

POSTED
12-24-84 GEL

ACTION
BZA 86-84 APPEALED 1-22-85
DATE

200'4Sec 4-8-85
Slot 5-2
Record 1

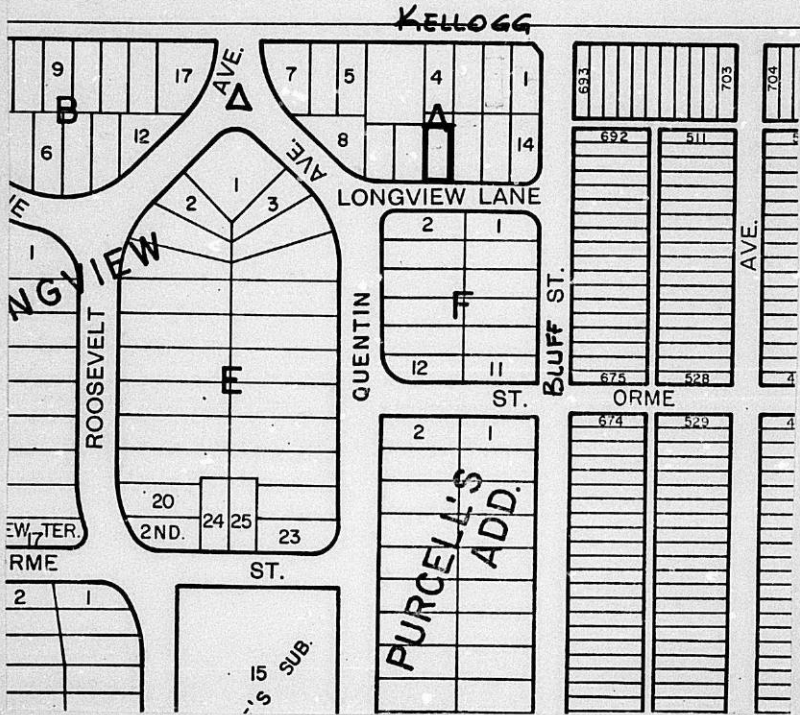
Case No. BZA 86-84 - Ernie Doyon - requests an exception to permit the establishment of an off-street parking lot on property zoned the "A" Two-family Dwelling District and generally located on the north side of Longview

Map No. 5746 D

BZA 86-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "B" S "A" W "A" N "A"
3. Land Use: East Phg. lot South I-F
West I-F North Apt.
4. Area (is) (~~is not~~) platted.



Surveyed
No. 2153C
WASHINGTON, D.C.
LOGAN, D.C.
ADDRESS: TRACUST GROVE, CA
U.S.A.

March 6, 1985

Robert Kaplan, Attorney
430 North Market
Wichita, Ks. 67202

Re: BZA 81-84 - Request for Variance &
BZA 86-84 - Request for Exception

Dear Mr. Kaplan:

Enclosed herewith are copies of Resolutions BZA 81-84 and BZA 86-84 reflecting the official action of the Board of Zoning Appeals on January 22, 1985. These approvals are subject to compliance with the site plan and landscape plan submitted by Sam Mobley, Architect, and approved by this office.

It is expected that your clients will fulfill their obligations to complete the improvements on the property in conformance with these plans. We are also aware of several minor conditions for compliance will be forthcoming in the next 24 months as set forth in your letter of January 31, 1985. It is further hoped that these improvements will provide certain amenities to the property that will make the parking lot a good a neighbor as possible to the area.

Your cooperation in the resolution of the differences between the requirements of the ordinances and the wishes of your clients have been appreciated. It is certainly hoped that this will fulfill the needs of your client for parking and an improvement of the on-street congestion that exists at times.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sarl
Encl.

cc: Ernie Doyon, 610 Fabrique, Wichita 67218
Sam Mobley, Architect, 420 South Ridge Road, Wichita 67209
Glen Rupe, # 3 Linden, Wichita 67206
Jim Jorgensen, Acting Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 86-84

WHEREAS, Ernie Doyon, D/B/A Ernie Doyon Investments, 610 Fabrique, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C and 28.04.145 of the Code of the City of Wichita, to permit the establishment of an off-street parking lot on property zoned the "AA" Two-family Dwelling District and legally described as follows:

Lot 11, except the north 21 feet, Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Longview Lane and west of Bluff Street.

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 22, 1985, consider said application; and

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

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

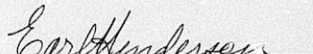
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of an off-street parking lot on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lot 11, except the north 21 feet, Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Longview Lane and west of Bluff Street.

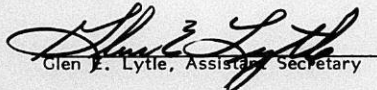
subject to the following conditions:

1. The west eight feet shall be maintained as a landscaped yard and the screening fence shall be installed no closer to the west property line than eight feet.
2. All improvements on the property shall be in compliance with all provisions of the zoning ordinance (Section 28.04.145 authorizing an exception for a parking lot) and all conditions set forth in Resolution BZA 81-84 shall be a part of this approval.

ADOPTED AT WICHITA, KANSAS, this 22nd day of January, 1985.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

LAW OFFICES
KAPLAN, McMILLAN AND HARRIS

ROBERT W. KAPLAN
CALVIN McMILLAN
CHARLES F. HARRIS

LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202
316-262-5175

January 31, 1985

Mr. Glen E. Lytle, Assistant Secretary
Board of Zoning Appeals
City Hall - Tenth Floor
455 North Main
Wichita, KS 67202

RE: BZA 81-84 - Request for Variance
BZA 86-84 - Request for Exception

Dear Mr. Lytle:

Confirming our discussion with Mr. Sam Mobley, please be advised that Ernie Doyon, in discussions with Mr. Mobley and myself, has committed to the following:

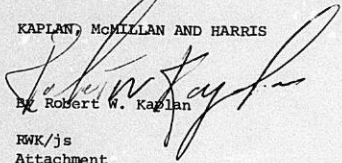
1. We will remedy the existing non-compliance of the exterior stairway to the roof and the exterior freezer which presently occupies a utility easement in Lot 3, Longview Terrace Addition, by seeking the requisite zoning to validate the stairway and freezer location. We will make application for the requisite zoning and the requisite vacation of the utility easement after we have been able to demonstrate our compliance with the conditions imposed on the existing cases herein referenced, and all of that work is in place and hopefully acceptable to the residents of the neighborhood. We anticipate that this could be an extensive period of time and would suggest that we be permitted a period of up to 24 months to file the requisite zoning and vacation applications.
2. Mr. Mobley is exploring the purchase of a grease trap for the restaurant kitchen to avoid any complaints attributable to the restaurant regarding necessary sewer cleaning because of the restaurant operation.
3. The screening fences required will be provided with decorative posts for aesthetic purposes as provided on the print which is submitted herewith by Mr. Sam Mobley.
4. The trash storage area will be screened from the street.
5. If a device is available for the restaurant grill exhaust that will eliminate or reduce odor from the cooking, then such device will be installed. This commitment is conditioned on Mr. Mobley being able to find a device at a reasonable cost. Mr. Mobley will investigate and will be able to provide you with the dollar range at which we can commit.

Mr. Glen E. Lytle
January 31, 1985

6. We will perform as promptly as practicable and within the time frames required by the conditions of the resolution all the conditions set forth in your correspondence of January 25, 1985 addressed to me.

Very truly yours,

KAPLAN, McMILLAN AND HARRIS


By Robert W. Kaplan

RWK/js
Attachment

cc: Mr. Darrell Brewer
City of Wichita Sewer Department

Mr. Jim Jorgensen
Acting Superintendent of Central Inspection

Mr. Ernie Doyon

Mr. Sam Mobley

January 25, 1985

Robert Kaplan, Attorney
430 North Market
Wichita, Ks. 67202

Re: BZA 81-84 - Request for Variance
BZA 86-84 - Request for Exception

Dear Mr. Kaplan:

At the regular meeting of the Board of Zoning Appeals on November 27, 1984, the requests for variance of the setbacks for off-street parking purposes only and an exception to permit the establishment of an off-street parking lot in the "A" Two-family district were considered. It was the action of the Board to approve these requests subject to a number of conditions. It is important that the conditions be complied with at the earliest possible date.

As to the request for the exception that would permit the establishment of an off-street parking lot on Lot 11, Block A, Longview Terrace Addition, it was approved as BZA 86-84 subject to the following conditions:

1. The west eight feet shall be maintained as a landscaped yard and the screening fence shall be installed no closer to the west property line than eight feet.
2. All improvements on the property shall be in compliance with all provisions of the zoning ordinance (Section 28.04.145 authorizing an exception for a parking lot) and all conditions set forth in Resolution BZA 81-84 shall be a part of this approval.

The request for the variance of the setbacks for off-street parking purposes only on lots 11, 12, 13 and 14, Block A, Longview Terrace Addition, was approved as BZA 81-84 subject to the following conditions:

1. The variance of the 5 foot side yard setback adjacent to Bluff shall be reduced to 0 feet for off-street parking purposes only.

2. The variance of the 25 foot and the 20 foot front yard setback adjacent to Longview Lane shall be reduced to 0 feet for off-street parking purposes only.
3. Street trees shall be provided in the public right-of-way adjacent to Longview Lane.
4. The parking lot shall be surfaced with asphalt or concrete and maintained in conformance with all the requirements of the zoning ordinance.
5. The applicant shall mark and maintain the lot in conformance with the site plan approved by the Traffic Engineer.
6. The applicant shall provide traffic barriers adjacent to the public right-of-way to prevent the encroachment of vehicles over public right-of-way.
7. The variance of the setbacks adjacent to Longview Lane shall be permitted as being in compliance with the conditions of BZA 27-83, provided the public right-of-way is landscaped as set forth in condition number 3 above.
8. The release of this resolution shall void Resolution BZA 72-83.
9. The parking lot shall be screened by a six foot screening fence along the north property line adjacent to the residential properties. The six foot fence shall be installed 8 feet from the west property line. This eight foot area shall be landscaped with grass, coniferous and deciduous plant materials that will provide beautification to the adjoining property. The six foot fence shall also extend along the south property line a distance of 125 feet without openings. A 3 foot fence shall continue to the east to the point of the start of the curve on the property line. Said plan shall also provide means for watering and maintaining the required planting area.
10. Prior to the release of this resolution authorizing the reduction of the setbacks adjacent to the streets, the applicant shall submit 3 copies of the landscape plan required by conditions numbered 3 and 9, and a site plan setting forth the conditions established herein.
11. There shall be no access from Longview Lane and all existing driveways on Longview Lane shall be removed and the curbs returned.
12. All lights shall be shielded and directed downward and away from the adjacent residential properties.
13. The supporting members of the fence shall be on the applicants side of the fence with the finish side toward the street or adjacent properties.
14. All improvements required by this resolution shall be completed by June 1, 1985.

Resolutions setting forth the official action of the Board are being prepared and will be furnished to you after the revised site plan and landscape plan have been received and approved. It is requested that these plans be furnished to this office no later than February 1, 1985 for approval.

As was discussed in the meeting, the action of the Board to require landscaping of the public right-of-way adjacent to Longview Lane will preclude the issuance of any minor street privilege for parking on public right-of-way. This will require the removal of the posts and rock from the right-of-way that has been placed there without approval.

Please advise your clients of these requirements and if you have any questions, please give me a call.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Sam Mobley, Architect, 420 South Ridge Road, Wichita 67209
Jim Jorgensen, Acting Superintendent of Central Inspection
Don Gisick, City Clerk
David Stowe, Director of Operations & Maintenance
James R. Schaefer, 800 Broadway Plaza, Wichita 67202
Carl D. Keith, 532 South Quentin, Wichita 67218
Mr. & Mrs. Brinkman, 3906 Longview, Wichita 67216
Ron B. Heller, 529 South Quentin, Wichita 67202
Doug Bearden, % Bearden's Stained Glass Gallery, 4101 East Kellogg,
Wichita 67218
Chuck Harris, CPO "F"

P E T I T I O N

WHEREAS, Ernie Doyon, D/B/A Ernie Doyon Investments, has requested an exception pursuant to the Code of the City of Wichita to permit the establishment of an off-street parking lot (Case No. BZA 86-84); and

WHEREAS, the subject property is zoned as "A" Two-Family Dwelling District; and

WHEREAS, G.N. Rupe, Ernest H. Doyon, and Scotch and Sirloin have requested a variance pursuant to the Code of the City of Wichita to reduce setbacks on both Bluff Street and Longview Lane, both for off-street parking purposes (Case No. BZA 81-84); and

WHEREAS, K.S.A. 12-715 provides that five conditions must be met in order that a request for a variance may be granted in cases such as these; and

WHEREAS, the following petitioners believe the exception and variance desired are directly created by an action or actions of the property owner and applicant; that the exception and variance desired will adversely affect public health, safety, order, convenience, prosperity and general welfare; and that the exception and variance desired are in opposition to the general spirit and intent of the zoning ordinance, all of which are in contravention to the conditions established by K.S.A. 12-715;

NOW, THEREFORE, said petitioners request that proposed exception and variance be denied in all respects.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
<i>Mr. & Mrs. [unclear]</i>	<i>512 S. Roosevelt</i>	<i>Jan 18 '85</i>
<i>Mr. & Mrs. [unclear]</i>	<i>551 S. Roosevelt</i>	<i>Jan 19 '85</i>
<i>440 [unclear]</i>	<i>555 S. Roosevelt</i>	<i>1-18-85</i>
<i>Ernie Doyon</i>	<i>557 S. Roosevelt</i>	<i>1-18-85</i>
<i>Frank DeLeonis Jr.</i>	<i>563 S. Roosevelt</i>	<i>1-18-85</i>
<i>Clarence Oppenhein</i>	<i>567 S. Roosevelt</i>	<i>1-18-85</i>
<i>Oliver G. [unclear]</i>	<i>567 S. Roosevelt</i>	<i>1-18-85</i>
<i>Editha [unclear]</i>	<i>571 S. Roosevelt</i>	<i>1-18-85</i>
<i>112 [unclear]</i>	<i>575 S. Roosevelt</i>	<i>1-18-85</i>
<i>[unclear]</i>	<i>566 S. Roosevelt</i>	<i>1-18-85</i>
<i>Margie Kennedy</i>	<i>546 S. Roosevelt</i>	<i>1-18-85</i>
<i>[unclear]</i>	<i>532 S. Roosevelt</i>	<i>1-18-85</i>
13. <i>(Red) Janet [unclear]</i>	<i>526 S. Roosevelt</i>	<i>1/18/85</i>

P E T I T I O N

WHEREAS, Ernie Doyon, D/B/A Ernie Doyon Investments, has requested an exception pursuant to the Code of the City of Wichita to permit the establishment of an off-street parking lot (Case No. BZA 86-84); and

WHEREAS, the subject property is zoned as "A" Two-family Dwelling District; and

WHEREAS, G.N. Rupe, Ernest H. Doyon, and Scotch and Sirloin have requested a variance pursuant to the Code of the City of Wichita to reduce setbacks on both Bluff Street and Longview Lane, both for off-street parking purposes (Case No. BZA 81-84); and

WHEREAS, K.S.A. 12-715 provides that five conditions must be met in order that a request for a variance may be granted in cases such as these; and

WHEREAS, the following petitioners believe the exception and variance desired are directly created by an action or actions of the property owner and applicant; that the exception and variance desired will adversely affect public health, safety, order, convenience, prosperity and general welfare; and that the exception and variance desired are in opposition to the general spirit and intent of the zoning ordinance, all of which are in contravention to the conditions established by K.S.A. 12-715;

NOW, THEREFORE, said petitioners request that proposed exception and variance be denied in all respects.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Myrill Flecker</u>	<u>446 S. Fountain</u>	<u>Jan 16, 85</u>
<u>Pam Hedden</u>	<u>440 S. Fountain</u>	<u>Jan 16 85</u>
<u>George R. Moore</u>	<u>428 S. Fountain</u>	<u>1-17-85</u>
<u>Allie Moore</u>	<u>428 S. Fountain</u>	<u>1-17-85</u>
<u>John Johnson</u>	<u>422 S. Fountain</u>	<u>1-17-85</u>
<u>Rennell A. Williams</u>	<u>414 So. Fountain</u>	<u>6860862</u>
<u>Marques Williams</u>	<u>" "</u>	<u>"</u>
<u>Jan Parker</u>	<u>410 S. Fountain</u>	<u>1-17-84</u>
<u>Lucas Powell</u>	<u>402 S. Fountain</u>	<u>1-17-84</u>
<u>Beverly S. Nagel</u>	<u>351 S. Fountain</u>	<u>1-17-85</u>
<u>Blaine Lacey</u>	<u>4022 E. Lewis</u>	<u>1-17-85</u>
<u>Rabert D. Kabster</u>	<u>3745 Circle Dr.</u>	<u>1-17-85</u>
<u>David H. Duffy</u>	<u>406 So. BLUFF.</u>	<u>1-17-85</u>
14 <u>Jan Park</u>	<u>406 S. Roosevelt</u>	<u>1-17-85</u>

P E T I T I O N

WHEREAS, Ernie Doyon, D/B/A Ernie Doyon Investments, has requested an exception pursuant to the Code of the City of Wichita to permit the establishment of an off-street parking lot (Case No. BZA 86-84); and

WHEREAS, the subject property is zoned as "A" Two-family Dwelling District; and

WHEREAS, G.N. Rupe, Ernest H. Doyon, and Scotch and Sirloin have requested a variance pursuant to the Code of the City of Wichita to reduce setbacks on both Bluff Street and Longview Lane, both for off-street parking purposes (Case No. BZA 81-84); and

WHEREAS, K.S.A. 12-715 provides that five conditions must be met in order that a request for a variance may be granted in cases such as these; and

WHEREAS, the following petitioners believe the exception and variance desired are directly created by an action or actions of the property owner and applicant; that the exception and variance desired will adversely affect public health, safety, order, convenience, prosperity and general welfare; and that the exception and variance desired are in opposition to the general spirit and intent of the zoning ordinance, all of which are in contravention to the conditions established by K.S.A. 12-715;

NOW, THEREFORE, said petitioners request that proposed exception and variance be denied in all respects.

<u>N. ME</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Norothy M. Russell</u>	<u>442 S. Fountain</u>	<u>1-17-85</u>
<u>Katherine Ward</u>	<u>449 S. Fountain</u>	<u>1-17-85</u>
<u>Paul Kivett</u>	<u>421 S. Fountain</u>	<u>1-17-85</u>
<u>Joe Caville</u>	<u>417 S. Fountain</u>	<u>1-17-85</u>
<u>Robert Layton</u>	<u>404 S. FOUNTAIN</u>	
<u>Conrad Taylor</u>	<u>403 S. Bluff</u>	<u>1-17-85</u>
<u>Rich Taylor</u>	<u>403 S. Bluff</u>	<u>1-17-85</u>
<u>H. T. Hall</u>	<u>431 BLUFF</u>	<u>-17-85</u>
<u>Edward J. Summers</u>	<u>430 S. Roosevelt</u>	<u>1-17-85</u>
<u>Laurie J. Summers</u>	<u>430 So. Roosevelt</u>	<u>1-17/1985</u>
<u>J. M. Braune</u>	<u>426 S. Roosevelt</u>	<u>1-17-85</u>
<u>Clara L. Braune</u>	<u>426 S. Roosevelt</u>	<u>1-17-85</u>
13. <u>Drew W. Reynolds</u>	<u>422 S. Roosevelt</u>	<u>1-17-85</u>

P E T I T I O N

WHEREAS, Ernie Doyon, D/B/A Ernie Doyon Investments, has requested an exception pursuant to the Code of the City of Wichita to permit the establishment of an off-street parking lot (Case No. BZA 86-84); and

WHEREAS, the subject property is zoned as "A" Two-family Dwelling District; and

WHEREAS, G.N. Rupe, Ernest H. Doyon, and Scotch and Sirloin have requested a variance pursuant to the Code of the City of Wichita to reduce setbacks on both Bluff Street and Longview Lane, both for off-street parking purposes (Case No. BZA 81-84); and

WHEREAS, K.S.A. 12-715 provides that five conditions must be met in order that a request for a variance may be granted in cases such as these; and

WHEREAS, the following petitioners believe the exception and variance desired are directly created by an action or actions of the property owner and applicant; that the exception and variance desired will adversely affect public health, safety, order, convenience, prosperity and general welfare; and that the exception and variance desired are in opposition to the general spirit and intent of the zoning ordinance, all of which are in contravention to the conditions established by K.S.A. 12-715;

NOW, THEREFORE, said petitioners request that proposed exception and variance be denied in all respects.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Mr. Marie J. Alford</u>	<u>533 S. Quentin</u>	<u>1-17-85</u>
<u>Lowly Walton</u>	<u>565 S. Quentin</u>	<u>1-17-85</u>
<u>Ann Meecham</u>	<u>614 S. Quentin</u>	<u>1-18-85</u>
<u>Dianne Coffey</u>	<u>703 S. Quentin</u>	<u>1-18-85</u>
<u>Henry Anderson</u>	<u>654 S. Quentin</u>	<u>1-18-85</u>
<u>Wm S. Hanney</u>	<u>585 S. Quentin</u>	<u>1-18-85</u>
<u>Dina Gunter</u>	<u>575 S. Quentin</u>	<u>1-18-85</u>
<u>Cyril Gunter</u>	<u>575 S. Quentin</u>	<u>1-18-85</u>
<u>Tom Lynch</u>	<u>555 S. Quentin</u>	<u>1-18-85</u>
<u>Pat Lynch</u>	<u>555 S. Quentin</u>	<u>1-18-85</u>
<u>Sharon Machacek</u>	<u>537 S. Quentin</u>	<u>1-18-85</u>
<u>Wendy E. Machacek</u>	<u>537 S. Quentin</u>	<u>1-18-85</u>
13. <u>Mr. Helen Huber</u>	<u>550 S. Quentin</u>	<u>1-19-85</u>

P E T I T I O N

WHEREAS, Ernie Doyon, D/B/A Ernie Doyon Investments, has requested an exception pursuant to the Code of the City of Wichita to permit the establishment of an off-street parking lot (Case No. BZA 86-84); and

WHEREAS, the subject property is zoned as "A" Two-family Dwelling District; and

WHEREAS, G.N. Rupe, Ernest H. Doyon, and Scotch and Sirloin have requested a variance pursuant to the Code of the City of Wichita to reduce setbacks on both Bluff Street and Longview Lane, both for off-street parking purposes (Case No. BZA 81-84); and

WHEREAS, K.S.A. 12-715 provides that five conditions must be met in order that a request for a variance may be granted in cases such as these; and

WHEREAS, the following petitioners believe the exception and variance desired are directly created by an action or actions of the property owner and applicant; that the exception and variance desired will adversely affect public health, safety, order, convenience, prosperity and general welfare; and that the exception and variance desired are in opposition to the general spirit and intent of the zoning ordinance, all of which are in contravention to the conditions established by K.S.A. 12-715;

NOW, THEREFORE, said petitioners request that proposed exception and variance be denied in all respects.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>MOHAMMAD RAIS DANA</u>	<u>412 S. BLUFF</u>	<u>1-17-85</u>
<u>Virginia Adlington</u>	<u>420 S. Bluff</u>	<u>1-17-85</u>
<u>Linda Brunner</u>	<u>430 S. Bluff</u>	<u>1-17-85</u>
<u>Susan A. Stickley</u>	<u>437 S. Bluff</u>	<u>1-17-85</u>
<u>Harv E. Hill</u>	<u>437 S. Bluff</u>	<u>1-17-85</u>
<u>Lance Crawford</u>	<u>448 So. Roosevelt</u>	<u>1-17-85</u>
<u>Jim Patton</u>	<u>442 S. Roosevelt</u>	<u>1-17-85</u>
<u>John Jones</u>	<u>439 S. Roosevelt</u>	<u>1-17-85</u>
<u>Julie Roman</u>	<u>439 S. Roosevelt</u>	<u>1-17-85</u>
<u>Danny Ford</u>	<u>435 S. Roosevelt</u>	<u>1-17-85</u>
<u>David Ford</u>	<u>435 S. Roosevelt</u>	<u>1/17/85</u>
<u>Jesse Hesser</u>	<u>445 S. Roosevelt</u>	<u>1-17-85</u>
<u>Margaret Lonchinger</u>	<u>461 S. Roosevelt</u>	<u>1-17-85</u>
14. <u>Thelma Hollingsworth</u>	<u>3726 E. Lewis</u>	<u>1-17-85</u>

P E T I T I O N

WHEREAS, Ernie Doyon, D/B/A Ernie Doyon Investments, has requested an exception pursuant to the Code of the City of Wichita to permit the establishment of an off-street parking lot (Case No. BZA 86-84); and

WHEREAS, the subject property is zoned as "A" Two-family Dwelling District; and

WHEREAS, G.N. Rupe, Ernest H. Doyon, and Scotch and Sirloin have requested a variance pursuant to the Code of the City of Wichita to reduce setbacks on both Bluff Street and Longview Lane, both for off-street parking purposes (Case No. BZA 81-84); and

WHEREAS, K.S.A. 12-715 provides that five conditions must be met in order that a request for a variance may be granted in cases such as these; and

WHEREAS, the following petitioners believe the exception and variance desired are directly created by an action or actions of the property owner and applicant; that the exception and variance desired will adversely affect public health, safety, order, convenience, prosperity and general welfare; and that the exception and variance desired are in opposition to the general spirit and intent of the zoning ordinance, all of which are in contravention to the conditions established by K.S.A. 12-715;

NOW, THEREFORE, said petitioners request that proposed exception and variance be denied in all respects.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Patrick C. Madala</u>	<u>534 So. Quentin</u>	<u>1/18/85</u>
<u>Mahala S. Madala</u>	<u>534 S. Quentin</u>	<u>1/18/85</u>
<u>Norman K. Hepler</u>	<u>529 S. Quentin</u>	<u>1/18/85</u>
<u>Tom Heller</u>	<u>529 S. QUENTIN</u>	<u>1/18/85</u>
<u>Ruth Haggerty</u>	<u>5548 Quentin.</u>	<u>1/15/85</u>
<u>refused to sign</u>		
<u>Carl D. Keisch</u>	<u>532 S. Quentin</u>	<u>1/18/85</u>
<u>Peggy S. Savarano</u>	<u>549 S. Quentin</u>	<u>1/19/85</u>
<u>Anthony E. Savarano</u>	<u>549 S. Quentin</u>	<u>1-19-85</u>
<u>Jill King</u>	<u>553 S. Quentin</u>	<u>1-19-85</u>
<u>Charles M. Mied</u>	<u>551 So. Quentin</u>	<u>1-19-85</u>
12. <u>Kemron Blunt</u>	<u>538 S. Quentin</u>	<u>1-19-85</u>

RECEIVED

JAN 09 1985

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE January 9, 1985

METROPOLITAN PLANNING
ROUTE _____

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Entriken, Administrative Aide III

SUBJECT BZA 81-84 Generally located on
the northwest corner of Bluff
and Longview Lane
and
BZA 86-84 Generally located on
the north side of Longview Lane
and west of Bluff Streets

On Monday, January 7, CPO Council "F" considered the above captioned cases. The Council voted 8-0 to recommend approval, subject to the following conditions: 1) that the applicant install a 6' wood screening fence on Longview, with provision for a 3 foot wood fence at the intersection; 2) that no entrance or exit to the parking lot be allowed on Longview, and 3) that any additional entrances or exits be on Bluff.

Robert Kaplan, agent, was present to discuss the case with the Council and to review the revised site plan.

There were 23 area residents present to express their opposition to the proposal. Of those 23 residents, 7 spoke in opposition. Concerns expressed by area residents were:

- decrease in property values
- increased traffic on Longview from people who drive around Longview and Bluff to go north of Kellogg on Bluff (since a left on Bluff at Kellogg is not allowed)
- having an entrance/exit to the Scotch and Sirloin parking lot on Longview, across the street from the private drive of a residence.
- noise
- the closeness of the 6' wood screening fence to the house on lot 10.

Wien Lytle, Special Assistant for Zoning
BZA 81 and BZA 86
Page 2

Please present the Council's recommendation to the Board of Zoning Appeals when it meets to consider the case.

Cindy Entriken
Cindy Entriken
Administrative Aide III

CE:dm

cc: Bill McKinley, Traffic Engineer
Bob Kaplan, agent

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

SECRETARY'S REPORT
CASE NO. BZA 86-84

APPLICANT: Ernie Doyon, D/B/A Ernie Doyon Investments,
610 Fabrique, Wichita, Kansas.

AGENT: Robert W. Kaplan, 430 North Market, Wichita,
Kansas.

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

GENERAL LOCATION: On the north side of Longview Lane and west of
Bluff.

ZONING: Subject property is zoned the "A" Two-family
Dwelling District. Properties to the north,
west and south are also "A". Property to the
east is "B" Multiple-family Dwelling District.

LAND USE: Subject property is now occupied by a one-family
dwelling as are the properties to the west and
south. To the north are apartments and to the
east is additional parking.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception in order to expand the existing parking lot that is permitted by the "B" Multiple-family Dwelling District on the east. The applicant is hoping that the additional parking being provided will alleviate some of the congestion now created by the existing business.

The Board has jurisdiction to permit the location of a parking lot in any residential district subject to conditions deemed appropriate by the Board and the conditions set forth in Section 28.04.145 of the Code.

It has been the policy of the Planning Commission and the City Commission to accommodate the expansion of existing uses along major streets by the provision of exception for parking lots in lieu of establishing the zoning into a residential neighborhood. In this case, the applicant has acquired additional land in the "B" Multiple-family Dwelling District and the one lot in the "A" Two-family Dwelling District that is required to be approved as an exception. In addition, the applicant has requested variances of the setbacks adjacent to the streets for maximum usage of the properties.

It is the opinion of the Secretary that in conformance with previously established policies, this is an appropriate use of the property. The staff has suggested changes from the original parking layout submitted with the application to provide landscaping along Longview Lane and the moving of the driveway approach away from the residential property to the west. The submission of this new site plan, which has been approved by the Traffic Engineer, proposes to utilize Longview Lane for ingress and egress to the parking lot, and the shape of the lot basically requires such circulation.

RECOMMENDATION:

Should the Board determine that the expansion of the parking lot to the east is appropriate on this property, then it is the opinion of the Secretary that the exception be approved subject to the following condition:

1. The improvements on the property shall be in compliance with all the provisions of the Zoning Ordinance and all conditions set forth in Resolution BZA 81-84.

BZA CASE NO. 86-84

<u>4</u>	NOTICES SENT TO APPLICANT/AGENT
<u>1</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>21</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>27</u>	TOTAL NOTICES SENT <u>12-31-84</u>

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

December 31, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 86-84

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 Ernie Doyon, D/B/A Ernie Doyon Investments, 610 Fabrique Street, 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 establishment of an off-street parking lot on property zoned the "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

Lot II, except the north 21 feet, Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Longview Lane and west of Bluff Street.

This application has been assigned Case BZA 86-84. It will be considered by the Board of Zoning Appeals on January 22, 1985 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. 86-84

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant ERNIE DOYON d/B/A ERNIE DOYON INVESTMENTS
Mailing Address 610 FABRIKUP STREET Phone 262-5175
Name of Authorized Agent Dr BERT W. KAPLAN
Mailing Address 430 N. MARKET Phone 262-5175
Relationship of applicant to property is that of OWNER
(Owner, Tenant, Lessee, Other)

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

on property zoned "A"-2 Two-Family Dwelling Dist.
located NORTH SIDE OF LONGVIEW PARK, WEST OF BLUFF
and legally described as:
LOT 11, BLOCK A, LONGVIEW TERRACE ADDITION to WICHITA
Sedg. Co., Ks., 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.

Applicant ERNIE DOYON d/B/A ERNIE DOYON INVESTMENTS
Authorized Agent Bert W. Kaplan

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
11:45 (a.m./p.m.), Dec. 21, 1984, together with
appropriate fee of 700.00.

Signed [Signature]

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-1

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

City PWA Excort. 210.00

NAME *Edward J. McMillan*

ADDRESS *430 N. Market*

FUND *155-40071-013* DUE DATE

COMMENTS

DATE *Dec 21, 1944* BY *[Signature]*

*

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

Roll # 2