE:** Subject property is occupied by a single family dwelling. Property to the south is used for parking and/or doctor's office; to the west is the Wesley Motor Hotel; north and east are single family dwellings.

**ZONING:** The property in question and the property to the north and east is zoned "A" Two Family. To the south is "B" multiple family and to the west is "LC" Light Commercial.

**REQUEST:** Exception, pursuant to Section 28.04.140.B, Code of the City of Wichita, to allow the property to be utilized as an off-street parking lot. The applicant has also requested a variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow the front yard setback of 25 feet to be utilized for off-street parking.

JURISDICTION

The Board has jurisdiction to consider the exception under the provisions outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the exception request providing the conditions outlined under Section 28.04.140.B.2, Code of the City of Wichita, can be complied with.

COMMENTS - EXCEPTION - PART I

The applicant indicates that he desires to obtain the exception in order to provide more off-street parking for his office, which is adjacent to the south line of the property in question. The parking lot will be used by patients and employees of his office only and the hours will be approximately 10 a.m. to 6 p.m. on weekdays. The lot will not be used on weekends. According to the applicant, the doctor's office has been in this location for some time and when it was installed there were no requirements for a specific minimum number of off-street parking spaces. The applicant states further that the construction of the Medical Tower Building and the Wesley Motor Hotel and the enlargement of Wesley Hospital, all without adequate parking facilities, caused traffic congestion in the area which resulted in eliminating part of the on-street parking near his office. From viewing the area in the field, it can readily be seen that there is a definite need for off-street parking. The parking, both on-street and

Page 2 - Secretary's Report  
Case No. BZA 24-65

off-street, is used to its maximum and any additional parking provided in this area would certainly be desirable as long as it does not adversely affect the adjacent property owners. This application is an extension of an existing parking lot and the adjacent property to the north and east would be better protected since fencing can now be required.

The parking lot layout is designed to provide 18 total parking spaces and, according to the specifications of the Traffic Engineer, the layout appears to be adequate.

It is the opinion of the Secretary that the adjacent properties will not be adversely affected since fencing can be required, and that the granting of the Exception would certainly be in the public interest by alleviating some of the traffic congestion in the area.

RECOMMENDATION

It is the opinion of the Secretary that the exception is a logical request and it is the recommendation of the Secretary that the exception be approved to provide for an off-street parking lot on the south 40 feet of Lots 38, 39, 40, 41, and 42, except the west 19.16 feet of said Lot 42, all on Edgemont Place in Blazer's 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 lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash and 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.

Page 3 - Secretary's Report  
Case No. BZA 24-65

6. If lighting facilities are provided, they shall be so arranged 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 masonry or louvered redwood fence shall be erected along the north and east property lines to eliminate the passage of lights from vehicles and to prevent the blowing of debris, except that in the front yard setback area of 25 feet, the fence shall be reduced from 6 feet in height to 3 feet in height.
8. Bumper guards shall be installed adjacent to all property lines to prevent the extension or overhang of vehicles beyond the property lines.
9. Prior to the time the permit is issued for occupancy of this off-street parking lot, the applicants shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location of all driveways, width of driveways, etc., for his approval.
10. All improvements as outlined above shall be installed within 12 months from the effective date of the approval of this application or the permit shall be null and void.

COMMENTS - VARIANCE - PART II

The applicant has also requested that the front yard setback of 25 feet be waived so that this area may be used for off-street parking.

JURISDICTION

The Board has jurisdiction to consider the variance request when the following four conditions are found to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

Page 4 - Secretary's Report  
Case No. BZA 24-65

3. That the strict application of the enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired is not against the public interest.

UNIQUENESS

It is the opinion of the Secretary that this request is unique in the respect that this is one of the most congested areas in the city and there is an acute shortage of parking in this area. It should also be pointed out that the motel on the west side of Rutan has parking to the property line since it is on land zoned "IC" and this area is one which is a transitional stage with an increasing demand for off-street parking.

ADJACENT PROPERTY

It is the opinion that the variance of the 25 foot front yard setback will not affect the adjacent property owners since fencing will be provided for screening through the granting of the exception.

HARDSHIP

It is the opinion of the Secretary that the applicant would be burdened with hardship if the variance is not granted inasmuch as there is a critical need for off-street parking in this area.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance of the 25-foot front yard setback would in no way adversely affect the public interest since the area is in a transitional stage and the off-street parking is critically needed.

RECOMMENDATION

It is the opinion of the Secretary that all four conditions necessary to the granting of the variance of the requested front yard setback of 25 feet have been found to exist and, therefore, it is recommended that the variance of the 25-foot front yard setback be approved, subject to the following condition:

1. In no event shall any structure be erected in the front yard setback of 25 feet.

BZA CASE NO. 24-65 - 15 NOTICES MAILED FOR BZA MEETING ON JULY 27, 1965

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

July 8, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 24-65

An application has been filed by A. E. Hiebert, M.D., 3306 East Central, Wichita, Kansas, by Justus H. Fugate, Attorney, 606 Schweiker Building, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception as provided in Section 28.04.140.B, Code of the City of Wichita, to permit off-street parking on property zoned "A" Two Family, and also requesting a variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, for complete waiver of the front yard setback requirements, to permit use of this area for off-street parking facilities, on property zoned "A" Two Family, and legally described as follows:

The South 40 Feet of Lots 38, 39, 40, 41 and 42, except the west 19.16 feet of said Lot 42, all on Edgement Place, in Blazer's Addition to the City of Wichita, Sedgwick County, Kansas, together with the north half of the vacated alley adjoining said lots on the south side thereof, and that part of the south half of said vacated alley lying immediately north of Lots 16 and 17, on Central Avenue in Blazer's Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Rutan and Edgement Place.

This application has been assigned Case No. BZA 24-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 27, 1965, at 2 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 8, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 24-65

An application has been filed by A. E. Hiebert, M.D., 3306 East Central, Wichita, Kansas, by Justus H. Fugate, Attorney, 606 Schweiter Building, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception as provided in Section 28.04.140.B, Code of the City of Wichita, to permit off-street parking on property zoned "A" Two Family, and also requesting a variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, for complete waiver of the front yard setback requirements, to permit use of this area for off-street parking facilities, on property zoned "A" Two Family, and legally described as follows:

The South 40 feet of Lots 38, 39, 40, 41 and 42, except the west 19.16 feet of said Lot 42, all on Edgemont Place, in Blazer's Addition to the City of Wichita, Sedgwick County, Kansas, together with the north half of the vacated alley adjoining said lots on the south side thereof, and that part of the south half of said vacated alley lying immediately north of Lots 16 and 17, on Central Avenue in Blazer's Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Rutah and Edgemont Place.

This application has been assigned Case No. BZA 24-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 27, 1965, at 2 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

15 notices mailed  
July 8, 1965

OWNERSHIP LIST

Lot	Addition	Property Owner
5	Blazer's Addition	William T. Cross <i>no address found</i> Lucille B. Cross Address unknown
6	"	"
7	"	"
8	"	✓ Wesley Motor Hotel, Inc. 3258 E. Central
9	"	"
10	"	"
W 9.16' of 11	"	"
E 5.84' of 13	"	⊗ A. E. Hiebert 3306 E. Central
14	"	"
15	"	"
16	"	✓ L. G. Mason Maria Mason 3310 E. Central
17	"	"
18	"	✓ William H. Dye 444 N. Belmont
19	"	"
20	"	✓ Kent N. Schaffer Monell G. Schaffer 542 N. Belmont ✓ B. F. Connell Wilhelmine M. Connell 132 N. Old Manor
21	"	"
22	"	✓ M. A. Lynn Evelyn L. Lynn 3332 E. Central
23	"	"
24	"	✓ Automobile Club of Kansas 3340 E. Central
25	"	"
N 100' of 30	"	✓ Robert L. Timken M. Jil Timken 224½ N. Minnesota
N 100' of 31	"	"

Continued page 2

Lot	Addition	Property Owner
S 40' of lot 30	Blazer's Addition	✓ Galen Kraft Charlene Kraft 822 Nims
S 40' of lot 31	"	"
32	"	✓ L. E. Strange Alice P. Strange 5308 E. 3rd St.
33	"	"
34	"	Claire I. Dewey <i>no address found</i> Address unknown
35	"	"
36	"	✓ Belle Richard Major 430 N. Vassar
37	"	"
S 40' of 38	"	g A. E. Hiebert 3306 E. Central
S 40' of 39	"	"
S 40' of 40	"	"
S 40' of 41	"	"
S 40' of 42 exc. W. 19.16'	"	"
S 50' of N 100' of 38	"	✓ J. H. Buckeridge Mary Belle Buckridge 518 N. Rutan
S 50' of N.100' of 39	"	"
S 50' of N 100' of 40	"	"
S 50' of N 100' of 41	"	"
S 50' of N 100' of 42 exc. W. 19.16'	"	"
N 50' of 38	"	Jean C. Boys <i>no address found</i> Address unknown
N 50' of 39	"	"
N 50' of 40	"	"
N 50' of 41	"	"
N 50' of 42 exc. W 19.16'	"	"
S 70' of W. 9.16' of 44	"	g Wesley Motor Hotel, Inc. 3258 E. Central
S 70' of 45	"	"
S 70' of 46	"	"
S 70' of 47	"	"

Continued page 3

Lot	Addition	Property Owner
W 9.16' of N 70' of 44	Blazer's Addition	✓ Wesley Hospital & Nurses Training School 550 N. Hillside
N 70' of 45	"	"
N 70' of 46	"	"
N 70' of 47	"	"
48	"	"
49	"	"
50, except that part deeded to the City of Wichita	"	"
Reserve B, Exc. N. 90'	Nob Hill Addition	City of Wichita.

We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of the following property:

The South 40 feet of lots 38, 39, 40, 41 and 42, except the West 19.16 feet of said lot 42, all on Edgemont Place, in Blazer's Addition to the City of Wichita, Sedgwick County, Kansas, together with the North half of the vacated alley adjoining said lots on the South side thereof, and that part of the South half of said Vacated alley lying immediately North of lots 16 and 17, on Central Avenue in Blazer's Addition to Wichita, Sedgwick County, Kansas.

as shown by the deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 17th day of June, 1965 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*J. M. W. ...*  
Vice-President

Order No. 125745

## OWNERSHIP LIST

Lot	Addition	Property Owner
5	Blazer's Addition	William T. Cross Lucille B. Cross Address unknown
6	"	"
7	"	"
8	"	Wesley Motor Hotel, Inc. 3258 E. Central
9	"	"
10	"	"
W 9.16' of 11	"	"
E 5.84' of 13	"	A. E. Hiebert 3306 E. Central
14	"	"
15	"	"
16	"	L. G. Mason Maria Mason 3310 E. Central
17	"	"
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19	"	"
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21	"	"
22	"	M. A. Lynn Evelyn L. Lynn 3332 E. Central
23	"	"
24	"	Automobile Club of Kansas 3340 E. Central
25	"	"
N 100' of 30	"	Robert L. Timken M. Jill Timken 224 $\frac{1}{2}$ N. Minnesota
N 100' of 31	"	"

Continued page 2

Lot	Addition	Property Owner
S 40' of lot 30	Blazer's Addition	Galen Kraft Charlene Kraft 822 Nims
S 40' of lot 31	"	"
32	"	L. E. Strange Alice R. Strange 5308 E. 3rd St.
33	"	"
34	"	Claire I. Dewey Address unknown
35	"	"
36	"	Belle Richard Major 430 N. Vassar
37	"	"
S 40' of 38	"	A. E. Hiebert 3306 E. Central
S 40' of 39	"	"
S 40' of 40	"	"
S 40' of 41	"	"
S 40' of 42 exc. W. 19.16'	"	"
S 50' of N 100' of 38	"	J. H. Buckeridge Mary Belle Buckridge 518 N. Rutan
S 50' of N.100' of 39	"	"
S 50' of N 100' of 40	"	"
S 50' of N 100' of 41	"	"
S 50' of N 100' of 42 exc. W. 19.16'	"	"
N 50' of 38	"	Jean C. Boys Address unknown
N 50' of 39	"	"
N 50' of 40	"	"
N 50' of 41	"	"
N 50' of 42 exc. W 19.16'	"	"
S 70' of W. 9.16' of 44	"	Wesley Motor Hotel, Inc. 3258 E. Central
S 70' of 45	"	"
S 70' of 46	"	"
S 70' of 47	"	"

Continued page 3

Lot	Addition	Property Owner
W 9.16' of N 70' of 44	Blazer's Addition	Wesley Hospital & Nurses Training School 550 N. Hillside
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N 70' of 46	"	"
N 70' of 47	"	"
48	"	"
49	"	"
50, except that part deeded to the City of Wichita	"	"
Reserve B, Exc. N. 90'	Nob Hill Addition	City of Wichita.

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as shown by the deeds on file in the Office of the Register of Deeds of  
Sedgwick County, Kansas, on this 17th day of June, 1965 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

  
Vice-President

Order No. 125745

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED 7-2-65

APPLICATION FOR EXCEPTION

I. Name of Applicant A. E. Hiebert, M.D.

Mailing Address 3306 East Central, Wichita, Kans Phone Mu 26568

Name of Authorized Agent Justus H. Fugate

Mailing Address 606 Schweiter Bldg., Wichita, Kans Phone Am 4-4636

Relationship of applicant to property is that of owner  
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section \_\_\_\_\_, Code of the City of Wichita, Kansas (Zoning Ordinance); to permit the installation or construction of off street private parking facility

\_\_\_\_\_ on property zoned

A, located 514 North Rutan

\_\_\_\_\_ and legally described as: \_\_\_\_\_

See attached Exhibit A.

\_\_\_\_\_, 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: A. E. Hiebert  
Authorized Agent: Justus H. Fugate

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:50 (a.m. - p.m.), July 2, 1965, together with appropriate fee of \$50.00.

Signed J. Kalbraith, Senior Planner

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. \_\_\_\_\_  
FILED 7-2-65

APPLICATION FOR VARIANCE

I. Name of Applicant A.E. Hiebert, M.D.  
Mailing Address 3306 East Central, Wichita, Kansas Phone Mu 2-6568  
Name of Authorized Agent Justus H. Eugate  
Mailing Address 606 Schweiter Building, Wichita, Kansas Phone Am 4-4636  
Relationship of applicant to property is that of owner  
(owner, tenant, lessee, other)

II. The variance requested is waiver of 25 foot front yard set-back in connection with an off street private parking facility.

for property located 514 North Rutan, Wichita, Kansas

and legally described as: See attached Exhibit A

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.

A. E. Hiebert  
Applicant  
Justus H. Eugate  
Authorized Agent

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 5:30 (a.m. - (p.m.)), July 2, 1965, together with appropriate fee of \$50.00.

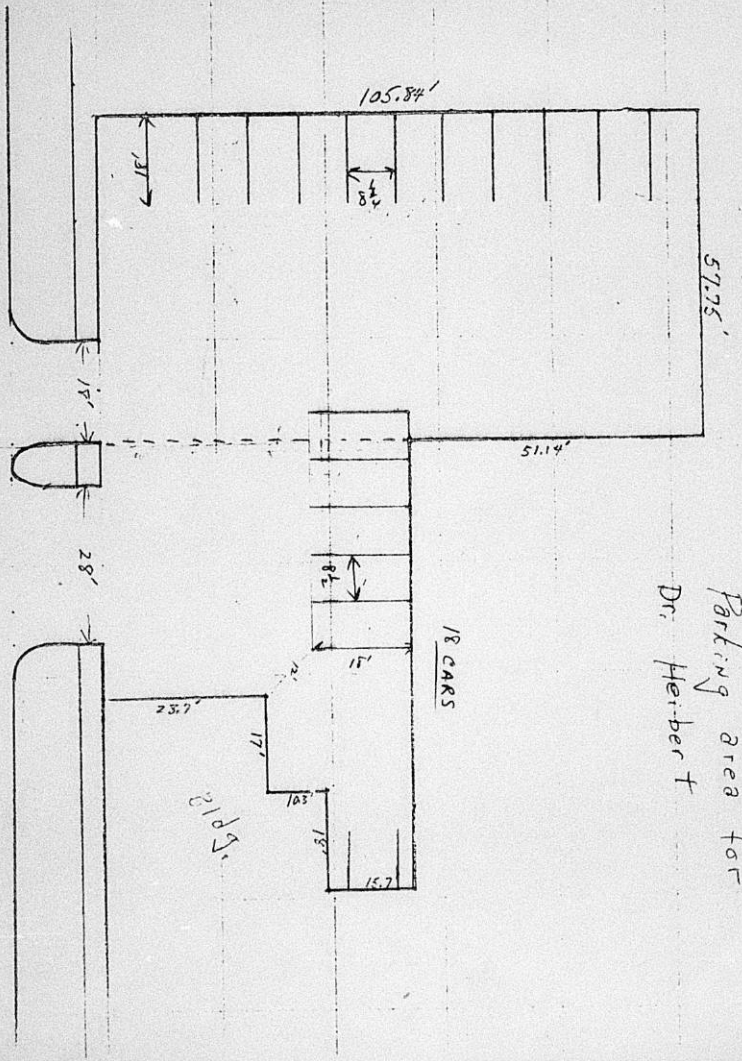
W. Hallraith, Senior Planner  
Signed by

EXHIBIT A

South 40 feet of Lots 38, 39, 40, 41 and 42 except the West 19.16 feet of Lot 42, on Edgemont Place, and North 1/2 of vacated alley adjacent adjoining said lots on the South side thereof, and that part of the South half of said vacated alley lying immediately North of lots 16 and 17 on Central Avenue, all in Blazer's Addition to Wichita, Kansas.



Rutan  
Ave.



Parking area for  
Dr. Herbert

81 P/S

Board of Zoning Appeals;  
City of Wichita, Kansas;

This application for a variance is made necessary by the imperative need for additional parking for the patient's of Dr. Hiebert.

The provisions of the Zoning Ordinance which necessitate the variance are found in 28 04 040.

The office building located at 3306 East Central, the North-east corner of Rutan and Central was constructed on land zoned B, Multiple Family Dwelling, and at a time prior to any provision of the Zoning Ordinance requiring any amount of off street parking in connection therewith. Even so, all available ground has been surfaced for parking for a few cars at the rear of the building thru a 28 foot curb cut to Rutan Avenue.

The unique situation justifying the variance are the changed conditions since the office was built, such as:

1. The enlargement of Wesley Hospital and its related facilities including a new Nurses Home, apartment building for internes, and the continuing construction program;
2. The construction of the Medical Tower Building on the South side of Central, between Rutan and Hillside, which has continually over-loaded its related parking facility;
3. The construction of the Wesley Motor Hotel on the North-west corner of Rutan and Central on a site zoned L.C. which facility has never had sufficient off street parking.
4. The restricted curb side parking on Central Avenue, which now is a No Parking from 3:00 p.m. to 6:00 p.m. zone, immediately in the front of the Doctor's office.
5. The elimination of all parking by a "No Parking at any time" zone on the east side of Rutan Avenue, north from Central Avenue;
6. The re-zoning of the southeast corner of Rutan and Central to L.C. which will cause an increased traffic load on the immediate area;

The Applicant feels that adequate screening is present, due to the fact that the garages of adjoining property owners serve this purpose; that the parking facilities will not be used at night and no lighting will be installed; this facility is for the use of the patients of the Applicant and its use will be substantially from 10:00 a.m., until approximately 6:00 p.m. on weekdays only; the property owner adjacent on the North who is most immediately concerned has not requested that there be screening of any character; but screening, if required, will be supplied.

Applicant further directs the attention of the Board to the fact that all other available land owned by the Applicant has been developed for parking; that it is insufficient to meet his requirements, and that all adjacent properties are improved and occupied and are unavailable for this purpose; that the foregoing facts reflect that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the applicant.

Applicant further states that the foregoing facts clearly demonstrate that the Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare and the off street parking facility proposed will actually be to the benefit of the public and that it will materially alleviate the on-street parking problem in the immediate vicinity.

OWNERSHIP LIST

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7	"	"
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10	"	"
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S 70' of W. 9.16' of 44	"	Wesley Motor Hotel, Inc. 3258 E. Central
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THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*J. R. [Signature]*  
Vice-President

Order No. 125745

*Raymond Boose*  
216 N. Roosevelt

## OWNERSHIP LIST

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THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*J. R. Williams*  
Vice-President

Order No. 125745

STATE OF KANSAS  
Sedgwick County  
FILED FOR RECORD AT  
2/13

DEED 1372 PAGE 496



APR 15 1965  
7430

*Sullivan*

### General Warranty Deed

NO. 100  
RUPUS E. DEERING  
COUNTY CLERK OF SEDGWICK

Given Voluntarily, Made this 15 day of April, A. D., 1965,  
between Anna Turner Stone and John William Stone, wife and husband

of Sedgwick County, in the State of Kansas of the first part, and  
A. E. Hebert

of Sedgwick County, in the State of Kansas of the second part.

WITNESSETH, That the said parties of the first part, in consideration of the sum of One Dollar and  
other valuable consideration DOLLARS,  
the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the said party  
of the second part his heirs and assigns all the following-described REAL ESTATE, situated in the County of  
Sedgwick and State of KANSAS, to-wit:

*Tax. G. E. Hebert  
1530 W 13th*

The South 40 Feet of Lots 38, 39, 40, 41 and 42 except the West 19.16 Feet of said Lot 42, all on Edgemont Place, in Blazer's Addition to the City of Wichita, Sedgwick County, Kansas, together with the North Half of the vacated alley adjoining said lots on the South side thereof, and that part of the South Half of said vacated alley lying immediately North of Lots 16 and 17 on Central Avenue in Blazer's Addition to the City of Wichita, Sedgwick County, Kansas

Parties of the first part are presently in possession of the premises and agree to vacate the premises and deliver possession of same to party of the second part, his heirs and assigns, not later than May 1, 1965.



*Original Certified with Record*

To HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances hereunto belonging or in anywise appertaining forever.

And said Anna Turner Stone and John William Stone for themselves and for their heirs, executors, or administrators, do hereby covenant, promise and agree to and with said party of the second part, that at the delivery of these presents they are lawfully seized in their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above-granted and -described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and unrecorded charges, estates, judgments, taxes, assessments and incumbrances of what nature and kind soever:

APR 15 1965  
W. C. WILLIAMS  
COUNTY CLERK

and that they will WARRANT AND FOREVER DEFEND the same unto said party of the second part, his heirs and assigns, against said parties of the first part their heirs, and all and every person or persons whomsoever lawfully claiming or to claim the same.

In WITNESS WHEREOF, The said parties of the first part have hereunto set their hands the day and year first above written.

*James Lee Dyer  
713 1st Street*



*M. B. ...  
Commission expires Mar. 11, 1968  
1.50  
50  
2.00*

Anna Turner Stone  
Anna Turner Stone  
John William Stone  
John William Stone

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
<i>Exa. App.</i>	<i>50<sup>00</sup></i>
<i>Exa. App.</i>	<i>50<sup>00</sup></i>
Name	<i>W. S. Roberts</i>
<i>100<sup>00</sup></i>	

Address *2546 South Central*

Type *R-712* Due Date

Comments:

Date *7-2-65* By *L. Johnson*