

BZA47-64 - Southwestern Bell Telephone Co. requests variance from 59 to 40 parking spaces at 118 S. Oliver

no appeal filed

M.A.P.C.

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

72 X 07 P. 88

Bill

ACTION

Bza COMMITTEE App DATE 10-27-64
no appeal filed
M.A.P.C. _____
B.C.C./B. C.C.C. _____

for 30432

B2A47-64 - Southwestern Bell Tele-
phone Co. requests variance from 59
to 40 parking spaces at 118 S. Oliver

12-27-65

Ralph Eberly, City Clerk

Jack Galbraith, Secretary of Board of Zoning Appeals

BZA Case NO. 47-64

The project of paving the lot and constructing the fence on Lots 30 and 32, Oliver Street, East Douglas Addition, in conjunction with an exception granted to permit an off-street parking lot has been completed and approved by the Superintendent of Central Inspection. Therefore, bond number P2-01-01-58, which is being held in your office, can now be released to the applicant.

Attached is the letter forwarded to us by your office pertaining to this matter.

JHG:RAL:jmm

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION DIVISION

DATE December 22, 1965



TO Jack Galbraith, Secretary of Board of Zoning Appeals

FROM Glen E. Lytle, Superintendent of Central Inspection

SUBJECT BZA CASE NO. 47-64

Inspection of the property affected by BZA 47-64, located on the east side of Oliver in an area just south of Douglas, is as of this date in compliance with the provisions set forth in the two resolutions pertaining to the case.

GEL:ml



RICHARD MINKLER

Insurance

827 WEST THIRTEENTH STREET
WICHITA, KANSAS 67203

AMHERST 7-5283

December 15, 1965

City of Wichita
104 South Main
Wichita, Kansas

Attention: Office of the City Clerk

Gentlemen:

Re: Bond # P2-01-01-58
McBride & Dehmer Construction, Inc. (As
Agents for Southwestern Bell Telephone Company)

It is our understanding that the Project guaranteeing pavement
of lot, and construction of fence. Lot 30 and 32 of Oliver
Street, East Douglas Addition, Wichita, Kansas, has been
completed by McBride & Dehmer Construction, Inc.

Will you kindly execute the Status Inquiry enclosed and
promptly return to our office for subsequent delivery to
the Bonding Company.

Thank you.

Cordially yours,

Richard J. Minkler

RJM:tp

Enc.

cc: Mr. Campbell Hodge
Planet Insurance Company
175 West Jackson Blvd. - Suite 821
Chicago, Illinois 60604



Plant Insurance Company

PS-01-01-00

11/16/64

1,500.00

MC HAIR & BENDER CONSTRUCTION, INC.
(AS AGENTS FOR SOUTHWESTERN BELL TELEPHONE CO.)

XXXX
OCEANVIEW

THE CITY OF WICHITA, KANSAS
(BOARD OF ZONING AFFAIRS)

GUARANTEEING PAVING OF LOT & CONSTRUCTION OF SIDEWALK
FRONT, LOT 20 & 22 OF OLIVER STREET, EAST DOUGLAS AVENUE ADDITION, WICHITA, KANSAS

ADDRESSEE

THE CITY OF WICHITA

WICHITA, KANSAS

WITHOUT PREJUDICING YOUR RIGHT OF EFFECTIVE COV. LIABILITY
UNDER OUR POLICY BY COMMENTS ABOVE, WE WOULD APPRECIATE
YOUR FURNISHING THE FOLLOWING INFORMATION AS IS NOW AVAILABLE.

VERY TRULY YOURS

IF THIS POLICY HAS BEEN COMPLETED, PLEASE STATE:

DATE OF COMPLETION

BY WHOM COMPLETED

TOTAL CONTRACT VALUE

5

HAS THERE ANY DELAY IN THE WORK BEING DONE SINCE PAID
BY YOU? EXPLAIN ON THE "REMARKS" SECTION

YES NO

IF THIS POLICY HAS NOT BEEN COMPLETED, PLEASE STATE:

DATE OF COMPLETION

BY WHOM COMPLETED

HAS THERE ANY DELAY IN THE WORK BEING DONE SINCE PAID
BY YOU? EXPLAIN ON THE "REMARKS" SECTION

YES NO

PERSONS IN THIS INQUIRY
PLANT INSURANCE COMPANY

DATE

SIGNATURE

TITLE

ADDRESS

PRINTED 20 AUG 1960

November 9, 1964

South eastern Bell Telephone Company
P. O. Box 2206
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 47-64

On October 29, 1964, we advised you that the Board of Zoning Appeals had approved the above application for an Exception to permit off-street parking on property zoned "RB", and requests for variances of the front and side yard setback requirements, and of the parking ratio, on property located generally on the east side of Oliver in an area just south of Douglas.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before November 6, 1964. The City Clerk has advised that no appeal was filed on or before that date, and the decision of the Board of Zoning Appeals is, therefore, final.

Copies of the two resolutions adopted in this case on October 27, 1964, are enclosed herewith for your information and files.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Attachment

cc: J. C. Atchison, P. O. Box 2206
C. Robert Bell, Attorney, 123 South Market
Edgar E. Turner, Jr., 4723 East Douglas
William Bell, 208 North Broadway
Glen Lytle, Superintendent of Central Inspection

R E S O L U T I O N N O. B Z A 4 7 - 6 4 (B)

One of Two Resolutions Pertaining to BZA 47-64

WHEREAS, Southwestern Bell Telephone Company, P. O. Box 2206, Wichita, Kansas, by J. C. Atchison, Agent, requests a Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, Kansas, from the requirement of 59 off-street parking spaces under Section 28.04.140, Code of the City of Wichita, Kansas, to 40 off-street parking spaces, and also requests a Variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, Kansas, for waiver of the front yard setback requirement of 25 feet and waiver of the side yard setback requirement of 2½ feet, on property legally described as follows:

Lots 12, 14, 16, 18, 20, 22, 24, 26, 28, 30,
and 32, on Oliver Street, East Douglas Avenue
Addition, in the City of Wichita, Sedgwick
County, Kansas,

generally located on the east side of Oliver in an area just south of Douglas; 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 application on the 27th day of October, 1964; and

WHEREAS, with respect to the request for variance of the front and side yard setback requirements, the following determinations were made; and

WHEREAS, the Board of Zoning Appeals has found that the request arises from conditions which are found to be unique and not ordinarily found in the same zoning district inasmuch as Southwestern Bell Telephone Company does not deal with the public at large at this location and, further, the office building is unlike other office and retail uses in that customers do not come to this location to do business; consequently, the only parking spaces that are needed are enough parking spaces to accommodate the employees; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance, as approved, will not adversely affect the rights of adjacent property owners inasmuch as there has been no reasons given or objections voiced in respect to this request, and no adjoining property owner has offered any complaint; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the applicant inasmuch as the strict application of the enforcement provisions of the ordinance would delay the installation of the phone equipment to provide services to customers of the expanding areas of the east part of Wichita; and

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

WHEREAS, with respect to the request for variance of the off-street parking ratio, the following determinations were made:

WHEREAS, the Board of Zoning Appeals has found that the request arises from conditions which are found to be unique and not ordinarily found in the same zoning district inasmuch as Southwestern Bell Telephone Company does not deal with the public at large at this location and, further, the office building is unlike other office and retail uses in that customers do not come to this location to do business; consequently, the only parking spaces that are needed are enough parking spaces to accommodate the employees; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance, as approved, will not adversely affect the rights of adjacent property owners inasmuch as adequate controls will be exercised by the applicant in controlling the use of the parking area and, further, the parking lot will be screened with a fence which will protect adjacent properties; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the applicant inasmuch as the strict application of the enforcement provisions of the ordinance would delay the installation of the phone equipment to provide services to customers of the expanding areas of the east part of Wichita; and

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

WHEREAS, as shown above, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita to be present before a variance can be granted, has been found to exist with respect to both variance requests.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the Superintendent of Central Inspection be authorized to issue the appropriate permit for a variance from 59 to 40 off-street parking spaces, and for a waiver of the front and side yard setbacks, on property legally described as follows:

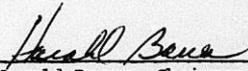
Lots 12, 14, 16, 18, 20, 22, 24, 26, 28, 30,
and 32, on Oliver Street, East Douglas Avenue
Addition, in the City of Wichita, Sedgwick
County, Kansas,

generally located on the east side of Oliver in an area just south of Douglas, subject to the following:

1. The applicant is hereby authorized to provide only 40 off-street parking spaces rather than 59 spaces as required by the Code.
2. The front yard setback of 20 feet and the side yard setback of 2½ feet is hereby waived so that this area may be utilized for off-street parking.
3. 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, materials or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.

5. In no case shall a fee be charged for parking facilities provided hereunder.
6. Parking areas and driveways providing ingress and egress to the 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.
7. All parking spaces shall have adequate guards to prevent the extension or overhang of vehicles beyond property lines or parking spaces.
8. The parking area shall have adequate markings for channelization and movement of vehicles.
9. If lighting facilities are provided, they shall be the low pedestal type lights of a height not greater than six feet and shall be hooded so as to reflect the light downward.
10. A five foot high fence such as solid wall masonry, louvered redwood, or woven chainlink fence shall be erected along the south property line, except that the fence shall be reduced from five feet in height to 30 inches in height in the west 20 feet of the east 132.6 feet (as measured along the south line of Lot 32). A five foot high fence as described above shall also be required along the east property line from the south property line to a point 100 feet north of the south property line.
11. A performance bond in the amount of \$1,500 shall be filed with the City Clerk to guarantee the paving of the lot and the construction of the fence. This bond is to remain on file until the Central Inspection Division of the Department of Public Works has notified the City Clerk that all requirements have been met.
12. All improvements as shown in this resolution shall be made within 24 months of the effective date of this resolution or the permit shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 27th day of October, 1964.



Harold Bauer, Chairman

ATTEST:



Jack H. Galbraith, Secretary

Board of Zoning Appeals

November 5, 1964

Robert G. Finch, City Clerk

Jack H. Galbraith, Secretary

Case No. BZA 47-64

Attached are copies of resolutions No. BZA 47-64(A) and BZA 47-64(B), which were adopted by the Board of Zoning Appeals on October 27, 1964. An appeal may be filed in your office on or before Friday, November 6, 1964. If an appeal is filed, please advise.

JHG:JWH:ber

Attachment

SECRETARY'S REPORT

CASE NO. BZA 47-64

APPLICANT: Southwestern Bell Telephone Company, P. O. Box 2206

AGENT: J. C. Atchison, P. O. Box 2206

REQUEST:

A variance pursuant to Section 2.12.590, Code of the City of Wichita, to provide only 40 off-street parking spaces rather than 59 spaces as required by Section 28.04.140,

A variance of the front and side yard setback in order that they may be utilized for off-street parking

An Exception to permit the installation of an off-street parking lot on two 25' x 132' lots which are zoned "RB" Four family.

LAND USE: Property in question - Bell Telephone Building
North - Clothing store
East - Parking and fourplex
South - Single family
West - Parking and shopping center

ZONING: Property in question - "RB" and "LC"
North - "LC" Light commercial
East - "B" Multiple family and "RB" Four family
South - "RB" Four family
West - "B" Multiple family

GENERAL LOCATION - East side of Oliver between Douglas and English

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider the exception request under the provisions as outlined in Section 28.04.140.B.2 of the Code of the City of Wichita. The Board also has jurisdiction to consider the two variance requests under the provisions as outlined in Section 2.12.590, Code of the City of Wichita.

COMMENTS BY THE SECRETARY

The Southwestern Bell Telephone Company is proposing to expand the Murray Dial Office Building located at 118 South Oliver. However, a building permit for the proposed expansion was turned down inasmuch as they could not provide the required number of 59 off-street parking spaces. Consequently, they have requested the off-street parking requirement be lowered from 59 spaces to 40 spaces.

The Murray Dial Office Building is located on a tract of ground which has a frontage of 275 feet and a depth of 132.5 feet. All of the property is zoned "LC" Light Commercial except for the south 50 feet, which is zoned "RB" Four family. Since off-street parking is not a permitted use in the "RB" district, they have also requested that an exception be granted for the south 50 feet of their property so that it can be utilized for off-street parking. In order to provide the 40 parking spaces as shown on the plot plan, they have also requested that the 20 foot front setback requirement and the 2½ foot side yard setback requirement be waived.

VARIANCE - PART I

The Board has jurisdiction to consider the variance request when all four of the following conditions are found to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district;
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 enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired is not against the public interest.

UNIQUENESS

The applicant has indicated in the statement of justification that this request is unique inasmuch as Southwestern Bell Telephone Company does not deal with the public at large at this location. It is also pointed out that the office building is unlike other office uses and retail businesses in that customers do not come to this location to do business. Consequently, the only parking spaces that are needed are enough parking spaces to accommodate the employees.

The Secretary agrees that uniqueness can be found to exist on the basis that the operation of this particular office building is unlike other office and commercial buildings in that there is very little, if any, customer traffic generated; consequently, this use should not be required to provide as many parking spaces.

ADJACENT PROPERTY

The Secretary agrees with the applicant in that the granting of the variance should not adversely affect adjacent property owners, if certain controls are exercised, in that adequate parking space will be provided for the ultimate 35 employees. The applicant has also agreed to comply with any conditions which are imposed so as to help preserve adjacent property values.

HARDSHIP

The Secretary agrees that hardship can be found to exist inasmuch as the strict application of enforcement provisions of the ordinance would delay the installation of telephone equipment to provide services to customers of the east part of Wichita. An additional hardship exists inasmuch as there is no available and vacant property in the area which can be acquired to provide the required amount of parking.

PUBLIC INTEREST

The Secretary is of the opinion that the granting of the variance should in no way adversely affect the public interest.

RECOMMENDATION

It is the opinion of the Secretary that all four conditions necessary to be found to exist before a variance can be granted have been found to exist. Therefore, it is recommended that a variance be granted from 59 off-street parking spaces to 40 parking spaces and that the front yard setback requirement of 20 feet and the side yard setback requirement of 2½ feet be waived.

EXCEPTION - PART II

In order to provide off-street parking on the south 50 feet of their property as shown on the plot plan, it has become necessary that the applicant request an exception to the ordinance inasmuch as off-street parking is not a "use by right" in the "RB" Four family zoning district.

The arrangement of the parking spaces as shown on the plot plan appears to meet the recommended standards of the Traffic Engineer. The driveways providing ingress and egress to the parking lot also appear to be adequate as far as traffic circulation is concerned.

Page 4 - Secretary's Report
Case No. BZA 47-64

The applicant has stated they will comply with all requirements made by the Board, such as providing fencing for the lot, bumper guards for parking spaces, etc., in order to help preserve the adjoining property values.

It is the recommendation of the Secretary that the exception be granted and that the variances be granted, subject to the following conditions and requirements:

1. The applicant is hereby authorized to provide only 40 off-street parking spaces rather than 59 spaces as required by the Code.
2. The front yard setback of 20 feet and the side yard setback of 2½ feet is hereby waived so that this area may be utilized for off-street parking.
3. 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, materials or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
5. In no case shall a fee be charged for parking facilities provided hereunder.
6. Parking areas and driveways providing ingress and egress to the 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.
7. All parking spaces shall have adequate guards to prevent the extension or overhang of vehicles beyond property lines or parking spaces.
8. The parking area shall have adequate markings for channelization and movement of vehicles.
9. If lighting facilities are provided, they shall be the low pedestal type lights of a height not greater than six feet and shall be hooded so as to reflect the light downward.
10. A five foot high fence such as solid wall masonry, louvered redwood, or woven chain link fence shall be erected along the south property line, except that the fence shall be reduced from five feet in height to 30 inches in height in

**Page 5 - Secretary's Report
Case No. BEA 47-64**

the west 20 feet of the east 132.6 feet (as measured along the south line of Lot 32). A five foot high fence as described above shall also be required along the east property line from the south property line to a point 100 feet north of the south property line.

11. A performance bond in the amount of \$1,500 shall be filed with the city Clerk to guarantee the paving of the lot and the construction of the fence. This bond is to remain on file until the Central Inspection Division of the Department of Public Works has notified the City Clerk that all requirements have been met.
12. All improvements as shown in this resolution shall be made within 24 months of the effective date of this resolution or the permit shall be null and void.

October 29, 1964

Southwestern Bell Telephone Company
P. O. Box 2206
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 47-64

This is to advise you that at its regular meeting of October 27, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for an Exception and Variances as follows:

Exception to permit an off-street parking lot on property zoned "R2";

Variance to provide only 40 off-street parking spaces rather than 59 as required under the zoning ordinance, and

Variance for complete waiver of front and side yard setback requirements,

all being in conjunction with expansion of the facilities located on the east side of Oliver in an area just south of Douglas.

It was the decision of the Board of Zoning Appeals to approve the above requests, subject to the following conditions:

1. The applicant is hereby authorized to provide only 40 off-street parking spaces rather than 59 spaces as required by the Code.
2. The front yard setback of 20 feet and the side yard setback of 2½ feet is hereby waived so that this area may be utilized for off-street parking.

3. 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, materials or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
5. In no case shall a fee be charged for parking facilities provided hereunder.
6. Parking areas and driveways providing ingress and egress to the lot shall be paved with concrete, asphalt, or asphaltic concrete, and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
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10. A five foot high fence such as solid wall masonry, louvered redwood, or woven chain link fence shall be erected along the south property line, except that the fence shall be reduced from five feet in height to 30 inches in height in the west 20 feet of the east 132.6 feet (as measured along the south line of Lot 32). A five foot high fence as described above shall also be required along the east property line from the south property line to a point 100 feet north of the south property line.
11. A performance bond in the amount of \$1,500 shall be filed with the City Clerk to guarantee the paving of the lot and the construction of the fence. This bond is to remain on file until the Central Inspection Division of the Department of Public Works has notified the City Clerk that all requirements have been met.
12. All improvements as shown in this resolution shall be made within 24 months of the effective date of this resolution or the permit shall be null and void.

Page 1 - Southwestern Bell Telephone Company
October 29, 1964

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before November 6, 1964.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If none has been filed on or before November 6, 1964, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JMH:ber

cc: J. C. Atchison
P. O. Box 2206

C. Robert Bell, Attorney
123 South Market

Edgar E. Turner, Jr.
4723 East Douglas

William Bell
208 North Broadway

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 47-64

APPLICANT: Southwestern Bell Telephone Company, P. O. Box 2206

AGENT: J. C Atchison, P. O. Box 2206

REQUEST:

A variance pursuant to Section 2.12.590, Code of the City of Wichita, to provide only 40 off-street parking spaces rather than 59 spaces as required by Section 28.04.140,

A variance of the front and side yard setback in order that they may be utilized for off-street parking

An Exception to permit the installation of an off-street parking lot on two 25' x 132' lots which are zoned "RB" Four Family.

LAND USE: Property in question - Bell Telephone Building
North - Clothing store
East - Parking and fourplex
South - Single family
West - Parking and shopping center

ZONING: Property in question - "RB" and "LC"
North - "LC" Light commercial
East - "B" Multiple family and "RB" Four family
South - "RB" Four family
West - "B" Multiple family

GENERAL LOCATION - East side of Oliver between Douglas and English

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider the exception request under the provisions as outlined in Section 28.04.140.B.2 of the Code of the City of Wichita. The Board also has jurisdiction to consider the two variance requests under the provisions as outlined in Section 2.12.590, Code of the City of Wichita.

COMMENTS BY THE SECRETARY

The Southwestern Bell Telephone Company is proposing to expand the Murray Dial Office Building located at 118 South Oliver. However, a building permit for the proposed expansion was turned down inasmuch as they could not provide the required number of 59 off-street parking spaces. Consequently, they have requested the off-street parking requirement be lowered from 59 spaces to 40 spaces.

The Murray Dial Office Building is located on a tract of ground which has a frontage of 275 feet and a depth of 132.5 feet. All of the property is zoned "LC" Light Commercial except for the south 50 feet, which is zoned "RB" Four family. Since off-street parking is not a permitted use in the "RB" district, they have also requested that an exception be granted for the south 50 feet of their property so that it can be utilized for off-street parking. In order to provide the 40 parking spaces as shown on the plot plan, they have also requested that the 20 foot front setback requirement and the 2½ foot side yard setback requirement be waived.

VARIANCE - PART I

The Board has jurisdiction to consider the variance request when all four of the following conditions are found to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district;
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 enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired is not against the public interest.

UNIQUENESS

The applicant has indicated in the statement of justification that this request is unique inasmuch as Southwestern Bell Telephone Company does not deal with the public at large at this location. It is also pointed out that the office building is unlike other office uses and retail businesses in that customers do not come to this location to do business. Consequently, the only parking spaces that are needed are enough parking spaces to accommodate the employees.

The Secretary agrees that uniqueness can be found to exist on the basis that the operation of this particular office building is unlike other office and commercial buildings in that there is very little, if any, customer traffic generated; consequently, this use should not be required to provide as many parking spaces.

ADJACENT PROPERTY

The Secretary agrees with the applicant in that the granting of the variance should not adversely affect adjacent property owners, if certain controls are exercised, in that adequate parking space will be provided for the ultimate 35 employees. The applicant has also agreed to comply with any conditions which are imposed so as to help preserve adjacent property values.

HARDSHIP

The Secretary agrees that hardship can be found to exist inasmuch as the strict application of enforcement provisions of the ordinance would delay the installation of telephone equipment to provide services to customers of the east part of Wichita. An additional hardship exists inasmuch as there is no available and vacant property in the area which can be acquired to provide the required amount of parking.

PUBLIC INTEREST

The Secretary is of the opinion that the granting of the variance should in no way adversely affect the public interest.

RECOMMENDATION

It is the opinion of the Secretary that all four conditions necessary to be found to exist before a variance can be granted have been found to exist. Therefore, it is recommended that a variance be granted from 59 off-street parking spaces to 40 parking spaces and that the front yard setback requirement of 20 feet and the side yard setback requirement of 2½ feet be waived.

EXCEPTION - PART II

In order to provide off-street parking on the south 50 feet of their property as shown on the plot plan, it has become necessary that the applicant request an exception to the ordinance inasmuch as off-street parking is not a "use by right" in the "RB" Four family zoning district.

The arrangement of the parking spaces as shown on the plot plan appears to meet the recommended standards of the Traffic Engineer. The driveways providing ingress and egress to the parking lot also appear to be adequate as far as traffic circulation is concerned.

The applicant has stated they will comply with all requirements made by the Board, such as providing fencing for the lot, bumper guards for parking spaces, etc., in order to help preserve the adjoining property values.

It is the recommendation of the Secretary that the exception be granted and that the variances be granted, subject to the following conditions and requirements:

1. The applicant is hereby authorized to provide only 40 off-street parking spaces rather than 59 spaces as required by the Code.
2. The front yard setback of 20 feet and the side yard setback of 2½ feet is hereby waived so that this area may be utilized for off-street parking.
3. 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, materials or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
5. In no case shall a fee be charged for parking facilities provided hereunder.
6. Parking areas and driveways providing ingress and egress to the 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.
7. All parking spaces shall have adequate guards to prevent the extension or overhang of vehicles beyond property lines or parking spaces.
8. The parking area shall have adequate markings for channelization and movement of vehicles.
9. If lighting facilities are provided, they shall be the low pedestal type lights of a height not greater than six feet and shall be hooded so as to reflect the light downward.
10. A five foot high fence such as solid wall masonry, louvered redwood, or woven chain link fence shall be erected along the south property line, except that the fence shall be reduced from five feet in height to 30 inches in height in

the west 20 feet of the east 132.6 feet (as measured along the south line of Lot 32). A five foot high fence as described above shall also be required along the east property line from the south property line to a point 100 feet north of the south property line.

11. A performance bond in the amount of \$1,500 shall be filed with the city Clerk to guarantee the paving of the lot and the construction of the fence. This bond is to remain on file until the Central Inspection Division of the Department of Public Works has notified the City Clerk that all requirements have been met.
12. All improvements as shown in this resolution shall be made within 24 months of the effective date of this resolution or the permit shall be null and void.

SECRETARY'S REPORT

CASE NO. BZA 47-64

APPLICANT: Southwestern Bell Telephone Company, P. O. Box 2206

AGENT: J. C Atchison, P. O. Box 2206

REQUEST:

A variance pursuant to Section 2.12.590, Code of the City of Wichita, to provide only 40 off-street parking spaces rather than 59 spaces as required by Section 28.04.140,

A variance of the front and side yard setback in order that they may be utilized for off-street parking

An Exception to permit the installation of an off-street parking lot on two 25' x 132' lots which are zoned "RB" Four family.

LAND USE: Property in question - Bell Telephone Building
North - Clothing store
East - Parking and fourplex
South - Single family
West - Parking and shopping center

ZONING: Property in question - "RB" and "LC"
North - "LC" Light commercial
East - "B" Multiple family and "RB" Four family
South - "RB" Four family
West - "B" Multiple family

GENERAL LOCATION - East side of Oliver between Douglas and English

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider the exception request under the provisions as outlined in Section 28.04.140.B.2 of the Code of the City of Wichita. The Board also has jurisdiction to consider the two variance requests under the provisions as outlined in Section 2.12.590, Code of the City of Wichita.

COMMENTS BY THE SECRETARY

The Southwestern Bell Telephone Company is proposing to expand the Murray Dial Office Building located at 118 South Oliver. However, a building permit for the proposed expansion was turned down inasmuch as they could not provide the required number of 59 off-street parking spaces. Consequently, they have requested the off-street parking requirement be lowered from 59 spaces to 40 spaces.

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Case No. BZA 47-64

The Murray Dial Office Building is located on a tract of ground which has a frontage of 275 feet and a depth of 132.5 feet. All of the property is zoned "LC" Light Commercial except for the south 50 feet, which is zoned "RB" Four family. Since off-street parking is not a permitted use in the "RB" district, they have also requested that an exception be granted for the south 50 feet of their property so that it can be utilized for off-street parking. In order to provide the 40 parking spaces as shown on the plot plan, they have also requested that the 20 foot front setback requirement and the 2½ foot side yard setback requirement be waived.

VARIANCE - PART I

The Board has jurisdiction to consider the variance request when all four of the following conditions are found to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district;
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 enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired is not against the public

The applicant has indicated in the statement of justification that this request is unique inasmuch as Southwestern Bell Telephone Company does not deal with the public at large at this location. It is also pointed out that the office building is unlike other office uses and retail businesses in that customers do not come to this location to do business. Consequently, the only parking spaces that are needed are enough parking spaces to accommodate the employees.

The Secretary agrees that uniqueness can be found to exist on the basis that the operation of this particular office building is unlike other office and commercial buildings in that there is very little, if any, customer traffic generated; consequently, this use should not be required to provide as many parking spaces.

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Case No. BZA 47-64

ADJACENT PROPERTY

The Secretary agrees with the applicant in that the granting of the variance should not adversely affect adjacent property owners, if certain controls are exercised, in that adequate parking space will be provided for the ultimate 35 employees. The applicant has also agreed to comply with any conditions which are imposed so as to help preserve adjacent property values.

HARDSHIP

The Secretary agrees that hardship can be found to exist inasmuch as the strict application of enforcement provisions of the ordinance would delay the installation of telephone equipment to provide services to customers of the east part of Wichita. An additional hardship exists inasmuch as there is no available and vacant property in the area which can be acquired to provide the required amount of parking.

PUBLIC INTEREST

The Secretary is of the opinion that the granting of the variance should in no way adversely affect the public interest.

RECOMMENDATION

It is the opinion of the Secretary that all four conditions necessary to be found to exist before a variance can be granted have been found to exist. Therefore, it is recommended that a variance be granted from 59 off-street parking spaces to 40 parking spaces and that the front yard setback requirement of 20 feet and the side yard setback requirement of 2½ feet be waived.

EXCEPTION - PART II

In order to provide off-street parking on the south 50 feet of their property as shown on the plot plan, it has become necessary that the applicant request an exception to the ordinance inasmuch as off-street parking is not a "use by right" in the "RB" Four family zoning district.

The arrangement of the parking spaces as shown on the plot plan appears to meet the recommended standards of the Traffic Engineer. The driveways providing ingress and egress to the parking lot also appear to be adequate as far as traffic circulation is concerned.

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Case No. BZA 47-64

The applicant has stated they will comply with all requirements made by the Board, such as providing fencing for the lot, bumper guards for parking spaces, etc., in order to help preserve the adjoining property values.

It is the recommendation of the Secretary that the exception be granted and that the variances be granted, subject to the following conditions and requirements:

1. The applicant is hereby authorized to provide only 40 off-street parking spaces rather than 59 spaces as required by the Code.
2. The front yard setback of 20 feet and the side yard setback of 2½ feet is hereby waived so that this area may be utilized for off-street parking.
3. 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, materials or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
5. In no case shall a fee be charged for parking facilities provided hereunder.
6. Parking areas and driveways providing ingress and egress to the 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.
7. All parking spaces shall have adequate guards to prevent the extension or overhang of vehicles beyond property lines or parking spaces.
8. The parking area shall have adequate markings for channelization and movement of vehicles.
9. If lighting facilities are provided, they shall be the low pedestal type lights of a height not greater than six feet and shall be hooded so as to reflect the light downward.
10. A five foot high fence such as solid wall masonry, louvered redwood, or woven chain link fence shall be erected along the south property line, except that the fence shall be reduced from five feet in height to 30 inches in height in

Page 5 - Secretary's Report
Case No. BZA 47-64

the west 20 feet of the east 132.6 feet (as measured along the south line of Lot 32). A five foot high fence as described above shall also be required along the east property line from the south property line to a point 100 feet north of the south property line.

11. A performance bond in the amount of \$1,500 shall be filed with the city Clerk to guarantee the paving of the lot and the construction of the fence. This bond is to remain on file until the Central Inspection Division of the Department of Public Works has notified the City Clerk that all requirements have been met.
12. All improvements as shown in this resolution shall be made within 24 months of the effective date of this resolution or the permit shall be null and void.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Southwestern Bell Telephone Company
Mailing Address P.O. Box 2206, Wichita, Ks. 67201 Phone FO3-9211
Name of Authorized Agent J.C. Atchison, Div. Bldgs. & Supp. Supv.
Mailing Address P.O. Box 2206, Wichita, Ks. 67201 Phone FO3-9211, Ext. 684
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.2, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of off street parking lot
_____ on property zoned
R.B., located at 118 S. Oliver
_____ and legally described as:
Lots 30 and 32 on Tracy now Oliver - East Douglas Avenue 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.

Applicant Southwestern Bell Telephone Company
Authorized Agent J.C. Atchison Div. Bldgs. & Supp. Supv.

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

Signed _____

T21-403



BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

1. Name of Applicant Southwestern Bell Telephone Company
Mailing Address P.O. Box 2206, Wichita, Ks. 67201 Phone F03-9211
Name of Authorized Agent J.C. Atchison, Div. Bldgs. & Supp. Supv.
Mailing Address P.O. Box 2206, Wichita, Ks. 67201 Phone F03-9211, Ext. 684
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other)

II. The variance requested is a complete waiver of the front and side yard setback requirements in order to utilize the area for off-street parking as provided for in Section 2.12.590 of the Code of the City of Wichita.
for property located at 118 S. Oliver

and legally described as: Lots 30 and 32 on Tracy now Oliver - East Douglas Avenue Addition
in the City of Wichita; and which is presently zoned R.B.
(Give metes and bounds description below if appropriate):

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
 - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
 - c. That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
 - d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Southwestern Bell Telephone Company
Applicant
J.C. Atchison
Div. Bldgs. & Supp. Supv.
Authorized Agent

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

T21-402



Signed

CASE NO. BZA 47-64

Corrected 12
15 NOTICES MAILED OCTOBER 21, 1964 FOR MEETING OCTOBER 27, 1964

Southwestern Bell Telephone Co.
P. O. Box 2206

J. C. Atchison
Div. Bldg. & Suppl Supvr.
Southwestern Bell
P. O. Box 2206

M. M. Williams & Wayne Coulson
Co-Trustees
309 South Market

Francis L. Jehle
Helen M. Jehle
8 Lynwood Blvd.

Southwestern Bell Telephone Co.
154 North Broadway

Laura S. Ash
447 South Glendale

Vic Hoffman
Bess Hoffman
146 South Oliver

Bernyce N. Rohrer
150 South Oliver

Ralph W. Strohmeier
Dora F. Strohmeier
112 South Glendale

Anna M. Melaske
118 South Glendale

T. P. Hendrick
Lorene Hendrick
122 South Glendale

Stella Shawver
115 South Ridgewood Drive

Amy M. ~~Roseberry~~ Roseberry
Dorothea R. Hendrickson
132 South Glendale

Norman K. Jacobshagen
Marguerite Jacobshagen
142 South Glendale

Chas. L. Anderson
Grace M. Anderson
148 South Glendale

Walter Morris Inv. Co. Inc.
208 North Broadway

Mabel G. Morsman
Pauline Morsman
157 South Oliver

John W. Copeland
Marilyn F. Copeland
1308 Kevin Road

Dale H. Cooper
Collette Cooper
140 South Dellrose

Ruth D. Cooper
Lloyd F. Cooper
5728 East 10th St.

Ruth S. Wheeler
Katherine M. Fleeson
307 South Market

Boyce Redfield
5101 East ~~3rd~~ 3rd

Berniece L. Gwynn
143 South Glendale

Charles A. Browne, Jr.
Margaret B. Browne
147 South Glendale

B. F. Krehbiel
4345 East English

CORRECTED NOTICE

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

October 12, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

OCase No. BEA 47-64

An application has been filed by Southwestern Bell Telephone Company, P.O.Box 2206, Wichita, Kansas, by J. C. Atchison, Div. Bldgs. & Supp. Supv. P.O.Box 2206, Wichita, Kansas, requesting a VARIANCE pursuant to Section 2.21.590, Code of the City of Wichita, Kansas, to provide 40 off-street parking spaces rather than 59 as requested in the ordinance, and also requests a VARIANCE for complete waiver of front and side yard setback requirements, and also requests an EXCEPTION, pursuant to Section 28.04.140, Code of the City of Wichita, Kansas, to permit the installation or construction of an off-street parking lot on property zoned "LC" and "RE", and legally described as follows:

Lots 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 and 32, on Oliver Street, East Douglas Avenue Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver in an area just south of Douglas.

This application has been assigned Case No. BEA 47-64, and will be considered by the Board of Zoning Appeals on Tuesday, October 27, 1964, at 2 P.M. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

CORRECTED NOTICE

30

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

October 12, 1964

TO ADJOINING PROPERTY OWNERS

OCase No. BZA 47-64

An application has been filed by Southwestern Bell Telephone Company, P.O.Box 2206, Wichita, Kansas, by J. C. Atchison, Div. Bldgs. & Supp. Supv. P.O.Box 2206, Wichita, Kansas, requesting a VARIANCE pursuant to Section 2.21.590, Code of the City of Wichita, Kansas, to provide 40 off-street parking spaces rather than 59 as requested in the ordinance, and also requests a VARIANCE for complete waiver of front and side yard setback requirements, and also requests an EXCEPTION, pursuant to Section 28.04.140, Code of the City of Wichita, Kansas, to permit the installation or construction of an off-street parking lot on property zoned "LC" and "RB", and legally described as follows:

Lots 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 and 32, on Oliver Street, East Douglas, Sedgwick County, [REDACTED] of Oliver in an [REDACTED]

This application has been assigned Case No. BZA 47-64, and will be considered by the Board of Zoning Appeals on Tuesday, October 27, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

CASE NO. BZA 47-64

25 NOTICES MAILED OCTOBER 9, 1964 FOR MEETING OCTOBER 27, 1964

Southwestern Bell Telephone Co.
P. O. Box 2206

J. C. Atchison
Div. Bldg. & Suppl Supvrs.
Southwestern Bell
P. O. Box 2206

M. M. Williams & Wayne Coulson
Co-Trustees
309 South Market

Francis L. Jehle
Helen M. Jehle
8 Lynwood Blvd.

Southwestern Bell Telephone Co.
154 North Broadway

Laura S. Ash
447 South Glendale

Vic Hoffman
Bess Hoffman
146 South Oliver

Bernyce N. Rohrer
150 South Oliver

Ralph W. Strohmeier
Dora F. Strohemier
112 South Glendale

Anna M. Melaske
118 South Glendale

T. P. Hendrick
Lorene Hendrick
122 South Glendale

Stella Shawver
115 South Ridgewood Drive

Amy M. ~~Roseberry~~ Roseberry
Dorothea R. Hendrickson
132 South Glendale

Norman K. Jacobshagen
Marguerite Jacobshagen
142 South Glendale

Chas. L. Anderson
Grace M. Anderson
148 South Glendale

Walter Morris Inv. Co. Inc.
208 North Broadway

Mabel G. Morsman
Pauline Morsman
157 South Oliver

John W. Copeland
Marilyn F. Copeland
1308 Kevin Road

Dale H. Cooper
Collette Cooper
140 South Dellrose

Ruth D. Cooper
Lloyd F. Cooper
5728 East 10th St.

Ruth S. Wheeler
Katherine M. Fleeson
307 South Market

Boyce Redfield
5101 East ~~2nd~~ 3rd

Berniece L. Gwynn
143 South Glendale

Charles A. Browne, Jr.
Margaret B. Browne
147 South Glendale

B. F. Krehbiel
4345 East English

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

October 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 47-64

An application has been filed by Southwestern Bell Telephone Company, P. O. Box 2206, Wichita, Kansas, by J. C. Atchison, Div. Bldgs. & Supp. Supv. P. O. Box 2206, Wichita, Kansas, requesting a VARIANCE pursuant to Section 2.21.590, Code of the City of Wichita, Kansas, to provide 40 off-street parking spaces rather than 59 as required in the ordinance, for parking facilities at the Murray Dial Office Building, on property legally described as:

Lots 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 and 32, on Oliver Street, East Douglas Avenue Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver in an area just south of Douglas.

This application has been assigned Case No. BZA 47-64, and will be considered by the Board of Zoning Appeals on Tuesday, October 27, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

30

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

October 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 47-64

An application has been filed by Southwestern Bell Telephone Company, P. O. Box 2206, Wichita, Kansas, by J. C. Atchison, Div. Bldgs. & Supp. Supv. P. O. Box 2206, Wichita, Kansas, ~~requesting~~ a VARIANCE pursuant to Section 2.21.590, Code of the City of Wichita, Kansas, to provide 40 off-street parking spaces rather than 59 as required in the ordinance, for parking facilities at the ~~Murray Dial~~ Office Building, on property legally described as:

Lots 12, 14, 16, 18, 20, 22, 24, 26, 28, 30
and 32, on Oliver Street, East Douglas Avenue
Addition, in the City of Wichita, Sedgwick
County, Kansas. Generally located on the east
side of Oliver in an area just south of Douglas.

This application has been assigned Case No. BZA 47-64, and will be considered by the Board of Zoning Appeals on Tuesday, October 27, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

P.O. Box 2206
Wichita, Kansas 67201
October 9, 1964

Board of Zoning Appeals
City of Wichita, Kansas

Application for Variance

Southwestern Bell Telephone Company requests a variance from the parking facilities required by the Zoning Ordinance of the City of Wichita, Section 28.04.140, Para. 2.9, because -

1. We do not deal with the public at this location, as a retail business does, and our customers do not come to this building.
2. Adjoining property owners and residents will not be adversely affected since the proposed parking facility will provide adequate space for the ultimate 35 company employees that will be located there. Otherwise, our employees would have to park on unrestricted streets in the neighborhood. No commercial parking lots are available.
3. Strict application of the ordinance will require substantial additional cost to obtain improved property at this location. It will also delay the installation of telephone equipment to provide service to customers in the east part of Wichita.
4. The proposed parking facility will be paved, protected on the east and south by chain link fence and present landscaping at this location will be continued to the addition.


J.C. Atchison

Division Buildings & Supplies Supervisor

SOUTHWESTERN BELL TELEPHONE COMPANY

P.O. Box 2206
Wichita, Kansas 67201
October 9, 1964

Board of Zoning Appeals
City of Wichita, Kansas

Application for Variance

Southwestern Bell Telephone Company requests a variance from the parking facilities required by the Zoning Ordinance of the City of Wichita, Section 28.04.140, Para. 2.9, because -

1. We do not deal with the public at this location, as a retail business does, and our customers do not come to this building.
2. Adjoining property owners and residents will not be adversely affected since the proposed parking facility will provide adequate space for the ultimate 35 company employees that will be located there. Otherwise, our employees would have to park on unrestricted streets in the neighborhood. No commercial parking lots are available.
3. Strict application of the ordinance will require substantial additional cost to obtain improved property at this location. It will also delay the installation of telephone equipment to provide service to customers in the east part of Wichita.
4. The proposed parking facility will be paved, protected on the east and south by chain link fence and present landscaping at this location will be continued to the addition.



J.C. Atchison
Division Buildings & Supplies Supervisor

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED 10-9-64

APPLICATION FOR VARIANCE

I. Name of Applicant Southwestern Bell Telephone Company
Mailing Address P.O. Box 2206, Wichita, Ks. 67201 Phone FO3-9211
Name of Authorized Agent J.C. Atchison, Div. Bldgs. & Supp. Supv.
Mailing Address P.O. Box 2206, Wichita, Ks. 67201 Phone FO3-9211, Ext. 684
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other)

II. The variance requested is From the required (59 spaces) to the proposed (40 spaces) parking facilities at the Murray Dial Office Building Addition.
Zoning Ordinance of the City of Wichita Section 28.04.140, Para. 2.9.
for property located at 118 South Oliver, Wichita, Kansas.

and legally described as: Lots 12, 14, 16, 18, 20, 22, 24, 26, 28, 30
and 32 on Oliver Street, East Douglas Avenue Addition to Wichita, Kansas.
in the City of Wichita; and which is presently zoned Commercial.
(Give metes and bounds description below if appropriate):

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
 - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
 - c. That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
 - d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

9 12 14
2 12 14 RB

Southwestern Bell Telephone Company
Applicant
J.C. Atchison
Div. Bldgs. & Supp. Supv.
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
9:45 (a.m. - p.m.), Oct. 9, 1964, together with
appropriate fee of \$50.00.

T21-402

J. Lowe
Signed

OWNERSHIP LIST

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|------------|---------------|-------------------|--|
| 12 | Douglas | East Douglas Ave. | M. M. Williams & Wayne Coulson Co-Trustees (½) ✓ 309 S. Market P & K Inv. Co. (½) No Address Available |
| 13 | " | " | " <i>No address</i> |
| 14 | " | " | " |
| 15 | " | " | " |
| 16 | " | " | " |
| 17 | " | " | " |
| 18 | " | " | " |
| 19 | " | " | Francis L. Jehle Helen M. Jehle ✓ 8 Lynwood Blvd. |
| 20 | " | " | " |
| 21 | " | " | " |
| 22 | " | " | " |
| 12 | Oliver | " | Southwestern Bell Telephone Co. 154 North Broadway ✓ |
| 14 | " | " | " |
| 16 | " | " | " |
| 18 | " | " | " |
| 20 | " | " | " |
| 22 | " | " | " |
| 24 | " | " | " |
| 26 | " | " | " |
| 28 | " | " | " |
| 30 | " | " | Laura S. Ash ✓ 447 S. Glendale |
| 32 | " | " | " |
| 34 | " | " | Vic Hoffman ✓ Bess Hoffman 146 S. Oliver |
| 36 | " | " | " |

Continued -2-

| | | | | |
|---------|------------|-------------------|--|----------------|
| 38 | Oliver | East Douglas Ave. | Bernyce N. Rohrer 150 S. Oliver | ✓ |
| 40 | " | " | " | |
| 42 | " | " | ✓ Henry H. Stoll Lucille H. Stoll No Address Available | <i>no add.</i> |
| 44 | " | " | " | |
| 46 | " | " | " | |
| 3 | - | Bleckley Terrace | Ralph W. Strohmeier Dora F. Strohmeier 112 S. Glendale | ✓ |
| 4 | | " | Anne M. Melaske 118 S. Glendale | ✓ |
| 5 | | " | T. P. Hendrick Lorene Hendrick 122 S. Glendale | ✓ |
| 6 | | " | Stella Shawver 115 S. Ridgewood Drive | ✓ |
| 7 | | " | Amy M. Roseberry Dorothea R. Hendrickson 132 S. Glendale | ✓ |
| 8 | | " | ✓ Mary Ida Grove No Address Available | <i>no add.</i> |
| 9 | | " | Norman K. Jacobshagen Marquerite Jacobshagen 142 S. Glendale | ✓ |
| 10 | | " | Chas. L. Anderson Grace M. Anderson 148 S. Glendale | ✓ |
| Block 3 | | Lincoln Heights | Walter Morris Inv. Co. Inc. 208 N. Broadway | ✓ |
| 1 | Block 4 | " | " | |
| 2 | " | " | " | |
| 3 | " | " | Mabel G. Morsman Pauline Morsman 157 S. Oliver | ✓ |
| 4 | " | " | John W. Copeland Marilyn F. Copeland 1308 Kevin Road | ✓ |
| 16 | " | " | Dale H. Cooper Collette Cooper 140 S. Delrose | ✓ |
| 17 S 5' | " | " | " | |

Continued -3-

| | | | |
|------------|----------|-------------------|--|
| 17 ex S 5' | 4 | Lincoln Heights | Ruth D. Cooper Lloyd F. Cooper ✓ 5728 E. 10th St. |
| 13 | Glendale | East Douglas Ave. | Ruth S. Wheeler ✓ Katherine M. Fleeson 307 S. Market |
| 15 | " | " | " |
| 17 | " | " | " |
| 19 | " | " | " |
| 21 | " | " | " |
| 23 | " | " | " |
| 25 | " | " | Boyce Redfield ✓ 5101 E. 3rd |
| 27 | " | " | " |
| 29 | " | " | " |
| 31 | " | " | Bernice L. Gwynn ✓ 143 S. Glendale |
| 33 | " | " | " |
| 35 | " | " | Charles A. Browne Jr. Margaret B. Browne ✓ 147 S. Glendale |
| 37 | " | " | " |
| 39 | " | " | Lerland H. Richardson No Address Available <i>no add</i> |
| 41 | " | " | " |
| 43 | " | " | B. F. Krehbiel ✓ 4345 E. English |
| 45 | " | " | " |
| 47 | " | " | " |

We hereby certify the foregoing to be a true and correct List of Property Owners within a two hundred foot radius of Lots 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32 on Oliver in East Douglas Avenue Addition to Wichita, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, on this the 8th day of October, A.D., 1964 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE CO., INC.

By

J. G. Sullivan
Vice President

Order No. 118561
(rnb)

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. | Pibg. Cert. |
| Sanitation | Sewer | Signs | Sidewalk |
| Street | Trailer | | |

| DESCRIPTION | AMOUNT |
|-------------------------------|--------|
| <i>Plan Application 50.00</i> | |

Name *Southwestern Bell*

Address *P.O. Box 2306*

Type *R-712*

Due Date

Comments:

Date *10-9-64*

By *L. Shouers*

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1