

Case No. BZA 40-84 - Silo Stores -
requests a variance to reduce the
required number of off-street parking
spaces from 100 spaces to 66 spaces on
property zoned the "LC" Light Commercial
District and generally located on the
north side of Kellogg & west of the

Posted
5-30-84 AEL

ACTION

BZA 40-84 APPROVED

6-26-84
DATE

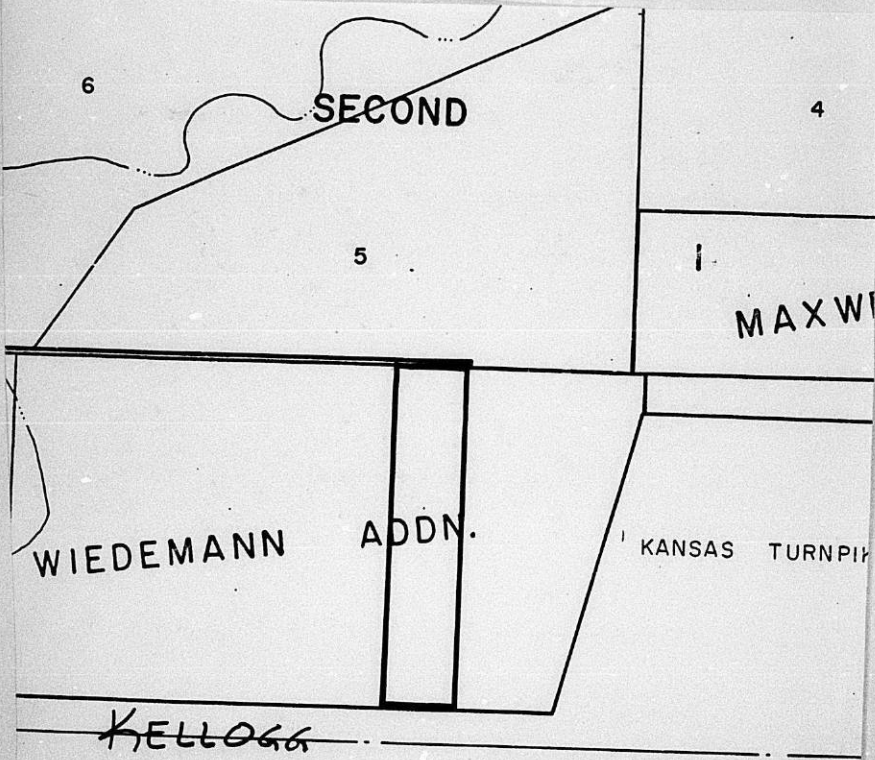
200'4 Sec. 10-2584
Shot 11-14-84
Record ✓

Map No. 6047 B

BZA 40-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E LC S LC W LC N BB
3. Land Use: East MOTEL South Comm
West Comm North Vac
4. Area (is) (~~to not~~) platted.



LOS ANGELES CHICAGO LOGAN, OH
MORRISON, TX - LOCUST GROVE, CA
U.S.A.

Standard
No. 2153C

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67207
(316) 268-4421

October 16, 1984

Silo Stores
& Bob Small
12775 East 38th Avenue
Denver, Co. 80239

Re: BZA 40-04 - Request for Variance

Dear Mr. Small:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 26, 1984. As you are aware, the conditions of approval included the dedication of common driveway easements on both your property and the K-Mart property to the west. By copy of a letter on September 24, 1984 to the K-Mart Property Manager, Leslie K. Knott, K-Mart was requested to dedicate such a common driveway easement. Mr. Fettis indicates he did not receive a favorable answer from Mr. Knott, but he has recorded a common driveway easement on your property.


As you are aware, both your property and that of K-Mart are not only regulated by the provisions of the zoning ordinance, it is also regulated by the provisions of the Community Unit Plan known as DP-15. This includes off-street parking layouts and on-site traffic circulation which was a basis for the approval of your off-street parking plan to mesh with the existing layout of the parking on K-Mart. With the review of any site plan or development plan subject to the approval of the Planning Commission and City Commission, in order to protect all properties concerned, the existing parking layout on K-Mart and your plan approved by Central Inspection shall be maintained as a condition of this approval. This shall not include any barrier of any kind to prevent on-site circulation of vehicles in conformance with the off-street parking standards. A copy of this letter is being sent to Mr. Knott of K-Mart for his information.

This resolution reflects the official action of the Board and is sent to you for your information.

THE CITY OF WICHITA 2

If you have any questions, please give me a call.

Sincerely,



Glen E. Lytle
Assistant Secretary

GEL:sad

Encl.

cc: Everett Fettis, 120 South Market, Suite 504, Wichita 67202
Leslie K. Knott, Property Manager, CPG Realty Management, Inc.,
Eight Penn Center, 18th Floor, Philadelphia, Pa. 19103
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 40-84

WHEREAS, Silo Stores, & Bob Small, 12775 East 38th Avenue, Denver, Colorado, 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 100 to 66 on property zoned the "LC" Light Commercial District and legally described as follows:

Part of Lot 1, Wiedemann Addition, Wichita, Sedgwick County, Kansas described as commencing at the southwest corner of said Lot 1 (being the intersection of the east line of the drainage dedication and the south line of said Lot 1); thence east along the south line of said Lot 1 760 feet for a place of beginning, thence continuing east along the south line of said Lot 1 130 feet; thence north parallel with the west line of the SE/4 section 20/27S/2E (being the west line of the drain dedication as shown on said Wiedemann Addition) and, 602.5 feet to the north line of said Lot 1, thence west along the north line of said Lot 1 130 feet; thence south 602.5 feet to the place of beginning. Being replatted as Lot 2, Kelway 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg and west of the Kansas Turnpike Interchange.

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 June 26, 1984, 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 the proposed use is an appliance-electronic and home furnishing business that demands less parking than general retail businesses, and the operation of this company merchandises in a different manner than most retail businesses in appliances, etc.; 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 the amount of reduction in the number of parking spaces that will now be provided is negligible; 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 owners represented in the application inasmuch as the property is limited in size and the size of the building and the % of lot area is in compliance with the provisions of the C.U.P.; and to acquire additional land for parking not needed would be unnecessary; 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 reduction in parking will not affect any right-of-way or easements; 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 applicant will be providing off-street parking in sufficient amount to accommodate the proposed use; 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.

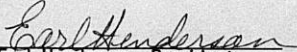
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 100 to 66 on property zoned the "LC" Light Commercial District and legally described as follows:

Part of Lot 1, Wiedemann Addition, Wichita, Sedgwick County, Kansas described as commencing at the southwest corner of said Lot 1 (being the intersection of the east line of the drainage dedication and the south line of said Lot 1); thence east along the south line of said Lot 1 760 feet for a place of beginning, thence continuing east along the south line of said Lot 1 130 feet; thence north parallel with the west line of the SE/4 section 20/27S/2E (being the west line of the drain dedication as shown on said Wiedemann Addition) and, 602.5 feet to the north line of said Lot 1, thence west along the north line of said Lot 1 130 feet; thence south 602.5 feet to the place of beginning. Being replatted as Lot 2, Kelway 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg and west of the Kansas Turnpike Interchange.

be approved subject to the following conditions:

1. The building shall not exceed the 25,000 square feet of floor area or the 25,000 square feet of lot coverage as set forth on DP-15 (CUP).
2. The applicant shall provide not less than 80 off-street parking spaces in conformance with all applicable regulations. The site plan shall take into consideration the existing traffic pattern already established on the property to the west. This shall include the dedication of common driveway easements on both properties to assure the maintenance of the driveways.
3. The reduction of the required off-street parking shall only apply to the property as long as it remains as a retail appliance/electronics or furniture business and the showroom and office space does not exceed 11,000 square feet. Any change of occupancy to any other use will null and void this variance and the off-street parking for the new use will be required to comply with the ordinance.
4. The parking area shall be marked and maintained in accordance with a site plan that has been approved by the Traffic Engineer and the Fire Department and is a part of this file.
5. Prior to the release of the Resolution authorizing the issuance of any construction permits, the plat of Kelway 2nd Addition shall be recorded, and 3 copies of a site plan showing compliance with the conditions above have been furnished to the Secretary.

ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

EASEMENT

THIS GRANT OF EASEMENT (the "Easement") is made as of the 4th day of October, 1984, by CYCLOPS CORPORATION, a Pennsylvania corporation, (hereinafter referred to as the "Grantor").

WHEREAS, Grantor is the owner of the following described real property (hereinafter the "Property"), to wit:

That part of Lot 1, Wiedemann Addition, Wichita, Sedgwick County, Kansas described as commencing at the South West corner of said Lot 1, (being the intersection of the east line of the drainage dedication and the south line of said Lot 1); thence east along the south line of said Lot 1, 760 feet for a place of beginning; thence continuing east along the south line of said Lot 1, 130 feet; thence north parallel with the west line of the SE 1/4 of Section 20, Twp. 27-S, R-2-E (being the west line of the drainage dedication as shown on said Wiedemann Addition), 602.5 feet to the north line of said Lot 1; thence west along the north line of said Lot 1, 130 feet; thence south 602.5 feet to the place of beginning.

and;

WHEREAS, Grantor has recently submitted plans to the Board of Zoning Appeals of the City of Wichita, Kansas, and

WHEREAS, the City of Wichita requires the dedication of a permanent easement ten (10) feet in width along the west boundary of the property for the benefit of the owners and occupants of the parcel of land (hereinafter referred to as the "Adjacent Property") contiguous to the west boundary of the Property, and the City of Wichita has also requested the dedication of a similar easement by the owners of the Adjacent Property for the benefit of the owners and occupants of the Property.

NOW, THEREFORE, in consideration of the premises, the Grantor agrees as follows:

STATE OF KANSAS } ss
 SEDGWICK COUNTY }
 FILED FOR RECORD AT
 10:45 am
 OCT 8 1984
 NO. 7 14471
 BETTE F. MCCART
 REGISTER OF DEEDS

*Ed Reed
 Deputy*

1. Subject to the reservations and conditions hereinafter set forth, Grantor grants, for the benefit of the Adjacent Property and for the use and enjoyment of the owners, occupants, grantees, lessees, and transferees, thereof, forever, an easement (hereinafter referred to as the "Easement") ten (10) feet in width along the west boundary of the Property solely for the purpose of parking motor vehicles, said Easement more particularly described as follows:

That part of Lot 1, Wiedemann Addition, Wichita, Sedgwick County, Kansas, described as commencing at the Southwest corner of said Lot 1, (being the intersection of the east line of the drainage dedication and the south line of said Lot 1);

Copy

thence east along the south line of said Lot 1, 760 feet for place of beginning; thence continuing east along the south line of said Lot 1, 10 feet; thence continuing east along the south line of said Lot 1, 10 feet; thence north parallel with the west line of the Southeast 1/4 of Section 20, Twp. 27-S, R-2-E (being the west line of the drainage dedication as shown on said Wiedemann Addition), 602.5 feet, to the north line of said Lot 1; thence west along the north line of said Lot 1, 10 feet; thence south 602.5 feet to the place of beginning, being the west 10 feet of Lot 2, Kelway Second Addition, Wichita, Kansas.

2. It is a condition of this grant that the Easement shall be used in common with the Grantor, its successors, assigns, grantees, lessees, transferees, invitees, agents, and customers solely for the parking of motor vehicles. It is further agreed and understood that should the owner of the Adjacent Property erect a barrier between the Adjacent Property and the Property instead of dedicating a similar easement for the parking of motor vehicles in favor of Grantor, its successors, assigns, grantees, lessees, transferees, invitees, agents, and customers, then this Easement shall be no longer required and shall become thereupon null and void.

3. The use of the Easement shall comply with all present and future applicable building, subdivision, zoning, off street parking, and other land use or other laws, ordinances, rules, regulations or orders of any and all governmental authorities regulating the conduct of or having jurisdiction over the use and occupancy of the Easement.

4. The provisions hereof shall run with the land comprising the Property, and shall be binding upon and inure to the benefit of Grantor, its successors, assigns, grantees, lessees and transferees, forever.

IN WITNESS WHEREOF, this Easement has been executed as of the day and year first above written.

CYCLOPS CORPORATION

By

[Signature]
Vice President

ATTEST:

[Signature]
Asst. Secretary

COMMONWEALTH OF PENNSYLVANIA :
SS:
COUNTY OF ALLEGHENY :

On this, the 4th day of October, 1984, before me, the undersigned officer, personally appeared ^{B.E. Mitchell} who acknowledged himself to be a Vice President of CYCLOPS CORPORATION, a Pennsylvania corporation, and that he as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Vice President.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Irene E. Primozich

Notary Public

IRENE E. PRIMOZICH NOTARY PUBLIC
MT. LEBANON TWP., ALLEGHENY COUNTY
MY COMMISSION EXPIRES JAN. 26, 1987
Member, Pennsylvania Association of Notaries

My Commission Expires: _____

(SEAL)

Sept 24

Pruitt advised that he can't get an easement from K. Smart. That K-Smart is wanting a fence constructed along their east property line.

I advised that a fence cannot be constructed in a 24' required circulation driveway. That we still want the 10' easement from the Sels property benefiting the K-Smart Property. He will proceed to give us the required 10' easement and to write K Smart a letter concerning the fence.

J.H.S.

LAW OFFICES
FETTIS & MCCLURE
120 SOUTH MARKET
SUITE 504
WICHITA, KANSAS 67202
316-267-7251

EVERETT C. FETTIS
DAVID R. MCCLURE

JFM
KEITH M. CURFMAN
OF COUNSEL

September 24, 1984

Leslie K. Knott
Property Manager
CPG Realty Management, Inc.
Eight Penn Center - 18th Floor
Philadelphia, Pennsylvania 19103

RE: K-Mart #4174 - Wichita, Ks
East Wichita Partners

Dear Ms. Knott:

As you know, we have been told that K-Mart refuses to dedicate the 24 foot easement along the east property line for joint parking access. The City recognizes that we cannot require K-Mart to do so. Therefore, we have drafted a new easement dedicating ten feet along the west side of the Silo property for permanent easement for parking access. It appears to me that K-Mart is shortsided in not availing themselves of this parking use. The Planning staff was somewhat surprised at this also and questioned whether K-Mart could close off this area, but that is not their concern. I did advise Mr. Galbraith that I would write and apprise you as to what we are doing.

Very truly yours,

Everett C. Fettis
EVERETT C. FETTIS

ECF/dbs

cc: Jack H. Galbraith, Chief Planner
Bob Small, Silo Stores

RECEIVED

SEP 25 1984

METROPOLITAN PLANNING

ROUTE

June 27, 1984

Silo Stores
8 Bob Small
12775 East 38th Avenue
Denver, Colorado 80239

Re: BZA 40-84 - Request for Variance

Dear Mr. Small:

At the regular meeting of the Board of Zoning Appeals on June 26, 1984, your request for a variance was considered. It was the action of the Board to approve your request subject to the following conditions

1. The building shall not exceed the 25,000 square feet of floor area or the 25,000 square feet of lot coverage as set forth on DP-15 (CUP).
2. The applicant shall provide not less than ~~30~~ ²⁰ off-street parking spaces in conformance with all applicable regulations. The site plan shall take into consideration the existing traffic pattern already established on the property to the west. This shall include the dedication of common driveway easements on both properties to assure the maintenance of the driveways.
3. The reduction of the required off-street parking shall only apply to the property as long as it remains as a retail appliance/electronics or furniture business and the showroom and office space does not exceed 11,000 square feet. Any change of occupancy to any other use will null and void this variance and the off-street parking for the new use will be required to comply with the ordinance.
4. The parking area shall be marked and maintained in accordance with a site plan that has been approved by the Traffic Engineer and the Fire Department and is a part of this file.
5. Prior to the release of the Resolution authorizing the issuance of any construction permits, the plat of Kelway 2nd Addition shall be recorded, and 3 copies of a site plan showing compliance with the conditions above have been furnished to the Secretary.

OK
see minutes
of 6-26-84
mtg.

As you are aware, the submission of the revised site plan showing compliance with the above conditions is necessary prior to the release of the resolution. Also, as indicated by Mr. Shelden, Manager of K-Mart East, a site plan should be furnished to their general office in Detroit for any approval of the necessary easements. It might speed up the process if you furnish all the necessary documents to Mr. Shelden directly as soon as they have been prepared.

If you have any questions, please give me a call at 268-4421.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Everett Fettis, 120 S. Market, Suite 504, Wichita 67202
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk
Mr. Shelden, Manager K-Mart East, 8600 East Kellogg, Wichita 67207

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE June 21, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Enriken, Administrative Aide III

SUBJECT BZA 40-84 Generally located on
the north side of Kellogg and
west of the Kansas Turnpike
Interchange

On Monday, June 18, CPO Council "H" considered the above captioned case.

The Council voted 5-0 that this project is an appropriate use for the land; but the plan, as presented, differs too much from the Secretary's report; therefore, the applicant should work with the Planning staff to resolve the problems.

Everett Fettis was present to discuss this case with the Council. The Aide presented architect's drawings of the proposed building and parking. Fettis stated that according to the contractor on the project there are 14 additional spaces in the parking lot although the spaces are not marked on the plans. No area residents were present to discuss the case.

Please present the Council's recommendations to the BZA when it meets to consider this case.

Cindy Enriken
Cindy Enriken
Administrative Aide III

CE:sm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

SECRETARY'S REPORT
CASE NO. BZA 40-84

APPLICANT: Silo Stores, § Bob Small, 12775 East 38th Avenue, Denver, Colorado.

AGENT: Everett Fettis, 120 S. Market, Suite 504, Wichita, 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 100 to 66 spaces.

GENERAL LOCATION: On the north side of Kellogg and in an area west of the Kansas Turnpike Interchange.

ZONING: Subject property is zoned the "LC" Light Commercial District as are the properties to the east, west and south. To the north is "BB" Office District.

LAND USE: Subject property is vacant as is the property to the north. To the west is a retail business, and to the east is a motel. To the south across Kellogg is an automobile agency.

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 conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the number of required off-street parking spaces for the development of an appliance and furniture store. The plan submitted with the application did not indicate the amount of building area included in the facility. The letter of justification indicated that the building contained 25,000 square feet of floor area which would require 100 off-street parking spaces. The advertisement was published on June 1, 1984 and stated the reduction was to be from 100 spaces to 66 spaces. On June 8, 1984, the applicant's agent furnished plans to this office that sets forth the total square footage of the building as 25,775 square feet, which would require 103 spaces by ordinance. This would be a reduction of 37 spaces.

The property was recently sold from the original tract that was a part of a lot on which the K-Mart store was developed. It is in the process of being replatted as Kelway Second Addition. This plat has not been recorded as of this date due to the resolution of some drainage problems.

It should be noted that the existing parking layout on the K-Mart property to the west does not correspond to the parking layout on this parcel. It would appear that a rearrangement of the applicant's site plan to relate to the existing parking layout, and the moving of the building to the north would increase the number of off-street parking spaces that could be provided on the site by at least 12 to 20 spaces.

The CUP was recently amended to allow this parcel for development as an appliance and furniture sales building. Specific conditions set forth a maximum lot coverage and building area of 32% or 25,000 square feet, and that the facility shall comply with the off-street parking requirements of the zoning ordinance. In accordance with the figures submitted on June 8, 1984, the floor area and the lot coverage exceed these conditions. It would appear that the applicant has over designed the project for the site and it should be adjusted to conform.

UNIQUENESS:

It is the opinion of the Secretary that this property is not unique inasmuch as the property is a rectangular site that could accommodate most retail uses, however, there might be some uniqueness to the use as an appliance and furniture store as it relates to the off-street parking demand.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will adversely affect the rights of adjacent property to the west if the parking layout does not conform to the existing pattern already established to the west and the number of off-street parking spaces is not increased.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant if the entire amount of parking is required; however, if the number of spaces could be increased by redesign of the site to more nearly conform to the requirements of the ordinance, this provision could definitely be justified.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest providing the applicant provides a plan that does not affect the existing parking to the west.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the parking requirements are to provide for most retail uses that are permitted in the "LC" Light Commercial District.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of a variance cannot be found to exist and the variance be denied. However, should the applicant wish to attempt to redesign the plans to conform to the conditions of the CUP related to area and coverage limitations, and to alter the off-street parking layout to conform to the existing pattern already established in order to increase the number of parking spaces; then it is recommended that the case be deferred for reconsideration by the Board on July 24, 1984.

BZA CASE NO. 40-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>5</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>8</u>	TOTAL NOTICES SENT <u>6-6-84</u>

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

June 6, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 40-84

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 Silo Stores, & Bob Small, 12775 East 38th Avenue, Denver, Colorado, 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 required number of off-street parking spaces from 100 spaces to 66 spaces on property zoned "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Part of Lot 1, Wiedemann Addition, Wichita, Sedgwick County, Kansas described as commencing at the southwest corner of said Lot 1 (being the intersection of the east line of the drainage dedication and the south line of said Lot 1); thence east along the south line of said Lot 1 760 feet for a place of beginning, thence continuing east along the south line of said Lot 1 130 feet; thence north parallel with the west line of the SE/4 section 20/27S/2E (being the west line of the drain dedication as shown on said Wiedemann Addition) and, 602.5 feet to the north line of said Lot 1, thence west along the north line of said Lot 1 130 feet; thence south 602.5 feet to the place of beginning. Being replatted as Lot 2, Kelway 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg and west of the Kansas Turnpike Interchange.

This application has been assigned Case BZA 40-84. It will be considered by the Board of Zoning Appeals on June 26, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding 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.

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.

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

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 40-84
FILED 5-29-84

APPLICATION FOR VARIANCE

I. Name of Applicant Silo Stores, %Bob Small
Mailing Address 12775 E. 38th Ave., Denver, Colorado 80239 Phone (303)373-4330
Name of Authorized Agent Everett C. Fettis
Mailing Address 120 S. Market, Suite 504 Phone 267-7251
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the number of off street parking stalls spaces from 100 to 66

for property located on the north side of Kellogg and west of the Turnpike Interchange
and legally described as: see attached

in the City of Wichita; and which is presently zoned L.C.

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

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- That he has been advised of the fee requirements established by Section 2.12.500 of the Code of the City of Wichita (Ordinance No. 36-596) and that the appropriate fee is herewith tendered;
- 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.
- That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant _____

Authorized Agent Everett C. Fettis

EVERETT C. FETTIS

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:00 ~~5:00~~ p.m.), MAY 29, 1984 together with appropriate fee of \$150.00.

Signed [Signature]

LEGAL DESCRIPTION

Part of Lot 1, Wiedemann Addition, Wichita, Sedgwick County, Kansas described as commencing at the Southwest Corner of said Lot 1 (being the intersection of the East line of the drainage dedication and the South line of said Lot 1); thence East along the South line of said Lot 1 760 feet for a place of beginning; thence continuing East along the South line of said Lot 1 130 feet; thence North parallel with the West line of the SE/4 Section 20/27S/2E (being the West line of the drain dedication as shown on said Wiedemann Addition) and, 602.5 feet to the North line of said Lot 1; thence West along the North line of said Lot 1 130 feet; thence South 602.5 feet to the place of beginning.

LAW OFFICES
FETTIS & MCCLURE
120 SOUTH MARKET
SUITE 504
WICHITA, KANSAS 67202
316-267-7251

STATEMENT

Applicant seeks to reduce the required off street parking for the reason that the nature of the store is such that the ordinary amount of parking will not be required. The building is approximately 25,000 square feet in size with 15,000 square feet being used for offices and warehouse storage and 10,000 square feet being used for retail showroom. The experience of this company is that in this type of store substantial amounts of parking are not required.

The variance requested is unique to the property in question for the reason that it is in addition to a future commercial use and will not change in any manner the general conditions. The applicant has acquired this property because of its proximity to this particular commercial use and does fit within the area.

It seems obvious this will not adversely affect the rights of adjacent property owners because on both sides the use is similar.

Strict application of the provisions of Title 28 will constitute unnecessary hardship because of the lack of additional property and because there is really no need for such.

There will be no adverse affect to the public health, safety, morals, order, convenience, prosperity or general welfare because the use fits in with the general area.

The granting of the variance will not be opposed to the general spirit and intent of Title 28 because again the use is consistent with the other use in this area.



Fidelity Title Company, Inc. 221 North Market Wichita, Kansas 67202 - Phone (316) 262-8261
115 W. Pine El Dorado, Kansas 67042 Phone (316) 321-3970

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

RECORD OWNERS WITHIN ²⁰⁰ 1000 FEET OF: a portion of
Lot 1, WIEDEMAN ADDITION, Sedgwick
County, Kansas.

*Use for
ownership list*



*BZA 40-84
D.E.L.*

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

DESCRIPTIONS

RECORD OWNERS

Beginning at the Southeast Corner of Lot 1; thence Northeasterly 549.21 feet; thence Northerly 72.59 feet; thence West 451.92 feet; thence South 602.5 feet; thence East 307.23 feet to the point of beginning, WIEDEMAN ADDITION,

Kelway Inc.
6572 E. Central, Suite 103
Wichita, Kansas 67206

Lot 1, EXCEPT beginning at the Southeast corner; thence Northeasterly 549.21 feet; thence Northerly 72.59 feet; thence West 451.92 feet; thence South 602.5 feet; thence East 307.23 feet to beginning, WIEDEMAN ADDITION,

East Wichita Partners
76 Craig Lord
922 W. Ridge Pike
Conshocken, PA ZIP CODE UNKNOWN
14141

Lot 5, Block 7, BONNIE BRAE ADDITION,

Clark V. & Regina J. Brinson
8307 Peach Tree Lane
Wichita, Kansas 67207



DESCRIPTIONS

RECORD OWNERS

Lot 12, Block 13, BONNIE BRAE ADDITION,	Larry C. & Doris E. Bell Record Owners 72 S. Mission Wichita, Kansas 67207 Eric A. & Helen Newcomb (Contract Purchasers) 257 Bonnie Brae Wichita, Kansas 67207
Lot 13, Block 13, BONNIE BRAE ADDITION,	Richard A. & Marcille Wohlgemuth 251 Bonnie Brae Street Wichita, Kansas 67207
Lot 14, Block 13, BONNIE BRAE ADDITION,	Robert C. & Marjorie M. Faris 245 Bonnie Brae Street Wichita, Kansas 67207
Lot 15, Block 13, BONNIE BRAE ADDITION,	William R. & Doris Jean Futo 239 Bonnie Brae Street Wichita, Kansas 67207
Lot 16, Block 15, BONNIE BRAE ADDITION,	Albert L. & Marguerite E. Gosman 244 Bonnie Brae Street Wichita, Kansas 67207
Lot 17, Block 15, BONNIE BRAE ADDITION,	Dale E. & Dorothy A. Schoenlefer 250 Bonnie Brae Street Wichita, Kansas 67207
Lot 18, Block 15, BONNIE BRAE ADDITION,	Norman G. & Betty J. Neugebauer 256 Bonnie Brae Street Wichita, Kansas 67207
Lot 19, Block 15, BONNIE BRAE ADDITION,	Rick & Cynthia Hill 262 Bonnie Brae Street Wichita, Kansas 67207
Lot 20, Block 15, BONNIE BRAE ADDITION,	Leslie Ralph & Carrie Gilstrap 268 Bonnie Brae Street Wichita, Kansas 67207
Lot 21, Block 15, BONNIE BRAE ADDITION,	Doyle C. & Naida M. Haberly 8416 Willowbrook Road Wichita, Kansas 67207
Lot 1, DRY ADDITION,	J. R. & Verda S. Dry and J. R. Dry, Jr. ADDRESS UNKNOWN
Lots 1 and 2, WEAVER-REIMOLD ADDITION,	Executive Inn Inc. 8401 E. Kellogg Wichita, Kansas 67207
Lot 1, Block 1, LANKIN ADDITION,	Arthur Lankin 953 S. Greenwich Wichita, Kansas 67207



Fidelity  Title
COMPANY, INC.

DESCRIPTIONS

RECORD OWNERS

Lot 1, Block 1, LANKIN 2ND ADDITION	Arthur & Kathleen Lankin 953 S. Greenwich Wichita, Kansas 67207
Lot 1, EAST TURNPIKE ENTRANCE ADDITION,	Seldin Development & Management Co. 13057 W. Center Road Omaha, Nebraska 68144
Lots 1, 2 and 3, EAST TURNPIKE ENTRANCE 2ND ADDITION,	University Mall Inc. Wm. P. Higgins, Resident Agent 209 E. William Wichita, Kansas 67202
Lot 1, RUTH ADDITION,	United Life & Accident Insurance Company 2 White Street Concord, New Hampshire 03301
All of RUTH 2ND ADDITION,	Texaco, Inc. 1515 W. 22nd Street Oak Brook Illinois 60521
Beginning 174.4 feet West and 150 feet North of the Southeast corner of Lot 2, for a point of beginning; thence West to East line of Bonnie Brae Street; thence Northeasterly along the East line of Bonnie Brae Street to the Northwest Corner of Lot 2; thence East to a point which is 155.4 feet West of the Northeast Corner of said Lot; thence South 92 feet; thence West to point of beginning, RUTH ADDITION,	Cyrus L. & Jane F. Finley (Record Owners) 7700 E. 13th Street Wichita, Kansas 67206 James N. & C. Gayle Sampley (Contract Purchasers) ADDRESS UNKNOWN Larry E. Fleming (Contract Purchaser) 420 Bonnie Brae Wichita, Kansas 67206
The North 100 feet of Lot 3, EXCEPT the West 155 feet, RUTH ADDITION,	Ramoka, Inc. 8300 E. Kellogg Wichita, Kansas 67207
Lot 3, EXCEPT the West 155 feet and EXCEPT the North 100 feet, RUTH ADDITION,	Gary E. Edminster 8330 E. Kellogg Wichita, Kansas 67207
The West 155 feet of the North 100 feet of Lot 3, RUTH ADDITION,	Ramoka Inc. 8300 E. Kellogg Wichita, Kansas 67207
Lot 2, F. N. I. C. ADDITION,	First National Bank in Wichita as Trustee of Creef Realty Trust Agreement and Declaration of Trust, dated April, 1979 Main and Douglas P. O. Box 1 Wichita, Kansas 67201
North 290 feet of the East 25 feet of Lot 1, F. N. I. C. ADDITION,	Residence Venture Corp 240 N. Rock Road Wichita, Kansas 67206



Fidelity  **Title**
COMPANY, INC.

DESCRIPTIONS

RECORD OWNERS

Lot 1 and the North 3 feet of Lot 2, Block 3, SUNNY-BROOK ADDITION,	Charles W. & Darlene F. Melton 535 Eastern Avenue Wichita, Kansas 67207
Lot 2, EXCEPT the North 3 feet, Block 3, SUNNY-BROOK ADDITION,	Jimmie J. & M. Joan Main 1215 W. 48th St. South Wichita, Kansas 67217
Lots 3 and 5, Block 3, SUNNY-BROOK ADDITION,	Administrator of Veterans Affairs 901 George Washington Blvd. Wichita, Kansas 67211
Lot 4, Block 3, SUNNY-BROOK ADDITION,	Doris L. Miller 8328 E. Orme Wichita, Kansas 67207
East 64 feet of Lot 6, Block 3, SUNNY- BROOK ADDITION,	Frank Manning and Audie Cupp ADDRESS UNKNOWN
Lot 6, EXCEPT the East 64 feet, Block 3, SUNNY-BROOK ADDITION,	H. L. Swartzendruber 2943 S. Kansas Wichita, Kansas 67216 and Harold Reiland 602 Rutland Wichita, Kansas 67206
Lot 4, Block 4, SUNNY-BROOK ADDITION,	Jorge L. & Katina G. Garces ADDRESS UNKNOWN
Lot 5, Block 4, SUNNY-BROOK ADDITION,	George E. Rathbun 8333 E. Orme Wichita, Kansas 67207
Lot 6, Block 4, SUNNY-BROOK ADDITION,	James B. & Avis E. Craig 8339 E. Orme Wichita, Kansas 67207
Lot 1, MANSON-CUMMINGS ADDITION,	Arthur W. Vinar and Thomas G. Davis, Jr., Trustees of Third I. C. M. Realty ADDRESS UNKNOWN
Lot 1, Block 1, MAXWELL ADDITION,	Hugh S. & Jacquelyn Fay Maxwell ADDRESS UNKNOWN
Lot 1, Block 1, MAXWELL 2ND ADDITION,	Webb Douglas Company ADDRESS UNKNOWN
Lots 2, 3, 4, 5 and 6, Block 1, MAXWELL 2ND ADDITION,	Hugh S. & Jacquelyn Fay Maxwell ADDRESS UNKNOWN
Lot 1, DAVIS-MOORE ADDITION,	T. G. Davis, Jr. 501 Tara Lane Wichita, Kansas 67206 and Robert Moore ADDRESS UNKNOWN



Fidelity  Title
COMPANY, INC.

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Dated at Wichita, Kansas, this 31st day of December, 1983
at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

Medina S. Sutter
Assistant Secretary

Tracer No. 65238



Fidelity  Title
COMPANY, INC.

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 021 PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Pibg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
CITY 024 VAR	\$150.00

NAME EVERETT FETIS

ADDRESS 120 S. MKT, Suite 504

FUND 155-40091-00 DUE DATE _____

COMMENTS _____

DATE May 29, 1984 BY [Signature]

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 2