BZA 31-88-Rudy Betts req. a VARIANCE to reduce rear yd setback from 10 to 0 ft. on prop. zoned LC Lite Comm. on SE crnr Central & Custer (3015 N. Central)

ACTION not scheduled

B.Z.A. 31-88 6/28/88
DATE

withdrawn

Z-2920

BZA 31-88-Rudy Betts req. a VARIANCE to reduce rear yd setback from 10 to 0 ft. on prop. zoned LC Lite Comm. on SE crnr Central & Custer. (3015 N. Central).

ACTION not scheduled

B.Z.A. 31-88 6/28/88
DATE

Withdrawn
See Z-2930

DATA SHEET

MAP NO.: 5247A

CASE NO. BZA 31-88

(CPO 5B, 6/15/88)

REQUEST: Variance to reduce the rear yard setback from 10 feet to 0 feet

EXISTING ZONING: "LC" Light Commercial District

GENERAL LOCATION: Southeast corner of Central and Custer (3015 W. Central)

APPLICANT: Rudy Betts
ADDRESS: 11504 W. First
Wichita, KS 67212
PHONE: 943-3555

AGENT: James R. Gilhousen
ADDRESS: 1005 N. Market
Wichita, KS 67214
PHONE: 263-9662

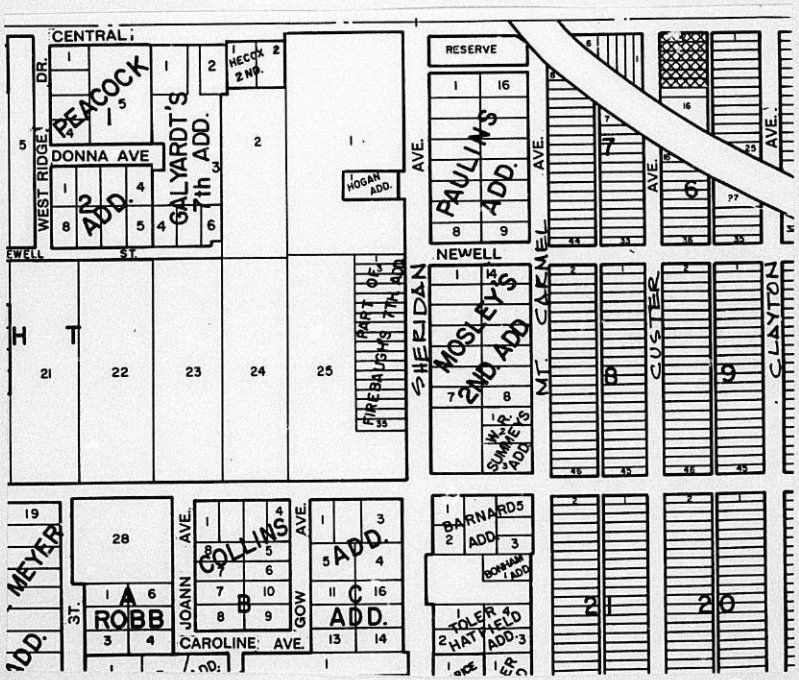
- - - - - - - - - - - - - - -

AREA DATA

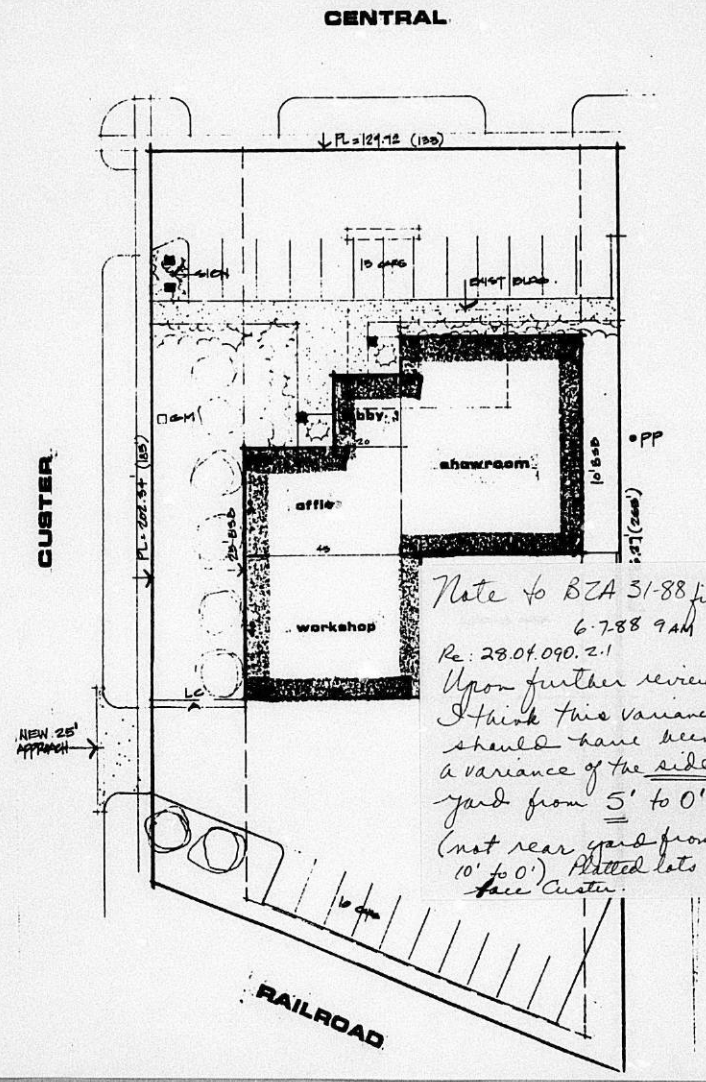
Acres: (ft. by ft.)

Adjacent Zoning and Land Use:

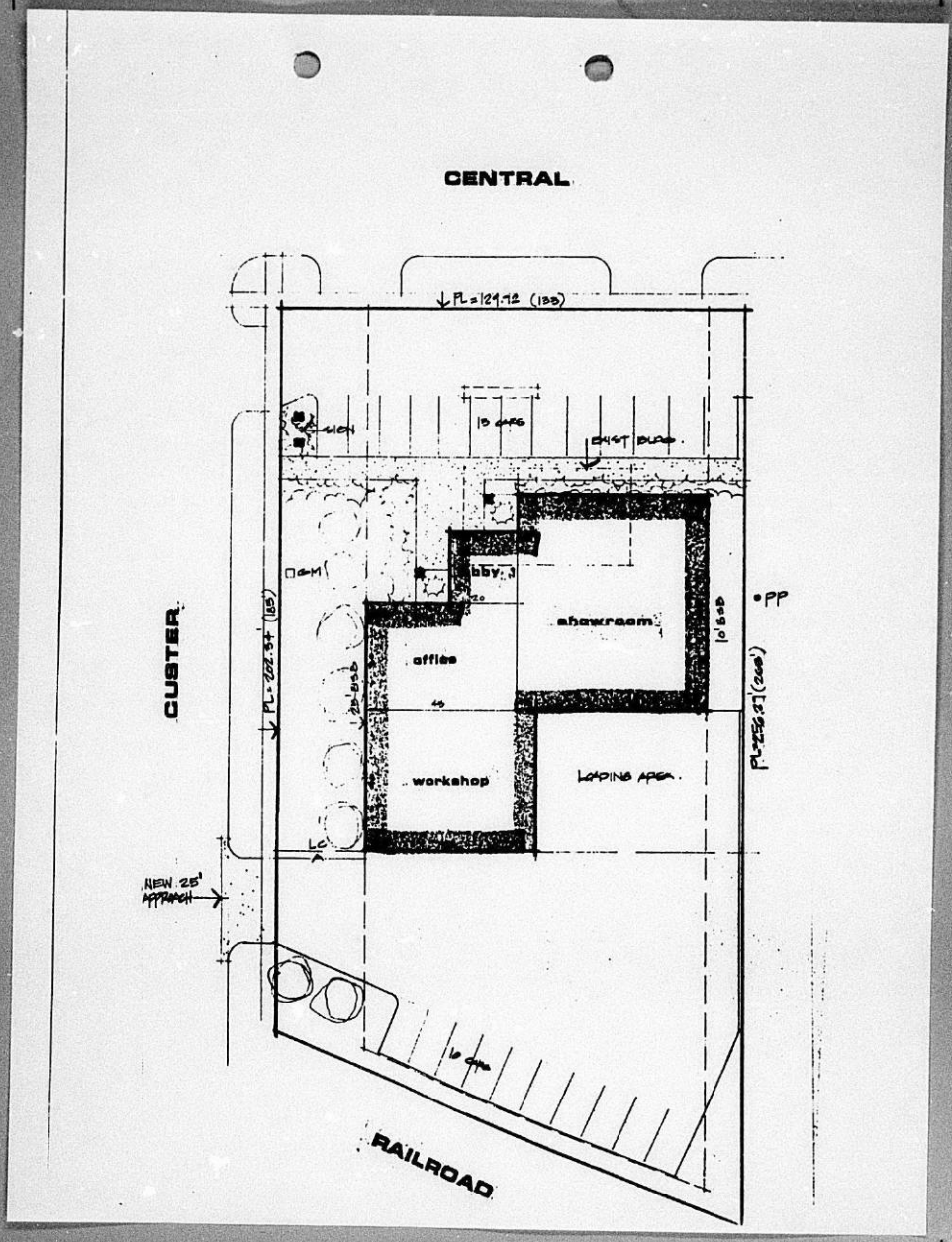
North "LC"
South "A" Undeveloped
East "LC"
West "LC"



PL1-0433



Note to BZA 31-88 file:
6-7-88 9 AM
Re: 28.04.090.2.1
Upon further review, I think this variance should have been a variance of the side yard from 5' to 0' (not rear yard from 10' to 0') Platted lots face Custer.


CENTRAL
CUSTER
RAILROAD
PL=129.72 (133)
SIGN
13 CARS
EXIST BLDG.
GM
PP
showroom
office
workshop
LOADING AREA
PL=202.34' (185')
PL=256.27' (268')
NEW 25' APPROACH
LC
16 CARS

BZA CASE NO. 31-88

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 on BZA 30-88 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

PL1-0062

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

June 6, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 31-88

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 a variance.

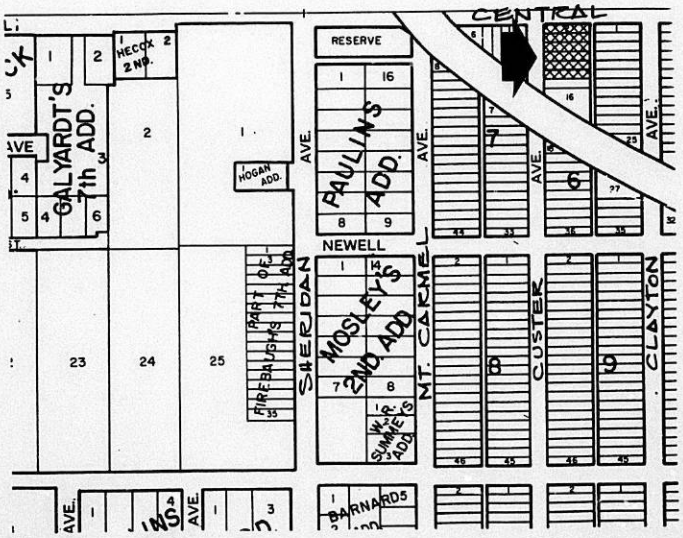
Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the rear yard setback from 10 feet to 0 feet on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

> 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).

This application has been assigned Case No. BZA 31-88. 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 variance, 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 9 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, ½-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 30-88 - 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.B, 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

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

DAVID A. GRIPP
OF COUNSEL

Completed in 1887

THE AMIDON HOUSE
1005 N. MARKET
WICHITA, KANSAS 67214
(316) 263-9662

May 27, 1988

Board of Zoning Appeals
City of Wichita
435 North Main
Wichita, Kansas 67202

Gentlemen:

Your applicant seeks a variance from the provisions of Section 28.04.090 of the code of the City of Wichita. That section requires a rear yard depth of not less than ten feet on lots which are used for commercial purposes.

The applicant proposes to build a commercial building, the south edge of which abuts the boundary between the lots zoned "LC" and the lots zoned "A". The applicant has filed concurrently an Application for Exception to permit the "A" zoned lots to be used for off-street parking. The applicant owns all the property on either side of the "A"-"LC" boundary.

The requested variance will not be contrary to the public interest. Due to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship to the applicant. The variance will not affect the rights of adjacent property owners or residents. The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The granting of the variance will not be opposed to the general spirit and intent of the zoning ordinance.

Very truly yours,

James R. Gilhousen

James R. Gilhousen
Attorney for Applicant
Rudy Betts

JRG/cd

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 31-88

APPLICATION FOR VARIANCE

I. Applicant Rudy Betts

Address 11504 W. 1st, Wichita, Ks Zip Code 67212 Phone H. 722-9098 W. 943-3555

Agent James R. Gilhousen

Address 1005 N. Market, Wichita Zip Code 67214 Phone 263-9662

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

II. The variance requested is ~~elimination~~ reduction of ~~ten foot~~ the rear yard ~~depth requirement~~ setback from ten feet to zero feet

on property zoned LC which is

____ ft by ____ ft (or ____ acres) in size, legally described as:

Lots 2 through ~~10~~ 12 in J.O. Davidsons 2ND Addition

~~Note: Lots 2 through 12 zoned "LC", Lots 14 and 16 zoned "A"~~

and located (3015 W. Central) - southeast corner of Custer and Central

in the City ~~of~~ Wichita.

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

a. That he has received an instruction sheet concerning the filing and hearing of this matter;

b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 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, 4, and 5 of the instructions.

Applicant Rudy Betts

Authorized Agent James R. Gilhousen

OFFICE USE ONLY:

Map No. 5247A Zoning: (N) LC (S) A (E) LC (W) LC 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 300.

Signed Janice Olivas

T9-402(Ci) PL1-0028 (rev:10/87)

PHONE MEMO

TO: Jack Gailbraith
DATE:
TIME: 3:15 AM PM
FROM:
AREA CODE:
NO.:
OF: American Petroleum Marketing, Inc.
EXT.:
MESSAGE: P.O. 2159
Dallas, Texas 75221
Tom Delaney
Office: 8350 N. Central Expressway 75208
SIGNED:
PHONED ☐ CALL BACK ☐ RETURNED CALL ☐ WANTS TO SEE YOU ☐ WILL CALL AGAIN ☐ WAS IN ☐ URGENT ☐

Property Description		OWNER	
Lots 2, 4, 6, 8, 10, 12, 14 and 16	Block 6		
Lot 18	Block 6		
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
Lots 2 and 4, and the W½ of vacated alley adjoining	Block 5	"	Grace and Glory Pentecostal Church 2915 W. Central Wichita, KS 67203
Lots 6 and 8, and the W½ of vacated alley adjoining	Block 5	"	Estel Willis Ray Jenneda Irene Ray 646 N. Clayton Wichita, KS 67203
Lots 10 and 12, and the W½ of vacated alley adjoining	Block 5	"	Patrick E. Whalen Sr. Hallie E. Whalen 640 N. Clayton Wichita, KS 67203
Lots 14 and 16, and the W½ of vacated alley adjoining	Block 5	"	Norma June Bell Lonnie L. Bell 634 N. Clayton Wichita, KS 67203

BZA 31-88

OWNERSHIP LIST

Property Description			Property Owner
Lots 2, 4, 6, 8, 10, 12, 14 and 16	Block 6	J. O. Davidson 2nd Addition	American Petrofina Marketing, Inc. 3015 W. Central Wichita, KS 67214
Lot 18	Block 6	"	Glen E. Farha and Bus Farha 808 W. Harry Wichita, KS 67213
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
Lots 2 and 4, and the W½ of vacated alley adjoining	Block 5	"	Grace and Glory Pentecostal Church 2915 W. Central Wichita, KS 67203
Lots 6 and 8, and the W½ of vacated alley adjoining	Block 5	"	Estel Willis Ray Jenneda Irene Ray 646 N. Clayton Wichita, KS 67203
Lots 10 and 12, and the W½ of vacated alley adjoining	Block 5	"	Patrick E. Whalen Sr. Hallie E. Whalen 640 N. Clayton Wichita, KS 67203
Lots 14 and 16, and the W½ of vacated alley adjoining	Block 5	"	Norma June Bell Lonnie L. Bell 634 N. Clayton Wichita, KS 67203

Property Description			Property Owner
Lot 18 and the W½ of vacated alley adjoining	Block 5	J. O. Davidson 2nd Addition	Richard Allensworth 626 Clayton Wichita, KS 67203
Lots 1, 2, 3, 4, 5 and 6	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
Lot 12	Block 7	"	Clarence F. Doll, Jr. 646 N. Mt Carmel Wichita, KS 67203
Lots 14 and 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
Lot 1		Dotzours Addition	Gibson Wholesale Company, Inc. 928 W. Douglas Wichita, KS 67203
Lot 1		Donley Addition	Leonard N. Donley Helen L. Donley 3018 W. Central Wichita, KS 67203
Lot 1	Block A	B. U. Peters Addition	Leonard C. Hope Margaret Hope 852 Amidon Wichita, KS 67203
Lot 2	Block A	"	Laurie J. Doyon 610 S. Farbrique Wichita, KS 67218
The S½ of a tract described as: Beginning 760 feet East of the Southwest corner of the SE¼ of Section 13, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; th. West 122½ feet; th. North 660 feet; th. East 122½ feet; th. South to the point of beginning.			Gibson Wholesale Company, Inc. 928 W. Douglas Wichita, KS 67203

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

Lots 2, 4, 6, 8, 10 and 12, 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 31st day of May, 1988, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By Glenn G. Edwards
Vice-President

Order No. 395377
nj

received 5-31-88

№ 00187

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA exception - parking lot in "A"

Name Crockett, Keeley & Gilhousen

Address 1005 N. Market

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

Amount 300.00

Date 5-27-88 Due Date 5-31-88 By SC.

Form 00-000