

M.A.P.C.

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

ezm

PZM

10/11/69



BZA 2-69 - Robt W. Moore requests
variance of front yard setback for
off street parking purposes only on
property zoned "B" and located on
the east side of Main in an area

POSTED
2-27-69

ACTION

BZA COMMITTEE Approved DATE 3.25.69

M.A.P.C. _____

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

ezm ✓
PZM ✓
10/11/69
CH

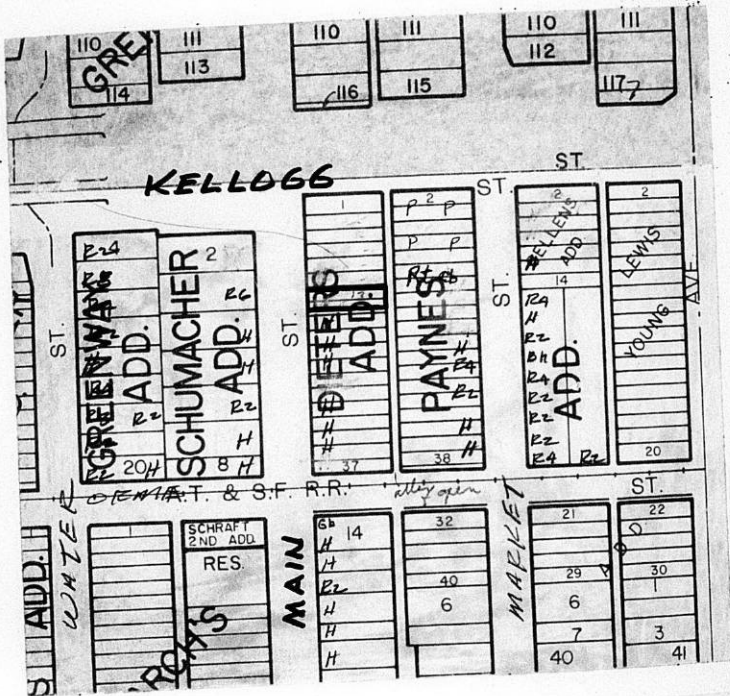
BZA 2-69 - Robt W. Moore requests
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the east side of Main in an area...

Map No. 5446
 Sec. 29
 Twp. 27
 Range 1E

BZA 2-69
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
 1. Acres: 0.06 (18 ft. by 140 ft.)
 2. Adjoining Zoning: 2 S _____ W _____ N _____
 3. Land Use: East SINGLE-FAM & FOOD STORE South SINGLE-FAM
 West MULTI-FAM North SINGLE-FAM & VMC
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: _____
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



April 15, 1969

Mr. Richard Render
Render, Kamas & Kelly
612 Union National Building
Wichita, Kansas 67202

Subject: Case No. BZA 2-69
Request for a Variance

Dear Mr. Render:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 25, 1969, in connection with your request for a variance to reduce the required front yard setback from 20 feet to 0 feet for off street parking purposes only, on property zoned "B", and generally located on the east side of Main in an area south of Kellogg.

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

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Robert W. Moore
6215 E. Kellogg
Wichita, Kansas 67218

Robert Feldner, Supt.
of Central Inspection

Ralph Eberly,
City Clerk

R E S O L U T I O N N O . B Z A 2 - 6 9

WHEREAS, Robert W. Moore, 6215 E. Kellogg, by Richard Render, 612 Union National Building, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 20 feet to 0 feet for off street parking purposes only on property zoned "B" Multiple Family, and legally described as follows:

South 18 and 2/3 feet of Lot 13 and the north 15 feet of Lot 15, on Main Street, Dieter's Addition to the City of Wichita, Kansas. Generally located on the east side of Main in an area south of Kellogg.

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 March 25, 1969, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as if subject property were zoned "C" commercial to the same depth as the land to the east, the applicant would be allowed, by ordinance, to park adjacent to the property line; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the property adjacent to the east is zoned commercial and occupied by a Hanover Pancake House and a private club, and that with proper screening on the south adjacent properties would not be adversely affected; and

WHEREAS, the Board of Zoning Appeals has found 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 inasmuch as an area which has no practical purpose would have to be retained and could not be utilized for off-street parking; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as it would tend to eliminate possible off street parking; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as a variance can be justified in circumstances such as this when the area is adjacent to commercial zoning and can be effectively screened from adjacent residences; and

Resolution
Case No. BZA 2-69
Page 2

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

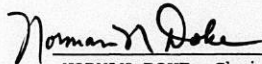
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance of the required front yard setback from 20 feet to 0 feet for off street parking on property zoned "B" Multiple Family and legally described as:

South 18 and 2/3 feet of Lot 13 and the north 15 feet of Lot 15, on Main Street, Dieter's Addition to the City of Wichita, Kansas. Generally located on the east side of Main in an area south of Kellogg.

be approved subject to the following conditions:

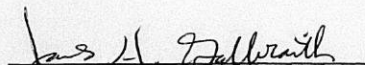
1. The area shall be utilized for parking purposes only and no permanent structures shall be erected thereon.
2. The applicant shall submit a satisfactory guarantee for the paving of the alley from the south line of subject property, north to the south line of Kellogg.
3. A five to eight foot high solid fence constructed of masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be erected along the east 120 feet of the south property line thence reduced to three feet and extended to the west property line.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1969.



NORMAN DOKE, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

March 26, 1969

Mr. Richard Render
Render, Kamas & Kelly
612 Union National Building
Wichita, Kansas 67202

Subject: Case No. BZA 2-69
Request for a Variance

Dear Mr. Render:

At the regular meeting of the Board of Zoning Appeals on March 25, 1969, your request for a variance to reduce the required front yard setback from 20 feet to 0 feet for off street parking purposes only, on property zoned "B", and generally located on the east side of Main in an area south of Kellogg, was considered.

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

1. The area shall be utilized for parking purposes only and no permanent structures shall be erected thereon.
2. The applicant shall submit a satisfactory guarantee for the paving of the alley from the south line of subject property, north to the south line of Kellogg;
3. A five to eight foot high solid fence constructed of masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be erected along the east 120 feet of the south property line thence reduced to three feet and extended to the west property line.

Richard Render
March 26, 1969
Page 2

It is now necessary that you submit a satisfactory guarantee to assure the paving of the alley prior to the forwarding of the Resolution to you which sets forth the official action of the Board.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Robert W. Moore
6215 E. Kellogg
Wichita, Kansas 67218

Robert Feldner, Supt.
of Central Inspection

Ralph Eberly,
City Clerk

SECRETARY'S REPORT

Case No. BZA 2-69

APPLICANT: Robert W. Moore, 6215 East Kellogg, Wichita, Kansas.

AGENT: Richard Render, 612 Union Nat'l Bank, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 20 feet to 0 feet for off street parking purposes only.

GENERAL LOCATION: East side of Main in an area south of Kellogg.

ZONING: Subject property is zoned "B" multiple family as is that to the south and west with "C" commercial to the north and east.

LAND USE: Subject property is vacant as that to the north, east is a pancake house and private club, to the south is single family with single and multi-family to the west.

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.)

Comments by the Secretary

The property for which this variance is requested is zoned "B" and is being purchased by the applicant for use as additional off-street parking in conjunction with a restaurant operation to be conducted on property immediately to the north which is zoned "C" commercial and owned by the applicant.

The applicant states that the number of off-street parking spaces and circulation aisles available as on site parking in connection with the proposed restaurant operation is sufficient to meet code requirements but additional parking spaces are needed for customer safety and convenience.

In viewing the area in the field it may be seen that a sign, which advertises a "Pancake House" located east of the north-south alley abutting subject property, has been erected adjacent to the curb cut on Main Street indicated on the plot plan. It may also be seen that patrons of the "Pancake House" going south on Main which is a one-way street utilize this entrance quite extensively thereby crossing the alley which is unpaved.

It would appear that inasmuch as the properties on both sides of the alley are under the same ownership that this means of ingress will continue to be utilized in the future by persons patronizing the "Pancake House" and a private club located in the same building. It should be pointed out that in conversations with the Engineering Division that if the alley is to be used for ingress and egress it should either be paved to City specifications or be vacated.

Uniqueness

It is the opinion of the Secretary that this is somewhat of a unique situation in that if subject property were zoned "C" commercial to the same depth as the land to the east, the applicant would be allowed, or ordinance, to park adjacent to the property line.

Adjacent property

It is the opinion of the Secretary that inasmuch as the applicant owns the land to the north, the property adjacent on the east is zoned commercial and occupied by a Hanover Pancake House and a private club, that with proper screening on the south adjacent properties would not be adversely affected.

Hardship

It is the opinion of the Secretary that if this variance is not granted it would create a hardship for the applicant inasmuch as an area which is of no practical purpose would have to be retained and could not be utilized for off-street parking.

Public Interest

It is the opinion of the Secretary that the granting of the variance would not affect the public interest inasmuch as it would tend to eliminate possible on-street parking.

Spirit and Intent

It is the opinion of the Secretary that the granting of the variance would not be opposed to the spirit and intent of Title 28 inasmuch as a variance can be justified in circumstances such as this when the area is adjacent to commercial zoning and can be effectively screened from adjacent residences.

Recommendation

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found and, therefore, it is recommended that the variance to reduce the required front yard setback from 20 feet to 0 feet for off street parking purposes only be approved, subject to the following conditions:

1. The area shall be utilized for parking purposes only and no permanent structures shall be erected thereon.
2. The applicant shall submit a valid petition for the paving of the alley from the south line of subject property, north to the south line of Kellogg; or file a vacation application
3. A five to eight foot high solid fence constructed of masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be erected along the east 120 feet of the south property line thence reduced to three feet and extended to the west property line.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

March 5, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 2-69

An application has been filed by Robert W. Moore, 6215 East Kellogg, Wichita, Kansas, by Richard Render, 612 Union Nat'l Bldg., Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned "B" Multiple Family District, and legally described as follows:

South 18 and 2/3 feet of Lot 13 and the north 15 feet of Lot 15, on Main Street, Dieter's Addition to the City of Wichita, Kansas. Generally located on the east side of Main in an area south of Kellogg.

This application has been assigned Case No. BZA 2-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 25, 1969, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

*25 Notices mailed
on 3-5-69*

STATEMENT

The property for which the variance is requested is 33.6 feet North and South throughout by 140 feet East and West throughout and is located 166.33 feet South of Kellogg on Main Street. The property is zoned B and is being purchased by the applicant for use as additional off street parking in conjunction with the restaurant operation to be conducted on the property immediately North and adjacent. The number of off street parking spaces and circulation aisles available as on site parking in connection with the restaurant operation is sufficient to meet code requirements but additional parking spaces are needed for customer safety and convenience.

The granting of the variance will not adversely affect the rights of the adjacent property owner or residents, and the applicant will comply with all code requirements relating to screening for aesthetic and safety purposes.

The denial of the requested variance would restrict the on site parking spaces and circulation aisles available to the restaurant operation and would create a hardship due to unavailability of property for additional on site parking areas. The variance desired will not adversely affect the public health, safety or welfare and would afford additional convenience and safety for persons using the off street parking area. Further, such granting would be consistent with the general spirit and intent of Title 28 in providing adequate off street parking.

OWNERSHIP LIST

Lot	Addition	Property Owner
2	Schumachers Outlots	✓ Clinton Oil Co. 6810 W. Highway 54 Wichita, Kansas, 67209
3	"	✓ Walborg L. Morgan 4 Highand Road Wichita, Kansas, 67208
4	"	✓ Leta Mae Barrett 1717 N. Belmont Wichita, Kansas, 67208
5	"	✓ Ben T. Plumlee and Wanda Sue Plumlee, 727 S. Main St. Wichita, Kansas, 67211
6	"	✓ Peggy Florence Hughes <u>Address unknown</u>
1, 3, 5, 7, 9, 11 & N 6 1/3 ft of 13	Dieter's Addition	Robert W. Moore 16147 E. Harry Wichita, Kansas, 67230
S 18 2/3 ft of 13 & N 15 ft of 15	"	✓ Wayne Y Mah, Address unknown ✓ Tzu Chi Mah, 554 S. Green Wichita, Kansas, 67211
S 10 ft of 15 all of 17	"	✓ Howard M. Barger and Hazel Barger, 720 S. Main St. Wichita, Kansas, 67213
19 & 21	"	✓ Lola Edna Sanders ✓ 726 S. Main St. Wichita, Kansas, 67213
23 & 25	"	Robert W. Moore 16147 E. Harry Wichita, Kansas, 67230
27 & N 9' of 29	"	✓ Sai Chan Wong and Johanna Wong, 732 S. Main Wichita, Kansas, 67213
S 16' of 29 & N 17' of 31	"	✓ Warren C. Grubb and Mary G. Grubb, 740 S. Main St. Wichita, Kansas, 67213
S 8' of 31	"	✓ Jennie Rollings and Everett Rollings, 744 S. Main St. Wichita, Kansas, 67213

Continued page 2

Lot	Addition	Property Owner
2, 4, 6, 8, 10 & 12	Paynes Addition	Wilber E. Walker and Bernice H. Walker, 16 Douglas Ave. Wichita, Kansas, 67206
All that part of Reserve A adjoining lots 2, 4, 6, 8, 10 & 12, Paynes Addition on the West	Dieter's Addition	"
14, 16, 18, 20 & 22	Paynes Addition	Robert W. Moore 16147 E. Harry Wichita, Kansas, 67230
That part of Reserve A adjoining Lots 14, 16, 18 & 20 & 22, Paynes Addition on the West	Dieter's Addition	Robert W. Moore 16147 E. Harry Wichita, Kansas, 67230
24 & 26	Paynes Addition	Ralph J. Dunn and Alma Gail Dunn, 2414 Cheyenne Blvd Wichita, Kansas, 67216
That part of Reserve A adjoining lots 24 & 26 Paynes Addition on the West	Dieter's Addition	"
28 & 30	Paynes Addition	Naomi Henderson 1822 S. Broadway Wichita, Kansas, 67211
That part of Reserve A adjoining lots 28 & 30 Paynes Addition on the West	Dieter's Addition	"
32	Paynes Addition	John Bateman and Irene F. Bateman, Address unknown 800 N. Derby, Derby, Kan
That part of Reserve A adjoining Lot 32, Paynes Addition on the West	Dieter's Addition	" returned 3-7-69

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of the South 18 2/3 feet of lot 13 and the North 15 feet of lot 15, in Dieter's Addition to the City of Wichita, Kansas, as shown by the last deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 13th day of February, 1969 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Lucille Patroed*
Vice-president

Order No. 160622

Form 021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer	50.00	

DESCRIPTION	AMOUNT
<i>Robert Moore</i>	

Name *Red (Robert) Moore*

Address *601 National*

Type *R-71-C* Due Date

Comments:

Date *2-24-69* By *hk*

WICHITA SEDGWICK COUNTY
W.S.C.
 METROPOLITAN AREA PLANNING
 COMMISSION
 CITY BUILDING ANNEX
 104 S. MAIN ST.
 WICHITA, KANSAS 67202

RETURNED TO SENDER

REASON: INCORRECT ADDRESS UNDELIVERED

Unclaimed _____

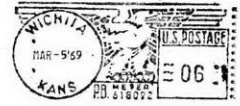
Address unknown _____

Insufficient address _____

No such street _____

No such office in state _____

Do not rewrap in this envelope



B2A 2.69

John Bateman and
Irene F. Bateman
800 N. Derby
Derby, Kansas



Important! Notice of Hearing Enclosed

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1