

BZA 30-88-Rudy Betts req. an EXCEPTION  
to estab. off-st. parking lot on prop.  
zoned "A" 2-Fam: DD on east side of  
Custer in area south of Central.

*Permit Application*  
ACTION *permitted*  
B.Z.A. 30-88 DATE 6/28/88

*see 2 file*  
*W*

DATA SHEET

MAP NO.: 5247A

CASE NO. BZA 30-88

(CPO 5B, 6/15/88)

REQUEST: Exception to permit the establishment of an off-street parking lot

EXISTING ZONING: "A" Two-Family Dwelling District

GENERAL LOCATION: East side of Custer in an area south of Central

APPLICANT: Rudy Betts  
 ADDRESS: 11504 W. First  
 Wichita, KS 67212

PHONE: 943-3555 (off.)

AGENT: James R. Gilhouse  
 ADDRESS: 1005 N. Market  
 Wichita, KS 67214

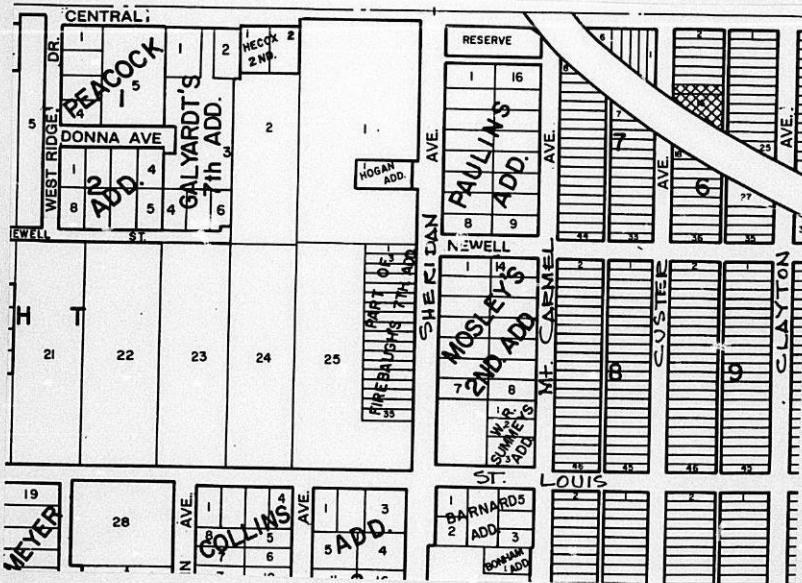
PHONE: 263-9662

AREA DATA

Acres: (26 ft. by 129 ft.)

Adjacent Zoning and Land Use:

North	"LC"	<i>Vacant service station / auto repair</i>
South	"A"	<i>s.f. dwelling</i>
East	"A"	
West	"A"	<i>railroad tracks</i>



Springfield  
 No. 2-153C  
 HARTING & SON  
 LOS ANGELES-CHICAGO-LOGAN, OH  
 INDEPENDENCE-TX-LOUISVILLE, GA  
 U.S.A.

Dwayne Ramsey 6-7-88  
Rudy Betts  
Contractor

Discussed options

1. Rerodol existing structures and if they can provide required parking, City does not obtain additional ROW
2. Have the BZA case considered, and make their arguments to not require ROW dedication. Advised them of our position that we would recommend the dedication of ROW.
3. Suggested that they redesign but moving the bldg to the south and west. Request "L" going extension to the south and replat. Asked Ramsey to redesign and have only one driveway to Central and one to Custer. That we would prefer 15' setback from Custer, but would accept 10' if that is all that could be provided. Provide 24' driveway on the east side of bldg to rear parking and loading area.

They will advise us by next Monday. Told them that if they withdrew BZA cases prior to our <sup>written</sup> ~~written~~ staff reports, we would understand BZA fee from rezoning fee.

OVER

Continued them about flat segment of 10'  
vertical ascent on the east. That will not  
interfere with 24' driveway. Suggested possibility  
of vacating 10' alley. Only gains them 6'.

Donnelly believes Pest control is permitted in  
"20" only if there are no channels in  
storage and all tanks are stored indoors.

W.S. Donnelly

2. The BSA was reviewing and making  
this report to the BSA and the  
BIA and the BIA was reviewing and making  
this report to the BSA and the BIA.

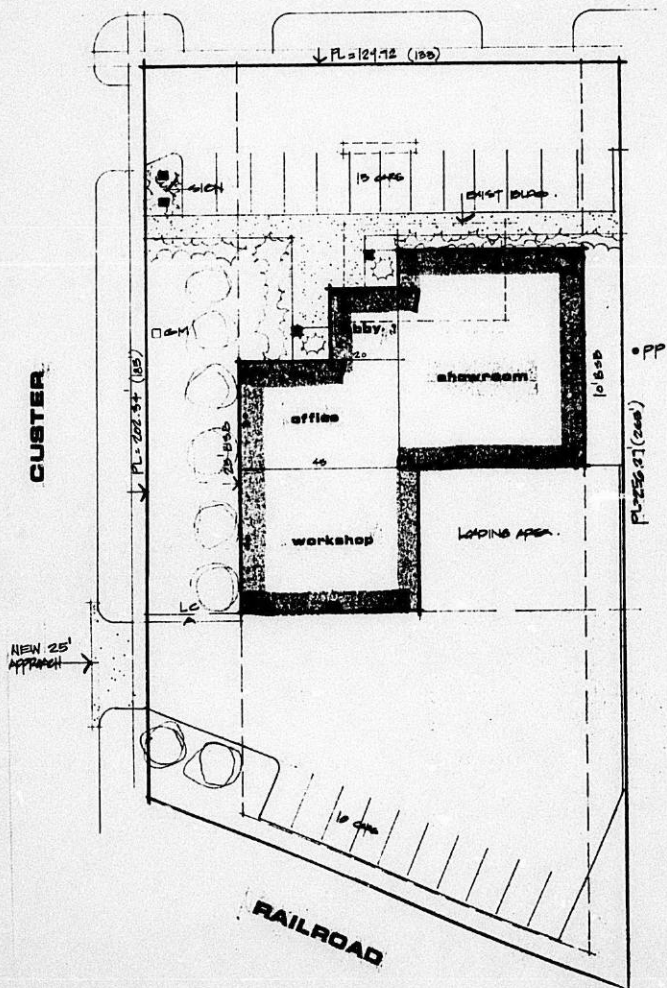
3. Suggested that they be reviewed  
and that they be reviewed and that they  
be reviewed and that they be reviewed.

4. Suggested that they be reviewed  
and that they be reviewed and that they  
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5. Suggested that they be reviewed  
and that they be reviewed and that they  
be reviewed and that they be reviewed.

OVER

CENTRAL



BZA CASE NO. 30-88

15 LEGAL ADVERTISEMENT SENT TO MAPC & BZA

2 NOTICES SENT TO APPLICANT/AGENT

25 NOTICES SENT TO ADJOINING PROPERTY OWNERS

(all owners on this list and BZA 31-88 list were sent both notices)

5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 6-3-88

1 NOTICES SENT TO CPO

2 NOTICES SENT TO CITY MANAGER & CITY  
COUNCIL REPRESENTATIVE TO DISTRICT

4 NOTICES TO MAPD STAFF

Jack Galbraith  
Louise Olivarez  
Bob Young  
Karen Crook

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

June 6, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 30-88

As required by law, all property owners of record within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals are to be notified of the public hearing. An application has been filed by Rudy Betts requesting an exception.

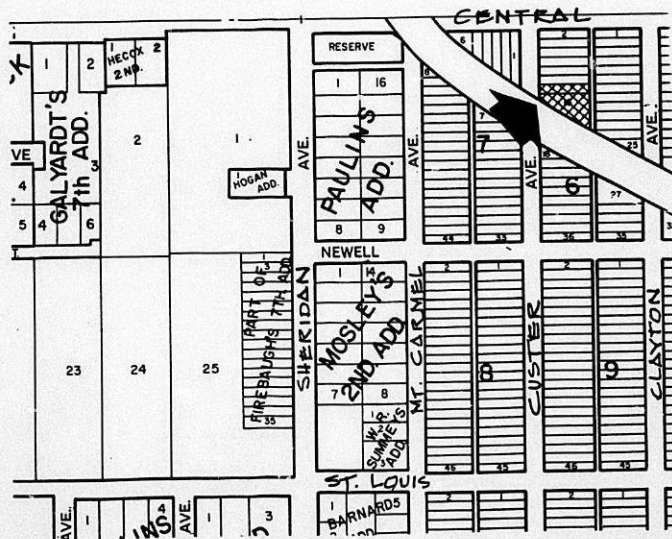
Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of an off-street parking lot on property zoned the "A" Two-Family Dwelling District. A legal description of the applicant's property is as follows:

Lots 14 and 16, Block 6, J.O. Davidson 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Custer in an area south of Central.

This application has been assigned Case No. BZA 30-88. It will be considered by the Board of Zoning Appeals on Tuesday, June 28, 1988, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 N. Main Street, Wichita, Kansas. If you have no interest in or objections to the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so either in person or by agent or attorney.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council 5B, Northwest, will consider this case at their meeting to be held on Wednesday, June 15, 1988, at 7:15 p.m. in Senior Services, Orchard Park Community Center, 4808 W. 9th Street. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



PL1-0430

( \_\_\_\_\_ ) Published in The Daily Reporter, June 3, 1988

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 28th day of June, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, meeting in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 23-88 - John A. Van Walleghen, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 8 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 1, Block 13, Garden Park Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Tulsa and Pattie Streets (1239 Tulsa).

2. Case No. BZA 24-88 - Patrick M. Chapman, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a used car sales lot on property partially zoned the "LC" Light Commercial District and the balance approved for the "LC" Light Commercial District and legally described as follows:

Lots 1241, 1243 and 1245 on Market Street and the north 3 feet of Lot 1244 and all of Lot 1246 on Broadway in Bush's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of 13th Street between Market and Broadway.

3. Case No. BZA 25-88 - Rocky L. and Terry L. Wilburn, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the side yard setback from 6 feet to 1½ feet for a deck and reduce to 1 foot the setback for the roof over the deck on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 8, Murray's 3rd Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Pawnee and Pawnee Court (3860 E. Pawnee Court).

4. Case No. BZA 26-88 - John C. and Mary L. Nodgaard, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the side yard setback from 6 feet to 5 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 1, Block 6, Fifth Addition to Pine Valley Estates, Wichita, Sedgwick County, Kansas. Generally located on the east side of Lawrence Lane, ¼-mile south of 13th Street (1002 Lawrence Lane).

5. Case No. BZA 27-88 - Quality Child Care Centers, Inc.-Wesley Children's Center, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a child care center on property zoned the "A" Two-Family Dwelling District and legally described as follows:

The West Half of Reserve D, Ken-Mar Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 17th Street in an area west of Oliver (4401 E. 17th).

6. Case No. BZA 28-88 - Amoco Oil Company, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a detached, single-bay automatic car wash in association with a proposed Amoco service station on property zoned the "LC" Light Commercial District and legally described as follows:

That part of Lot 1, Block 1, Amarado Estates, an addition to Wichita, Sedgwick County, Kansas, described as beginning at the S.W. Corner thereof; thence N 00° E, along the west line of said Lot 1, 175 feet; thence N 86°34'56" E, 213 feet; thence S 00° E, 184.38 feet more or less to a point on the south line of said Lot 1; thence N 79°22'53" W, along said south line of Lot 1, 38.59 feet to a deflection corner of said Lot 1; thence S 86°34'56" W, 175 feet to the point of beginning. Generally located at the northeast corner of 13th Street and Maize Road.

7. Case No. BZA 29-88 - M.H.M. Properties Inc. (Hilton Inn East), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirements from 358 spaces to 341 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 3, East Side Center Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Kellogg and Rock Road.

8. Case No. BZA 3'-88 - Rudy Betts, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of an off-street parking lot on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lots 14 and 16, Block 6, J.O. Davidson 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Custer in an area south of Central.

9. Case No. BZA 31-88 - Rudy Betts, pursuant to Section 2.12.590.E, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 10 feet to 0 feet on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 2, 4, 6, 8, 10 and 12, Block 6, J. O. Davidson 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Central and Custer (3015 W. Central).

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 3rd day of June, 1988.

Jack H. Galbraith, Secretary

CROCKETT, KEELEY & GILHOUSEN  
ATTORNEYS AT LAW



Completed in 1887

A PARTNERSHIP INCLUDING  
A PROFESSIONAL ASSOCIATION:  
DAVID G. CROCKETT, P.A.  
EDWARD L. KEELEY  
JAMES R. GILHOUSEN  
DAVID A. GRIPP  
OF COUNSEL

THE AMIDON HOUSE  
1005 N. MARKET  
WICHITA, KANSAS 67214  
(316) 263-8662

May 25, 1988

Board of Zoning Appeals  
City of Wichita  
Wichita, Kansas

Gentlemen:

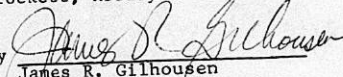
Your applicant seeks an exception to permit off-street parking on Lots 14 and 16 of the subject property. The Board of Zoning Appeals is believed to have jurisdiction to grant the exception pursuant to Section 28.04.145 of the Code of the City of Wichita.

The applicant is purchasing even-numbered lots 2 through 16. Lots 2 through 12 are already zoned "LC". Lots 14 and 16 are currently zoned "A". The applicant seeks an exception on Lots 14 and 16 to permit a parking area for passenger vehicles. The area will not be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. No fee will be charged for parking in that area. As shown by the attached plot plan, the applicant will make improvements deemed necessary to conform to the Code.

Please let me know if I may provide any further information.

Very truly yours,

Crockett, Keeley & Gilhousen

By   
James R. Gilhousen  
Attorney for Applicant,  
Rudy Betts

APPLICATION FOR EXCEPTION

I. Applicant Rudy Betts  
 Address 11504 W. 13<sup>th</sup> Wichita, KS Zip Code 67212 Phone H-732-9098  
Work-943-3555  
 Agent James R. Gilhousen (attorney)  
 Address 1005 N. Market, Wichita Zip Code 67214 Phone 263-9667  
 Relationship of applicant to property is that of BUYER  
 (Owner, Tenant, Lessee, Other) (CONTRACT SIGNED BUT NOT CLOSED)

II. Application is made for an exception to permit the establishment of OFF STREET PARKING, ADJACENT TO "LC" ZONED USEAGE  
(SEE SITE PLAN)

on property zoned 'A' which is  
26 ft by 129 ft (or 6837 <sup>S.F.</sup> acres) in size, legally described as:  
by 80 ft. - TRIANGLE LOTS 2 THRU 16 IN  
J.O. DAVIDSON 2<sup>ND</sup> ADDITION,  
WICHITA, KS (NOTE: ONLY LOTS 14 AND 16 ARE ZONED 'A')

and located AT 3015 W. CENTRAL  
(S.E. CORNER OF CUSTER AND CENTRAL)  
 in the City of Wichita. → east side of Custer in an area south of Central

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. 39-285); 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, and 4 of the instructions.

Applicant Rudy Betts  
 Authorized Agent James R. Gilhousen

OFFICE USE ONLY:

Map No. 5247 A Zoning: (N) LC (S) A (E) A (W) A CPO 5B 6-15

Received in Office of Secretary, Board of Zoning Appeals, \_\_\_\_\_ (a.m./p.m.),  
May 27, 1988, together with appropriate fee of 309<sup>00</sup>.

Signed Louise Olivarez

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688

RECEIVED

JUN 06 1988

METROPOLITAN PLANNING

ROUTE  Jan

*BZA 30-88  
31-88*

*Riverside Fina*

American Petrofina Marketing, Inc.  
3015 W. Central  
Wichita, KS 67214

P.O. Box 2159  
Dallas, TX 75221  
ATTN: Tom Delaney



RIV 15 05040721 06/04/88

!RIVERSIDE FINA  
RETURN TO SENDER  
MOVED LEFT NO ADDRESS

Important! Notice of Meeting Enclosed

*Since this is  
the corner of  
the application  
area, I called  
Jim Gilhausen 6-7-88  
and asked him to get  
us an address  
so we can notify the  
fee title curer.*

## OWNERSHIP LIST

BZA 30-88

Lot	Block	Addition	Property Owner
Lots 2, 4, 6, 8, 10, 12, 14 and 16	Block 6	J. O. Davidson 2nd Addition	American Petrofina Marketing, Inc. <del>3015 W. Central</del> Wichita, KS 67214
Lot 18	Block 6	"	P.O. Box 2159 Dallas, TX 75221 Glen E. Farha and Tom DELANEY Bus Farha 808 W. Harry Wichita, KS 67213
Lots 20 and 22	Block 6	"	Mark Allen Fortune 620 N. Custer Wichita, KS 67203
Lots 24, 26 and 28	Block 6	"	Carl D. Stein Ada A. Stein 612 N. Custer Wichita, KS 67203
Lots 1, 3, 5 and 7	Block 6	"	Daniel G. Howell Angela K. Howell and Jack R. Newman and Steve J. Newman 667 N. Clayton Wichita, KS 67203
Lots 9 and 11	Block 6	"	Stephen R. Davis Leah L. Davis 902 N. West Street Wichita, KS 67203
Lots 13 and 15	Block 6	"	Herbert Bruce Daniels Martha Lee Daniels 907 Thurman Cleburne, TX 76031
Lots 17 and 19	Block 6	"	Patrick R. Ortiz Teresa C. Ortiz 633 Clayton Wichita, KS 67203
Lots 21, 23 and 25	Block 6	"	Arthur James Torkelson Julia K. Torkelson 739 N. Sheridan Wichita, KS 67203
Lot 27	Block 6	"	Donald D. Hollar 514 Union Center Bldg. Wichita, KS 67202
Lots 10 and 12, and the $\frac{1}{2}$ of vacated alley adjoining	Block 5	"	Patrick E. Whalen Sr. Hallie E. Whalen 640 N. Clayton Wichita, KS 67203

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 14 and 16, and the $\frac{W}{2}$ of vacated alley adjoining	Block 5	J. O. Davidson 2nd Addition	Norma June Bell Lonnie L. Bell 634 N. Clayton Wichita, KS 67203
Lots 18 and 20, and the $\frac{W}{2}$ of vacated alley adjoining	Block 5	"	Richard Allensworth 626 Clayton Wichita, KS 67203
Lots 22 & 24, and the $\frac{W}{2}$ of vacated alley adjoining	Block 5	"	Cayle Arthur Hultman Marlene R. Hultman 620 N. Clayton Wichita, KS 67203
Lot 26 and the $\frac{W}{2}$ of vacated alley adjoining	Block 5	"	Vesta M. Gregg Willie E. Gregg 614 Clayton Wichita, KS 67203
Lots 1, 2, 3, 4 and 5	Block 7	"	Robert H. Thacker Rochelle J. Thacker 3107 W. Central Wichita, KS 67203
Lots 7, 9 and 11	Block 7	"	Harold Eugene Holtz Verna Mae Holtz 631 N. Custer Wichita, KS 67203
Lots 13 and 15	Block 7	"	Richard Edward Patterson Alice M. Patterson 625 N. Custer Wichita, KS 67203
Lots 17 and 19	Block 7	"	A. J. Lyons Florence O. Lyons 615 N. Custer Wichita, KS 67203
Lot 12	Block 7	"	Clarence F. Doll Jr. 646 N. Mt. Carmel Wichita, KS 67203
Lots 14 & 16	Block 7	"	Rosanna May Shields 640 N. Mt Carmel Wichita, KS 67203
Lot 18	Block 7	"	Ona Mae Wendelberg 632 N. Mt. Carmel Wichita, KS 67203

Page 3

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lots 14 and 16, Block 6, J. O. Davidson 2nd Addition,  
to Wichita, Kansas, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 24th day of May, 1988, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

*Mary Gable*

By

Sr. Vice-President

Order No. 395024

nj

BZA INSPECTION SHEET

MAP NO.: 5247A

CASE NO. BZA 30-88

REQUEST: Exception to permit the establishment of an off-street parking lot

EXISTING ZONING: "A" Two-Family Dwelling District

GENERAL LOCATION: East side of Custer in an area south of Central

APPLICANT: Rudy Betts  
ADDRESS: 11504 W. First  
Wichita, KS 67212

PHONE: 943-3555 (off.)

AGENT: James R. Gilhousen  
ADDRESS: 1005 N. Market  
Wichita, KS 67214

PHONE: 263-9662

-----  
HEARING DATE: 6/28/88

BZA ACTION:

FOLLOW-UP DATE:

RESPONSE BY MAPD:

RESPONSE BY CID:

PL1-0432

NY 00188

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA variance - rear yard AND Signs

Name Crockett, Keeley & Henderson

Address 1005 71 Market

Fund No. (circle one) 755-40710-003 (fees) 755-40710-004  
(books, xerox) 755-40710-026 (microfilm)

Amount 309<sup>00</sup>

Date 5-27-88 Due Date 5-31-88 By K.L.

Form 00-000