

BZA 69-83

Case No. BZA 69-83 - Jack Hunt - Bonanza, Inc. - requests an exception to permit the construction of residential storage warehouses on property zoned the "BB" Office District and generally located on the west side of Amidon approximately 200 feet south

1/4, 3/4

POSTED
12-21-83
A.S.L.

ACTION

7-24-84
DATE

BZA 69-83 APPROVED

5350 C

200' 1/4 Sec 2-2-84
Checked
Shot
Record

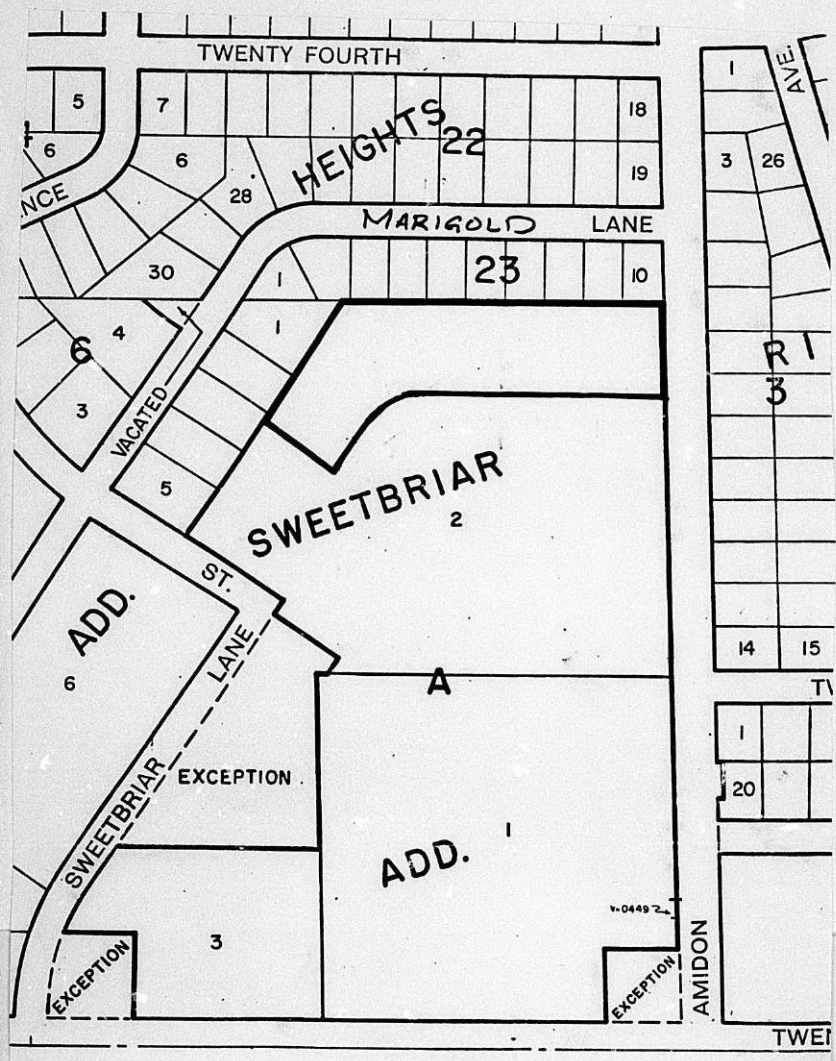
38

Map No. 5350

BZA 69-83
Filed

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S LC W AA N AA
3. Land Use: East Res South Comm
West Res North Res
4. Area (is) (~~is not~~) platted.



Steward
No. 2153C
REGISTERED
LOS ANGELES-CHESTER-LOGAN, OH
MCKENSON, TX-LOCUST GROVE, GA
U.S.A.

July 28, 1988

Mr. Leon Moeder, Construction Manager
Sandlian Realty
435 North Broadway, Suite 201
Wichita, Kansas 67202

RE: Administrative Adjustment to DP-7 - Sweetbriar Gardens
Commercial Community Plan. Generally located north of
21st Street North on the west side of Amidon.

Dear Mr. Moeder:

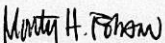
We are in receipt of and have reviewed your request for an administrative adjustment on the above-referenced community unit plan. We understand that you desire to increase the number of buildings permitted on Parcel No. 5 from eight (8) to fifteen (15) to accommodate a change in the original design and construction of self-storage units on the property. We further understand that this proposed change does not increase the maximum floor area allowed on this parcel (35,600 square feet) and will eliminate what had previously been a covered breezeway between individual storage units. The result will be smaller individual structures that should be more in scale with the residential areas to the north.

On the basis of our review, we believe that adjusting the approved C.U.P. to reflect a maximum permitted number of buildings on Parcel No. 5 of fifteen (15) will not have an adverse effect on the C.U.P. or on adjacent properties, nor will it be a substantial deviation from the original plan.

Our signatures below indicate that an administrative adjustment has been granted to increase the maximum number of buildings on Parcel #5 from eight (8) to fifteen (15). We will make a notation of this change on our file copies of the approved C.U.P. and we will file the copies of the amended site plan and building elevations submitted with your request for future reference.

FILE COPY


Marvin S. Krout
Director of Planning


Monty H. Robson
Superintendent of Central
Inspection

MSK/MHR/RLY:BLW

cc: Jim C. Fisher, 1538 North Coolidge, Wichita, Kansas 67203

July 28, 1988

Mr. Jim C. Fisher, Architect
1538 North Coolidge
Wichita, Kansas 67203

RE: Landscape Planting Plan for Parcel No. 5 of Sweetbriar Gardens Commercial C.U.P. (DP-7) and Case No. BZA 69-83. Generally located north of 21st Street North on the west side of Amidon.

Dear Mr. Fisher:

We have received and reviewed the landscape planting plan submitted for Parcel No. 5 of the above-referenced community unit plan. We understand that this landscape planting plan is to supercede the landscape planting plan previously submitted and approved in response to condition No. 2 of Resolution No. BZA 69-83 adopted by the Wichita Board of Zoning Appeals on January 24, 1984. The plant materials you have illustrated on the plan appear to be appropriate for the purposes intended. We note, however, that the method of providing water to the materials is not indicated on the planting plan. We assume, therefore, that the source of water supply will be from flush mounted hose bibs at four locations as previously indicated in revision No. 1 of sheet 1 of 9 on Plan No. C-494 project 1016 dated 1-20-84, submitted by Lawrence Wells, architect, in compliance with the approval conditions of Resolution No. BZA 69-83.

Your landscape planting plan is, hereby, approved subject to provision of an adequate water supply system as specified above.

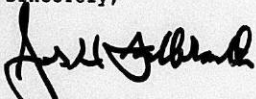
We will notify the Superintendent of Central Inspection by copy of this letter of the approval of your landscape planting plan.

FILE COPY

Jim Fisher RE: DP-7 and BZA 69-83
July 28, 1988
Page 2

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

Sincerely,



Jack H. Galbraith, Chief Planner
and Secretary to the Wichita
Board of Zoning Appeals

JHG:blw

cc: Monty H. Robson, Superintendent of Central Inspection
Leon Moeder, Construction Manager, 425 North Broadway,
Wichita, Kansas 67202

THE CITY OF WICHITA

J. HIN DEKKER, Director of Law and City Attorney
THOMAS R. POWELL, Senior Assistant City Attorney



DEPARTMENT OF LAW
OFFICE OF CITY ATTORNEY
CITY HALL - THIRTEENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202 - 1635
(316) 268-4661

July 24, 1984

RECEIVED

JUL 26 1984

METROPOLITAN PLANNING
ROUTE _____

George Mabry, Esq.
Suite 141
1982 Crestridge Drive
Littleton, Colorado 80121

Re: Planning Department Cases
Z-2338, DP-7 and BZA 69-83

Dear Mr. Mabry:

I received your letter dated July 21, 1984, concerning the above-referenced Planning and BZA cases. First, I should be available to meet with you in the first two weeks in August. I would suggest that you call in advance before you come to Wichita to be sure that I will be available at the time you will be in Wichita.

To set the record straight, I did not indicate to you at our meeting on the 12th that the City "might possibly reconsider the legality of the application of Bonanza in view of the facts developed at that meeting and the legal authority ..." that you cited. As I recall, I provided you with legal authority supporting the action of the City in this matter and told you that I felt the City's action was proper. You should further understand that, by agreeing to meet with you, I am not indicating that I am contemplating recommending that any action be taken to change the previous action of the City Commission.

Very truly yours,

Thomas R. Powell
Senior Assistant City Attorney

TRP:cdh

cc: Jack H. Galbraith, Chief Planner - Current Plans

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

June 20, 1984

Mr. George Mabry
Attorney at Law
Suite 141
1982 Crestridge Drive
Littleton, Colorado 80121

Re: Case Numbers Z-2338, DP-7 and
BZA 69-83

Dear Mr. Mabry:

This is to acknowledge receipt of your letter of June 16, 1984 and to advise you that I have forwarded your letter on to John Dekker the Director of Law for the City of Wichita. Also, please be advised that I discussed this matter earlier with Tom Powell, Assistant City Attorney, prior to responding to Mrs. McLean's letter of request.

You should also be aware of a Board of Zoning Appeals case heard on January 24, 1984. Enclosed is a copy of that application. Please note that Mrs. E. A. McLean is listed as one of the applicants. Also, attached is a copy of a notice sent to her as well as other owners of property within 200 feet of the application area. In my opinion, her name did not need to appear on the application as Bonanza Inc., the lessee was the only name necessary to file the case. Again, that case file does not reflect her notice being returned to our office nor did she attend the public hearing. Also, enclosed is follow up correspondence on that case plus the resolution of approval.

If additional information is desired from any of our files, please advise.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:jps
Attachments

cc: John Dekker, Director of Law
Tom Powell, Assistant City Attorney

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

June 20, 1984

Mr. George Mabry
Attorney at Law
Suite 141
1982 Crestridge Drive
Littleton, Colorado 80121

Re: Case Numbers E-2338, DP-7 and
BEA 69-83

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Sincerely,

Jack H. Galbraith
Chief Planner

JHG:jps

Attachments

cc: John Dekker, Director of Law
Tom Powell, Assistant City Attorney

32A 6883

LAW OFFICES
GEORGE MABRY
SUITE 141, 1982 CRESTRIDGE DRIVE
LITTLETON, COLORADO 80121

303-781-6881

June 16, 1984

Jack H. Galbraith
Chief Planner
Metropolitan Area Planning Department
City Hall - Tenth Floor
455 North Main St.
Wichita, KS 67202-1688

Re: Case No. Z-2338
Case No. DP-7

Dear Mr. Galbraith:

Mrs. Anna McLean has referred to me a letter of June 12th from you to her concerning changes in zoning on land that she owns and has leased to Bonanza, Inc., on the Northwest corner of 21st St. North and Amidon.

She has asked me to inquire into the circumstances of those zoning changes and to advise her further on a matter of major concern to her as owner of that property. She leased it to Bonanza for use as a shopping center for retail stores. Bonanza has now obtained zoning changes to permit it to use the land of Mrs. McLean for mini-storage units with related office and living quarters for the manager of the units.

Mrs. McLean has told me that she never authorized Bonanza to make the application for a zoning change; never consented to the zoning change; and never received notices from your Department relating to the proposed change. The first time she ever saw the applications for the change was when she met with you on May 29, 1984. She went to your office with her daughter, Julianne, to inquire into the circumstances of this rezoning and was startled to see Bonanza listed on the applications as owner of the property in question. Nowhere on those applications was there any disclosure that Mrs. McLean owned the property to be rezoned. Nowhere in your files was there any authorization from Mrs. McLean to Bonanza to apply for the change.

Mrs. McLean strongly objects to the installation of mini-storage units on the shopping center leased to Bonanza. She feels that such units are completely out of keeping with a well-run group of retail stores.

In your letter of June 12th you state:

"I have discussed your letter of June 2, 1984 with the City Law Department and they are of the opinion that a lessee has an equitable interest in property and can file an application for a zone change."

I must take exception to the foregoing statement. KSA 12-708 governs changes in zoning and states unambiguously that "A proposal for such an amendment may be initiated by the governing body, the planning commission OR UPON APPLICATION OF THE OWNER OF PROPERTY AFFECTED". Nowhere in the statute is authority granted to a lessee to apply for a change in zoning for property owned by his landlord.

The statute has been interpreted by the Kansas Supreme Court. In 1974 that Court held that "...ONE WHO IS NOT THE OWNER OF PROPERTY AFFECTED MAY NOT MAKE APPLICATION FOR A CHANGE IN ZONING"; Concerned Citizens v. Kansas Power and Light, 523 P2d 755 (Kansas 1974).

Your letter of June 12th concludes:

"If either you or your attorney have any additional questions on this matter, I would recommend that they be directed to the Law Department".

Please pass my letter on to the appropriate member of the City Law Department and send me the member's name so that I might come to Wichita to discuss this problem further with the Law Department and with the Planning Department.

It is always a problem of major concern to any owner of property when a lessee obtains a change in zoning without the authorization or consent of the owner.

Sincerely yours,

George Mabry

GM:ab

cc: E.A. McLean, Wichita.
Timothy O'Sullivan, Esq., Wichita.

LAW OFFICES
GEORGE MABRY
SUITE 141, 1992 CRESTRIDGE DRIVE
LITTLETON, COLORADO 80121

303-781-6881

June 16, 1984

Jack H. Galbraith
Chief Planner
Metropolitan Area Planning Department
City Hall - Tenth Floor
455 North Main St.
Wichita, KS 67202-1688

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Case No. DP-7

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Sincerely yours,

George Maby

GM:ab

cc: E.A. McLean, Wichita.
Timothy O'Sullivan, Esq., Wichita.

January 25, 1984

Mr. Jack Hunt
Bonanza, Inc.
321 East William
Wichita, Ks. 67202

Re: BZA 69-83 - Request for Exception

Dear Mr. Hunt:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 24, 1984.

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

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Mrs. E. A. McLean, 2359 McLean Blvd. N.W., Wichita 67204
Lawrence E. Wells, 254 Laura, Suite 205, Wichita 67211
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 69-83

WHEREAS, Jack Hunt, Bonanza, Inc., 321 East William, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of residential storage warehouses on property zoned the "BB" Office District and legally described as follows:

A tract of ground in Lot 2, Block A, Sweetbriar Addition, beginning at the Northeast corner of said Lot 2, thence south on the East line of said lot a distance of 165 feet; thence westerly parallel to the north lot line a distance of 435 feet; thence southwesterly at a radius of 120 feet, 57½' for a distance of 119.45 feet; thence southwesterly parallel to the northwesterly lot line of said Lot 2, a distance of 44 feet more or less to a point, said point being 250 feet Northeastly from Halstead Street and 150 feet from the Northwestly line of said Lot 2; thence Northwest to a point on the Northwest lot line said point being 250 feet from Halstead along this lot line; thence Northeastly along said Northwest lot line, a distance of 251 feet more or less to the Northwest corner of said Lot 2; thence Easterly along the North line of said Lot 2, a distance of 543.7 feet more or less to the point of beginning. Generally located on the west side of Amidon approximately 200 feet south of Marigold.

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 January 24, 1984, 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 residential storage warehouses on property zoned the "BB" Office District subject to the conditions outlined in Section 28.04.183.5, 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 residential storage warehouses on property zoned the "BB" Office District legally described as follows:

A tract of ground in Lot 2, Block A, Sweetbriar Addition, beginning at the Northeast corner of said Lot 2, thence south on the East line of said lot a distance of 165 feet; thence westerly parallel to the north lot line a distance of 435 feet; thence southwesterly at a radius of 120 feet, 57½' for a distance of 119.45 feet; thence southwesterly parallel to the northwesterly lot line of said Lot 2, a distance of 44 feet more or less to a point, said point being 250 feet Northeastly from Halstead Street and 150 feet from the Northwestly line of said Lot 2; thence Northwest to a point on the Northwest lot line said point being 250 feet from Halstead along this lot line; thence Northeastly along said Northwest lot line, a distance of 251 feet more or less to the Northwest corner of said Lot 2; thence Easterly along the North line of said Lot 2, a distance of 543.7 feet more or less to the point of beginning. Generally located on the west side of Amidon approximately 200 feet south of Marigold.

subject to the following conditions:

1. Prior to the release of the Resolution authorizing the construction of Residential Storage Warehouses, an amended site plan, in triplicate, shall be submitted to the Secretary to become part of the file. Such site plan shall show compliance with all conditions as set forth herein. This shall be submitted within 180 days, or the case will be considered null and void and the case closed.
2. A 15' landscaped yard shall be provided adjacent to the residentially zoned properties to the north and west. A landscape plan showing type and size of plant materials shall be submitted to the Secretary for approval.
3. The existing screening wall along the applicant's property line shall be maintained.
4. The remainder of the property shall be fenced in some manner for security and control provisions, preferably of a material compatible with the design of the building, but at the option of the applicant. Such fence shall not interfere with any utility easements.
5. Any side of the buildings providing access to storage areas shall maintain a 25' setback from any property line that is adjacent to any residential zoning district.
6. Off-street parking shall be provided by ordinance on the basis of one space for each 8,000 square feet of floor area in the facility.
7. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
8. All lights shall be shielded to direct light onto the uses established and directed away from adjacent property.
9. No activities such as miscellaneous or garage sales shall be conducted on the premises.
10. The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
11. Signs shall be limited to one per arterial street frontage and in this case, one sign would be permitted. This sign shall not exceed 20' in height nor exceed 50 square feet in gross surface area and shall not project over any public right-of-way.
12. The area shall be properly policed by the owner or operator for removal of trash and debris.
13. The operation of this facility shall in no way be deemed to include a transfer and storage business, where the use of vehicles are part of such business, nor shall storage space be rented or leased to any commercial business, individual or corporation for the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.
14. No outdoor storage of any kind shall be permitted on the premises.
15. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
16. A copy of this resolution shall be maintained in the office for the convenience of the manager and the tenants. In addition, a log of all tenants shall be maintained on the premises for review by the Central Inspection Superintendent or his representative to assure compliance that no commercial storage is occurring in violation of this resolution.

17. Only one point of ingress/egress shall be permitted to/from subject project. That access being from Amidon Street.
18. All areas not paved as required by condition of approval #7 shall be landscaped with deciduous and coniferous plant materials. The amended site plan, as set forth in condition #1 shall include the landscaping material to be used. Provisions shall be made for watering and maintaining the landscaping in good condition.
19. All improvements as set forth herein shall be completed prior to the occupancy of the site for a Residential Storage Warehouse Facility.

ADOPTED AT WICHITA, KANSAS, this 24th day of January, 1984.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE January 23, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Clemencia L. Prieto, Administrative Aide III

SUBJECT BZA 69-83 West side of
Amidon approximately
200 feet south of Marigold

On Wednesday, January 18th CPO Council Area "M" considered an application for an exception to permit the construction of residential storage warehouses on property zoned "BB" Office District.

The Council voted 8-0 to recommend approval of the request.

Lawrence Wells, agent, was present to explain the application and answer questions. No area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when they consider the case on January 24, 1983.

Clemencia L. Prieto

Clemencia L. Prieto
Administrative Aide III

CLP:sm

SECRETARY'S REPORT
CASE NO. BZA 69-83

APPLICANT: Jack Hunt, Bonanza, Inc., 321 East William, Wichita, Kansas.

AGENT: Lawrence Wells, 254 Laura, Suite 205, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.183.5, Code of the City of Wichita to permit the establishment of residential storage warehouses in the "BB" Office District.

GENERAL LOCATION: On the west side of Amidon approximately 200 feet south of Marigold.

ZONING: Subject property is zoned the "BB" Office District. Property to the south is zoned "LC" Light Commercial. Properties to the west, north and east are zoned "AA" One-family Dwelling District.

LAND USE: Subject property is vacant. Properties to the north, east and west are One-family Dwellings. Property to the south is a shopping center.

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 28.04.183.5 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the construction of residential storage warehouses in the "BB" Office District. This is an area recently zoned the "BB" Office District from the "AA" One-family Dwelling District by the applicant for the express purpose of establishing said use. The applicant has amended the Community Unit Plan to permit the use on the property which has been approved by the Planning Commission and the City Commission.

When such a use is established adjacent to a residential district, a 15' landscaped yard is required. In this case a wall at the north and west property line is in place as required by the Community Unit Plan. The applicant's site plan indicates a 15' planting area but does not indicate the type of landscape material to be installed. The applicant also indicates that a 20' landscaped yard will be provided adjacent to Amidon that will provide some protection to the residences to the east.

RECOMMENDATION:

Should the Board determine that Residential Storage Warehouses are appropriate at this location, then it is the Secretary's recommendation that the application be approved subject to the following conditions:

1. Prior to the release of the Resolution authorizing the construction of Residential Storage Warehouses, an amended site plan, in triplicate, shall be submitted to the Secretary to become part of the file. Such site plan shall show compliance with all conditions as set forth herein. This shall be submitted within 180 days, or the case will be considered null and void and the case closed.
2. A 15' landscaped yard shall be provided adjacent to the residentially zoned properties to the north and west. A landscape plan showing type and size of plant materials shall be submitted to the Secretary for approval.
3. The existing screening wall along the applicant's property line shall be maintained.

4. The remainder of the property shall be fenced in some manner for security and control provisions, preferably of a material compatible with the design of the building, but at the option of the applicant. Such fence shall not interfere with any utility easements.
 5. Any side of the buildings providing access to storage areas shall maintain a 25' setback from any property line that is adjacent to any residential zoning district.
 6. Off-street parking shall be provided by ordinance on the basis of one space for each 8,000 square feet of floor area in the facility.
 7. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
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 9. No activities such as miscellaneous or garage sales shall be conducted on the premises.
 10. The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
 11. Signs shall be limited to one per arterial street frontage and in this case, one sign would be permitted. This sign shall not exceed 20' in height nor exceed 50 square feet in gross surface area and shall not project over any public right-of-way.
 12. The area shall be properly policed by the owner or operator for removal of trash and debris.
 13. The operation of this facility shall in no way be deemed to include a transfer and storage business, where the use of vehicles are part of such business, nor shall storage space be rented or leased to any commercial business, individual or corporation for the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.
 14. No outdoor storage of any kind shall be permitted on the premises.
 15. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
 16. A copy of this resolution shall be maintained in the office for the convenience of the manager and the tenants. In addition, a log of all tenants shall be maintained on the premises for review by the Central Inspection Superintendent or his representative to assure compliance that no commercial storage is occurring in violation of this resolution.
 17. Only one point of ingress/egress shall be permitted to/from subject project. That access being from Amidon Street.
 18. All areas not paved as required by condition of approval #7 shall be landscaped with deciduous and coniferous plant materials. The amended site plan, as set forth in condition #1 shall include the landscaping material to be used. Provisions shall be made for watering and maintaining the landscaping in good condition.
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-

BZA CASE NO. 69-83

<u>3</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>34</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>38</u>	TOTAL NOTICES SENT <u>1-4-84</u>

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

January 4, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 69-83

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Jack Hunt, Bonanza, Inc., 321 East William, Wichita, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the construction of residential storage warehouses on property zoned "BB" Office District. A legal description of the applicant's property is as follows:

A tract of ground in Lot 2, Block A, Sweetbriar Addition, beginning at the Northeast corner of said Lot 2, thence south on the East line of said lot a distance of 165 feet; thence westerly parallel to the north lot line a distance of 435 feet; thence southwesterly at a radius of 120 feet, 57°21' for a distance of 119.45 feet; thence southwesterly parallel to the northwesterly lot line of said Lot 2, a distance of 44 feet more or less to a point, said point being 250 feet Northeasterly from Halstead Street and 150 feet from the Northwesterly line of said Lot 2; thence Northwest to a point on the Northwest lot line said point being 250 feet from Halstead along this lot line; thence North-easterly along said Northwest lot line, a distance of 251 feet more or less to the Northwest corner of said Lot 2; thence Easterly along the North line of said Lot 2, a distance of 543.7 feet more or less to the point of beginning. Generally located on the west side of Amidon approximately 200 feet south of Marigold.

This application has been assigned Case BZA 69-83. It will be considered by the Board of Zoning Appeals on January 24, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, 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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 69-83

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

1. Mr. Jack Hunt
 Bonanza, Inc.
 I. Name of Applicant 321 E. Williams, #201 67202 264-0112
 2. Mrs. E. A. McLean 67204
 Mailing Address 2359 McLean Blvd. N.W. Phone 838-8354

Name of Authorized Agent Lawrence E. Wells

Mailing Address 254 Laura, Suite 205 67211 Phone 262-3649

Relationship of applicant to property is that of 99 yr. lease--ground
(Owner, Tenant, Lessee, Other) Owner--improvements.

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 Residential Storage Warehouses

*res
storage*

_____ on property zoned BB

located on Parcel 5 of Sweetbriar CUP

and legally described as: See Attached Sheet

_____, 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. 36-596); 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.

Bonanza, Inc.
Applicant 321 E. Williams, #201 67202

Authorized Agent Lawrence E. Wells
Lawrence E. Wells

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 7:30 (a.m.-p.m.), DEC. 20, 1983, together with appropriate fee of 200.00.

Signed [Signature]

ATTACHMENT TO B2 A APPLICATION FOR EXCEPTION

PARCEL 5, SWEETBRIAR C.U.P.

STATEMENT OF JUSTIFICATION

This application is in conformance with a condition outlined on the Sweetbriar CUP to allow construction of Residential Storage Units on Parcel 5. Change in zoning and revision of the CUP was approved by the Metropolitan Area Planning Commission on December 16, 1982. The numbers involved are Zoning Change Case No. 2-2338 and DP-7 Amendment to Sweetbriar Gardens CUP. This is the only use permitted by the CUP.

LEGAL DESCRIPTION

A tract of ground in Lot 2, Block A, Sweetbriar Addition, beginning at the Northeast corner of said lot 2, thence south on the East line of said lot a distance of 165 feet; thence westerly parallel to the north lot line a distance of 435 feet; thence southwesterly at a radius of 120 feet, 57°02' for a distance of 119.45 feet; thence southwesterly parallel to the northwesterly lot line of said lot 2, a distance of 44 feet more or less to a point, said point being 250 feet Northeasterly from Halstead Street and 150 feet from the Northwesterly line of said Lot 2; thence Northwest to a point on the Northwest lot line, said point being 250 feet from Halstead along this lot line; thence Northeasterly along said Northwest lot line, a distance of 251 feet more or less to the Northwest corner of said Lot 2; thence Easterly along the North line of said Lot 2, a distance of 543.7 feet more or less to the point of beginning.

O W N E R S H I P L I S T

<u>Property Description</u>	<u>Property Owner</u>
Lot 2, Block A, Sweetbriar Addition	E. A. McLean 2359 McLean Blvd. N. W. 67204
Lot 1, Block 7, Benjamin Hills Second Addition	Robert G. Knight Jane C. Knight 2330 Marigold 67204
Lot 2, Block 7, Benjamin Hills Second	Clarence E. McGinty 2322 Marigold 67204
Lot 3, Block 7, Benjamin Hills Second	James Clayton Thompson Ruth L. Thompson 2314 Marigold 67204
Lot 4, Block 7, Benjamin Hills Second	Eunice M. Maple W. Maxine Maple 2308 Marigold 67204
Lot 5, Block 7, Benjamin Hills Second	Jack E. Greene Elizabeth J. Greene 2302 Marigold 67204
Lot 1, Block 23, Riverlawn Heights	John L. Kratzer Felicia M. Kratzer 2346 Marigold 67204
Lot 2, Block 23, Riverlawn Heights	Willis G. Buser, Sr. Mary H. Buser 2356 Marigold 67204
Lot 3, Block 23, Riverlawn Heights	Fred M. McElhinney Norah M. McElhinney 1420 N. Clarence Apt 112 67203
Lot 4, Block 23, Riverlawn Heights	Enos E. Morton Greta J. Morton 2404 Marigold 67204
Lot 5, Block 23, Riverlawn Heights	Charles Allen Nelson Barbara Nelson 2410 Marigold 67204

Property Description

Property Owner

Lot 6, Block 23, Riverlawn Heights

Roy C. Malloy
- Mildred I. Malloy
2418 Marigold
67204

Lot 7, Block 23, Riverlawnd Heights

- Wesley M. Powell
Patricia A. Powell
2421 Marigold
67204

Lot 8, Block 23, Riverlawn Heights

~~Floyd H. Griffin (dec.)~~
- Ica J. Griffin
2432 Marigold
67204

Lot 9, Block 23, Riverlawn Heights

Darwin D. Hook
- Pauline M. Hook
3029 Bluebird Dr.
67204

Johnny Lynn Collette
- Rebecca Lynn Collette
2436 Marigold
67204

Lot 10, Block 23, Riverlawn Heights

- James F. Cinotto
Esther E. Cinotto
2425 Amidon
67204

Lot 19, Block 22, Riverlawn Heights

- Godfrey Lytton
Fern L. Lytton
2443 Marigold
67204

Lot 20, Block 22, Riverlawn Heights

- Julian A. Guerra
Linda J. Guerra
2433 Marigold
67204

Lot 21, Block 22, Riverlawn Heights

- Daniel L. Goble
Joan L. Goble
2425 Marigold
67204

Lot 22, Block 22, Riverlawn Heights

Chester V. Jackson
- ~~Bonnie R. Jackson (dec.)~~
2421 Marigold
67204

Lot 23, Block 22, Riverlawn Heights

- Ervin N. Frankenbery
Virginia I. Frankenbery
2413 Marigold
67204

<u>Property Description</u>	<u>Property Owner</u>
Lot 24, Block 22, Riverlawn Heights	Billie M. Wray L. Florene Wray 912 Emerson 67212
Lot 25, Block 22, Riverlawn Heights	Mildred E. Hoover 2375 Marigold 67204
Lot 26, Block 22, Riverlawn Heights	Orville D. Henderson Eula M. Henderson 2367 Marigold 67204
Lot 27, Block 22, Riverlawn Heights	Harry Wade Alexander III Cheryl Kay Alexander 2361 Marigold 67204
Lot 28, Block 22, Riverlawn Heights	Shirley A. Dahlinger <u>address unknown</u>
Lot 4, Block 3, Gardners Riverlawn Addition	Alfonso Alvarez Lillian M. Alvarez 2464 Amidon 67204
Lot 3, Block 3, Gardners Riverlawn Addition	John E. Leffingwell Ann L. Leffingwell 2470 Amidon 67204
Lot 5, Block 3, Gardners Riverlawn Addition	Floyd R. Lucas Stella Mae Lucas (dec.) 2458 Amidon 67204
Lot 6, Block 3, Gardners Riverlawn Addition	Lorene E. Davis Alta Mae Shepler 2452 Amidon 67204
Lot 7, Block 3, Gardners Riverlawn Addition	Thelma M. Vaughn 2446 Amidon 67204
Lot 8, Block 3, Gardners Riverlawn Addition	Theodore C. Slack (dec.) Alberta M. Slack 2440 Amidon 67204
Lot 9, Block 3, Gardners Riverlawn Addition	D. W. Montgomery Clara M. Montgomery 2434 Amidon 67204
Lot 10, Block 3, Gardners Riverlawn Addition	Willa Mae Whorton Richard F. Whorton 2428 Amidon 67204

Property Description

Property Owner

Lot 11, Block 3, Gardners Riverlawn
Addition

Neil Fredrick Carlson
Sharon Louise Carlson
1622 W. 37th St. Ct.
67204

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 200 foot radius of:

A tract of ground in Lot 2, Block A, Sweetbriar Addition, beginning at the Northeast corner of said lot 2, thence south on the East line of said lot a distance of 165 feet; thence westerly parallel to the north lot line a distance of 435 feet; thence southwesterly at a radius of 120 feet, $57^{\circ} 2'$ for a distance of 119.45 feet; thence southwesterly parallel to the northwesterly lot line of said lot 2, a distance of 44 feet more or less to a point, said point being 250 feet Northeasterly from Halstead Street and 150 feet from the Northwesterly line of said Lot 2; thence Northwest to a point on the Northwest lot line, said point being 250 feet from Halstead along this lot line; thence Northeasterly along said Northwest lot line, a distance of 251 feet more or less to the Northwest corner of said Lot 2; thence Easterly along the North line of said Lot 2, a distance of 543.7 feet more or less to the point of beginning.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 16th day of December, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Stable
Vice President

Order No: 328408
cf

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 2-21 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>EXCEPT 1/1/62</i>	
NAME <i>Amelia Weiss</i>	
ADDRESS <i>124...</i>	
FUND <i>...</i>	DUE DATE
COMMENTS	
DATE <i>1/1/62</i>	BY <i>[Signature]</i>

*

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

Roll # 2