

Case No. BZA 47-78 Larry J. &
Belva Nail request exception to
establish off-street parking lot
on property zoned "RB" located
NW corner of 13th & Holyoke

1/25/78

BZA
47-78

ACTION

COMMITTEE

Approved

DATE *11-28-78*

Posted
11-3-78
MA80
V.C.I.
C.H.
2-1-79

M.A.P.C. _____

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

Bill 12/11

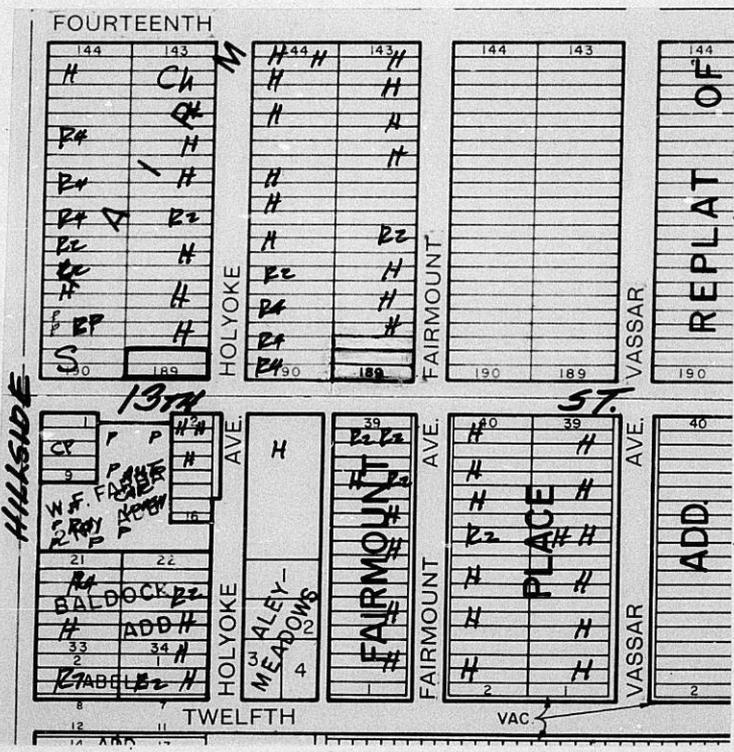
Case No. BZA 47-78 Larry J. & Belva Nail request exception to establish off-street parking lot on property zoned "RB" located NW corner of 13th & Holyoke

5744
 Map No. 5749
 Sec. 11
 Twp. 27
 Range 1E

BZA- 47-78
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.16 (50 ft. by 150 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East FOUR FAM South SINGLE FAM & GAR
 West SERVICE STAT North SINGLE FAM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: UNDEVELOPED
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



SMITHSONIAN
 No. 2-153C
 HASTING, MIN-LOS ANGELES
 LOAN, CH - MEMPHIS, TX U. S. A.

December 12, 1978

Robert Vinson, Public Works Administration
Larry Dobson, Assistant Secretary, Board of Zoning Appeals
Access Control, N/W Corner of 13th & Holyoke (BZA 47-78)

The Board of Zoning Appeals, at its meeting of November 28, 1978, approved an exception to permit an off-street parking lot on property zoned the "RB" Four Family Dwelling District and legally described as:

Lots 187 and 189 on Holyoke Avenue, Fairmount Addition
to Wichita, Sedgwick County, Kansas.

The general location of the property is the northwest corner of 13th and Holyoke.

This exception was granted subject to several conditions, one of which (#10) provides that there shall be no access from the above described application area to 13th Street and only one point of access to Holyoke. The Board did not require the dedication of access control by separate instrument and therefore, this memorandum and attached copy of Resolution No. BZA 47-78 are provided to you with the request that this restriction be noted on your maps and enforced in the same manner as platted or dedicated access control, with the exception that this restriction applies only to the extent that subject property is developed and utilized as an off-street parking lot.

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



Larry Dobson
Assistant Secretary

LD:bbc
Attachment

cc: Dick Linn, City Engineer

December 12, 1978

Kenneth F. Beck
1418 Vickers-KSB&F Bldg.
Wichita, Kansas 67202

Re: Case No. BZA 47-78
Request for Exception
Case No. BZA 48-78
Request for Variance

Dear Mr. Beck:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on November 28, 1978, in connection with your request for an exception to permit the establishment of an off-street parking lot, and a variance to reduce the required side yard setback adjacent to 13th Street from 6 feet to 0 feet for off-street parking purposes only, on property zoned the "RB" Four Family Dwelling District, and generally located at the northwest corner of 13th and Holyoke Streets.

These Resolutions reflect the official action of the Board to approve the requests and set out the conditions of approval. These are forwarded to you for your information and files.

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

Sincerely,



Larry Debeon
Assistant Secretary

LD:bbs
Enclosures

cc: Larry J. Nail, Sr. & Belva M. R. Nail, 1400 N. Hillside, 67214
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

RESOLUTION NO. BZA 47-78

WHEREAS, Larry J. Nail, Sr., and Belva M. R. Nail, 1400 N. Hillside, request an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as:

Lots 187 and 189 on Holyoke Avenue, Fairmount Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 13th and Holyoke Streets.

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

WHEREAS, the Board of Zoning Appeals did, at the meeting of November 28, 1978, 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 establishment of an off-street parking lot on property zoned the "RB" Four 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 establishment of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as:

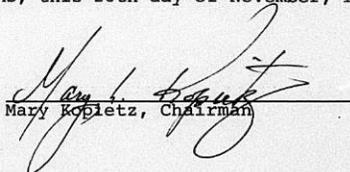
Lots 187 and 189 on Holyoke Avenue, Fairmount Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 13th and Holyoke Streets.

subject to the following conditions:

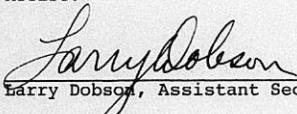
1. The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies; or parking of vehicles exceeding 10 days.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted, this shall not be deemed to include identification or advertising signs for the adjacent business.
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 debris.
5. The parking area shall have adequate guards to prevent the extension or 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 so arranged as to direct or reflect light away from adjacent residential properties.
7. There shall be no parking in the required 20 foot front yard setback area adjacent to Holyoke or in the 6 foot side yard setback adjacent to 13th Street, unless a variance is granted to permit parking in the side yard setback. These areas shall remain unpaved, except for points of ingress and egress, and shall be landscaped with trees, and/or shrubs and grass and shall be maintained compatible with the residential area.
8. A six to eight foot high solid fence constructed of redwood or cedar shall be erected along the north property line, except for the east 20 feet thereof; and a three to four foot high solid fence of the same material shall be erected along the 20 foot front yard setback line adjacent to Holyoke and along the six foot side yard setback line adjacent to 13th Street (or if a variance of the side yard setback is approved the location of the fence shall be along the south property line). The solid fencing described above may be interrupted for approved points of ingress and egress.
9. Two copies of a revised site plan shall be submitted to the Secretary of the Board, showing the setbacks, fencing, drive-ways, etc., required as conditions of approval.
10. There shall be no access from subject application area to 13th Street. One access point shall be permitted to Holyoke.
11. All improvements and conditions as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

ADOPTED AT WICHITA, KANSAS, this 28th day of November, 1978.


Mary Kopletz, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
435 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

November 30, 1978

Kenneth F. Beck
1418 Vickers-KSB&T Bldg.
Wichita, Kansas 67202

Re: Case No. BZA 47-78
Request for Exception
Case No. BZA 48-78
Request for Variance

Dear Mr. Beck:

At the regular meeting of the Board of Zoning Appeals on Tuesday, November 28, 1978, your request for an exception to permit the establishment of an off-street parking lot and a variance to reduce the required side yard setback adjacent to 13th Street from 6 feet to 0 feet for off-street parking purposes only, on property zoned the "RB" Four Family Dwelling District, and generally located at the northwest corner of 13th and Holyoke Streets, was considered.

It was the action of the Board to approve your exception request (BZA 47-78) 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, supplies or parking of vehicles exceeding 10 days.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted, this shall not be deemed to include identification or advertising signs for the adjacent business.
3. In no case shall a fee be charged for parking facilities provided hereunder.

THE CITY OF WICHITA

Kenneth F. Beck
Re: BZA 47-78 and 48-78
November 30, 1978

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 debris.
5. The parking area shall have adequate guards to prevent the extension or 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 so arranged as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required 20 foot front yard setback area adjacent to Holyoke or in the 6 foot side yard setback adjacent to 13th Street, unless a variance is granted to permit parking in the side yard setback. These areas shall remain unpaved, except for points of ingress and egress, and shall be landscaped with trees, and/or shrubs and grass and shall be maintained compatible with the residential area.
8. A six to eight foot high solid fence, constructed of redwood or cedar shall be erected along the north property line, except for the east 20 feet thereof; and a three to four foot high solid fence of the same material shall be erected along the 20 foot front yard setback line adjacent to Holyoke and along the six foot side yard setback line adjacent to 13th Street (or if a variance of the side yard setback is approved the location of the fence shall be along the south property line). The solid fencing described above may be interrupted for approved points of ingress and egress.
9. Two copies of a revised site plan shall be submitted to the Secretary of the Board, showing the setbacks, fencing, driveways, etc., required as conditions of approval.
10. There shall be no access from subject application area to 13th Street. One access point shall be permitted to Holyoke.

THE CITY OF WICHITA 2

Kenneth F. Beck
Re: BZA 47-78 and 48-78
November 30, 1978

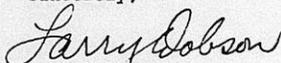
11. All improvements and conditions as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

The Board also approved your request for variance (BZA 48-78) subject to the following conditions:

1. Approval of this variance shall be conditioned upon the approval of associated exception case number BZA 47-78.
2. The six foot side yard setback shall be reduced to zero feet for off-street parking purposes only, with no permanent structures permitted to be constructed thereon.

Resolutions for both of these cases are being prepared and you will be mailed a copy of each after the appropriate signatures have been obtained.

Sincerely,



Larry Dobson
Assistant Secretary

LD:bbc

cc: Larry J. and Belva M. R. Nail, 1400 N. Hillside, 67214
George Platt, 3527 E. 15th St., 67214
Coler Hissem, 211 E. 1st, 67202
Paul Graves, Traffic Engineer
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

13 1/2 Holyoke

47-78
48-78

Maurice ~~Ashbaugh~~
President ~~Fairmount~~ Neighborhood Association
1554 N. Vassar
Wichita, Kansas 67208

Ken ~~Best~~
~~Fairmount~~ Neighborhood Association
1448 ~~Fairmount~~
Wichita, Kansas 67208

~~Under Sure George
Platt and other officers
of the Fairmount Association
Receive copies.~~

~~Send George an agenda
and stop report +
Officers of Fairmount
Association~~

~~done
11/20/78~~

SECRETARY'S REPORT
CASE NO. BZA 47-78

APPLICANT: Larry J. Nail, Sr., and Belva M. R. Nail,
1400 North Hillside, Wichita, Kansas

AGENT: Kenneth F. Beck, 1418 Vickers-KSB&T Bldg.,
Wichita, Kansas

REQUEST: Exception pursuant to Section 28.04.145, Code
of the City of Wichita, to permit the establish-
ment of an off-street parking lot.

GENERAL
LOCATION: Northwest corner of 13th and Holyoke Streets.

ZONING: Subject property is zoned the "RB" Four Family
Dwelling District as are those properties to
the north and east. South is the "B" Multiple
Family Dwelling District and the "LC" Light
Commercial District. West is the "LC" District.

LAND USE: Subject property is undeveloped. North is a
single family residence. West is the applicants'
automotive repair business. South are single
family residences and a self-service car wash.
East are four-family dwellings.

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 utilization of subject property as an off-street parking lot to help serve the parking needs associated with the proposed expansion of the applicants' automotive repair business located on adjacent property to the west.

Subject property is vacant, undeveloped land at the north-west corner of 13th and Holyoke Streets. The plat of Fairmount Addition indicates the size of subject property as approximately 50 by 150 feet. However, the applicants' site plan indicates the property dimensions as 61.83 by 150 feet, or a discrepancy of 11.83 feet. This is an old plat and perhaps recent surveys have discovered errors in the original survey which has resulted in this difference. The applicant should be prepared to clarify this point.

Case No. BZA 47-78
November 28, 1978
Page 2

The proposed expansion of the applicant's automotive repair business necessitates that additional off-street parking space be provided to meet the parking requirements of the zoning ordinance. The site plan shows two rows of 90 degree parking utilizing all setback areas. The applicants' agent has previously been informed that the 20 foot front yard setback adjacent to Holyoke and the 6 foot side yard setback adjacent to 13th Street could not be utilized for off-street parking. He was likewise informed of the procedure to request a variance to permit parking in the side yard setback and the fact that a variance could not be considered to permit parking in the front yard setback inasmuch as one of the specific conditions stipulated as a condition of approving an exception for off-street parking is that when located in a dwelling district, parking shall not be located within a front yard. The applicants have filed a variance request (BZA 48-78) to permit the utilization of the side yard for parking. Access to the parking lot is shown by a driveway from 13th Street and also by internal circulation from the adjoining commercial site. No access is shown to Holyoke Street. The Traffic Engineer has approved the applicants' site plan as per design standards but has expressed concern over the access to 13th Street, which is compounded by another new driveway proposed to 13th Street on the adjacent property. This would make three curb openings to 13th Street for the applicants' total ownership. The Traffic Engineer has recommended that no additional curb openings be allowed to 13th, but rather a single, new curb opening be made to Holyoke. It is believed that this would cause less of a traffic problem around the major intersection of 13th and Hillside. The normal minimum standard for street right-of-way on a major street such as 13th Street is 50 feet of half-street right-of-way, whereas the existing half-street right-of-way in this area is 30 feet.

It should be noted that subject property is within the Fairmount Neighborhood boundaries and as such is included in the Fairmount Neighborhood Improvement Plan (a document prepared as a guide for future redevelopment of this area). The proposed land use element of this plan projects a mixed residential use for subject property.

It has been observed that the parking and storage of vehicles has illegally been taking place on subject property for quite some time. Due to the nature of the applicants' business, it should be understood that even if this exception is approved, the parking area could be used for passenger vehicles only, and cannot be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

It is the opinion of the Secretary that, as an expansion of an existing commercial use adjacent to a major street with proper screening for adjacent residential uses and solution to the 13th Street access question, this would be a logical and proper request that would not adversely affect the general area.

RECOMMENDATION:

It is the recommendation of the Secretary that the request to permit the installation or construction of an off-street parking lot, if approved, be 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, this shall not be deemed to include identification or advertising signs for the adjacent business.
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 debris.
5. The parking area shall have adequate guards to prevent the extension or 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 so arranged as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required 20 foot front yard setback area adjacent to Holyoke or in the 6 foot side yard setback adjacent to 13th Street, unless a variance is granted to permit parking in the side yard setback. These areas shall remain unpaved, except for points of ingress and egress, and shall be landscaped with trees, and/or shrubs and grass and shall be maintained compatible with the residential area.

8. A six to eight foot high solid fence, constructed of redwood or cedar shall be erected along the north property line, except for the east 20 feet thereof; and a three to four foot high solid fence of the same material shall be erected along the 20 foot front yard setback line adjacent to Holyoke and along the six foot side yard setback line adjacent to 13th Street (of if a variance of the side yard setback is approved the location of the fence shall be along the south property line). The solid fencing described above may be interrupted for approved points of ingress and egress.
9. Two copies of a revised site plan shall be submitted to the Secretary of the Board, showing the setbacks, fencing, driveways, etc., required as conditions of approval.
10. All improvements and conditions as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

Additional conditions of approval may be appropriate after discussion of traffic problems and right-of-way needs has occurred.

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

November 3, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 47-78

An application has been filed by Larry J. Nail, Sr., and Belva M. R. Nail, 1400 North Hillside, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as:

Lots 187 and 189 on Holyoke Avenue, Fairmount Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 13th and Holyoke Streets.

This application has been assigned case No. BZA 47-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 28, 1978, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

BZA CASE NO.

47-78

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>27</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>40</u>	TOTAL NOTICES SENT <u>11-3-78</u>

BOARD OF ZONING APPEALS

CASE NO. 47-78

CITY OF WICHITA, KANSAS

FILED October 30, 1978

APPLICATION FOR EXCEPTION

I. Name of Applicant Larry J. Nail, Sr., and Belva M. R. Nail, his wife ✓

Mailing Address 1400 North Hillside Phone 683-5143

Name of Authorized Agent Kenneth F. Beck ✓

Mailing Address 1418 Vickers-KSB&T Bldg. Phone 262-8431

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 off-street parking of vehicles
(off-street parking lot) on property zoned RB, located on vacant lot at Northwest Corner of 13th and Holyoke Streets and legally described as: lots 187 and 189 on Holyoke Avenue, Fairmount Addition to Wichita, Sedgwick County, Kansas

_____, in the City of Wichita.

- 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 all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
 - d. 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.

Larry J. Nail, Sr., and
Applicant Belva M. R. Nail
Authorized Agent Kenneth F. Beck
----- Kenneth F. Beck

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 4:30 (a.m. - ~~P.M.~~), 10/30, 1978, together with appropriate fee of \$50.00

Signed Larry Johnson

NW corner of 13th & Holyoke

OWNERSHIP LIST

Description				Property Owner
A tract commencing at a point 390' E and 30' S of the NW corner of Sec 14, Tp 27, R 1E of the 6th P.M., Sedgwick County, KS; thence S 262.66'; thence E 130.74'; thence N 262.66'; thence W 130.74' to the place of beginning.				Pell & Pell Company, Inc. 3309 E. 13th Wichita, Kansas 67208
Lots	Street	Addition		Property Owner
168 & 170	Hillside	Fairmount Addition	✓	Sherman L. Stuewe Irma V. Stuewe 1700 S. Madison Ave. Wichita, Kansas 67211
172, 174, 176, & 178	"	"	✓	Alfred J. Miville 101 W. Broadview Ave. Wichita, Kansas 67208
180 & 182	"	"	✓	First National Bank 105 N. Main Wichita, Kansas 67202
W 85' of 184, 186, 188, and 190	"	"	D	Larry J. Nail Belva M.R. Nail 1400 N. Hillside Wichita, Kansas 67214
E 65' of 184, 186, 188, & 190	"	"	D	Larry J. Nail, Sr. Belva M.R. Nail 1400 N. Hillside Wichita, Kansas 67214
167, 169, & 171	Holyoke	"	✓	Norton L. Francis 7978 Dublin Ct. Wichita, Kansas 67206
173, 175, & 177	"	"	no listing	George MacWilliams Willie MacWilliams Address unknown
179, 181	"	"	✓	Fern B. Nystron 1411 N. Holyoke Wichita, Kansas 67208 and Jane H. Baldwin Address unknown
183 & 185	"	"	no listing	Vernon A. Smith Frances W. Smith 1407 N. Holyoke Wichita, Kansas 67208

page 2 - continued

Lots	Street	Addition	Property Owner
187 & 189	Holyoke	Fairmount Addition	Larry J. Nail, Sr. Belva M.R. Nail 1400 N. Hillside Wichita, Kansas 67214
170 & 172	"	"	E.T. Olson Gertrude Olson Address unknown and Delbert Preheim Mary Ann Preheim Address unknown <i>Newton</i>
174, 176, & 178	"	"	Marquerite Mollohan 5506 E. Gilbert Wichita, Kansas 67218
180, 182, 184, 186, 188, & 190	"	"	Wichita Rentals, Inc. 400 N. Woodlawn Wichita, Kansas 67208
1,3,5,& 7	Hillside	Girard Addition	Forrest L. Yourdon Maragaret Ann Yourdon 6226 Marjorie Lane Wichita, Kansas 67208
9 & 11	"	"	Wayne M. Adrian 6600 Farmview Lane Wichita, Kansas
13 & 15	"	"	Johnnie Pearl Nulan 1435 Piatt Ave. Wichita, Kansas 67214
17 & 19	"	"	Administrator of Veterans Affairs Wichita, Kansas 67211 <i>5500 E. Kellogg</i>
21 & 23	"	"	Henry E. Martz Isabelle H. Martz 4701 E. English St. Wichita, Kansas 67211
E $\frac{1}{2}$ of 2, 4, 6, & 8	Lorraine	"	Forrest L. Yourdon Maragaret Ann Yourdon 6226 Marjorie Lane Wichita, Kansas 67208
W $\frac{1}{2}$ of 2, 4, 6 & 8	"	"	Martin H. Tutt Velma H. Tutt 3104 E 13th St. Wichita, Kansas 67214

page 3 - continued

Lots	Street	Addition	Property Owner
10 & 12	Lorraine	Girard	May E. Mason 1410 N. Lorraine Ave. Wichita, Kansas 67214
14	"	"	Millie Mae Candate 1416 N. Lorraine Ave Wichita, Kansas 67214
E 62' of Lots 1, 3, 5, & 7	Hillside	Fairmount Park Addn.	First National Bank in Wichita ✓ Trustee & the Heirs of James P. Schwartz, deceased 105 N. Main Wichita, Kansas 67202
W 75' of 1, 3, 5, & 7, and all of 9 & 11	"	"	Everett E. Brown 3218 Country Club Pl. 67208 ✓ Lester H. Brown Address unknown ✓ Donald S. Brown 4001 N. Parkwood La. 67220 ✓ Dele W. Brown 7700 S. Pattie 67233 ✓ Kenneth L. Brown 518 E. MacArthur Rd. 67216

That part of Lot 1 of W.H. Farha
2nd Addn des. as follows: Beg. at
a point on the N line of said Lot 1
said point being 140' E and 50' S of
the NW cor of the NW $\frac{1}{4}$ of Sec 14, Tp 27S,
R 1E of the 6th P.M., Sedgwick County, KS;
thence E on the N line of said Lot 1, 115'
thence S on the E line of said Lot 1, 180'
thence W parallel to the N line of said
Lot 1, 75' thence N parallel to the
W line of said Lot 1 and also parallel
to the W line of said NW $\frac{1}{4}$ 73' thence
W parallel to the N line of said lot 1,
40' to a point 140' E of the W line
of said NW $\frac{1}{4}$ thence N parallel to the
W line of said Lot 1, 107' to the p.o.b.

That part of Lot 1 of W.H. Farah 2nd Addn.
des. as: Beg at the SW cor of Lot 1
thence N on the W line of Lot 1, 123' thence
E parallel to the S line of Lot 1, 130'
thence S parallel to the W line of Lot 1,
73' thence E parallel to the S line of Lot
1 150' thence S 50' to the SE cor of Lot 1
thence W 280' to the P.O.B.

~~Thomas J. Steven~~
2375 Cardinal Dr.
Wichita, Kansas 67204

Land Enterprise Co.
3900 E. Harry
Wichita, Kansas 67218



434 NORTH MAIN
WICHITA, KANSAS 67202
267-8371

page 4 - continued

The W 100' of 1, 3, 5, 7, & 9 and
the W 100' of the N 2' of Lot 11,
Baldocks Addition to Wichita

The W 75' of Lots 2 through 12(even)
and the W 15' of vacated Holyoke
adjacent on the East, in Baldocks
Addition to Wichita

William F. Farha
8630 Shannon Way
Wichita, Kansas 67206

Vrana-Baker Developments,
a partnership
Address unknown

no listing

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 184, 186, 187, 188, 189, and 190 on Holyoke Street in Fairmount Addition, as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 30th day of October, 1978 at 7:00 o'clock A.M.

The Security Abstract and Title Company, Inc.

By

Mary Gable

Vice President

No. 270509
sk

LAW OFFICES
KENNETH F. BECK
Suite 1418 Vickers KSB&T Building
125 N. Market — Wichita, Kansas 67202
Ph. (316) 262-8431

October 30, 1978

Board of Zoning Appeals
City Hall
455 North Main
Wichita, Kansas 67202

This statement is submitted in conjunction with the Application for Exception filed herein by Larry J. Nail, Sr., and Belva M. R. Nail, his wife, owners of Lots 187 and 189 on Holyoke Avenue, Fairmount Addition to Wichita, Sedgwick County, Kansas.

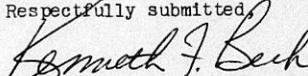
The present zoning of the above described property is RB which does not permit the use of the property for off-street parking for motor vehicles.

The Applicants own the property immediately abutting the above described property to the West, which is legally described as Lots 184, 186, 188 and 190 on Hillside Avenue, Fairmount Addition to Wichita, Sedgwick County, Kansas, and which is commonly described as 1400 North Hillside. The Applicants operate an automobile repair garage on the property, commonly described as 1400 North Hillside, under the name of Nail's Auto Service. They propose to construct an addition to their present garage facility on the property commonly described as 1400 North Hillside and to use the first above described property, which is the subject of this Application for Exception, for off-street parking for the convenience of their customers in the operation of such business. This use of the captioned property cannot be made under its present RB zoning.

The captioned property is presently a vacant lot which the Applicants purchased years ago for this particular use. With the addition of the solid wood fence to screen the property from that abutting it to the North, it is believed by the Applicants that the granting of their requested exception would result in beautifying the area and in relieving traffic congestion in the area.

I am making this written statement as attorney for the Applicants in support of their Application for Exception.

Respectfully submitted,


Kenneth F. Beck

KFB/b

FORM 021

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
<i>Apartment Building</i>	

NAME *W. Smith*

ADDRESS *1234 N. Main St. Wichita, Kan.*

FUND _____ DUE DATE *1/15/54*

COMMENTS _____

DATE *1/10/54* BY *W. Smith*

*

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

Roll # 2