

Case No. BZA 37-76 - Jim Nun-  
gesser requests Exception to  
permit the establishment of an  
off-street parking lot in an  
area generally located on the  
north side of Jewell and west

43  
POSTED  
10-22-76  
24  
M.A.P.C.  
C.I.V.  
12-16-76  
24

ACTION

DATE  
11-23-76

Case # BZA 37-76 COMMITTEE

*Approved*

M.A.P.C.

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

Map No. 5345  
 Sec. 31  
 Twp. 27  
 Range 1E

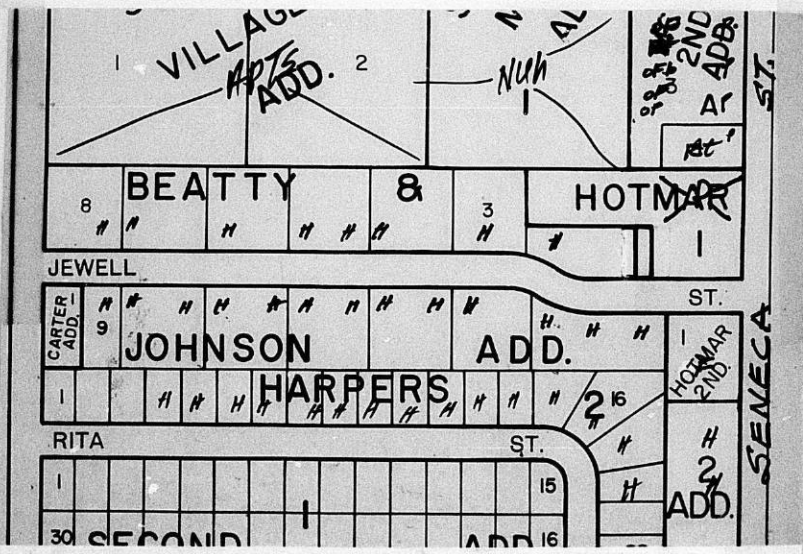
BZA- 37-76  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.05 ( 25 ft. by 90 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East UNDEVELOPED South SINGLE FAM  
 West SINGLE FAM North UNDEVELOPED
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use if for: UNDEVELOPED
6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:

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



**S**  
 No. 2-153C  
 HASTINGS, ILL. 62424  
 LOGAN, OH. - ABBESBORN, TX. 75116, U.S.A.

RESOLUTION NO. BZA 37-76

WHEREAS, Jim Nungesser, 6246 Jackson, Derby, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The west 25 feet of the east 55 feet of Lot 2 in Beatty and Johnson Addition, Sedgwick County, Kansas. Generally located on the north side of Jewell Street in an area west of Seneca Street.

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 November 23, 1976, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has authority to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District, subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The west 25 feet of the east 55 feet of Lot 2 in Beatty and Johnson Addition, Sedgwick County, Kansas. Generally located on the north side of Jewell Street in an area west of Seneca Street,

subject to the following conditions:

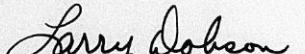
1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot 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. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces, and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required 25 foot front yard setback area. This area shall remain unpaved and shall be landscaped and maintained with grass and trees or shrubs.

8. A five to six foot high solid fence constructed of staggered or louvered redwood or rough sawed cedar shall be constructed along the west property line, behind the front yard setback line; and a three foot high fence of the same material shall be constructed along the front yard setback line and along the south 25 feet of the west property line.

ADOPTED AT WICHITA, KANSAS, this 23rd day of November, 1976.

  
Marjorie L. Taylor  
Chairman

ATTEST:

  
Larry Dobson  
Assistant Secretary

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

Tenth Floor - City Hall  
455 N. Main Street

December 9, 1976

Mr. Jim Nungesser  
6246 Jackson  
Derby, Kansas 67037

Re: Case No. BEA 37-76  
Request for Exception

Dear Mr. Nungesser:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 23, 1976, in connection with your request for an exception to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District, and generally located on the north side of Jewell in an area west of Seneca Street.

This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

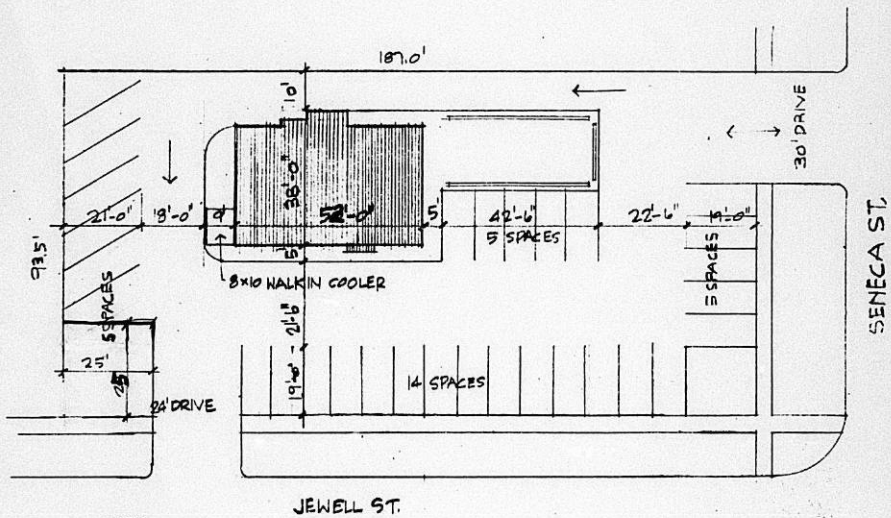
If you have any questions concerning this matter, please call our office.

Sincerely yours,

  
Larry Dobson  
Assistant Secretary

LD:bh  
Encl.  
cc:

Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Central Inspection



PLOT PLAN FOR  
ARTHUR TREACHER'S FISH & CHIPS

1"=30.0'

BZA 37-76

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXX

Tenth Floor, City Hall  
455 North Main Street

November 23, 1976

Mr. Jim Nungesser  
6246 Jackson  
Derby, Kansas 67037

Re: Case No. BZA 37-76  
Request for Exception

Dear Mr. Nungesser:

At the regular meeting of the Board of Zoning Appeals on Tuesday, November 23, 1976, your request for an exception to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District, and generally located on the north side of Jewell Street in an area west of Seneca Street was considered.

It was the action of the Board to approve this request, subject to the following conditions:

1. The parking areas 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 vehicle, equipment materials 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 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. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.


Mr. Jim Nungesser  
November 23, 1976

6. If lighting facilities are provided, they shall be so arranged as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required 25 foot front yard setback area. This area shall remain unpaved and shall be landscaped and maintained with grass and trees or shrubs.
8. A five to six foot high solid fence constructed of staggered or louvered redwood or rough sawed cedar shall be constructed along the west property line, behind the front yard setback line; and a three foot high fence of the same material shall be constructed along the front yard setback line and along the south 25 feet of the west property line.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

  
Larry Dobson  
Assistant Secretary

LD:bh  
cc: Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Central Inspection

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** November 12, 1976



**TO** Larry Dobson, Metropolitan Area Planning Department

**FROM** David Furnas, Citizen Participation Coordinator

**SUBJECT** BZA 37-76 North Side of Jewell  
West of Seneca

At the November 8 meeting of Area "B" CPO Council, members voted unanimously to recommend approval of a zoning exception to permit establishment of an off-street parking lot on property zoned "AA".

The Council recommends approval of the case on the grounds that additional off-street parking would benefit surrounding residents, and the fact that there was no opposition from adjoining property owners.

*David L. Furnas*  
David Furnas  
Citizen Participation Coordinator

DF:KO:sm



SECRETARY'S REPORT  
CASE NO. BZA 37-76

APPLICANT: Jim Nungesser, 6246 Jackson, Derby, Kansas.

AGENT: None.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the establishment of an off-street parking lot.

GENERAL LOCATION: North side of Jewell Street in an area west of Seneca Street.

LAND USE: Subject property is vacant, as are those properties to the north and east. Properties to the west and south are developed with single family dwellings.

ZONING: Subject property is zoned the "AA" Single Family Dwelling District, as are properties to the south and west. East is the "LC" Light Commercial District; north is the "BB" Office District.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.145 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting approval of an exception to permit the use of subject property for off-street parking.

Subject property is a 25 foot wide strip of "AA" Single Family zoned land adjacent to commercially zoned property. The applicant proposes to construct a restaurant on the commercial property and has recently acquired this additional 25 feet for the purpose of improving on-site traffic circulation and to provide additional off-street parking.

The Board, at its October 26, 1976 meeting, considered and approved a variance request by this same applicant, on the commercially zoned property, to reduce the required landscaping adjacent to the west property line. However, the proposed changes to the landscaping and screening section of the zoning ordinance which were being considered by the City Commission at that time, have since been accepted and adopted, which eliminated the applicant's need to exercise that variance.

The property to the north is undeveloped land zoned the "BB" Office District. Properties to the west and south are zoned and

SECRETARY'S REPORT

CASE NO. BZA 37-76

Page 2

developed as single family dwellings. Subject property is being acquired from the large side yard of the adjacent property owner, who reportedly is fully aware of the use contemplated and has no objections.

The site plan submitted with this application shows five off-street parking spaces located on subject property, with the front 25 feet being retained as landscaping.

It is the opinion of the Secretary that this is a logical and proper request and that with proper screening and landscaping for adjacent residential properties, would not adversely affect the general area.

RECOMMENDATION:

It is the recommendation of the Secretary that the application to permit the installation or construction of an off-street parking lot be approved subject to the following conditions:

1. The parking areas 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 vehicle, equipment materials 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 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. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
  6. If lighting facilities are provided, they shall be so arranged as to direct or deflect light away from adjacent residential properties.
  7. There shall be no parking in the required 25 foot front yard setback area. This area shall remain unpaved and shall be landscaped and maintained with grass and trees or shrubs.
  8. A five to six foot high solid fence constructed of staggered or louvered redwood or rough sawed cedar shall be constructed along the west property line, behind the front yard setback line; and a three foot high fence of the same material shall be constructed along the front yard setback line and along the south 25 feet of the west property line.
-

22

~~18~~ notices to agent, applicant and adjoining property owners  
10 notices to MAPC members  
1 notice to Dave Furnas, CPO Coordinator

~~49~~ notices sent on BZA 37-76, 10-29-76

31

BOARD OF ZONING APPEALS  
TENTH FLOOR- City Hall  
455 North Main, Wichita, Kansas 67202

November 1, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 37-76

An application has been filed by Jim Nungesser, 6246 Jackson, Derby, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The west 25 feet of the east 55 feet of Lot 2 in Beatty and Johnson Addition, Sedgwick County, Kansas. Generally located on the north side of Jewell Street in an area west of Seneca Street.

This application has been assigned Case No. BZA 37-76 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 23, 1976, 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

Betty this is a  
25 foot strip just  
west of B2A 34-76

BOARD OF ZONING APPEALS

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

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant Jim Nungesser

Mailing Address 6246 JACKSON Derby, Ks. Phone 788-1045

Name of Authorized Agent \_\_\_\_\_

Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_

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

II. Application is made for an exception as provided in Section

2.12.590.C, Code of the City of Wichita, Kansas, to permit

the establishment of an off-street parking lot

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

"AA", located N side of Jewell in area W of Seneca

\_\_\_\_\_ and legally described as: the west

25' of the east 55' of Lot 2, in Beatty and

Johnson Addition, Sedgwick County, Kansas

\_\_\_\_\_ in the City of Wichita.

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

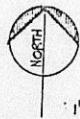
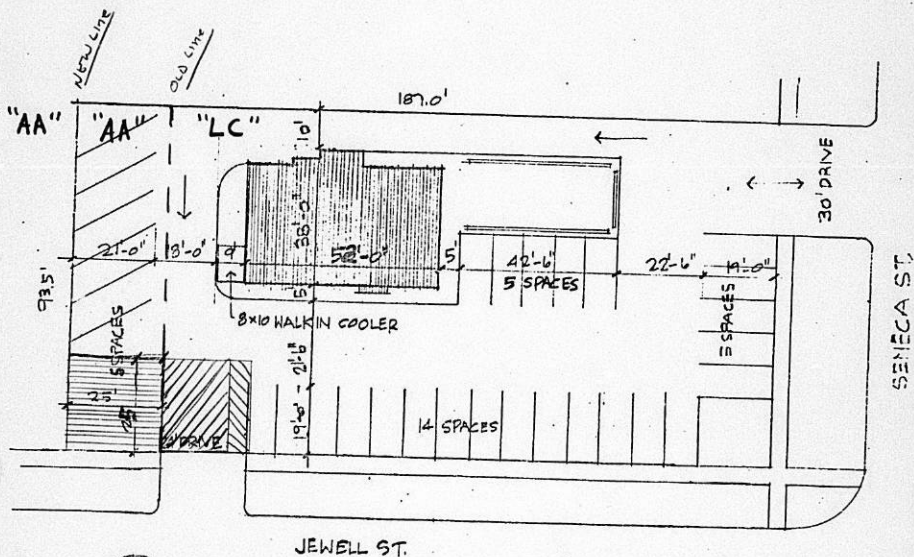
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That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

Applicant Jim Nungesser

Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 11:00 (a.m.) - p.m.), 10-14, 1976, together with appropriate fee of \$50.00

Signed Larry Johnson



**PLOT PLAN FOR  
ARTHUR TREACHER'S FISH & CHIPS**

1"=30.0'

Grant

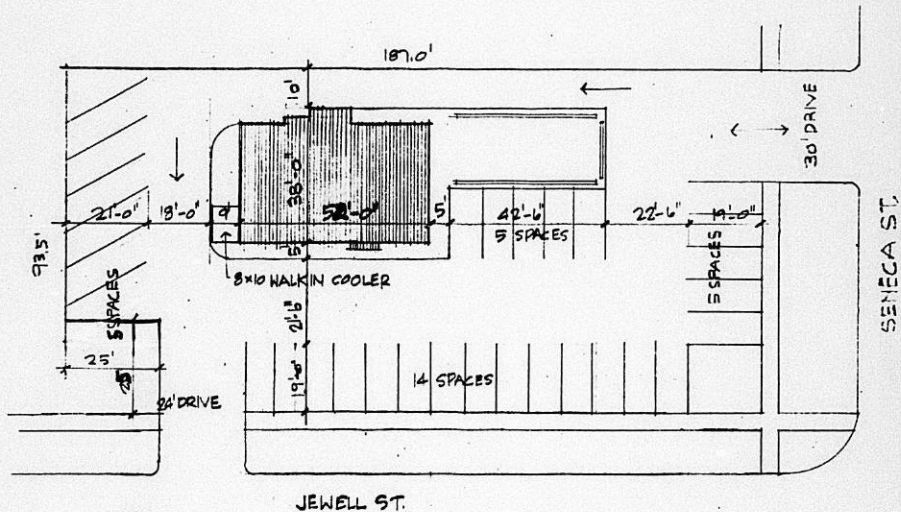
- ① EXCEPTION & Variance
- ② —
- ③ Exception, ord. change
- ④ Variance
- ⑤ Exception, Variance
- ⑥ Variance & ord. change
- ⑦ Ord. change
- ⑧ Exception, Variance, ord. change

Deny

- Ord. change.
- EXCEPTION, VARIANCE, ord. change
- VARIANCE
- Exception & ord. change
- Ord. change, variance
- exception
- Variance & exception
- 

Requirement

- 25X 44' Landscaping (new line)
- 25X 50' Landscaping (old line)
- 25 X 25' Landscaping & 3' fence (new line)
- 25X 19' Landscaping (old line)
- 25X 50' Landscaping (new line)
- 3' fence (old line)
- 3' fence (old line)
- 25 X 25' Landscaping & 3' fence (new line)



PLOT PLAN FOR  
 ARTHUR TREACHER'S FISH & CHIPS

1"=30.0'

10-14-1976

I am acquiring an additional 25 feet of property to be used for employee parking. The parking will be on property zoned AA residential. Since the 25' is being purchased from William Foudray who is the property owner nearest to the west there will be no problems arising from using the 25' for parking. I have discussed the use of this property fully with Foudray.

This additional 25' is very important not only for parking but also is the fact that it will allow better traffic circulation around the building and enable us to move the Jewell street approach further west which will give us better parking around the building.

I agree to landscape the front 25' and to screen the west property line.

Jim Hunsesser

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:

Lot 1 except the north 100 feet thereof, in Block 1, in Hotmar Addition, 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>Hotmar Addition, Wichita:</u>	
Block 1	
N 100' of Lot 1	✓ Taco Tico, Inc. 150 North Oliver Wichita, Kansas 67208
Lot 1 except N 100'	✓ William C. Foudray and Eleanor J. Foudray 1130 Jewell Wichita, Kansas 67213
<u>McAbdeel Second Addition to Wichita:</u>	
Lot 3	✓ McClellan-Fallon, Inc. 1302 Iroquois Road Wichita, Kansas 67203
Lot 4	D Taco Tico, Inc. 150 North Oliver Wichita, Kansas 67208
<u>Seneca Manor Addition to Wichita:</u>	
Lot 1	✓ Seneca Manor, Inc. 1319 May Street Wichita, Kansas 67213
<u>Beatty and Johnson Addition:</u>	
Lot 2 except the E 30' thereof	William C. Foudray and Eleanor Foudray 1130 Jewell D Wichita, Kansas 67213
Lot 15 except the east 130' thereof	✓ June Evelyn Moore 1125 Jewell Wichita, Kansas 67213
West 70' of E 130' of Lot 15	412060154 ✓ Paul Duke and (See Paul Duke's no. Elaine Duke (see phone book) (No address available) in 47 Dis
E 60' of Lot 15	✓ Oliver J. Hotmar and Nellie Hotmar 1115 Jewell Wichita, Kansas 67213

DESCRIPTION

In SW $\frac{1}{4}$  Section 32, Township 27 South, Range 1 East: Beginning on W line of Government Lot 7 417' S of NW corner of said Lot 7; thence S 71.7'; thence E 610.44' to W line of RR right of way; thence NWly along said W right of way line to a point 417' S of N line of said Lot 7; thence W 606.12' to beginning.

OWNERS AND ADDRESSES

L. J. VanValkenberg and  
Vera W. VanValkenberg  
(No address available)

*not in  
of long  
of the  
not in Sub D  
not in city*

Seneca Haven, an Addition to Wichita:

Block 1

Lot 1

✓ Daniel J. Meechan and  
Peggy J. Meechan  
2046 South Seneca  
Wichita, Kansas 67213

Lot 2

✓ Robert Joe Taylor and  
Goldie L. Taylor  
922 Jewell  
Wichita, Kansas 67213

Block 2

Lot 2

✓ William G. Clement and  
Eva M. Clement  
921 Jewell  
Wichita, Kansas 67213

Renollet 8th Addition, Wichita:

Lot 1 except the S 75' thereof

✓ John B. Shepherd and  
Bladys B. Shepherd  
1133 West 29th St. South  
Wichita, Kansas 67217

S 75' of Lot 1

✓ Jack D. Rahm and  
Agnes Irene Rahm  
254 North Yale  
Wichita, Kansas 67208

Seneca Haven Third Addition, Wichita:

Lot 1

✓ Harold A. Kingsley  
2444 Bedford  
Wichita, Kansas 67210

Hotmar Second Addition, Wichita:

Lot 1

✓ Quik-Trip Corporation  
2778 South Seneca  
Wichita, Kansas 67217

Harpers 2nd Addition to Wichita:

Block 2

Lot 15

✓ William Marris Curtis and  
Doris Marie Curtis  
1302 Rita  
Wichita, Kansas 67213

DESCRIPTION

OWNERS AND ADDRESSES

(Harpers 2nd Addition, Block 2 continued)

Lot 16

✓ Albert H. Payne, Jr., and  
Alda Marie Payne  
1258 Rita  
Wichita, Kansas 67213

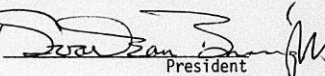
Lot 17

✓ Ivan T. Hopkins and  
Freedra Laquita Hopkins  
1252 Rita  
Wichita, Kansas 67213

WITNESS our hand and seal at Wichita, Kansas, this 24th day  
of August, 1976, at 7:00 o'clock A. M.

REALTY TITLE CO., INC.

By

  
President

No. H26876

SUPPLEMENT TO AND UPDATE ON  
CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be true and correct:

The legal description of the Certificate of Ownership dated August 24, 1976, at 7:00 o'clock A. M., being No. H26865 covering

Lot 1 except the north 100 feet thereof, in Block 1, in Hotmar Addition, Wichita, Sedgwick County, Kansas,

is changed to read as follows and includes additional real estate:

Lot 1, Block 1, Foudray Addition to Wichita, Sedgwick County, Kansas, and

The west 25 feet of the east 55 feet of Lot 2, in Beatty and Johnson Addition, Sedgwick County, Kansas.

Descriptions and owners of the real estate included in this certificate together with all real estate lying within a 200 foot radius thereof includes all that listed in said Certificate of Ownership being No. H26865 except that the following change is made:

Lot 1 except the north 100 feet in Hotmar Addition, Wichita, is hereby deleted and the Lot 1, Block 1, Foudray Addition to Wichita, is added in its place. The owner and address is William C. Foudray and Eleanor J. Foudray, 1130 Jewell, Wichita, Kansas 67213.

The following real estate and owners are also included in this supplement:

DESCRIPTION

OWNERS AND ADDRESSES

Beatty and Johnson Addition:

Lot 3

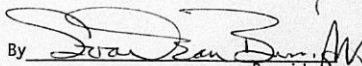
✓ Margaret Blanche Brown  
1210 Jewell  
Wichita, Kansas 67213

Lot 14

✓ George H. Martindale and  
Zelma I. Martindale  
1209 Jewell  
Wichita, Kansas 67213

WITNESS our hand and seal at Wichita, Kansas, this 12th day of October, 1976, at 7:00 o'clock A.M.

REALTY TITLE CO., INC.

By   
President

No. F131076

Form 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
Name		
Address		
Type	Due Date	
Comments:		
Date	By	