

Case No. BZA 48-78 Larry J. & Belva Nail request variance to reduce side yard setback from 6 ft. to 0 ft. on property zoned "RB" located NW corner of Holvoke & 13th

Posted
11-3-78
MINOR
C.I.
8-1-79

ACTION

COMMITTEE *Approved* DATE *11-28-78*

M.A.P.C. _____

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

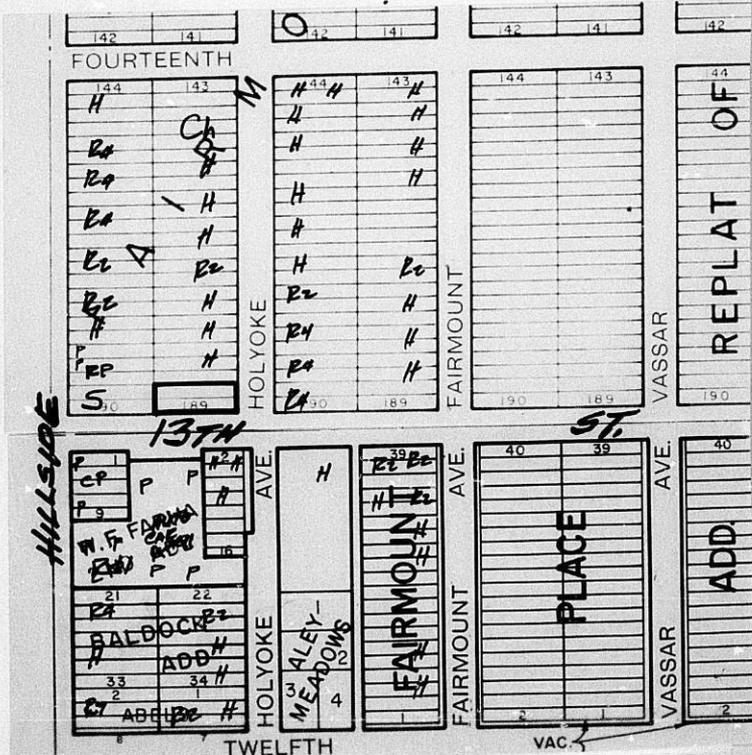
BZA
48-78

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

BZA- 48-78
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.16 (50 ft. by 140 ft.
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East FOUR FARM South SINGLE FARM & GAR
 West SERVICE 6707 North SINGLE FARM
 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 _____



Shepard
 No. 2-153C
 HASTINGS, MIN. LOS ANGELES
 LOAN ON MEXICO, TX, U. S. A.

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 48-78

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.B, Code of the City of Wichita, requesting 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 legally described as:

Lots 137 and 139 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 48-78 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

December 12, 1978

Kenneth F. Beck
1418 Vickers-KSB&T Bldg.
Wichita, Kansas 67262

Re: Case No. SEA 47-78
Request for Exception
Case No. SEA 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 "R2" 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 Dehson
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 Giesick, City Clerk

RESOLUTION NO. BZA 48-78

WHEREAS, Larry J. Nail, Sr., and Belva M. R. Nail, 1400 N. Hillside, Wichita, Kansas, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, 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 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 a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as this block on 13th Street between Hillside and Holyoke is mainly commercially oriented; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as screening required by the conditions of the associated exception should provide adequate buffering to the residents of dwellings across 13th Street; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as they would be deprived of several off-street parking spaces and would be required to landscape this 6 foot strip adjacent to 13th Street while the front half of the applicants' property is permitted to be paved to the property line, as is property on the south side of 13th for three-fourths of the block; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the variance is to permit off-street parking only, not to permit a structure in the setback; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as subject property is being used to expand an existing commercial business use and the observance of no landscaped setback adjacent to 13th Street would be consistent with the balance of the applicants' ownership; also, fencing would be installed along 13th Street to soften the impact of the parking lot on the area; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required 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 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.

be approved 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.

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

ATTEST:

Larry Dobson
Larry Dobson, Assistant Secretary

Mary Kapietz
Mary Kapietz, Chairman

Dobson

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE November 22, 1978

TO Larry Dobson, BZA Secretary

FROM Gail Williams, CPO Administrative Aide

SUBJECT BZA 47-78 and BZA 48-78

At its meeting of November 21, CPO Council "I" discussed the captioned cases and voted 9-0 to recommend approval of both the zoning exception and the variance, subject to the conditions set forth in the secretary's reports.

Council members commented that the stipulations governing the use of the parking lot, its lighting, and screening would minimize the intrusion of the business into the residential neighborhood to the north and east of the subject property. Also, one Council member reported that an officer of the Fairmount Neighborhood Association had stated that that group did not oppose the proposed parking lot.

Although the Council did discuss the potential traffic congestion caused by curb openings on 13th Street so near Hillside, no recommendation as to the location of the opening(s) was made.

Gail Williams

Gail Williams
CPO Administrative Aide

Noted:

David L. Furras
David Furras
Citizen Participation Coordinator



THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 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 2

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

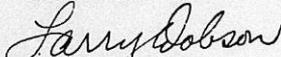
11. All improvements and conditions as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

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

SECRETARY'S REPORT
CASE NO. BZA 48-78

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

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

REQUEST: Variance pursuant to section 2.12.590.B, Code
of the City of Wichita, to reduce the required
side yard setback adjacent to 13th Street from
6 feet to 0 feet for off-street parking purposes
only.

GENERAL
LOCATION: Northwest corner of 13th and Holyoke Streets

ZONING: Subject property is zoned the "RB" Four Family
Dwelling District as are 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 is developed
with single family residences and a self-service
car wash. East is developed with four-family
dwellings.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and

Case No. BZA 48-78
November 28, 1978
Page 2

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

COMMENTS BY THE SECRETARY:

The applicants are requesting a variance to reduce the side yard setback adjacent to the south property line from 6 feet to 0 feet for off-street parking purposes only. This request is based on the premise that associated case BZA 47-78, an exception to permit an off-street parking lot on subject property, is approved.

With utilization of this 6 foot setback area adjacent to the south property line the applicants would be able to accommodate two rows of 90 degree parking separated by a two-way, 24 foot driveway. Without the approval of this variance the parking lot would have to be reworked to a less functional plan with fewer off-street parking spaces. The applicants state they would lose approximately eleven spaces if the variance were denied.

The applicants point out that the requested variance is adjacent to a major arterial street and is adjacent to and across the street from commercial activity, namely applicants' automotive repair garage and a self-service car wash. It should also be pointed out that there are two single family residences across 13th Street, adjacent to the car wash.

UNIQUENESS:

It is the opinion of the Secretary that this may be an unique situation inasmuch as this block of 13th Street between Hillside and Holyoke is mainly commercially oriented (assuming the exception case BZA 47-78 was approved).

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance desired may not adversely affect the rights of adjacent property owners or residents inasmuch as screening required by the conditions of the associated exception should provide adequate buffering to the residents of dwellings across 13th Street.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicants inasmuch as they would be deprived of several off-street parking spaces and would be required to landscape this 6 foot strip adjacent to 13th Street while the front half of the applicants' property is permitted to be paved to the property line, as is property on the south side of 13th for three-fourths of the block.

Case No. BZA 48-78
November 28, 1978
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PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested would not adversely affect the public interest inasmuch as the variance is to permit off-street parking only, not to permit a structure in the setback.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance desired may not be opposed to the general spirit and intent of the zoning ordinance inasmuch as subject property is being used to expand an existing commercial business use and the observance of no landscaped setback adjacent to 13th Street would be consistent with the balance of the applicants' ownership; also, fencing would be installed along 13th Street to soften the impact of a parking lot on the area.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary to the granting of a variance can be found to exist and therefore, it is recommended that the variance be approved 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.

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 48-78

An application has been filed by Larry J. Nail, Sr., and Belva H. R. Nail, 1400 North Hillside, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting 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 legally described as:

Lots 137 and 139 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 48-78 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. 4F-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. 78-78

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

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

Mailing Address 1400 North Hillside 14 Phone 683-5143

Name of Authorized Agent Kenneth F. Beck

Mailing Address 418 Vickers-KSB&T Bldg. Phone 262-8431

Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to allow off-street parking of motor vehicles in the 6 foot side yard abutting 13th Street
(reduce required side yard setback adjacent to 13th Street from 6 feet to 0 feet for off-street parking purposes only).

for property located at the Northwest Corner of Holyoke and 13th Streets in Wichita, Kansas

and legally described as: Lots 187 and 189 on Holyoke Avenue, Fairmount Addition to Wichita, Sedgwick County, Kansas

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

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 bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Larry J. Nail, Sr., and
Belva M. R. Nail
Applicant

Kenneth F. Beck
Authorized Agent Kenneth F. Beck

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:31 (a.m. p.m.), 10/30/78 19
together with appropriate fee of \$50.00.

N/W corner of 13th & Holyoke
T9-402

Larry Dobson
Signed

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	"	"	Larry J. Nail Belva M.R. Nail 1400 N. Hillside Wichita, Kansas 67214
E 65' of 184, 186, 188, & 190	"	"	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	"	"	<i>no listing</i> 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	"	"	<i>no listing</i> 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>no listing</i> 2098 Pine Newton 67114
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 06
13 & 15	"	"	Johnnie Pearl Nulan 1435 Piatt Ave. Wichita, Kansas 67214
17 & 19	"	"	Administrator of Veterans Affairs Wichita, Kansas 67211
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 <i>22 Cypress 06</i> ✓ Donald S. Brown 4001 N. Parkwood La. 67220 ✓ Dale 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

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

Vice President

*Original
→ signed*

No. 270509
sk

LAW OFFICES

KENNETH F. BECK

Suite 1418 Vickers-KS&T Building
125 N. Market — Wichita, Kansas 67202

Ph. (316) 262-4311

October 30, 1978

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

The Applicants seek a variance in their use of the following described property:

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

to use the above captioned property in conjunction with their business located immediately to the West of the captioned property which is legally described as:

Lots 184, 186, 188 and 190 on Hillside Avenue, Fairmount
Addition to Wichita, Sedgwick County, Kansas.

The first above described property, hereinafter called the "CAPTIONED PROPERTY," is presently zoned RB and does not permit off-street parking on the 6-foot area of the captioned property abutting 13th Street under the terms of Ordinance No. 28.04.140.1. Contemporaneously with this Application, the Applicants have submitted their Application for Exception to allow off-street parking on the captioned property and seek this variance to allow them to use the captioned property for off-street parking on the 6-foot side yard abutting 13th Street.

The Applicants feel that the location of the captioned property makes its condition unique insofar as that necessity is required for this Board to grant their requested variance. The captioned property is not an interior lot but a lot abutting on a street. Furthermore, that street on which the captioned property abuts, namely, 13th Street, is not a street ordinarily found in this district inasmuch as it is a major traffic artery. The area of 13th Street and Hillside Street is a congested business district and the granting of Applicants' variance will reduce that traffic congestion by allowing off-street parking. Neither the location of the lot nor the business use of the property in the immediate vicinity of the captioned property was created by any action of the Applicants. Immediately to the South of the captioned property, across 13th Street, exists a self-service car wash which certainly is not in keeping with the zoning requirements of an RB zone. The property owned by the Applicants immediately to the West

Board of Zoning Appeals
October 30, 1978
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of the captioned property is zoned LC.

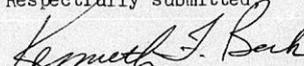
The only property that is adjacent to the captioned property which is not owned by the Applicants will not be adversely affected. Indeed, with the construction of the 6-foot solid wood fence along the North Line of the captioned property, the owner of the adjacent property will be benefited. The captioned property is presently a vacant dirt lot and the surfacing of the lot will improve the appearance of the captioned property which should benefit the adjoining property owner, both economically and by general appearance.

If the Applicants' variance is denied they will suffer unnecessary hardship. The Applicants contemplate expanding their existing building on Hillside Avenue to more than double its present size. This will necessitate off-street parking for their customers. If the requested variance is denied, the Applicants will lose approximately eleven (11) parking spaces on the captioned property.

The Applicants do not believe that the requested variance will adversely affect either the public health, safety, morals, order, convenience, prosperity, or general welfare of the neighborhood in particular and the City at large. If the Applicants obtain the requested variance they can proceed with enlarging their present building. This will not only provide construction jobs and some small input to the general economy, but will, also, result in a larger permanent structure on which taxes will be paid in the ensuing years. As mentioned, the captioned property is presently a vacant lot and due to the plantings, accumulates debris. By the mere fact that it is seldom used, it has sometimes presented an unsightly appearance which will be remedied by the granting of the proposed variance.

The granting of the variance will not be opposed to the general spirit and intent of the zoning ordinances of the City of Wichita. There is an increased need for off-street parking, as reflected by the zoning ordinances requiring this, and the granting of the variance will help to alleviate this situation in the area surrounding the captioned property.

Respectfully submitted,


Kenneth F. Beck

KFB/b

FORM 223-

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION		AMOUNT
<i>Water use appl. - 2000</i>		<i>50.00</i>
NAME <i>Frank T. Lusk</i>		
ADDRESS <i>1114 N. 10th St. Wichita, KS 67202</i>		
FUND	DUE DATE	
	<i>1/15/78</i>	
COMMENTS		
DATE <i>1/15/78</i>	BY <i>[Signature]</i>	

*

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

Roll # 2