

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

... North ...  
... & Evelyn F. ...  
variance & exception for the north  
east corner of Vine & Litchfield  
for off-street parking & reduction  
of side yard setback

4-10 B24

E-5

ACTION

Bye COMMITTEE App DATE 1-25-66

M.A.P.C. \_\_\_\_\_

B.C.C./P. CO. C. \_\_\_\_\_

of side yard setback

SECRETARY'S REPORT

CASE NO. REA 44-65

**APPLICANT:** Bertha Stackman Gouldner and Evelyn P. Stackman,  
301 Laura

**AGENT:** Robert T. Feagins, 301 Laura

**GENERAL LOCATION:** North side of Pine between Litchfield and  
Stackman Drive

**ZONING:** Subject property is "A" and "B". To the north, west and  
south is "A"; east is "AA"

**LAND USE:** Subject property is single family and vacant. North is  
single family; west is single family and duplexes; south is the  
Art Museum and east is the Little Arkansas River

**REQUEST:** Exception pursuant to Section 28.04.145, Code of the  
City of Wichita to allow the property zoned "A" to be utilized  
as an off-street parking lot, a variance pursuant to Section  
2.12.590.2, Code of the City of Wichita to reduce the side yard  
setbacks from 3 feet to 0 feet on the property utilized for the  
parking lot and a variance pursuant to Section 2.12.590.2, Code  
of the City of Wichita, to reduce a 20 foot side yard setback  
to 0 feet for parking purposes only on the Stackman-Gouldner  
addition plat.

PART I - EXCEPTION

**JURISDICTION:** The Board has jurisdiction to consider the exception  
under the provisions outlined in Section 2.12.590.3, Code of the  
City of Wichita and may grant the exception request providing the  
conditions outlined under Section 28.04.145, Code of the City of  
Wichita can be complied with.

COMMENTS BY THE SECRETARY

The applicant in his statement of justification has pointed out  
that he desires to provide additional parking for the apartment  
complex which is being planned on the property adjacent to this  
application area. The minimum parking space requirement is one  
space per dwelling unit. The applicant stated that this is to be a  
high quality development where tenants probably will have two cars  
rather than one and sufficient off-street parking is needed.

It is the opinion of the Secretary that many apartment complexes  
are planned with too little parking, which eventually leads to traf-  
fic congestion and other problems for the surrounding neighbors. If  
proper screening is provided, and since this application area is  
contiguous to the apartment property, the application appears to be

logical and should prove to be an asset to the neighborhood.

It should be noted that the property to the south is the Art Museum which, of course, should receive no ill-effects from the granting of the application. Also, according to the sketch plan submitted, there will be a 22.5 foot setback adjacent to Litchfield, which can be screened by a wall and landscaped to protect the development on the west side of Litchfield. The only property that could possibly receive any adverse affects would be the property immediately to the north and by requiring a screening fence adjacent to this side, that should receive adequate protection.

Recommendation:

It is the recommendation of the Secretary that the exception be granted to permit an off-street parking lot on Lots 41, 43, 45 and 47 in Stackman's Second Addition, subject to the following conditions and requirements:

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 vehicles, equipment, material or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted. No sign shall project into any public right-of-way.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the 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. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties and in no event shall lights be permitted to reach a height of greater than 6 feet.
7. A six-foot high solid wall masonry, wood, or louvered red-wood fence shall be erected along the north property line.

and a solid wall masonry, wood, or louvared redwood fence with a minimum height of 3 feet and a maximum height of 4 feet shall be erected within one foot of the required 21.5 foot front yard setback line from Hitchfield, except the south 10 feet; and within one foot of the south property line except for the points of access on Pine Street and except the west 36 feet of the property.

8. Prior to the time the permit is issued for occupancy of this off-street parking lot, the applicants shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location of all driveways, width of driveways, etc., for his approval.
9. The required front setbacks from Hitchfield shall not be paved and it shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
10. A bond or other similar surety in the amount of \$2,000 shall be submitted to the Secretary of the Board to be forwarded to the City Clerk within 60 days from the effective date of the approval of this application, in order to guarantee that all of the requirements of this resolution will be complied with. The form of the bond shall be approved by Legal Counsel for the Board. Whenever the Superintendent of Central Inspection has informed the secretary of the Board that all of the conditions have been complied with, the City Clerk shall be instructed to release said bond.
11. All improvements as outlined above shall be installed within 12 months from the effective date of the approval of this resolution or the permit shall be null and void.

PART II - VARIANCE

RESOLUTION:

The Board has jurisdiction to consider the variance requests under the provisions outlined in Section 2,21,990.2, Code of the City of Wichita, and may grant the variance requests when all five of the following conditions have been 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 it 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
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

#### UNIFORMNESS

It is the opinion of the Secretary that the request is unique in that when an exception is granted, the side yard setbacks are reduced to 2 feet in the "A" zone. This setback is virtually unenforceable and unenforceable and actually the variance is from 3 feet to 0 feet.

The request for the reduction of the 20 foot setback to 0 feet for parking only is unique in that the plat of Stackman-Soldner addition has been required to have a greater front yard setback than normally required of other properties in the same zoning district. No parking is allowed in this front setback by the ordinance and, therefore, the property has been reduced as far as its usability is concerned.

#### ADJACENT PROPERTY

It is the opinion of the Secretary that neither of the variance requests will adversely affect the adjacent properties since zoning has been required on the exception and the property to the north is the Art Museum.

#### HARDSHIP

It is the opinion of the Secretary that a hardship would be placed on the applicant if the request is not granted since an essentially unusable piece of property 3 feet wide would be left

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Case No. BEA 44-65

on both sides of the exception which would eliminate four parking spaces and that an unnecessary hardship would result if the 20 foot side yard setback is not reduced on the Stackman-Gouldner Addition since the applicant provided a greater front yard setback than normally required.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance requests would in no way have an adverse effect on the public interest.

SPIRIT AND INTENT - ARTICLE 28

It is the opinion of the Secretary that the variance requests are in conformance with the general spirit and intent of the Zoning Ordinance.

RECOMMENDATION

For the reasons outlined above, it is the recommendation of the Secretary that this application be approved to permit parking only and no structures shall be built in the setback areas as originally determined.

September 16, 1966

Mr. Robert T. Feagins  
Feagins and Kirsch  
Architects-Engineers  
Normandie Shopping Center  
6416 East Central  
Wichita, Kansas 67206

Dear Mr. Feagins:

We have received your letter dated September 12, 1966, requesting the extension of the term of the resolution of Case BZA 44-65.

It has been determined by the Legal Counsel for the Board that the Board does not have jurisdiction to reopen and reconsider the case. Therefore, the resolution will become null and void on January 25, 1967, as stated in Condition No. 11 of the resolution.

After the resolution has become void, you may submit a new application, filing fee and ownership list as previously done in Case No. BZA 44-65 and the application will be considered as a new case.

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:RW:ber

FEAGINS *and* KIRSCH

ARCHITECTS ENGINEERS  
NORMANDIE SHOPPING CENTER  
6416 EAST CENTRAL WICHITA, KANSAS 67206 MURRAY 4-6576

ROBERT V. KIRSCH  
ARCHITECT  
ROBERT T. FEAGINS  
ARCHITECT  
PROFESSIONAL ENG.

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September 12, 1966

Mr. Harold Bauer, Chairman  
Board of Zoning Appeals  
City Building Annex  
Wichita, Kansas

Re : Case No. BZA 44-65

Dear Mr. Bauer :

This letter is pursuant to the above referenced resolution which will expire on the 25th of January, 1967.

The developer of said property wishes to extend the term of this resolution until July 1, 1967. The additional time would allow compliance with the conditions required by the resolution.

Unforeseen problems in mortgage financing have affected the normal development process of this luxury apartment project. Two major loan commitments have been withdrawn due to extreme deficit of available capital.

The developers have invested to date approximately \$35,000.00 over and above the site cost and need more time to secure mortgage financing.

Please bring this request to the attention of your board. If you have any further questions concerning the matter, please call.

Very truly yours,

*Robert T. Feagins*  
Robert T. Feagins

RTF: sp

cc Jack H. Galbraith, Secretary  
Board of Zoning Appeals



September 12, 1966

Mr. Harold Bauer, Chairman  
Board of Zoning Appeals  
City Building Annex  
Wichita, Kansas

Re : Case No. BZA 44-65

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Please bring this request to the attention of your board. If you have any further questions concerning the matter, please call.

Very truly yours,

Robert T. Feagins

RTF : sc

cc : Jack H. Galbraith, Secretary  
Board of Zoning Appeals

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R E S O L U T I O N N O . B Z A 4 4 - 6 5

WHEREAS, Bertha Stackman Gouldner and Evelyn P. Stackman, by Robert T. Feagins, Architect, have requested an exception to permit the installation or construction of off-street parking facilities; and

WHEREAS, the applicants have also requested variances as follows:

Variance of side yard setback adjacent to the north side of Lot 41 in Stackman's Second Addition from the required 6-foot setback to 0 feet for parking only;

Variance of side yard setback adjacent to the south side of Lot 47 in Stackman's Second Addition from the required 6-foot setback to 0 feet for parking only;

Variance of the side yard setback adjacent to the south property line of Stackman-Gouldner Addition from the required 20 feet to 0 feet for parking only;

all related to property legally described as Lots 41, 43, 45 and 47, in Stackman's Second Addition, in the City of Wichita, Sedgwick County, Kansas, and the entire plat of Stackman-Gouldner Addition, in the City of Wichita, Sedgwick County, Kansas, generally located at the northeast corner of Pine and Litchfield; and

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, in regular meeting, consider said applications on January 25, 1966; and

WHEREAS, the Board of Zoning Appeals determined that it had jurisdiction to consider the request for an exception, and also to consider the requests for variances under Section 2.12.590. Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the conditions set forth in Section 28.04.145, Code of the City of Wichita, relating to off-street parking exceptions, can be complied with in this instance; and

WHEREAS, the applicant desires this exception and variances in order to provide additional parking for the apartment complex which is being planned on the property adjacent to this subject area, in that they desire to provide two spaces per dwelling unit rather than one space for each dwelling unit as required under the ordinance; and

WHEREAS, the Board of Zoning Appeals has found that the variances of the side yard setbacks as requested arise from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and it is not

created by an action or actions of the property owner or the applicant inasmuch as when an exception is granted (such as requested in this application), the side yard setbacks are reduced to 3 feet in the "A" zone and this setback is virtually unuseable and unenforceable and actually the variance is from 3 feet to 0 feet; further, the request for the reduction of the 20-foot setback to 0 feet for parking only is unique in that the plat of Stackman-Gouldner Addition has been required to have a greater front yard setback than normally required of other properties in the same zoning district; further, no parking is allowed in the front yard setback by the ordinance and, therefore, the property has been reduced as far as its useability is concerned; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variances will not adversely affect the rights of adjacent property owners or residents, since fencing will be required on the exception approval and the property to the south is the Art Museum; and

WHEREAS, the Board of Zoning Appeals has determined that the strict application of the provisions of Title 28, of which variances are requested, will constitute unnecessary hardship upon the property owner represented in this application since an essentially unuseable piece of property 3 feet wide would be left on both sides of the exception, which would eliminate four parking spaces and; further, if the 20-foot side yard setback is not reduced on the Stackman-Gouldner Addition, it would represent an unnecessary hardship for the applicant since the applicant has provided a greater front yard setback than normally required on the Stackman-Gouldner Addition; and

WHEREAS, the Board of Zoning Appeals has found that the variances desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variances desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance), and

WHEREAS, each of the five conditions required to be found to exist before a request for variance can be approved, has been found to exist;

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the Exception request be approved for installation and construction of off-street parking facilities on property zoned "A" and legally described as:

Lots 41, 43, 45 and 47, in Stackman's Second Addition, in the City of Wichita, Sedgwick County, Kansas, generally located on the northeast corner of Pine and Litchfield,

subject to the following:

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 vehicles, equipment, material or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted. No sign shall project into any public right-of-way.

3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the 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. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties and in no event shall lights be permitted to reach a height of greater than 6 feet.
7. A six-foot high solid wall, masonry, wood, or louvered redwood fence shall be erected along the north property line and a solid wall, masonry, wood, or louvered redwood fence with a minimum height of 3 feet and a maximum height of 4 feet shall be erected within one foot of the required 22.5 foot front yard setback line from Litchfield, and within one foot of the south property line, except for the points of access on Pine Street, except that the fence shall be reduced to the required height permitted in the sight triangle at the intersection of Pine and Litchfield.
8. Prior to the time the permit is issued for occupancy of this off-street parking lot, the applicants shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location of all driveways, width of driveways, etc., for his approval.
9. The required front setbacks from Litchfield shall not be paved and it shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
10. A bond or other similar surety in the amount of \$2,000 shall be submitted to the Secretary of the Board to be forwarded to the City Clerk within 60 days from the effective date of the approval of this application, in order to guarantee that all of the requirements of this approval will be complied with. The form of the bond shall be approved by Legal Counsel for the Board. Whenever the Superintendent of Central Inspection has informed the Secretary of the Board that all of the conditions have been complied with, the City Clerk shall be instructed to release said bond.
11. All improvements as outlined above shall be installed within 12 months from the effective date of the approval of this application or the permit shall be null and void,

and that a variance of the side yard setback adjacent to the north side of Lot 41 in Stackman's Second Addition from the required 6-foot setback to 0 feet; a variance of side yard setback adjacent to the

south side of Lot 47 in Stackman's Second Addition from the required 6-foot setback to 0 feet; and a variance of the side yard setback adjacent to the south property line of Stackman-Gouldner Addition from the required 20 feet to 0 feet, be approved for off-street parking only.

ADOPTED AT WICHITA, KANSAS, this 25th day of January, 1966.

Harold Bauer  
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith  
Jack H. Galbraith, Secretary

April 5, 1966

Mr. Robert T. Feagins, Architect  
301 Laura  
Wichita, Kansas

Dear Mr. Feagins:

Re: Case No. BMA 44-65 - Request for  
conception and variances related to  
property on the north side of Pine  
between Litchfield and Stackman  
Drive

This is to acknowledge the receipt and approval of a bond in the amount of \$2,000 guaranteeing compliance of all conditions set forth in Resolution No. BMA 44-65. A copy of the Resolution is enclosed.

The bond has been approved by the Legal Council for the Board and has been forwarded to the City Clerk's office as specified in Condition #10 of the Resolution. The bond will be held by the City Clerk until such time as the Superintendent of Central Inspection advises the Secretary of the Board that all the conditions of approval have been met.

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

Very truly yours,

Jack H. Gelbraith  
Secretary

JHG:HW:ber  
Enclosure

cc: Bertha Stackman Gouldner & Evelyn P. Stackman  
301 Laura

Glen Derbyshire, 232 North Old Manor  
Perry Nash, 701 Litchfield  
Glen Lytle, Superintendent of Central Inspection  
Ralph Eberly, City Clerk

Board of Zoning Appeals

April 5, 1966

Ralph Eberly, City Clerk  
Jack H. Galbraith, Secretary

Bond BZA 44-65

Attached is a bond in the amount of \$2,000 guaranteeing the compliance with all conditions set forth in Resolution No. BZA 44-65.

At such time as the Superintendent of Central Inspection has informed the Secretary of the Board that all of the conditions have been complied with in Resolution No. BZA 44-65, the information will be forwarded to your office so that the bond can be released.

JHG:RW:ber

Attachment

# THE CITY OF WICHITA



DEPARTMENT OF LAW  
OFFICE OF CITY ATTORNEY  
AMHERST 2-8211 — AREA CODE 316  
SUITE 800 — BROWN BUILDING  
WICHITA, KANSAS 67202

JOHN DEKKER, DIRECTOR OF LAW AND CITY ATTORNEY

ASSISTANT CITY ATTORNEYS  
EUGENE L. PIRTLE  
ARTHUR G. JOHNSON  
ROBERT A. THIESSEN  
H. JAY SETTER  
H. E. JONES

March 28, 1966

Mr. Robert A. Lakin  
Assistant Secretary  
Board of Zoning Appeals  
City Building Annex  
Wichita, Kansas

Re: BZA 44-65

Dear Bob:

I return herewith bond in the above matter on which I have noted approval. The attachment to the bond, copy of resolution, is likewise returned.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Arthur G. Johnson".

Arthur G. Johnson  
Assistant City Attorney

AGJ/mjs

Attachments



March 25, 1966

Mr. Arthur Johnson, Attorney  
Beacon Building  
Wichita, Kansas

Dear Mr. Johnson:

Re: BZA 44-65

Attached is the bond in conjunction with Case BZA 44-65 guaranteeing the compliance of all conditions approved for the exception to permit an off-street parking lot. Condition #10 spells out the requirement that the bond be approved by the Legal Counsel of the Board and, therefore, this bond is being forwarded to you for your review, comment and return.

Also attached is a copy of the resolution adopted by the Board.

Very truly yours,

Robert A. Lakin  
Assistant Secretary

RAL:EW:ber  
Attachments

INDEMNITY BOND

KNOW ALL MEN BY THESE PRESENTS:

That, I, A.L. "PETE" BATEMAN, successor in interest to Bertha Stackman Gouldner and Evelyn T. Stackman, as Principal, and UNITED STATES FIDELITY AND GUARANTY COMPANY as Surety, are held and firmly bound unto the City of Wichita, Kansas in the full and just sum of Two Thousand and No/100 Dollars (\$2,000.00), lawful money of the United States for the payment whereof well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors or assigns jointly and severally, firmly by these presents.

The condition of the foregoing obligation is such that,

WHEREAS, Bertha Stackman Gouldner and Evelyn T. Stackman, by Robert T. Feagins, Architect, have requested the Board of Zoning Appeals of the City of Wichita, Kansas for an exception to permit the installation or construction of off street parking facilities and have also requested variances of side yard setback regarding certain properties all related to property legally described as Lots 41, 43, 45 and 47, in Stackman's Second Addition, in the City of Wichita, Sedgwick County, Kansas, generally located at the northeast corner of Pine and Litchfield; and

WHEREAS, said requests and the approval and conditions of approval of the Board of Zoning Appeals are all set forth in Resolution No. BZA 44-65 adopted in Wichita, Kansas on January 25, 1966 by said Board of Zoning Appeals and said Resolution is hereby fully and completely made a part of this bond by reference hereto as if all of its provisions and conditions were fully incorporated herein.

NOW THEREFORE, if the said Principal, A.L. "PETE" BATEMAN, successor in interest to Bertha Stackman Gouldner and Evelyn T. Stackman shall well and truly comply with all of the conditions required of them as set forth in said Resolution No. BZA 44-65, then this obligation shall be void, otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED this \_\_\_ day of March, 1966.

\_\_\_\_\_  
(A.L. "PETE" BATEMAN

UNITED STATES FIDELITY AND GUARANTY COMPANY

\_\_\_\_\_  
(B. J. Weldon) Attorney-in-fact

(CERTIFIED COPY)

GENERAL POWER OF ATTORNEY

No. 72100

Know all Men by these Presents:

That UNITED STATES FIDELITY AND GUARANTY COMPANY, a corporation organized and existing under the laws of the State of Maryland, and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint

B. J. Weldon

of the City of Wichita its true and lawful attorney in and for the State of Kansas of Kansas

for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said UNITED STATES FIDELITY AND GUARANTY COMPANY, through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said

B. J. Weldon

may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said UNITED STATES FIDELITY AND GUARANTY COMPANY has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its Vice-President and Assistant Secretary, this 2nd day of June A. D. 19 59

UNITED STATES FIDELITY AND GUARANTY COMPANY,

(Signed) By E. G. Hundley Vice-President

(SEAL)

(Signed) R. H. Bland, Jr. Assistant Secretary

STATE OF MARYLAND } as: BALTIMORE CITY.

On this 2nd day of June A. D. 19 59, before me personally came E. G. Hundley Vice-President of the UNITED STATES FIDELITY AND GUARANTY COMPANY and R. H. Bland, Jr. Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said that they resided in the City of Baltimore, Maryland; that they the said E. G. Hundley and R. H. Bland, Jr. were respectively the Vice-President and the Assistant Secretary of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so affixed by order of the Board of Directors of said corporation, and that they signed their names thereto by like order as Vice-President and Assistant Secretary, respectively, of the Company. My commission expires the first Monday in May, A. D. 19 61

(Seal) (Signed) Anne M. O'Brien Notary Public

STATE OF MARYLAND } Sec. BALTIMORE CITY.

I, James F. Carney, Clerk of the Superior Court of Baltimore City, which Court is a Court of Record, and has a seal, do hereby certify that Anne M. O'Brien, Esquire, before whom the annexed affidavits were made, and who has thereto subscribed his name, was at the time of so doing a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and sworn and authorized by law to administer oaths and take acknowledgments, or proof of deeds to be recorded therein. I further certify that I am acquainted with the handwriting of the said Notary, and verily believe the signature to be his genuine signature.

In Testimony Whereof, I hereto set my hand and affix the seal of the Superior Court of Baltimore City, the same being a Court of Record, this 2nd day of June A. D. 19 59

(SEAL) (Signed) James F. Carney Clerk of the Superior Court of Baltimore City

COPY OF RESOLUTION

That Whereas, it is necessary for the effectual transaction of business that this Company appoint agents and attorneys with power and authority to act for it and in its name in States other than Maryland, and in the Territories of the United States and in the Provinces of the Dominion of Canada and in the Colony of Newfoundland.

Therefore, be it Resolved, that this Company do, and it hereby does, authorize and empower its President or either of its Vice-Presidents in conjunction with its Secretary or one of its Assistant Secretaries, under its corporate seal, to appoint any person or persons as attorney or attorneys-in-fact, or agent or agents of said Company, in its name and as its act, to execute and deliver any and all contracts guaranteeing the fidelity of persons holding positions of public or private trust, guaranteeing the performance of contracts other than insurance policies and executing or guaranteeing bonds and undertakings, required or permitted in all actions or proceedings, or by law allowed, and

Also, in its name and as its attorney or attorneys-in-fact, or agent or agents to execute and guarantee the conditions of any and all bonds, recognizances, obligations, stipulations, undertakings or anything in the nature of either of the same, which are or may be by law, municipal or otherwise, or by any Statute of the United States or of any State or Territory of the United States or of the Provinces of the Dominion of Canada or of the Colony of Newfoundland, or by the rules, regulations, orders, customs, practice or discipline of any board, body, organization, office or officer, local, municipal or otherwise, be allowed, required or permitted to be executed, made, taken, given, rendered, accepted, filed or recorded for the security or protection of, by or for any person or persons, corporation, body, office, interest, municipality or other association or organization whatsoever, in any and all capacities whatsoever, conditioned for the doing or not doing of anything or any conditions which may be provided for in any such bond, recognizance, obligation, stipulation, or undertaking, or anything in the nature of either of the same.

I, **H. G. Sackee**, an Assistant Secretary of the UNITED STATES FIDELITY AND GUARANTY COMPANY, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney given by said Company to **B. J. Weldon**

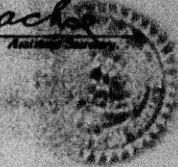
of **Wichita, Kansas**, authorizing and empowering **him** to sign bonds as therein set forth, which power of attorney has never been revoked and is still in full force and effect.

And I do further certify that said Power of Attorney was given in pursuance of a resolution adopted at a regular meeting of the Board of Directors of said Company, duly called and held at the office of the Company in the City of Baltimore, on the 11th day of July, 1910, at which meeting a quorum of the Board of Directors was present, and that the foregoing is a true and correct copy of said resolution, and the whole thereof as recorded in the minutes of said meeting.

In Testimony Whereof, I have hereunto set my hand and the seal of the UNITED STATES FIDELITY AND GUARANTY COMPANY on

(Date)

*H. G. Sackee*  
Assistant Secretary



UNITED STATES FIDELITY AND GUARANTY COMPANY

February 15, 1966

Mr. Robert T. Feagins, Architect  
301 Laura  
Wichita, Kansas

Dear Mr. Feagins:

Re: Case No. BZA 44-65 - Request for  
exception and variances related to  
property on the north side of Pine  
between Litchfield and Stackman  
Drive

We have completed the preparation of the Resolution adopted by the Board of Zoning Appeals in connection with the above numbered case, which was heard by the Board on January 25, 1966, and which resolution has been signed by the Chairman and Secretary.

This Resolution will be forwarded to you as soon as you submit a bond or other similar surety in the amount of \$2,000 as required in Condition #10 in our letter dated February 1, 1966. This requirement must be complied with and submitted to our office by March 25, 1966.

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:ber

cc: Bertha Stackman Gouldner & Evelyn P. Stackman  
301 Laura

Glen Lytle, Superintendent of Central Inspection  
Ralph Eberly, City Clerk

Glen Darbyshire, 232 North Old Manor  
Perry Bash, 701 Litchfield

February 1, 1966

Mr. Robert T. Feagins, Architect  
301 Laura  
Wichita, Kansas

Dear Mr. Feagins:

Re: Case No. BEA 44-65 - Request for  
exception and variances related to  
property on the north side of Pine  
between Litchfield and Stackman  
Drive

This is to advise you that at its regular meeting of January 28, 1966, the Board of Zoning Appeals of the City of Wichita considered the above request.

It was the action of the Board to approve the request for an exception to permit off-street parking on property zoned "A" One Family Residential, 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 vehicles, equipment, material or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted. No sign shall project into any public right-of-way.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the 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. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties and in no event shall lights be permitted to reach a height of greater than 6 feet.
7. A six-foot high solid wall, masonry, wood, or louvered redwood fence shall be erected along the north property line and a solid wall, masonry, wood, or louvered redwood fence with a minimum height of 3 feet and a maximum height of 4 feet shall be erected within one foot of the required 22.5 foot front yard setback line from Litchfield, and within one foot of the south property line, except for the points of access on Pine Street, except that the fence shall be reduced to the required height permitted in the sight triangle at the intersection of Pine and Litchfield.
8. Prior to the time the permit is issued for occupancy of this off-street parking lot, the applicants shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location of all driveways, width of driveways, etc., for his approval.
9. The required front setbacks from Litchfield shall not be paved and it shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
10. A bond or other similar surety in the amount of \$2,000 shall be submitted to the Secretary of the Board to be forwarded to the City Clerk within 60 days from the effective date of the approval of this application, in order to guarantee that all of the requirements of this approval will be complied with. The form of the bond shall be approved by Legal Counsel for the Board. Whenever the Superintendent of Central Inspection has informed the Secretary of the Board that all of the conditions have been complied with, the City Clerk shall be instructed to release said bond.

Page 3 - Mr. Robert T. Feagins  
February 1, 1966

11. All improvements as outlined above shall be installed within 12 months from the effective date of the approval of this application or the permit shall be null and void.

It was also the action of the Board to approve the requests for a variance of the side yard setback adjacent to the north side of Lot 41 in Stackman's Second Addition from the required 6-foot setback to 0 feet; and variance of the side yard setback adjacent to the south side of Lot 47 in Stackman's Second Addition from the required 6-foot setback to 0 feet; and the side yard setback adjacent to the south property line of Stackman-Gouldner Addition from the required 20 feet to 0 feet for parking only.

A resolution effecting the action of the Board will be mailed to you as soon as it can be prepared and signed by the Secretary and Chairman of the Board of Zoning Appeals.

If you have any questions concerning this matter, please let us hear from you.

Very sincerely yours,

Jack H. Galbraith  
Secretary

JHG:W:ber

cc: Bertha Stackman Gouldner and  
Evelyn P. Stackman  
301 Laura

Glan Lytle, Superintendent  
of Central Inspection

Ralph Eberly  
City Clerk

Glan Darbyshire  
232 North Old Manor

Ferry Eash  
701 Litchfield

SECRETARY'S REPORT

CASE NO. BZA 44-65

APPLICANT: Bertha Stackman Gouldner and Evelyn P. Stackman,  
301 Laura

AGENT: Robert T. Feagins, 301 Laura

GENERAL LOCATION: North side of Pine between Litchfield and  
Stackman Drive

ZONING: Subject property is "A" and "B". To the north, west and  
south is "A"; east is "AA"

LAND USE: Subject property is single family and vacant. North is  
single family; west is single family and duplexes; south is the  
Art Museum and east is the Little Arkansas River

REQUEST: Exception pursuant to Section 28.04.145, Code of the  
City of Wichita to allow the property zoned "A" to be utilized  
as an off-street parking lot, a variance pursuant to Section  
2.12.590.2, Code of the City of Wichita to reduce the side yard  
setbacks from 6 feet to 0 feet on the property utilized for the  
parking lot and a variance pursuant to Section 2.12.590.2, Code  
of the City of Wichita, to reduce a 20 foot side yard setback  
to 0 feet for parking purposes only on the Stackman-Gouldner  
Addition plat.

PART I - EXCEPTION

JURISDICTION: The Board has jurisdiction to consider the exception  
under the provisions outlined in Section 2.12.590.3, Code of the  
City of Wichita and may grant the exception request providing the  
conditions outlined under Section 28.04.145, Code of the City of  
Wichita can be complied with.

COMMENTS BY THE SECRETARY

The applicant in his statement of justification has pointed out  
that he desires to provide additional parking for the apartment  
complex which is being planned on the property adjacent to this  
application area. The minimum parking space requirement is one  
space per dwelling unit. The applicant stated that this is to be a  
high quality development where tenants probably will have two cars  
rather than one and sufficient off-street parking is needed.

It is the opinion of the Secretary that many apartment complexes  
are planned with too little parking, which eventually leads to traf-  
fic congestion and other problems for the surrounding neighbors. If  
proper screening is provided, and since this application area is  
contiguous to the apartment property, the application appears to be

logical and should prove to be an asset to the neighborhood.

It should be noted that the property to the south is the Art Museum which, of course, should receive no ill-effects from the granting of the application. Also, according to the sketch plan submitted, there will be a 22.5 foot setback adjacent to Litchfield, which can be screened by a wall and landscaped to protect the development on the west side of Litchfield. The only property that could possibly receive any adverse affects would be the property immediately to the north and by requiring a screening fence adjacent to this side, that should receive adequate protection.

Recommendation:

It is the recommendation of the Secretary that the exception be granted to permit an off-street parking lot on Lots 41, 43, 45 and 47 in Stackman's Second Addition, subject to the following conditions and requirements:

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 vehicles, equipment, material or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted. No sign shall project into any public right-of-way.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the 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. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties and in no event shall lights be permitted to reach a height of greater than 6 feet.
7. A six-foot high solid wall masonry, wood, or louvered red-wood fence shall be erected along the north property line

and a solid wall masonry, wood, or louvered redwood fence with a minimum height of 3 feet and a maximum height of 4 feet shall be erected within one foot of the required 22.5 foot front yard setback line from Litchfield, except the south 10 feet; and within one foot of the south property line except for the points of access on Pine Street and except the west 30 feet of the property.

8. Prior to the time the permit is issued for occupancy of this off-street parking lot, the Applicants shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location of all driveways, width of driveways, etc., for his approval.
9. The required front setbacks from Litchfield shall not be paved and it shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
10. A bond or other similar surety in the amount of \$2,000 shall be submitted to the Secretary of the Board to be forwarded to the City Clerk within 60 days from the effective date of the approval of this application, in order to guarantee that all of the requirements of this resolution will be complied with. The form of the bond shall be approved by Legal Counsel for the Board. Whenever the Superintendent of Central Inspection has informed the secretary of the Board that all of the conditions have been complied with, the City Clerk shall be instructed to release said bond.
11. All improvements as outlined above shall be installed within 12 months from the effective date of the approval of this resolution or the permit shall be null and void.

#### PART XI - VARIANCE

##### JURISDICTION:

The Board has jurisdiction to consider the variance requests under the provisions outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the variance requests when all five of the following conditions have been 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 it 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
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

UNIQUENESS

It is the opinion of the Secretary that the request is unique in that when an exception is granted, the side yard setbacks are reduced to 3 feet in the "A" zone. This setback is virtually unusable and unenforceable and actually the variance is from 3 feet to 0 feet.

The request for the reduction of the 20 foot setback to 0 feet for parking only is unique in that the plat of Stackman-Gouldner Addition has been required to have a greater front yard setback than normally required of other properties in the same zoning district. No parking is allowed in this front setback by the ordinance and, therefore, the property has been reduced as far as its useability is concerned.

ADJACENT PROPERTY

It is the opinion of the Secretary that neither of the variance requests will adversely affect the adjacent properties since fencing has been required on the exception and the property to the south is the Art Museum.

HARDSHIP

It is the opinion of the Secretary that a hardship would be placed on the applicant if the request is not granted since an essentially unuseable piece of property 3 feet wide would be left

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Case No. BZA 44-65

on both sides of the exception which would eliminate four parking spaces and that an unnecessary hardship would result if the 20 foot side yard setback is not reduced on the Stackman-Gouldner Addition since the applicant provided a greater front yard setback than normally required.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance requests would in no way have an adverse affect on the public interest.

SPIRIT AND INTENT - TITLE 28

It is the opinion of the Secretary that the variance requests are in conformance with the general spirit and intent of the Zoning Ordinance.

RECOMMENDATION

For the reasons outlined above, it is the recommendation of the Secretary that this application be approved to permit parking only and no structures shall be built in the setback areas as originally determined.

SECRETARY'S REPORT

CASE NO. BZA 44-65

**APPLICANT:** Bertha Stackman ~~Gouldner~~ and Evelyn P. Stackman,  
301 Laura

**AGENT:** Robert T. Feagins, 301 Laura

**GENERAL LOCATION:** North side of Pine between Litchfield and  
Stackman Drive

**ZONING:** Subject property is "A" and "B". To the north, west and  
south is "A"; east is "AA"

**LAND USE:** Subject property is single family and vacant. North is  
single family; west is single family and duplexes; south is the  
Art Museum and east is the Little Arkansas River

**REQUEST:** Exception pursuant to Section 28.04.145, Code of the  
City of Wichita to allow the property zoned "A" to be utilized  
as an off-street parking lot, a variance pursuant to Section  
2.12.590.2, Code of the City of Wichita to reduce the side yard  
setbacks from 6 feet to 0 feet on the property utilized for the  
parking lot and a variance pursuant to Section 2.12.590.2, Code  
of the City of Wichita, to reduce a 20 foot side yard setback  
to 0 feet for parking purposes only on the Stackman-Gouldner  
Addition plat.

PART I - EXCEPTION

PART I - EXCEPTION

**JURISDICTION:** The Board has jurisdiction to consider the exception  
under the provisions outlined in Section 2.12.590.3, Code of the  
City of Wichita and may grant the exception request providing the  
conditions outlined under Section 28.04.145, Code of the City of  
Wichita can be complied with.

COMMENTS BY THE SECRETARY

The applicant in his statement of justification has pointed out  
that he desires to provide additional parking for the apartment  
complex which is being planned on the property adjacent to this  
application area. The minimum parking space requirement is one  
space per dwelling unit. The applicant stated that this is to be a  
high quality development where tenants probably will have two cars  
rather than one and sufficient off-street parking is needed.

It is the opinion of the Secretary that many apartment complexes  
are planned with too little parking, which eventually leads to traf-  
fic congestion and other problems for the surrounding neighbors. If  
proper screening is provided, and since this application area is  
contiguous to the apartment property, the application appears to be

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Case No. BZA 44-65

logical and should prove to be an asset to the neighborhood.

It should be noted that the property to the south is the Art Museum which, of course, should receive no ill-effects from the granting of the application. Also, according to the sketch plan submitted, there will be a 22.5 foot setback adjacent to Litchfield, which can be screened by a wall and landscaped to protect the development of the west side of Litchfield. The only property that could possibly receive any adverse affects would be the property immediately to the north and by requiring a screening fence adjacent to this side, that should receive adequate protection.

Recommendation:

It is the recommendation of the Secretary that the exception be granted to permit an off-street parking lot on Lots 41, 43, 45 and 47 in Stackman's Second Addition, subject to the following conditions and requirements:

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 vehicles, equipment, material or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted. No sign shall project into any public right-of-way.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the 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. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties and in no event shall lights be permitted to reach a height of greater than 6 feet.
7. A six-foot high solid wall masonry, wood, or louvered redwood fence shall be erected along the north property line

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**Case No. BZA 44-65**

- and a solid wall masonry, wood, or louvered redwood fence with a minimum height of 3 feet and a maximum height of 4 feet shall be erected within one foot of the required 22.5 foot front yard setback line from Litchfield, except the south 10 feet; and within one foot of the south property line except for the points of access on Pine Street and except the west 30 feet of the property.
8. Prior to the time the permit is issued for occupancy of this off-street parking lot, the applicants shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location of all driveways, width of driveways, etc., for his approval.
  9. The required front setbacks from Litchfield shall not be ~~reduced~~ it shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
  10. A bond or other similar surety in the amount of \$2,000 shall be submitted to the Secretary of the Board to be forwarded to the City Clerk within 60 days from the effective date of the approval of this application, in order to guarantee that all of the requirements of this resolution will be complied with. The form of the bond shall be approved by Legal Counsel for the Board. Whenever the Superintendent of Central Inspection has informed the Secretary of the Board that all of the conditions have been complied with, the City Clerk shall be instructed to release said bond.
  11. All improvements as outlined above shall be installed within 12 months from the effective date of the approval of this resolution or the permit shall be null and void.

**PART II - VARIANCE**

**JURISDICTION:**

The Board has jurisdiction to consider the variance requests under the provisions outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the variance requests when all five of the following conditions have been found to exist:

7. A six-foot high solid wall masonry, wood, or louvered redwood fence shall be erected along the north property line

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**Case No. BZA 44-65**

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

**UNIQUENESS**

It is the opinion of the Secretary that the request is unique in that when an exception is granted, the side yard setbacks are reduced to 3 feet in the "A" zone. This setback is virtually unusable and unenforceable and actually the variance is from 3 feet to 0 feet.

The request for the reduction of the 20 foot setback to 0 feet for parking only is unique in that the plat of Stackman-Gouldner Addition has been required to have a greater front yard setback than normally required of other properties in the same zoning district. No parking is allowed in this front setback by the ordinance and, therefore, the property has been reduced as far as its useability is concerned.

**ADJACENT PROPERTY**

It is the opinion of the Secretary that neither of the variance requests will adversely affect the adjacent properties since fencing has been required on the exception and the property to the south is the Art Museum.

**HARDSHIP**

It is the opinion of the Secretary that a hardship would be placed on the applicant if the request is not granted since an essentially unusable piece of property 3 feet wide would be left

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**Case No. BZA 44-65**

on both sides of the exception which would eliminate four parking spaces and that an unnecessary hardship would result if the 20 foot side yard setback is not reduced on the Stackman-Gouldner Addition since the applicant provided a greater front yard setback than normally required.

**PUBLIC INTEREST**

It is the opinion of the Secretary that the granting of the variance requests would in no way have an adverse affect on the public interest.

**SPIRIT AND INTENT - TITLE 28**

It is the opinion of the Secretary that the variance requests are in conformance with the general spirit and intent of the Zoning Ordinance.

**RECOMMENDATION**

For the reasons outlined above, it is the recommendation of the Secretary that this application be approved to permit parking only and no structures shall be built in the setback areas as originally determined.

It is the opinion of the Secretary that the request is in compliance with the Ordinance as amended. The applicant's proposed setback is 3 feet on the side yard. This setback is essentially the same as the setback on the adjacent property and the setback on the rear yard is 3 feet.

The request for the reduction of the 20 foot setback to 3 feet for parking only is made in that the part of the Stackman-Gouldner Addition has been required to have a greater front yard setback than normally required on other properties in the same zoning district. No hardship is shown in this case because of the ordinance and, therefore, the property has been treated as if it was unusable as a result.

**CONCLUSION**

It is the opinion of the Secretary that neither of the variance requests will be detrimental to the neighborhood or other persons because the same has been granted on the adjacent property and the property to the south is the same.

**REMARKS**

It is the opinion of the Secretary that a hardship would be placed on the applicant if the request is not granted since an essentially unusable piece of property 3 feet wide would be left

**BOARD OF ZONING APPEALS**  
Room 402 City Building Annex  
104 South Main  
Wichita, Kansas

December 29, 1965

**NOTICE TO ADJOINING PROPERTY OWNERS**

Case No. BZA 44-65

An application has been filed by Bertha Stackman Gouldner and Evelyn P. Stackman, 301 Laura, Wichita, Kansas, by Robert T. Feagins, Agent, 301 Laura, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception as provided in Section 28.04.145, Code of the City of Wichita, to permit installation or construction of an off-street parking lot on property zoned "A" Two Family Residential, and legally described as follows:

Lots 41, 43, 45 and 47, in Stackman's Second Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Pine and Litchfield.

and further requests Variances as follows:

1. That the side yard setback on the north side of Lot 41 in Stackman's Second Addition in the City of Wichita, Sedgwick County, Kansas, be reduced from the required 6-foot setback to 0, and
2. That the side yard setback on the south side of Lot 47 in Stackman's Second Addition in the City of Wichita, Sedgwick County, Kansas, be reduced from the required 6-foot setback to 0, and
3. That the side yard setback on the south side of Lot 48 in Stackman's Replat of Part of Stackman's Second Addition in the City of Wichita, Sedgwick County, Kansas (now being replatted as part of Stackman Gouldner Addition), be reduced from the required 20 feet to 0,

all relating to property located generally on the north side of Pine in an area between Litchfield and Stackman Drive.

Page 2 - Notice to Adjoining Property Owners  
Case No. BZA 44-65

This application has been assigned Case No. BZA 44-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 25, 1966, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

**BOARD OF ZONING APPEALS**  
Room 402 City Building Annex  
104 South Main  
Wichita, Kansas

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December 29, 1965

**NOTICE TO ADJOINING PROPERTY OWNERS**

Case No. BZA 44-65

An application has been filed by Bertha Stackman Gouldner and Evelyn P. Stackman, 301 Laura, Wichita, Kansas, by Robert T. Feagins, Agent, 301 Laura, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception as provided in Section 28.04.145, Code of the City of Wichita, to permit installation or construction of an off-street parking lot on property zoned "A" Two Family Residential, and legally described as follows:

Lots 41, 43, 45 and 47, in Stackman's Second Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Pine and Litchfield.

and further requests Variances as follows:

1. That the side yard setback on the north side of Lot 41 in Stackman's Second Addition in the City of Wichita, Sedgwick County, Kansas, be reduced from the required 6-foot setback to 0, and
2. That the side yard setback on the south side of Lot 47 in Stackman's Second Addition in the City of Wichita, Sedgwick County, Kansas, be reduced from the required 6-foot setback to 0, and
3. That the side yard setback on the south side of Lot 48 in Stackman's Replat of Part of Stackman's Second Addition in the City of Wichita, Sedgwick County, Kansas (now being replatted as part of Stackman Gouldner Addition), be reduced from the required 20 feet to 0,

all relating to property located generally on the north side of Pine in an area between Litchfield and Stackman Drive.

26 notices mailed Dec 30 + 7 to P.C.

**Page 2 - Notice to Adjoining Property Owners**  
**Case No. BZA 44-65**

This application has been assigned Case No. BZA 44-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 25, 1966, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

The applicant has been filed by James H. Galbraith and  
James H. Galbraith, 112 E. 10th, Wichita, Kansas, Secretary  
Agent, 112 E. 10th, Wichita, Kansas, pursuant to Section 1, 22, 306, Code  
of the City of Wichita, requesting an exception as provided in Section  
20, 44, 100, Code of the City of Wichita, to permit installation or  
construction of an advertising parking lot in property zone "A" the  
Public Hearing, and hereby described as follows:

Lots 41, 42, 43 and 44, in Section 36 North  
Highway, in the City of Wichita, Sedgwick  
County, Kansas, hereinafter described  
and further request that the Board:

1. That the side yard setback on the north side of Lot 41  
in Section 36 North Highway in the City of Wichita,  
Sedgwick County, Kansas, be reduced from the required  
setback setback to 0, and
2. That the side yard setback on the south side of Lot 47  
in Section 36 North Highway in the City of Wichita,  
Sedgwick County, Kansas, be reduced from the required  
setback setback to 0, and
3. That the side yard setback on the south side of Lot 48  
in Section 36 North Highway in the City of Wichita,  
Sedgwick County, Kansas, be reduced from the required  
setback setback to 0, and

all conditions be waived hereby requested as the  
applicant hereby requests that the Board  
approve the same.

#### STATEMENT OF JUSTIFICATION

##### EXCEPTION

The Board of Zoning Appeals has jurisdiction to consider the application for an exception to permit off-street parking under Section 2.12.590.3 Code of the City of Wichita provided the conditions of Section 28.04.140.B of the Zoning Ordinance are met.

I would like to obtain the exception for off-street parking in order to provide additional parking spaces for the apartment complex we are planning to construct on the property immediately to the east of this property. The Zoning Ordinance only requires one parking space per dwelling unit, but the complex we are planning is to be of a high quality where it is assumed that the tenants will probably have two cars. The exception would allow us to provide two parking spaces per unit rather than one. At the time we applied for a zoning change on the property to the east, we intended to apply for this property also. However, the staff stated that they would rather we file for an exception so that protection could be given to the properties adjacent to the parking lot. We intend to fence the north and west sides of the lot and use Pine Street for access as is shown on the accompanying sketch. The lots to the east need not be screened because they are a part of the development and both properties will be under one ownership.

We feel that this additional off street parking is a necessity to provide a good development and that it will be an asset to the neighborhood since it will eliminate the on-street parking problem and future traffic congestion in the area.

##### VARIANCE

We are applying for a variance of the side yard setback adjacent to the north side of lot 41 and the south side of lot 47 in Stackman's Second Addition, and also the sideyard setback adjacent to the south side of lot 48 in Stackman's Replat of part of Stackman's Second Addition.

The variance for said lots 41 and 47 is from 6' to 0'. These two lots are in the above mentioned exception and according to the zoning ordinance, parking is permitted in half of the side yard setback. Therefore, parking would be permitted in three of the six feet of the side yard setback. We feel that the variance request is unique because the three foot setback will be inside the fenced area and will serve no purpose whatsoever. The variance will not affect the rights of adjacent property owners since a fence will be provided for their protection. It would be a hardship for us if the variance is not approved because it would eliminate four parking spaces from our plan and leave us with an unusable piece of land. We believe that the variance is in the public interest because it will alleviate on-street parking and reduce traffic congestion and that the variance is not opposed to the general intent of the Zoning Ordinance.

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The variance for said lot 48 is from ~~5~~ to 0'. Lot 48 will be a part of the plat of Stackman-Gouldner Addition which is nearly completed at this time. The plat of Stackman-Gouldner and a zoning change from A to B were approved by the City Commission on 12-21-65. The side yard setback for B zoning is 20' ~~feet~~, however again, parking is permitted in half of the side yard setback. Therefore, we are actually applying for a ~~5~~ variance rather than a 20' variance. The plat of Stackman-Gouldner Addition has a platted building setback line of 20' so that the only thing that will be able to be put in the setback area is parking. All buildings will have to observe the platted 20' setback.

We think that this variance is unique because we have had to give up a larger portion of our property for a front yard setback than is normally required in the B zoning district and because we are planning to build a fence along the property line adjacent to Pine Street which means that the 5' setback will serve no useful purpose. The granting of this variance will not affect the rights of adjacent property owners since no one lives across from this property and a fence will be provided for proper screening. It would constitute an unnecessary hardship for the development of this property if this variance is not approved because the proper amount of parking could not be provided close to buildings as originally planned before the setback was taken adjacent to Stackman Drive. We believe that the variance requested is in the public interest and that is not opposed to the general intent of the Zoning Ordinance.

ROBERT T. FEAGINS AGENT

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 4465  
FILED 12-27-65

**APPLICATION FOR EXCEPTION**

I. Name of Applicant Bertha Stackman Gouldner & Evelyn P. Stackman ✓  
Mailing Address 301 Laura Phone Am 2-0482  
Name of Authorized Agent Robert T. Feagins ✓  
Mailing Address 301 Laura Phone AM 2-0482  
Relationship of applicant to property is that of Owner  
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section  
28.04.140.B, Code of the City of Wichita, Kansas  
(Zoning Ordinance); to permit the installation or construction  
of an off-street parking lot  
\_\_\_\_\_ on property zoned  
A, located on the NE corner of Pine and Litchfield  
\_\_\_\_\_ and legally described as:  
Lots 41, 43, 45 and 47, in Stackman's Second Addition  
\_\_\_\_\_, in the City of Wichita.  
(Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.  
Bertha Stackman Gouldner &

Evelyn P. Stackman  
Applicant \_\_\_\_\_

Authorized Agent Robert T. Feagins

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 11:00 (a.m. - p.m.), Dec. 27, 1965, together with appropriate fee of \$50.00.

Signed Ron Williamson



## OWNERSHIP LIST

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
23	Litchfield	Stackman's 2nd	✓ Josephine Schlotthauer 728 Litchfield
25 (N. 23.5')	"	"	Same
25 (S. 1½')	"	"	✓ C. E. Summers Jr. and Darlene U. Summers 2124 96th Place SE Everett, Washington
27	"	"	Same
29 (N. 23.5')	"	"	Same
29 (S. 1½")	"	"	✓ Frances D. Anderson and Maurice E. Anderson 712 Litchfield
31	"	"	Same
33	"	"	Same
35 (N. 3.5')	"	"	Same
35 (S. 21.5')	"	"	✓ Ralph L. Cook and Dorothy Cook 708 Litchfield
37	"	"	Same
39	"	"	Same
41 (E. 70')	"	"	Ⓢ Evelyn P. Stackman
43	"	"	Same
45	"	"	Same
47	"	"	Same
41 (W. 70')	"	"	Ⓢ Bertha Stackman Goeldner 1845 Wellington Place
43	"	"	Same
45	"	"	Same
47	"	"	Same

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
26	Litchfield	Stackman's	✓ David L. Holland and Arie L. Holland 733 Litchfield
28	"	"	✓ Lola B. Sand; Roy E. Sand & Leroy E. Sand 725 Litchfield
30	"	"	Same
32	"	"	✓ Clyde L. Madden and Edna Jean Madden 1602 W. Pine
34	"	"	Same
36	"	"	✓ Morris D. McCormack Mary E. McCormack 719 Litchfield
38	"	"	Same
Beg. 10.5' S. of SE cor Lot 42; W. 103.5'; N. 39.4'; W. 36.54'; N 21.1'; E. 140 ft; S. 60.4 ft. to beg.	"	"	✓ Glen F. Darbyshire and Mary C. Darbyshire 232 N. Old Manor
S. 3.9 ft. of Lot 40, exc E. 103.5 ft; & N. 13.4 ft. Lot 42, exc. E. 103.5 ft.	"	"	✓ Perry J. Eash & Ione Eash 701 Litchfield
E. 95' of S. 14.5 ft of Lot 44, and E. 95' of Lots 46 & 48	"	"	✓ Perry J. Eash and Ione E. Eash 701 Litchfield Shirley Ann Fox and William N. Fox
S. 11.6' Lot 42, exc E. 103.5 ft. & N. 10.5' Lot 44, exc. E. 103.5'; S. 14.5 ft. Lot 44 exc. E. 95 ft. & Lots 46 & 48 exc. E. 95 ft.	"	"	✓ Pearle C. Frazier c/o 1508 W. Pine

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
26	Faulkner	Stackman's Replat of Part of Stackman's 2nd Add.	Bertha Stackman Gouldner 1845 Wellington Place
28	"	"	Same
30	"	"	Same
32	"	"	Same
34	"	"	Same
36	"	"	Same
38	"	"	Same
40	"	"	Evelyn P. Stackman
42	"	"	Same
44	"	"	Same
46	"	"	Same
48	"	"	Same

Beg. 160 ft. S. and 40 ft. W. of SW cor.  
 Lot 2, Amidon Ave., Riverside Add' th S.  
 to N. line of Boulevard lying N. of N.  
 channel of Big Arkansas River; th. E.  
 along Boulevard to W. line of River  
 Boulevard lying along the Little  
 Arkansas River; th. N. along Boulevard  
 to S. line of Pine St.; th W. to W.  
 line Stackman's Add; th. N. to point  
 25 ft S. and 20 ft. W. of NW cor.  
 Lot 2, Woodrow Ave., Stackman's Add'  
 th. W. 510 ft; th S. 25 ft; th W. 210  
 ft; th S. 50 ft; th W. 200 ft. to beg.

City of Wichita

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We hereby certify the foregoing to be a correct list of property owners within  
 a radius of 200 ft. of Lots 41, 43, 45, and 47, Stackman's 2nd Addition and  
 the South 20 ft. of Lot 48, in Stackman's Replat of part of Stackman's 2nd  
 Addition, as shown by the records in the office of the Register of Deeds of  
 Sedgwick County, Kansas, this 13th day of December A. D. 1965 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*J. R. ...*

Vice President.

Order No. 131264.  
 (KPB)

ARKANSAS BOND

This Ownership list is amended this 27th day of December, 1965 to include any owners within a 200 foot radius of Lots 41, 43, 45, and 47 Stackman's Second Addition and the South 15 feet of lot 18, and all of lots 20 through 48 even inclusive in Stackman's Replat of part of Stackman's 2nd Addition and includes only the following set out lots and owners.

The Security Abstract and Title Company, Inc.

Order No. 131641

By

*J. M. Matson*  
Vice-President

Lot	Street of	Addition	Property Owner
W $\frac{1}{2}$ of 3	Litchfield	Stackman's 2nd Addition	Nelsene Dyson ✓ Loren A. Dyson ✓ 3139 Coolidge
W $\frac{1}{2}$ of 5	"	"	"
W $\frac{1}{2}$ of 7	"	"	"
W $\frac{1}{2}$ of 9	"	"	"
E $\frac{1}{2}$ of 3	"	"	Nelda Roth ✓ 1423 W. Murdock
E $\frac{1}{2}$ of 5	"	"	"
E $\frac{1}{2}$ of 7	"	"	"
E $\frac{1}{2}$ of 9	"	"	"
11	"	"	Harold S. Noy ✓ Helen Jean Noy ✓ 746 Litchfield
13	"	"	"
15	"	"	Fred Thiele ✓ 901 Spaulding
17	"	"	"
19	"	"	Charles E. Matson ✓ Florence E. Matson ✓ 732 Litchfield
21	"	"	"
W 65' of 4	Faulkner	"	Gladys F. Whitacre ✓ 1411 W. Murdock ✓
W 65' of 6	"	"	"
W 65' of N 20' of 8	"	"	"

Lot	Street	Addition	Property Owner
E 75' of 4	Faulkner	Stackman's 2nd Addition	Thomas E. McCarty 1302 Minisa Dr. ✓
E 75' of 6	"	"	"
E 75' of N 20' of 8	"	"	"
S 5' of 8	"	"	Ralph L. Culp ✓ 747 Faulkner
10	"	"	"
12	"	"	"
14	"	Stackman's Replat of part of Stackman's 2nd Add.	Frank J. Wright Raleine A. Wright ✓ 743 Faulkner
16	"	"	"
N 10' of 18	"	"	"
S 15' of 18	"	"	Bertha Stackman Gouldner ✓ 139 Courtleigh Dr.
20	"	"	"
22	"	"	"
24	"	"	"
W $\frac{1}{2}$ of Block A, and 20' alley Adj on the E.		"	Max Steinbuchel Address unknown <i>no address found</i>
Beginning 160' E & 70' S of the NW corner of Block A, thence S. 62.5', thence E. 140', thence N 62.5' thence W. to beginning		"	James C. Wilson ✓ 1131 W. River Drive
Beginning 160' E. & 132.5' S of the NW corner of Block A, thence S. 110.5' more or less to the S. line of Block A, thence Northeast along said S. line to a point 132.5' S. of the N line of said Block A, thence W. to beginning		"	Elizabeth S. Guldner ✓ 870 Gilman

Form 223-021

**PAYMENT NOTICE**  
City of Wichita

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

*[Handwritten entries in table]*

Name *[Handwritten]*

Address *[Handwritten]*

Type *[Handwritten]* Due Date *[Handwritten]*

Comments:

Date *12-27-65* By *[Signature]*