

Filed  
11-6-79  
JMK

ACTION

BZA  
62-79

COMMITTEE App. Subs TD DATE 11-27-79  
COND. - 4-1

BZA Reconsideration -  
Denial - 3-0 12-18-79

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

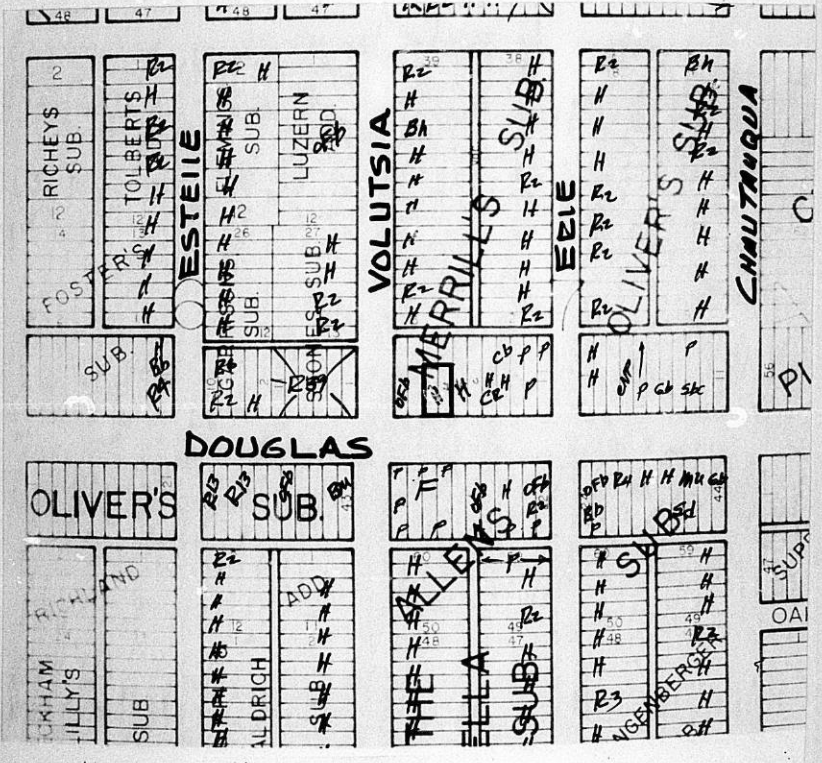
Case No. BZA 62-79 - Victor C. Hecht requests variance to reduce the number of parking spaces required for commercial use from 8 to 4 on the north side of Douglas east of Volusia

Map No. 5647  
 Sec. 28  
 Twp. 27  
 Range 1E

BZA- 62-79  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 0.1 ( 50 ) ft. by 90 ft.  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East SINGLE FAM South FOOD STORE  
 West OFFICE North SINGLE FA  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: SINGLE FAM  
 6. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



SHAW-WALKER  
 No. 2-153C  
 Sinead®  
 HASTING, INT.-LOS ANGELES  
 LOGAN, OH. - MERRISON, TX U. S. A.

SECRETARY'S REPORT  
CASE NO. BZA 62-79

APPLICANT: Victor C. Hecht, 2045 S. Greenwich Road,  
Wichita, Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code  
of the City of Wichita, to reduce the number  
of off-street parking spaces for commercial  
use from 8 to 4.

GENERAL LOCATION: North side of Douglas east of Volutsia  
(2808 E. Douglas).

ZONING: Subject property is zoned "IC" Light Commercial  
as are those properties to the north, south,  
east and west.

LAND USE: Subject property is a frame residential  
structure. The property to the west is a  
commercial building without parking and the  
properties to the north and east are residential.

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

PAGE 2  
Case No. BZA 62-79  
BZA AGENDA 11-27-79

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the number of off-street parking spaces from 3 to 4 in order to convert an existing residential structure to commercial purposes. The first floor is to be used as a barber shop and the applicant is proposing to eventually develop the total building into rental property. It should be noted that the structure consists of two floors and a basement with a total floor area of 2500 sq. ft.

The Zoning Ordinance requires one off-street parking space for each 250 sq. ft. of floor area for commercial purposes. It also requires one parking space for each dwelling unit and one additional parking space for each lodger or boarder. In this particular case, to convert the entire structure to commercial occupancy, it would require 10 parking spaces. If only a portion of the structure be converted to commercial purposes, the remainder of the structure would require one or more parking spaces depending upon the usage.

It should be pointed out that at the present time the improvements being made to Grove Street will be diverting east-west traffic from First and Second Streets to Douglas and Central. With this type of diversion, the traffic on Douglas will increase and the conversion of the existing structures in this area without adequate off-street parking will cause further congestion down the residential streets north and south of Douglas.

Many buildings along east Douglas were converted to commercial purposes prior to the off-street parking requirements. New buildings and conversions in recent years have been required to provide the off-street parking. Several have acquired property within 600' and have received exceptions for parking lots in the adjacent residential areas thru the Board of Zoning Appeals in order to comply with the requirement.

UNIQUENESS:

It is the opinion of the Secretary that this is not unique inasmuch as there are numerous structures in the commercial zoning districts that do not have sufficient lot area to convert to commercial purposes and comply with parking requirements.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would have an adverse affect on adjacent property owners inasmuch as the conversion of the structure without adequate parking will create additional on-street parking congestion.

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HARDSHIP:

It is the opinion of the Secretary that any hardship that may exist has been caused by the applicant inasmuch as the parking requirement for the structure was known prior to any conversion being made.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance will adversely affect the public interest inasmuch as ingress and egress to the parking spaces are severely limited.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance would be opposed to the spirit and intent of the zoning ordinance inasmuch as the intent of the ordinance is to provide sufficient off-street parking and the applicant has indicated 3 barber stations in the structure, and with only one customer each and no overlapping customer arrivals, it would demand 6 spaces.

RECOMMENDATION:

Based on the existing conditions in the general area and the commitment of the City Commission to eventually use Douglas for increased traffic, it is recommended that this application be denied. Should the Board determine that the five conditions required for the granting of a variance be found to exist, then the variance should be granted subject to the following conditions:

1. Only the first floor shall be converted to commercial usage and the remainder of the structure shall remain as a single family dwelling.
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BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202

November 5, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 62-79

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South 90' of Lots 3 and 4, Merrill's Sub Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Douglas east of Volutsia (2808 E. Douglas).

This application has been assigned Case No. BZA 62-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 27, 1979, 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

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

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Jack H. Galbraith  
Secretary

December 19, 1979

Victor C. Hecht  
2045 South Greenwich Road  
Wichita, Kansas

Re: Case No. BZA 62-79  
Request for Variance

Dear Mr. Hecht:

At the regular meeting of the Board of Zoning Appeals on Tuesday, December 18, 1979, your request for a variance to reduce the required off-street parking on property zoned "LC" Light Commercial, and generally located on the north side of Douglas east of Volutsia was reconsidered.

It was the action of the Board to deny your request to reduce the required parking spaces.

The action of the Board should not prevent you from converting up to 750 square feet of this residence to commercial purposes and the remainder of the structure could remain as one dwelling unit as you have provisions for four off-street parking spaces. Should at some later date circumstances in the area change so that access to additional parking be obtained, the action of the Board should not have any bearing on your compliance with the zoning ordinance.

If you have any questions, please give me a call.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad

CC: Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

November 29, 1979

Victor C. Hecht  
2045 S. Greenwich Road  
Wichita, Kansas

Re: Case No. BZA 62-79  
Request for Variance

Dear Mr. Hecht:

At the regular meeting of the Board of Zoning Appeals on Tuesday, November 27, 1979, your request for a variance to reduce the required off-street parking on property zoned "LC" Light Commercial, and generally located on the north side of Douglas east of Volutsia was considered.

It was the action of the Board to approve this request subject to the following conditions:

1. Only the first floor shall be converted to Commercial usage and the remainder of the structure shall remain as a single family dwelling.
2. No lodgers or boarders shall be permitted unless land shall be secured for off-street parking.
3. The applicant shall remove the garage and surface the area at the rear of the structure in order to provide six off-street parking spaces.

In reviewing your plot plan with the Plans Examination Section of the Central Inspection Division, it was determined that six approved spaces could not be provided on your property due to the limited access along the east side of the main structure. Also the area to the rear is not sufficient to provide the three additional spaces required by the Board's action.

As I stated to you by phone yesterday, I will place this matter on the next BZA Agenda of December 18, 1979 for their reconsideration.

Case No. BZA 62-78

If you have any questions, please call.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad

CC: Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

**THE CITY OF WICHITA**

OFFICE OF CITIZEN PARTICIPATION

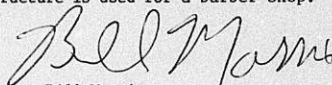
DATE November 26, 1979

TO Jack Galbraith, Chief Planner, Current Plans

FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA No. 62-79 (North side of  
Douglas, East of Volutsia)

On November 20, 1979, CPO Council "K" was scheduled to consider the captioned case. Due to the lack of a quorum, no formal action was taken on the case. However, the sentiment of the four members present was to favor a reduction of the off-street parking spaces, if the structure is used for a barber shop.



Bill Morris  
CPO Administrative Aide

BM:ml

Noted:



Sarah Gilbert  
Assistant CP Coordinator



SECRETARY'S REPORT  
CASE NO. BZA 62-79

APPLICANT: Victor C. Hecht, 2045 S. Greenwich Road,  
Wichita, Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code  
of the City of Wichita, to reduce the number  
of off-street parking spaces for commercial  
use from 8 to 4.

GENERAL LOCATION: North side of Douglas east of Volutsia  
(2808 E. Douglas).

ZONING: Subject property is zoned "LC" Light Commercial  
as are those properties to the north, south,  
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LAND USE: Subject property is a frame residential  
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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:

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2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the number of off-street parking spaces from 8 to 4 in order to convert an existing residential structure to commercial purposes. The first floor is to be used as a barber shop and the applicant is proposing to eventually develop the total building into rental property. It should be noted that the structure consists of two floors and a basement with a total floor area of 2500 sq. ft.

The Zoning Ordinance requires one off-street parking space for each 250 sq. ft. of floor area for commercial purposes. It also requires one parking space for each dwelling unit and one additional parking space for each lodger or boarder. In this particular case, to convert the entire structure to commercial occupancy, it would require 10 parking spaces. If only a portion of the structure be converted to commercial purposes, the remainder of the structure would require one or more parking spaces depending upon the usage.

It should be pointed out that at the present time the improvements being made to Grove Street will be diverting east-west traffic from First and Second Streets to Douglas and Central. With this type of diversion, the traffic on Douglas will increase and the conversion of the existing structures in this area without adequate off-street parking will cause further congestion down the residential streets north and south of Douglas.

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UNIQUENESS:

It is the opinion of the Secretary that this is not unique inasmuch as there are numerous structures in the commercial zoning districts that do not have sufficient lot area to convert to commercial purposes and comply with parking requirements.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would have an adverse affect on adjacent property owners inasmuch as the conversion of the structure without adequate parking will create additional on-street parking congestion.

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BZA AGENDA 11-27-79

HARDSHIP:

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PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance will adversely affect the public interest inasmuch as ingress and egress to the parking spaces are severely limited.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance would be opposed to the spirit and intent of the zoning ordinance inasmuch as the intent of the ordinance is to provide sufficient off-street parking and the applicant has indicated 3 barber stations in the structure, and with only one customer each and no overlapping customer arrivals, it would demand 6 spaces.

RECOMMENDATION:

Based on the existing conditions in the general area and the commitment of the City Commission to eventually use Douglas for increased traffic, it is recommended that this application be denied. Should the Board determine that the five conditions required for the granting of a variance be found to exist, then the variance should be granted subject to the following conditions:

1. Only the first floor shall be converted to commercial usage and the remainder of the structure shall remain as a single family dwelling.
2. No lodgers or boarders shall be permitted unless additional land shall be secured for off-street parking.

BZA CASE NO. 62-79

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

15 NOTICES SENT TO ADJOINING PROPERTY OWNERS

27 TOTAL NOTICES SENT 11-6-79

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
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November 5, 1979

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Jack H. Galbraith  
Secretary

Request for Variance

The purpose of this property is to have a barber shop in the area. It will be an appointment shop and would not require as much parking as a walk-in shop. I would like to eventually develop the total building into rental property and therefore would require eight parking spaces per zoning ordinance 28.04.041 paragraph 3.9, which requires one space per 250 sq. ft. of building space. The property ( as shown in the drawing ) has only space for 4 parking per code and 2 additional parkings for employees, one in the garage and one in front of the garage.

I am requesting a variance to the code for the following reasons:

1. The property as shown in the drawing has no more space available for parking. It is unique in that there is no alley adjacent to the property and therefore no access to the back of the building.
2. The variance would not effect the adjacent property if granted, since neither adjacent commercial properties meet the code in question and have no off-street parking that meets the code.
3. The strict application of the code will constitute an unnecessary hardship on the owner. To restrict the usage of the property or purchase additional property for parking will make the project uneconomical.

4. The variance will not effect the public's health, safety, morals, order, convience, prosperity or general welfare.
5. The granting of the variance will be in the general sprite and intent of Title 28.
  - a) In my opinion four parkings per code is better than eight that do not meet the code, and are much safer.
  - b) In this particular area there are many businesses that do not meet the code as it exists today.

Summary

I feel that this variance should be granted based on the nature of the busuness to be conducted and that the parking that I can provide is above normal in this particular area.

## APPLICATION FOR VARIANCE

I. Name of Applicant Victor C. HechtMailing Address 2045 S. Greenwch Rd Phone 686-0543Name of Authorized Agent N/A

Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_

Relationship of applicant to property is that of OWNER  
(Owner, Tenant, Lessee, Other)II. The variance requested is to reduce the number of parking  
spaces required for commercial use from 8 to 4\_\_\_\_\_ on the north side of Douglas east of Voltaire  
for property located (2808 E. DOUGLAS)and legally described as: So. 90<sup>ft</sup> of Lots 3 & 4Meerill's Sub Addition to  
Wichita, Sedgwick County, Kansasin the City of Wichita; and which is presently zoned "LC Commercial"

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.

Victor C. Hecht.  
Applicant\_\_\_\_\_  
Authorized AgentOFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:45 (a.m. - ~~11:45~~), October 29 1979  
together with appropriate fee of \$50.00.J. Lytle  
Signed

OWNERSHIP LIST

Lot	Addition	Property Owner
South 90 feet of lots 3 and 4 Douglas	Merrill's Sub.	✓ Victor C. Hecht & Norma N. 851 South Mission 67207
North 50 ft lots 1,2,3,4, Douglas	Same	✓ Larnard E. Smith and Eva Ilean Smith 14401 La Guna Drive 67230
South 90 ft lots 1 and 2, Douglas	Same	Same
Lot 5 and the west 16 2/3 feet lot 6 Douglas	Same	✓ Quang T. Le & Tuy Tran 2812 East Douglas 67214
East 8 1/3 ft lot 6 all lots 7,8,9,10,11 Douglas	Same	✓ R. W. Manning and Emelia C. 115 S. Belmont, Apt. #1 67218
lots 3 and 5 Volutsia	Same	Ray M. Harmon 335 North Holyoke 67208
lot 7 and 9 Volutsia	Same	✓ Ray M. Harmon & Lillian 335 North Holyoke 67208
lots 11 and 13 Volutsia	Same	Otto F. Kistler & Ethel A. both deceased
lots 2 and 4 Erie	Same	✓ John B. Rathmel 2150 North Meridian 67203
lots 6 and 8 Erie	Same	✓ Lucile A. Eberhardt and Dorothy Clara Eberhardt 6540 Oneida 67206
lot 10, Erie	Same	✓ Lois Coon, 125 North Erie 67214
lots 2,4,6,8 and west 20 ft lot 10 Douglas	Allen's Sub.	✓ Merle N. Slease and Adalyn M. Slease 3705 East Murdock 67208
East 5 ft lot 10 all lots 12 & 14 Douglas	Same	Same
lots 16,18,20,22 Douglas	Same	✓ Wendell D. Waldie 2823 East Douglas 67211



# SECURITY IS KNOWING

Title Insurance • Escrow Closings • Abstracts

Lot	Addition	Property Owner
lots 1,3,5,7	Stone's Sub.	✓ Hugh E. Wells and Richard H. Wells 1201 North Armour 67206
lot 13, south 22 ft lot 15	Same	✓ Addie Griffith and Leslie W. Griffith 3330 West Douglas 67203 <i>returned</i>
North 3 ft lot 15, all lot 17, south 22 ft lot 19	Same	✓ Howard V. Harrison and Ruby W. Harrison 3330 West Douglas 67203
north 3 ft lot 19 all lot 21	Same	✓ Paul S. Allen 401 East Douglas, Suite 300 67202
lots 37, 39, 41, 43, Douglas	Oliver's Sub. of Lots 1 & 2, Blk 11, Richland Addition	✓ L. D. Murray, Idell M. Regier, Robert F. Gaudreau, William B. Gaudreau, 111 W. Douglas 67202

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: The south 90 feet of Lots 3 and 4, Merrill's Sub. of Lots 4 and 5, in Block 7, in Chautauqua Addition to Wichita

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 26th day of October, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Mary Gable*

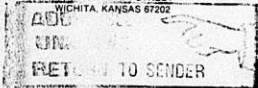
Vice President

Order No. 282826  
wh

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202



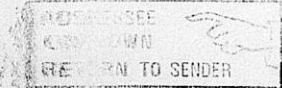
Addie & Leslie W. Griffith  
3330 West Douglas  
Wichita, Ks. 67203

*Not at this address.  
Return to Sender*

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202



*Return Not at this address*



HEC 51 020908N1 11/08/79  
HEC 51 021408N1 11/14/79

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

Victor C. & Norma N. Hecht  
851 South Mission  
Wichita, Ks. 67207



*Resent to: 2045 S. Greenwich Rd  
11-20-79  
out of phone book  
City Directory still shows.*

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

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. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
<i>6-1-77</i>	<i>00</i>

NAME *VICTOR HECHT*

ADDRESS *2045 So. Grand St RI*

FUND *66-20-311-001-1* DUE DATE *11-1-77*

COMMENTS

DATE *11/1/77* BY *[Signature]*

\*

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

Roll # 2