

Case No. BZA 38-76 - CONRAD BUSH
requests variance to reduce off-
street parking spaces in an area
on the east side of Seneca
between McCormick and Harry

64
11-23-76
M.A.P.C.
12-20-76

ACTION

BZA # 38-76 COMMITTEE

Approved 11-23-76

DATE

M.A.P.C.

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

ANDERSON & FOSTER
ATTORNEYS AT LAW
P. O. BOX 222
210 WEST MAIN
VALLEY CENTER, KANSAS 67147

D. KEITH ANDERSON

BUS: (316) 755-1273
RES: (316) 755-1082

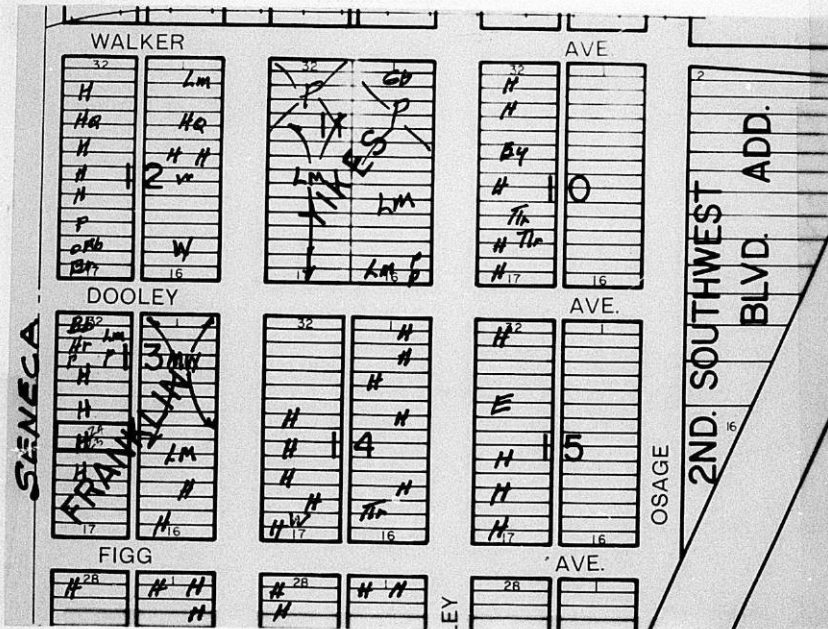
Map No. 5446 BZA- 38-76
Sec. 29 SCZ- _____
Twp. 27 CU- _____
Range 1E Filed _____

AREA DATA:

1. Acres: 0.16 (50 ft. by 140 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East MANUFACTURING South SINGLE FAM
West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: SINGLE FAM and Catering Service
6. Area (is) (is not) platted. _____

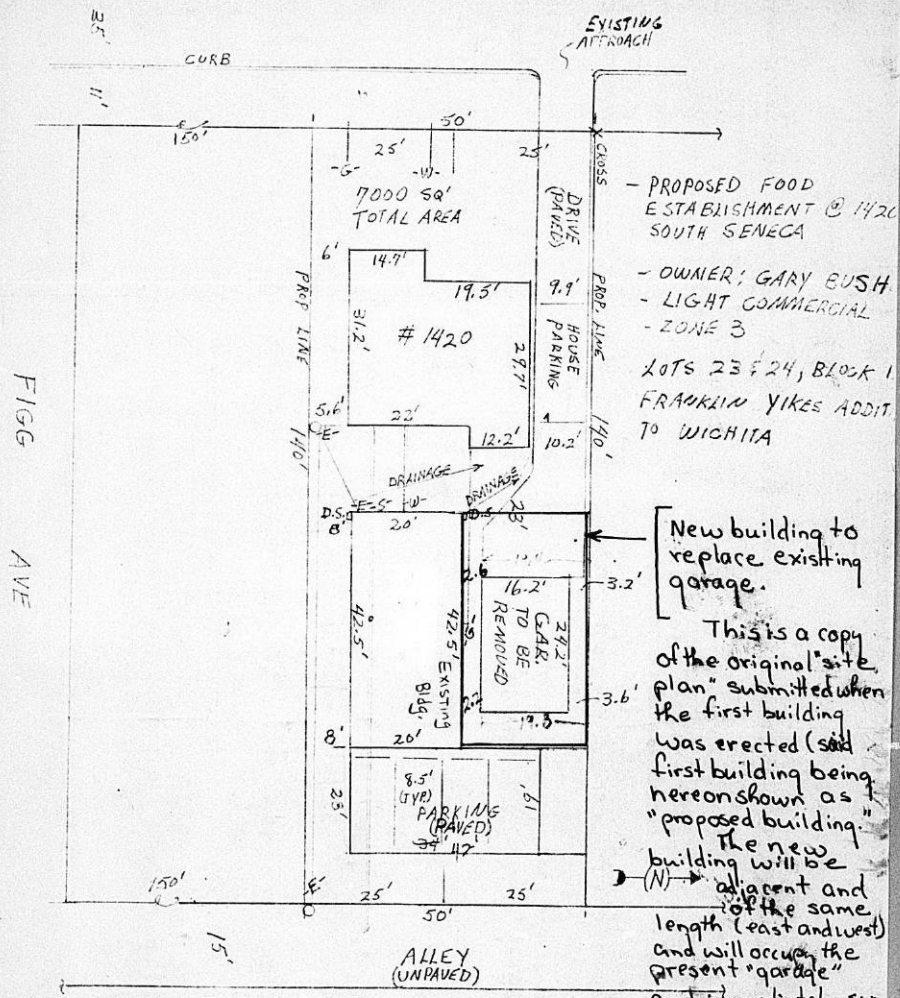
PHOTO DATA:

Taken by _____ Date _____ Time _____



S
No. 2153C
HASTINGS, MN - LOS ANGELES
LODAN OH - McREGOR, TX U.S.A.

SENECA ST.



- PROPOSED FOOD ESTABLISHMENT @ 1420 SOUTH SENECA
- OWNER: GARY BUSH
- LIGHT COMMERCIAL
- ZONE 3
- LOTS 23 & 24, BLOCK 1
- FRAKLIN YIKES ADDIT TO WICHITA

New building to replace existing garage.

This is a copy of the original "site plan" submitted when the first building was erected (said first building being hereon shown as "proposed building." The new building will be adjacent and of the same length (east and west) and will occupy the present "garage" and immediately surrounding space.

BZA 38-76

PREPARED BY: G. YOUNG
744-2846

RESOLUTION NO. BZA 38-76

WHEREAS, Conrad Bush, 1420 So. Seneca, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 7 spaces to 4 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 23 and 24, Block 13, Franklin Yike
Addition to Wichita, Kansas. Generally
located on the east side of Seneca between
Figg and Dooley Avenues.

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 a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as this specific business does not generate the high volume traffic normally found in the light commercial district; and 5 spaces are adequate to provide parking for employees and customers for the foreseeable future; 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 there would be substantially no change in the parking conditions that now exist; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as the business is in need of expanding its facilities to relieve an overcrowded condition and could not do so at this location; 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 due to the fact that the parking needs, as reported, would be substantially unchanged; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the above four conditions can be found to exist; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 7 spaces to 4 spaces on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 23 and 24, Block 13, Franklin Yike
Addition to Wichita, Kansas. Generally
located on the east side of Seneca between
Figg and Dooley Avenues,

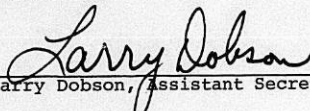
be approved, subject to the following conditions:

1. The number of required off-street parking spaces shall be reduced from 7 spaces to 5 spaces, instead of the request to four.
2. The variance shall be granted for the intended use of a food catering service only, and if the use of the property changes, the resolution for approval shall become null and void, and any other use be required to provide the required off-street parking spaces prior to the issuance of any occupancy permit.

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


Marjorie L. Taylor, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Tenth Floor
459 N. Main Street
Wichita, Kansas, 67202

December 9, 1976

Mr. D. Keith Anderson
210 West Main
Valley Center, Kansas 67147

Re: Request for Variance
BZA Case No. 38-76

Dear Mr. Anderson:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on Tuesday, November 23, 1976, in connection with your request for a variance to reduce the required number of off-street parking spaces from 7 spaces to 4 spaces on property zoned the "LC" Light Commercial District, and generally located on the east side of Seneca between Figg and Dooley Avenues.

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: Conrad Bush, 1420 S. Seneca, 67211
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Tenth Floor, City Hall
455 North Main Street

November 23, 1976

Mr. D. Keith Anderson
210 W. Main
Valley Center, Kansas 67147

Re: Request for Variance
BEA Case No. 38-76

Dear Mr. Anderson:

At the regular meeting of the Board of Zoning Appeals on Tuesday, November 23, 1976, your request for a variance to reduce the required number of off-street parking spaces from 7 spaces to 5 spaces on property zoned the "LC" Light Commercial District and generally located on the east side of Seneca between Figg and Dooley Avenues was considered.

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

1. The number of required off-street parking spaces shall be reduced from 7 spaces to 5 spaces, instead of the request to four.
2. The variance shall be granted for the intended use of a food catering service only, and if the use of the property changes, the resolution for approval shall become null and void, and any other use be required to provide the required off-street parking spaces prior to the issuance of any occupancy permit.

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.

Mr. D. Keith Anderson
November 23, 1976

If you have any questions, please call our office.

Very truly yours,



Larry Dobson
Assistant Secretary

LD:bh

cc: Conrad Bush, 1420 S. Seneca, 67211
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



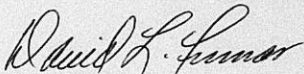
TO Larry Dobson, Metropolitan Area Planning Department

FROM David Furnas, Citizen Participation Coordinator

SUBJECT BZA 38-76 East Side of Seneca
between Figg and Dooley

At the November 8 meeting of Area "B" CPO Council, members voted unanimously to recommend approval of the variance to reduce the required number of off-street parking spaces from seven (7) to four (4).

The Council favored expansion and improvement of an existing business but requested the variance be granted only to the current owner of the business operating at this location.


David Furnas
Citizen Participaton Coordinator

DF:KO:sm



SECRETARY'S REPORT
CASE NO. BZA 38-76

APPLICANT: Conrad Bush, 1420 S. Seneca, Wichita, Kansas.

AGENT: D. Keith Anderson, 210 W. Main, Valley Center, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 7 spaces to 4 spaces.

GENERAL LOCATION: East side of Seneca between Figg and Doolley Avenues (1420 S. Seneca).

ZONING: Subject property is zoned the "LC" Light Commercial District as are those properties to the north, south and west. East is the "E" Light Industrial District.

LAND USE: Subject property is developed with a single family residence and a food catering business. Properties to the north, south, and west are developed as single family dwellings. To the east is a motor freight warehouse.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and

SECRETARY'S REPORT
CASE NO. BZA 38-76
Page 2

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

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required number of off-street parking spaces from seven spaces to four spaces, associated with the construction of a building proposed as an addition to an existing food catering service.

Subject property is a 50 x 140 foot parcel containing a single family dwelling, a detached garage and a 20 x 42½ foot building used for the catering business. The proposed new building would abutt the existing commercial building and would utilize the space now being occupied by the garage. The new building would be the same length as the existing building, 42½ feet, and would be 22 feet wide. The total commercial floor space would then be 1,785 square feet which, based upon the requirement of 1 off-street parking space for each 250 square feet of floor area, would require 7 off-street parking spaces to be provided.

In his statement of justification, the applicant states that the additional building space is needed to relieve the extremely crowded kitchen space in the existing building and will replace the present storage space utilized in the garage. He states that the additional space will not create additional employment but will relieve the crowded conditions. The number of employees and number of vehicles used in the operation of the business are not known as of this writing.

The applicants site plan shows the location of four off-street parking spaces at the rear of the property, utilizing an unpaved alley for ingress/egress. Although the requested variance asks for a reduction from seven spaces to four spaces, it would appear that five spaces could be easily accommodated in the 50 foot lot width.

One off-street parking space is required for the residence located on the property and this space is provided adjacent to the north side of the house.

UNIQUENESS:

It is the opinion of the Secretary that it is difficult to find uniqueness in this instance, but that uniqueness may be found to exist inasmuch as this specific business does not generate the high volume traffic normally found in the light commercial district; and if it can be determined that 4 or 5 spaces are adequate to provide parking for employees and customers.

SECRETARY'S REPORT

CASE NO. BZA 38-76

Page 3

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance may not adversely affect the rights of adjacent property owners or residents, if no additional employment is created inasmuch as there would be substantially no change in the parking conditions that now exist.

HARDSHIP:

It is the opinion of the Secretary that if a hardship would be imposed upon the applicant by the Board's denial of the variance request, it would be due to the fact that the business is in need of expanding its facilities to relieve an overcrowded condition and could not do so at this location.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of this variance would not adversely affect the public health, safety, morals, order, convenience prosperity, or general welfare inasmuch as the parking needs, as reported, would be substantially unchanged.

SPIRIT AND INTENT:

It is the opinion of the Secretary that if the above four conditions are found to exist, the granting of the variance would not be opposed to the general spirit and intent of the zoning ordinance.

RECOMMENDATION:

If the Board determines that the five conditions necessary to the granting of a variance do exist, it is suggested that the following conditions be considered as conditions of approval:

1. The number of required off-street parking spaces shall be reduced from 7 spaces to 5 spaces, instead of the request to four.
 2. The variance shall be granted for the intended use of a food catering service only, and if the use of the property changes, the resolution for approval shall become null and void, and any other use be required to provide the required off-street parking spaces prior to the issuance of any occupancy permit.
-

15 notices sent to agent, applicant and adjacent property owners
10 notices sent to MAPC members
1 notice sent to Dave Furnas, CPO Coordinator
26 notices sent on BZA 38-76, 10-29-76

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 38-76

An application has been filed by Conrad Bush, 1420 S. Seneca, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required number of off-street parking spaces from 7 spaces to 4 spaces on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 23 and 24, Block 13, Franklin Yike
Addition to Wichita, Kansas. Generally
located on the east side of Seneca between
Figg and Dooley Avenues.

This application has been assigned Case No. BZA 38-76, 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

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant CONARD BUSH

Mailing Address 1420 S. Seneca, Wichita, KS 67213 Phone 263-8988

Name of Authorized Agent D. KEITH ANDERSON, Attorney

Mailing Address 210 W. Main P.O. Box 257 Phone 755-1273
Valley Center, KS 67147

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

II. The variance requested is a reduction of off-street parking
spaces (after erection of new building) from seven (7) to the
present existing ^{four (4)} ~~six (6)~~ spaces.

*(Amended per
conversation
with Anderson
ed)*

for property located 1420 S. Seneca, Wichita, Kansas 67213

and legally described as: Lots 23 and 24, Block 13, Franklin
Yike Addition to Wichita, Kansas

in the City of Wichita; and which is presently zoned LC

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

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

May 5446

Conard Bush
Applicant CONARD BUSH

D. Keith Anderson
Authorized Agent D. KEITH ANDERSON

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 1205 (a.m. - p.m.), Oct 26 19 76 together with appropriate fee of \$50.00.

T9-402

Frank J. Johnson
Signed

STATEMENT JUSTIFYING REQUESTED VARIANCE

The variance requested is for a reduction of off-street parking spaces (pursuant to Code of the City of Wichita, Kansas 28.04.141) from seven (7) (the number that would be required upon erection of the new building contemplated by applicant) to ~~six~~ ^{four} (4), the presently existing number of paved parking spaces.

The zoning classification on the property subject of this application is LC.

Applicant operates a food catering service, conducting no retail sales on the premises.

Applicant, through his building contractor, has requested a building permit to erect a building adjacent and abutting his presently existing metal building, which contemplated building would be of block construction and would occupy the space now being occupied by a garage building and the immediately surrounding ground space as shown on the attached site plan.

Applicant submits that the variance requested arises from such condition that is unique to the property in question and which is not ordinarily found in the same zone or condition and is not created by action of the applicant for the following reasons:

1. The contemplated building will be used to provide a larger kitchen space and additional storage space of inventory now crowded in both the existing primary building and the garage which is to be removed and replaced by the contemplated building.
2. The contemplated building will replace the present storage space utilized by the garage and will create no additional employment.
3. The erection of the contemplated building will not create need for additional parking spaces, its purpose being to relieve the extremely crowded kitchen and inventory space in the presently existing building and the garage, the contemplated building to utilize no more ground space than that now occupied by the garage and "wasted" space immediately surrounding the garage. (As shown by the attached site plan, the contemplated building will be the same length in an east and west direction as the existing building and will extend from the existing building to the lot line on the north).

The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. The contemplated structure will be of block construction with a brick side wall of the north adjoining the lot line, the roof thereof to be slanted toward the eave of the existing building so that water flow will not move on to adjoining property. Because the contemplated building will not change the business operation of applicant or increase the traffic flow or need for additional parking spaces, the granting of the variance will not adversely affect rights of adjacent property owners or residents.


Strict application of the provisions of title 28 of the Code of City of Wichita, Kansas of which the variance is requested will constitute an unnecessary hardship upon the property owner (being the same as the applicant), as his business operation is now "crippled" because of extremely crowded conditions in the existing building and the necessity of utilizing the garage on the space upon which the contemplated building will be constructed, it being essential to the continued operation of his business that said contemplated building be erected to handle the need for increased kitchen space and to replace the present storage space of the garage and provide additional storage space.


The variance desired and requested will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare and will, in fact, improve all of same by providing employees and customers of applicant with necessary space, improved safety, convenience and public health circumstances under which to work and will improve the order and general welfare of the operation and, hence, the surrounding properties.

Granting the variance desired will not be opposed to the general spirit and intent of title 28 (zoning ordinance of the Code of the City of Wichita, Kansas in any manner. In fact,

granting of the variance will accomplish the intent and spirit of the zoning ordinances and other regulatory ordinances of the City of Wichita because of the reasons hereinabove set forth.

It is respectfully submitted that granting of the variance requested will be of substantial and essential benefit and improvement in the operation and conduct of applicant's business; and, that the granting of the application for said variance will result in no adverse result to any other party or property owner, its granting, in fact, to result in benefit to adjoining property owners and residents, as well as the City of Wichita generally, for the reasons set forth with specificity above.


CONARD BUSH, Applicant


D. KEITH ANDERSON,
Attorney for Applicant

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
1 thru 12	13 incl.	Franklin Yike Addition	Dugan Truck Line Inc. ✓ 1407 South Walnut 67213
13, 14	13	Same	Frank L. Frase ✓ 525 S. Osage 67213
15, 16	13	Same	Frank Frase & Maxine D 525 S. Osage 67213
			Kenneth Frase and Millie ✓ 1757 Bonn 67213
17, 18	13	Same	Frank E. Taylor & Rebecca J. ✓ 1440 S. Seneca 67213
19, 20	13	Same	Leonard G. Wolke & Barbara K. ✓ 1432 S. Seneca 67213
21, 22	13	Same	11-5-76 mail note Selena Alan D. Hobson & Linda D. 5913 S. Oliver, Rd. 2 Derby, Kansas 67037
23, 24	13	Same	D Conard G. Bush & Marie M. Bush 1420 S. Seneca 67213
25 thru 30	13 inc.	Same	✓ Wichita Shoe Supplies Inc. 638 N. Main 67202
31, 32	13	Same	✓ Gale Sickles 1402 S. Seneca 67213
1, 2	F	East University Addition	✓ Ray Maslen, 1401 S. Seneca 67213
3, 4	F	Same	David A. Hill, Harold W. Schnagel ✓ 1405 S. Seneca 67213
5, 6	F	Same	✓ Hugh E. Richards & Helen B. 404 East Central, Suite 101 67202
7, 8, 9, 10	F	Same	✓ Clarence D. Barry & Jean A. 8320 S. Waco 67233
11, 12, 13, 14, 15, 16	F	Same	✓ Herman Oil Company, Inc. 2614 N. Market 67219



434 NORTH MAIN
WICHITA, KANSAS 67202
267-8371

The Security Abstract & Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners of:

A 200 foot radius of: Lots 23 and 24,
Block 13, Franklin Yike Addition

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 13th day of October, 1976 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Asst. John E. Tyson
Vice President

Order No. 243141
wh

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant CONARD BUSH

Mailing Address 1420 S. Seneca, Wichita, KS 67213 Phone 263-8988

Name of Authorized Agent D. KEITH ANDERSON, Attorney

Mailing Address 210 W. Main P.O. Box 257 Valley Center, KS 67147 Phone 755-1273

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

II. The variance requested is a reduction of off-street parking spaces (after erection of new building) from seven (7) to the present existing six (6) spaces.

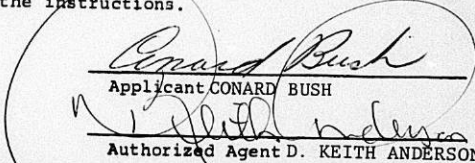
for property located 1420 S. Seneca, Wichita, Kansas 67213

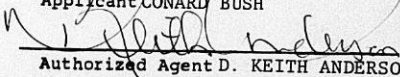
and legally described as: Lots 23 and 24, Block 13, Franklin Yike Addition to Wichita, Kansas

in the City of Wichita; and which is presently zoned LC

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

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


Applicant CONARD BUSH


Authorized Agent D. KEITH ANDERSON

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals _____ (a.m. or p.m.), _____ 19____ together with appropriate fee of \$50.00.

STATEMENT JUSTIFYING REQUESTED VARIANCE

The variance requested is for a reduction of off-street parking spaces (pursuant to Code of the City of Wichita, Kansas 28.04.141) from seven (7) (the number that would be required upon erection of the new building contemplated by applicant) to six (6), the presently existing number of paved parking spaces.

The zoning classification on the property subject of this application is LC.

Applicant operates a food catering service, conducting no retail sales on the premises.

Applicant, through his building contractor, has requested a building permit to erect a building adjacent and abutting his presently existing metal building, which contemplated building would be of block construction and would occupy the space now being occupied by a garage building and the immediately surrounding ground space as shown on the attached site plan.

Applicant submits that the variance requested arises from such condition that is unique to the property in question and which is not ordinarily found in the same zone or condition and is not created by action of the applicant for the following reasons:

1. The contemplated building will be used to provide a larger kitchen space and additional storage space of inventory now crowded in both the existing primary building and the garage which is to be removed and replaced by the contemplated building.
2. The contemplated building will replace the present storage space utilized by the garage and will create no additional employment.
3. The erection of the contemplated building will not create need for additional parking spaces, its purpose being to relieve the extremely crowded kitchen and inventory space in the presently existing building and the garage, the contemplated building to utilize no more ground space than that now occupied by the garage and "wasted" space immediately surrounding the garage. (As shown by the attached site plan, the contemplated building will be the same length in an east and west direction as the existing building and will extend from the existing building to the lot line on the north).

The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. The contemplated structure will be of block construction with a brick side wall of the north adjoining the lot line, the roof thereof to be slanted toward the eave of the existing building so that water flow will not move on to adjoining property. Because the contemplated building will not change the business operation of applicant or increase the traffic flow or need for additional parking spaces, the granting of the variance will not adversely affect rights of adjacent property owners or residents.


Strict application of the provisions of title 28 of the Code of City of Wichita, Kansas of which the variance is requested will constitute an unnecessary hardship upon the property owner (being the same as the applicant), as his business operation is now "crippled" because of extremely crowded conditions in the existing building and the necessity of utilizing the garage on the space upon which the contemplated building will be constructed, it being essential to the continued operation of his business that said contemplated building be erected to handle the need for increased kitchen space and to replace the present storage space of the garage and provide additional storage space.

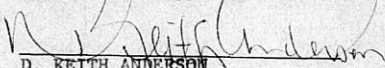
The variance desired and requested will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare and will, in fact, improve all of same by providing employees and customers of applicant with necessary space, improved safety, convenience and public health circumstances under which to work and will improve the order and general welfare of the operation and, hence, the surrounding properties.

Granting the variance desired will not be opposed to the general spirit and intent of title 28 (zoning ordinance of the Code of the City of Wichita, Kansas in any manner. In fact,

granting of the variance will accomplish the intent and spirit of the zoning ordinances and other regulatory ordinances of the City of Wichita because of the reasons hereinabove set forth.

It is respectfully submitted that granting of the variance requested will be of substantial and essential benefit and improvement in the operation and conduct of applicant's business; and, that the granting of the application for said variance will result in no adverse result to any other party or property owner, its granting, in fact, to result in benefit to adjoining property owners and residents, as well as the City of Wichita generally, for the reasons set forth with specificity above.


CONRAD BUSH, Applicant


D. KEITH ANDERSON,
Attorney for Applicant

O W N E R S H I P L I S T

Lot Block	Addition	Property Owner
1 thru 13 12 incl.	Franklin Yike Addition	Dugan Truck Line Inc. 1407 South Walnut 67213
13, 14 13	Same	Frank L. Frase 525 S. Osage 67213
15, 16 13	Same	Frank Frase & Maxine 525 S. Osage 67213
		Kenneth Frase and Millie 1757 Bonn 67213
17,18 13	Same	Frank E. Taylor & Rebecca J. 1440 S. Seneca 67213
19,20 13	Same	Leonard G. Wolke & Barbara K. 1432 S. Seneca 67213
21,22 13	Same	Alan D. Hobson & Linda D. 5913 S. Oliver, Rd. 2 Derby, Kansas 67037
23,24 13	Same	Conard G. Bush & Marie M. Bush 1420 S. Seneca 67213
25 thru 30 inc. 13	Same	Wichita Shoe Supplies Inc. 638 N. Main 67202
31,32 13	Same	Gale Sickles 1402 S. Seneca 67213
1,2 F	East University Addition	Ray Maslen, 1401 S. Seneca 67213
3,4 F	Same	David A. Hill, Harold W. Schnagel 1405 S. Seneca 67213
5,6 F	Same	Hugh E. Richards & Helen B. 404 East Central, Suite 101 6720
7,8, 9,10 F	Same	Clarence D. Barry & Jean A. 8320 S. Waco 67233
11,12, 13,14 15,16 F	Same	Herman Oil Company, Inc. 2614 N. Market 67219

The Security Abstract & Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners of:

A 200 foot radius of: Lots 23 and 24,
Block 13, Franklin Yike Addition

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 13th day of October, 1976 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Asst. John Byron
Vice President

Order No. 243141
wh

Form 223-021

PAYMENT NOTICE

City of Wichita
PAY AT TREASURER'S OFFICE - SECOND 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
Variance (BEA)	450 ⁰⁰

Name: Keith Anderson

Address: Valley Center, KS

Type: HA 402103 Due Date: _____

Comments: check

Date: 10-26-76 By: V. Nelson