

BZA 47-75 National Investment
Trust - Exception for off-street
parking lot, generally located
on the north side of 3rd in an
area west of Rutan.

POSTED
10-7-75
MAP V
C.I.V.
10-6-75

ACTION

BZA COMMITTEE *Approved* DATE *10-28-75*

M.A.P.C. _____

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

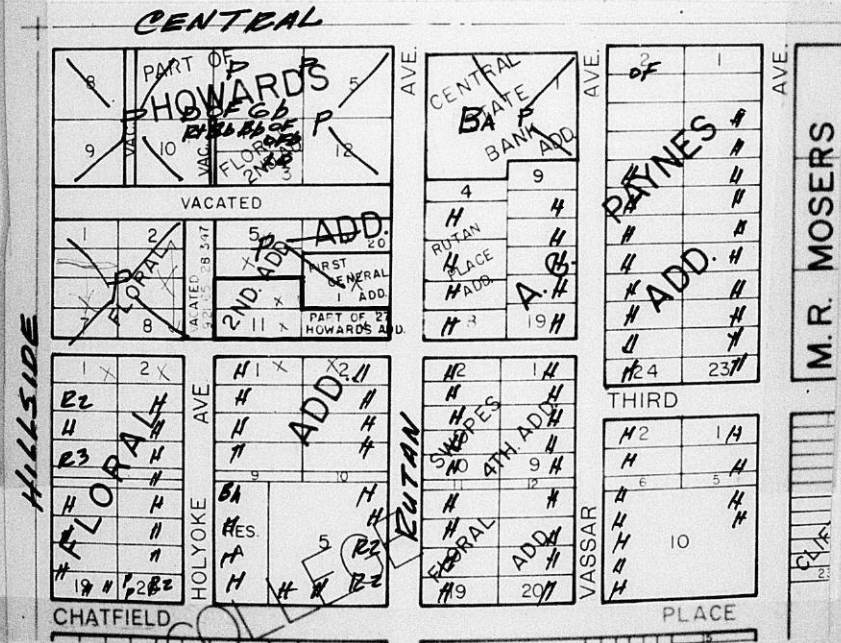
Map No. 5747
 Sec. 23
 Twp. 27
 Range 1E

BZA- 47-75
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.51 (IRREGULAR) 100 ft. by 300 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM South SINGLE FAM
 West PARKING LOT North PARKING LOT
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: UNDEVELOPED
 6. Area (is) (is not) platted. _____

UP DATE
 4/21/75 FIELD

PHOTO DATA:
 Taken by _____ Date _____ Time _____



SHIMM & COMPANY
 No. 2153C
 HASTINGS, MIN. LOS ANGELES
 LOGAN OH. WASHINGTON, TX. U. S. A.

BOARD OF ZONING APPEALS
Room 402, City Building Annex
104 South Main Street
Wichita, Kansas 67202

October 7, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BEA 47-75

An application has been filed by National Investment Trust, Robert G. Murray, Trustee, 3333 East Central, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 9 and 11 on Eolyoke Avenue, in Floral Second Addition, and the south 50 feet of Lot 27, in Howard's Addition to College Hill, Sedgwick County, Kansas. Generally located on the north side of Third Street in an area west of Ratan.

This application has been assigned Case No. BZA 47-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 28, 1975, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person, or by agent or attorney.

Jack H. Galbraith
Secretary

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Room 402, City Building Annex
104 South Main Street
Wichita, Kansas 67202

October 7, 1975

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Case No. BZA 47-75

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Jack H. Galbraith
Secretary

RESOLUTION NO. BZA 47-75

WHEREAS, National Investment Trust, Robert J. Murray, Trustee, 3333 East Central, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 9 and 11 on Holyoke Avenue, in Floral Second Addition and the south 50 feet of Lot 27, in Howard's Addition to College Hill, Sedgwick County, Kansas. Generally located on the north side of Third Street in an area west of Rutan.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of October 28, 1975, consider said application; and

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

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

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

Lots 9 and 11 on Holyoke Avenue, in Floral Second Addition, and the south 50 feet of Lot 27, in Howard's Addition to College Hill, Sedgwick County, Kansas. Generally located on the north side of Third Street in an area west of Rutan,

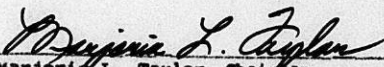
subject to the following conditions:

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, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.

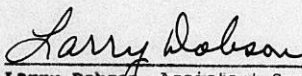
RESOLUTION NO. BEA 47-75

4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension of the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelisation and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. The required front yard setbacks on Rutan and Third Streets and the required side yard setback on Third Street, except for points of ingress and egress shall remain unpaved, and they shall be landscaped with grass, shrubs, trees, or ground cover, and shall be maintained in good condition.

ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

RESOLUTION NO. BZA 47-75

WHEREAS, National Investment Trust, Robert J. Murray, Trustee, 3333 East Central, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and legally described as follows:

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WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of October 28, 1975, consider said application; and

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

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

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

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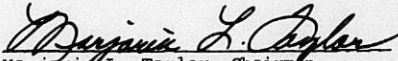
subject to the following conditions:

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, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.

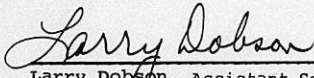
RESOLUTION NO. BZA 47-75

4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. The required front yard setbacks on Rutan and Third Streets and the required side yard setback on Third Street, except for points of ingress and egress shall remain unpaved, and they shall be landscaped with grass, shrubs, trees, or ground cover, and shall be maintained in good condition.

ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

November 21, 1975

Mr. Lyle Britt
Suite 521
120 Building
Wichita, Kansas 67202

Subject: Case No. BZA 47-75
Request for Exception

Dear Mr. Britt:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 28, 1975, in connection with your request for an exception to permit the installation of an off-street parking lot on property zoned the "A" Two-Family Dwelling District, and the "BB" Office District, and generally located on the north side of Third Street in an area west of Rutan.

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

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

Sincerely,

Larry Dobson
Assistant Secretary

LD:hh
Encl.

cc: National Investment Trust Co., 3333 E. Central, 67208
Donald Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

October 29, 1975

Mr. Lyle Britt
Suite 521
120 Building
Wichita, Kansas 67202

Subject: Case No. BZA 47-75
Request for Exception

Dear Mr. Britt:


At the regular meeting of the Board of Zoning Appeals on October 28, 1975, your request for an exception to permit the installation of an off-street parking lot on property zoned the "A" Two-Family Dwelling District and the "BB" Office District, and generally located at the north side of Third Street in an area west of Rutan was considered.

It was the action of the Board to approve this request subject to the conditions listed in the Secretary's Report.

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

If you have any questions, please call our office.

Yours very truly,


Larry Dobson
Assistant Secretary

LD:bh

cc: National Investment Trust Co., 3333 East Central, 67208
Donald Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Maintenance Inspection Supervisor

SECRETARY'S REPORT

CASE NO. BZA 47-75

APPLICANT: National Investment Trust, Robert J. Murray, Trustee, 3333 East Central, Wichita, Kansas.

AGENT: Lyle Britt, Suite 521, 120 Building, Wichita, Kansas.

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

GENERAL LOCATION: At the north side of Third Street in an area west of Rutan.

LAND USE: Subject property is vacant and part is utilized as a gravel parking lot. South is vacant; North is the Medical Towers Building and parking; East is single family residence; West is vacant.

ZONING: Subject property is zoned the "A" Two-Family Dwelling District and the "BB" Office District; North and West are the "BB" Office District; South is "A" Two-Family; East is "A" and "BB".

JURISDICTION:

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

COMMENTS BY THE SECRETARY

The applicants are requesting an exception to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District to serve the adjacent College Hill Towers Medical Building.

The plot plan submitted with the application has been approved by the Traffic Engineer's Office, and shows how subject property ties in with the total proposed parking layout south of the Medical Towers..

Third Street from Hillside to Rutan, which is adjacent to the south of this property has been the subject of a vacation application that has been approved by the City Commission, subject to several conditions, including a replat of the applicants' property both north and south of Third Street. The applicants are in the

SECRETARY'S REPORT
CASE NO. BZA 47-75
Page 2

process of formulating plans for the construction of another building complex in this area, and this exception would enable them to utilize the property north of Third Street to alleviate some of their parking problems until such time as those plans are finalized.

Subject property is in part being used as an illegal non-conforming gravel parking lot. All adjacent properties, with the exception of those to the east, are owned by the applicants.

Inasmuch as "BB" office zoning is located north and west of subject property, it is reasonable to assume that "BB" zoning could also be obtained for subject property, in which case, parking lots would be a permitted use.

RECOMMENDATION:

If the Board determines that this use is an appropriate use of subject property, the request should be approved 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, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.

SECRETARY'S REPORT
CASE NO. BZA 47-74
Page 3

7. The required front yard setbacks on Rutan and Third Streets and the required side yard setback on Third Street, except for points of ingress and egress shall remain unpaved, and they shall be landscaped with grass, shrubs, trees, or ground cover, and shall be maintained in good condition.

BOARD OF ZONING APPEALS
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104 South Main Street
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October 7, 1975

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Jack H. Galbraith
Secretary

Subj. U¹ PARKING

E = Single Family

S = Vac¹ Single Family

N = Blue Grass Parking

W = VACANT

DRH/MAK

BZA 47-74, Eleven notices sent to adjoining property owners for BZA meeting of October 28, 1975, were mailed 10-7-75, and also 8 notices to MAPC Board Members.

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Room 402, City Building Annex
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Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. BZA-47-75

CITY OF WICHITA, KANSAS

FILED _____

Map 5747

APPLICATION FOR EXCEPTION

I. Name of Applicant National Investment Trust, Robert J. Murray,
 3333 East Central Trustee
 Mailing Address Wichita, Kansas Phone 682-6505
 Name of Authorized Agent LYLE BRITT
TURNER LAW OFFICES, CHARTERED
 Mailing Address Suite 521, 120 Bldg. Phone 265-5204
Wichita, Kansas
 Relationship of applicant to property is that of Owner
 (Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section
 2.12.590.C, Code of the City of Wichita, Kansas, to permit
 the establishment of AN OFF STREET PARKING LOT
 _____ on property zoned

North of in an area west of
"A", located 3rd and Rutan, Wichita, Kansas

_____ and legally described as:
Lot 9 and 11, on Holyoke Avenue,
in FLORAL 2ND ADDITION and the
South 50 feet of Lot 27, in HOWARD'S ADDITION
TO COLLEGE HILL, Sedgwick County, Kansas

_____, in the City of Wichita.

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

Applicant National Investment Trust
 Authorized Agent Lyle Britt

 LYLE BRITT

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 2:30 (a.m. P.M.), 9/30, 19 75, together with appropriate fee of \$50.00

Signed Larry Dobson

TURNER LAW OFFICES, CHARTERED
Suite 521 - 120 Building
One Twenty South Market
Wichita, Kansas 67202
Telephone: 265-5204

BOARD OF ZONING APPEALS)
CITY OF WICHITA, KANSAS) CASE NO.

RE: EXCEPTION REQUEST FOR OFF STREET PARKING IN AN "'A'-TWO FAMILY DWELLING" ZONING DISTRICT

COMES Now, National Investment Trust, Robert J. Murray, Trustee, through Lyle Britt, their attorney and seeks from the Board of Zoning Appeals a request for an exception. Said exception to allow the applicant to establish off street parking in property which is zoned "'A'-Two Family Dwelling". The applicant owns all the adjoining property and the same is used for the purpose of off street parking.


The Board has jurisdiction to consider the request for an exception under the provisions outlined in section 2.12.590c and 28.04.140 Code of City of Wichita.

The applicant states that the off street parking will be within 600 feet from the boundary of the use for which the parking is provided. And that the parking area shall be used for passenger vehicles only, and in no case shall be used for sale, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

The applicant states that they will abide by the Code of the City of Wichita and specifically section 28.04.145. The applicant owns the property south of Third Street, and is in the process of formulating plans for the construction of another building complex. This exception will serve as an interim relief for the present until the applicants can start construction on the larger building, with rezoning and platting.

If the exception is not granted then the property will not be able to be utilized for parking and this will constitute undue hardship upon the applicant in as much as he would not be able to reasonably develop his property due to its restrictions.

The applicant states that the exception desired will not adversely effect the public health, safety, morals, order, convenience, prosperity, general welfare, due to the fact that the applicant owns all the surrounding property and said exception will be interiorly located.


LYLE BRITT

Submitted to the Board of Zoning Appeals this ____ day of
September, 1975, as part of application per exception.

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS:
 SEDGWICK COUNTY)

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

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

All owners within 200 feet of Lot 9 and 11, on Holyoke Avenue, in FLORAL 2ND ADDITION and the South 50 feet of Lot 27, in HOWARD'S ADDITION TO COLLEGE HILL, Sedgwick County, Kansas.



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

<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
9 & 11 & vacated Holyoke Avenue	FLORAL 2ND	William M. Mack Trustee - National Investment Trust 3860 Whitney Avenue New Haven, Hamden, Connecticut 06518
South 50 feet of Lot 27	HOWARD ADDITION to COLLEGE HILL	William M. Mack Trustee - National Investment Trust 3860 Whitney Avenue New Haven, Hamden, Connecticut 06518
3, 5, & 7, & vacated Frances Street & vacated Holyoke Avenue	FLORAL 2ND	William M. Mack Trustee - National Investment Trust 3860 Whitney Avenue New Haven, Hamden, Connecticut 06518
South Half Lot 3 all Lots 5 & 7 Hillside Avenue, & 2, 4, 6 & 8, Holyoke Avenue	FLORAL 2ND	William M. Mack Trustee - National Investment Trust 3860 Whitney Avenue New Haven, Hamden, Connecticut 06518

Fidelity  Title
 COMPANY, INC.

<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
1 & N $\frac{1}{2}$ of Lot 3, on Hillside Avenue	FLORAL 2ND	↓ R. A. Denniston 536 South Glendale Avenue Wichita, Kansas 67218
1, Hillside Ave. 2, Holyoke Ave.	FLORAL	William M. Mack Trustee - ↻ National Investment Trust 3860 Whitney Avenue New Haven, Hamden, Connecticut 06515
3, Hillside Ave.	FLORAL	+ Patricia A. Gettle Address Unknown
4, Holyoke	FLORAL	Helen M. Smith ✓ % Mrs. John Watson, 321 N. Lorraine Wichita, Kansas 67214
6, Holyoke	FLORAL	✓ Olin A. & Ruth McConnell 345 North Holyoke Wichita, Kansas 67208
8	FLORAL	✓ Ray M. & Lillian M. Harman 335 North Holyoke Wichita, Kansas 67208
1, Holyoke	FLORAL	William M. Mack Trustee - ↻ National Investment Trust 3860 Whitney Avenue New Haven, Hamden, Connecticut 06515
3, Holyoke	FLORAL	+ K. Kenneth & Flora Shaul (both deceased)
5, Holyoke	FLORAL	↻ Lillian M. Harman 335 North Holyoke Wichita, Kansas 67208
7, Holyoke	FLORAL	✓ Sterline A. Jr. & Elizabeth Price 344 North Holyoke Wichita, Kansas 67208
2, Rutan Ave.	FLORAL	William M. Mack Trustee - ↻ National Investment Trust 3860 Whitney Avenue New Haven, Hamden, Connecticut 06515
4, Rutan Ave.	FLORAL	+ Thomas C. & Nina C. Smith ADDRESS UNKNOWN
6, & N 5' of Lot 8, on Rutan	FLORAL	↓ James Allen & Judith Joki 335 North Rutan Wichita, Kansas 67208



<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
South 45' of Lot 8, on Rutan	FLORAL	G. Jay & Melanie A. Kelly Address Unknown Real Estate address - 331 North Holyoke Wichita, Kansas 67208
1	FIRST GENERAL ADDITION	William M. Mqck Trustee - National Investment Trust 3860 Whitney Avenue New Haven, Hamden, Connecticut 06511
North 59' of Lot 20	HOWARD'S ADDITION to COLLEGE HILL	Arthur L. & Lillian M. Stone 417 North Rutan Wichita, Kansas 67208
Lot 10 except the West 10 feet for alley and a tract beginning at a point 636.95 feet East and 210 feet South of the Northwest corner of the Northwest Quarter of Section 23, Township 27, Range 1 East of the 6th P.M., Sedgwick County, Kansas, thence West 101.75 feet; thence South 56 feet; thence East 101.75 feet; thence North 56 feet; to place of beginning, being a part of Lot 12, in HOWARD'S ADDITION to COLLEGE HILL ADDITION to Wichita, Kansas		William M. Mqck Trustee - National Investment Trust 3860 Whitney Avenue New Haven, Hamden, Connecticut 06511



Dated at Wichita, Kansas this 24th day of September, 1975,
at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Cerita Gray*
Asst. Sec. ag

Tracer No. 30191



Form 223-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION AMOUNT

WPA 2000 5000

Name

Address

Type Due Date

Comments:

Date By

1/20/15 Ed

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