

Case No. BZA 10-82 - Keith L. Anderson -
Requests an exception to permit the
establishment of residential mini-
storage on property zoned the "LC"
Light Commercial and generally located
on west 13th near St. Paul.

POSTED

4-8-82

ACTION

DATE

B2A
10-82

COMMITTEE Deferred / mo. 4-27-82

Ref. / B2A
M.A.P.C. Strike from cycle 5-25-82
less than 2 acres in area - local opinion
not negotiable

~~Sub~~
B.C.C./B. CO. C.

See B2A Case No. 21-83

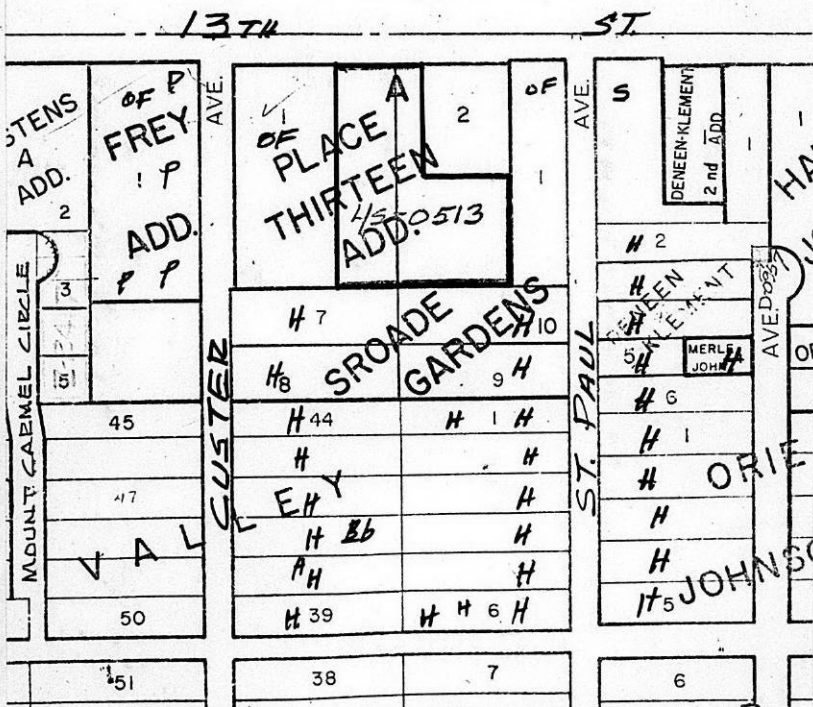
Case No. B2A 10-82 - Keith L. Anderson -
Requests an exception to permit the
establishment of residential mini-
storage on property zoned the "R1"
light commercial and generally located
on west 13th near St. Paul.

Map No. 5248
 Sec. _____
 Twp. _____
 Range _____

BZA- 10-82
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA: (1 REEG-140)
 1. Acres: 1.69 (150 ft. by 300 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East UNDEVELOPED South SINGLE FAM
 West OFFICE North _____
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: UNDEVELOPED
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



report on 10-82.

Addresses are in file.

49

owns
Lot 1 Suroade Alder
Contr. purchaser

I have placed original in
legal opinion file. Place
one of these in the
case file, and all that
BZA members, applicant
and Sherwood also are
sent copies.

who &
address?
Roger Sherwood

JMS

IMPORTANT MESSAGE

FOR Ellen

DATE 4-12 TIME 2:55 A.M.
P.M.

WHILE YOU WERE AWAY

OF _____

PHONE No. 943 3251

<input type="checkbox"/> TELEPHONED	<input checked="" type="checkbox"/> PLEASE CALL
<input type="checkbox"/> CALLED TO SEE YOU	<input type="checkbox"/> WILL CALL AGAIN
<input type="checkbox"/> WANTS TO SEE YOU	<input type="checkbox"/> RETURNED YOUR CALL

MESSAGE BZA 10-82

(Mrs.)
(Dr.) Helenwater
3909 W. 13th.
67203

SIGNED Wants to know why she didn't get notice. She is new here.

FORM 000-017

FROM LYTLE DATE 4/19

ADMINISTRATION	ADVANCE PLANS	CURRENT PLANS	GRAPHICS
<input type="checkbox"/> Lakin	<input type="checkbox"/> Stockwell	<input type="checkbox"/> Galbraith	<input type="checkbox"/> Pierce
<input type="checkbox"/> Walter	<input type="checkbox"/> Schwartz	<input type="checkbox"/> Lytle	<input type="checkbox"/> Commer
<input checked="" type="checkbox"/> Doramus	<input type="checkbox"/> Leivo	<input type="checkbox"/> Young	<input type="checkbox"/> Crook
<input type="checkbox"/> Eubanks	<input type="checkbox"/> Bechtel	<input type="checkbox"/> Chambers	<input type="checkbox"/> Garland
<input type="checkbox"/> Hanson	<input type="checkbox"/> Curfman	<input type="checkbox"/> Fleck	<input type="checkbox"/> Singhal
<input type="checkbox"/> Henderson	<input type="checkbox"/> Dudark	<input type="checkbox"/> Nagley	<input type="checkbox"/> Whitney
<input type="checkbox"/> Lakin, E.	<input type="checkbox"/> Flynn	<input type="checkbox"/> Olivarez	<input type="checkbox"/> —
<input type="checkbox"/> Nelson	<input type="checkbox"/> Hart	<input type="checkbox"/> Shirkey	
<input type="checkbox"/> Scott	<input type="checkbox"/> Losew	<input type="checkbox"/> McDonald	
<input type="checkbox"/> —	<input type="checkbox"/> Shen		
	<input type="checkbox"/> Spain		
	<input type="checkbox"/> Vinson		
	<input type="checkbox"/> —		

<input type="radio"/> Note & Return	<input type="radio"/> Signature
<input checked="" type="radio"/> Handle	<input type="radio"/> Library
<input type="radio"/> All Staff	<input type="radio"/> Information
<input type="radio"/> Comment	<input type="radio"/> Files

REMARKS Make sure Wm. Kusse and the Game Room receive copies of the suspension

78-105

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

April 7, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 10-82

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 Keith L. Anderson, 1125 South Rock Road, 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 to construct residential storage warehouses on property zoned the "IC" Light Commercial District. A legal description of the applicant's property is as follows:

The east 100 feet of Lot 1, and all of Lot 2 except the east 150 feet of the north 200 feet thereof, Block A, Place Thirteen Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 13th Street between St. Paul and Custer.

This application has been assigned Case No. BZA 10-82. It will be considered by the Board of Zoning Appeals on April 27, 1982 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
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

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Jack H. Galbraith
Secretary

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

May 17, 1982

TO Board of Zoning Appeals
FROM Glen E. Lytle, Assistant Secretary
SUBJECT Case No. BZA 10-82 - Request for Exception

Attached hereto is a copy of the legal opinion requested at the last meeting relative to the minimum two acre requirement set forth in the zoning ordinance. It would appear that an error was made in accepting this application.

Also attached is a copy of a memo from Jim Jorgensen, Chief Plans Examiner, relative to the required number of off-street parking spaces for the "game room" at 2929 West 13th Street. This matter may not be pertinent if the application is held to be in error due to the minimum lot area requirement.

Glen E. Lytle
Glen E. Lytle
Assistant Secretary

GEL:sad

Attachments

Extras

RE: AGENDA ITEM NO. 3

RECEIVED

THE CITY OF WICHITA
OFFICE OF Department of Law

DATE May 3, 1982

MAY 4 1982

METROPOLITAN PLANNING

ROUTE

to Jack H. Galbraith, Chief Planner

FROM H. R. Kuhn - Ass't City Attorney

SUBJECT Case No. BZA 10-82
Request for an exception.

Your memo of April 29, 1982 concerning the above-noted matter was handed to me for review and response. It is the opinion of the Department of Law that:

- a) the 15-foot easement on the applicant's property may be calculated in the two acre requirement in determining the applicant's total ownership of the land covered by the proposed exception; and
- b) the minimum requirement of two acres would appear to be jurisdictional as to the authority of the Board of Zoning Appeals in granting the proposed exception. K.S.A. 12-715 makes it quite clear that the authority of the BZA in granting exceptions is limited and only under the terms of the zoning ordinance.

If challenged in court, it is our opinion that since the two acre requirement of the zoning ordinance was not satisfied, the authority of the BZA to consider and grant the exception would be held to be lacking.

Respectfully,



H. R. Kuhn, Ass't City Attorney

HRK/mb

VICHITA-SEDGWICK COUNTY

DATE

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Glen E. Lytle
Assistant Secretary

GEL:sad

Attachments

May 14, 1982

Wilbur F. Kruse, Architect
1337 North Meridian
Wichita, Kansas 67203

Re: Case No. BZA 10-82

Dear Mr. Kruse:

I am in receipt of your letter of May 10, 1982, regarding the parking requirement for the "game room" at 2929 West 13th Street. I am also in receipt on this same date, a memo from Jim Jorgensen regarding the parking requirements for said building. I am enclosing a copy for your information. It appears there is a discrepancy in the determination between you and Central Inspection.

If for any reason you feel that their determination is in error, I believe this should be resolved with them. Our only concern is that the required off-street parking for 2929 West 13th be retained in compliance with the building and occupancy permit.

Should you desire to vacate the joint access easement, it would appear that if both parties are in agreement, that portion of the joint access easement lying south of a line 45 feet south of the north property line should still provide reasonable access to both tracts of land approved by Lot Splits No. 0459 and 0513. When such a covenant is recorded it would then permit the area for off-street parking as shown by your latest plan.

If I can be of any assistance, please give me a call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:GEL:el

Enclosure
cc: Jim Jorgensen, Chief Plans Examiner

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE May 7, 1982

TO Jack Galbraith, Current Planning

FROM Jim Jorgensen, Plans Examining

SUBJECT BZA 10-82

The required number of off-street parking spaces for the "Game Room" is 60. This is based on a maximum capacity of 300 persons. The existing parking plan does not show a sufficient number of spaces unless some of the added spaces shown on the preliminary site plan are used to satisfy requirements for the "Game Room".

Some additional spaces may be gained by the closing of the existing approach at the north east corner of the property. It should be noted that when this approach is closed, a city approved flume should be installed in that area to direct roof drainage from the east side of the project under the sidewalk to the street.

James H. Jorgensen

Jim H. Jorgensen
Chief Plans Examiner

JHJ:bg

RECEIVED

MAY 10 1982

METROPOLITAN PLANNING
ROUTE _____

KANSAS
5 1 3
LICENSE

WILBUR F. KRUSE ARCHITECT
AND PLANNING CONSULTANT
1 3 3 7 N. MERIDIAN 9 4 2 - 0 9 8 1
W I C H I T A , K A N S A S 6 7 2 0 3

May 10, 1982

Secretary, Wichita - Sedgwick County
Metropolitan Area Planning Department
City Hall, 10th Floor
455 North Main
Wichita, Kansas 67202

Re: Case No. B2A 10-82
South Side 13th St. Between Custer and St. Paul
Parking Considerations

Gentlemen:

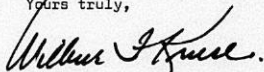
The attached parking diagram indicates the number of parking spaces that would be available to 2929 West 13th had the center easement been vacated as stipulated under the sales agreement with the applicant.

As architects on 2929 West 13th, we recall fifty-seven space requirements and not fifty-nine spaces based on occupancy and equipment layout as subsequently set by the Fire Department. It should now be correct at fifty-seven based on the considerable more equipment used.

It appears to this firm, as architects on 2929 West 13th, that our responsibility of compliance with city off-street parking ordinance was met during construction of 2929 West 13th and any possible stated infringement of that responsibility would not be correct.

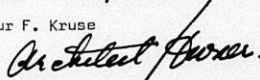
It also appears to this firm, that as sellers of the land in B2A application we would not infringe on 2929 parking if center drive vacation had been effected as proposed by the B2A applicant.

Yours truly,



WFK/ms

Wilbur F. Kruse



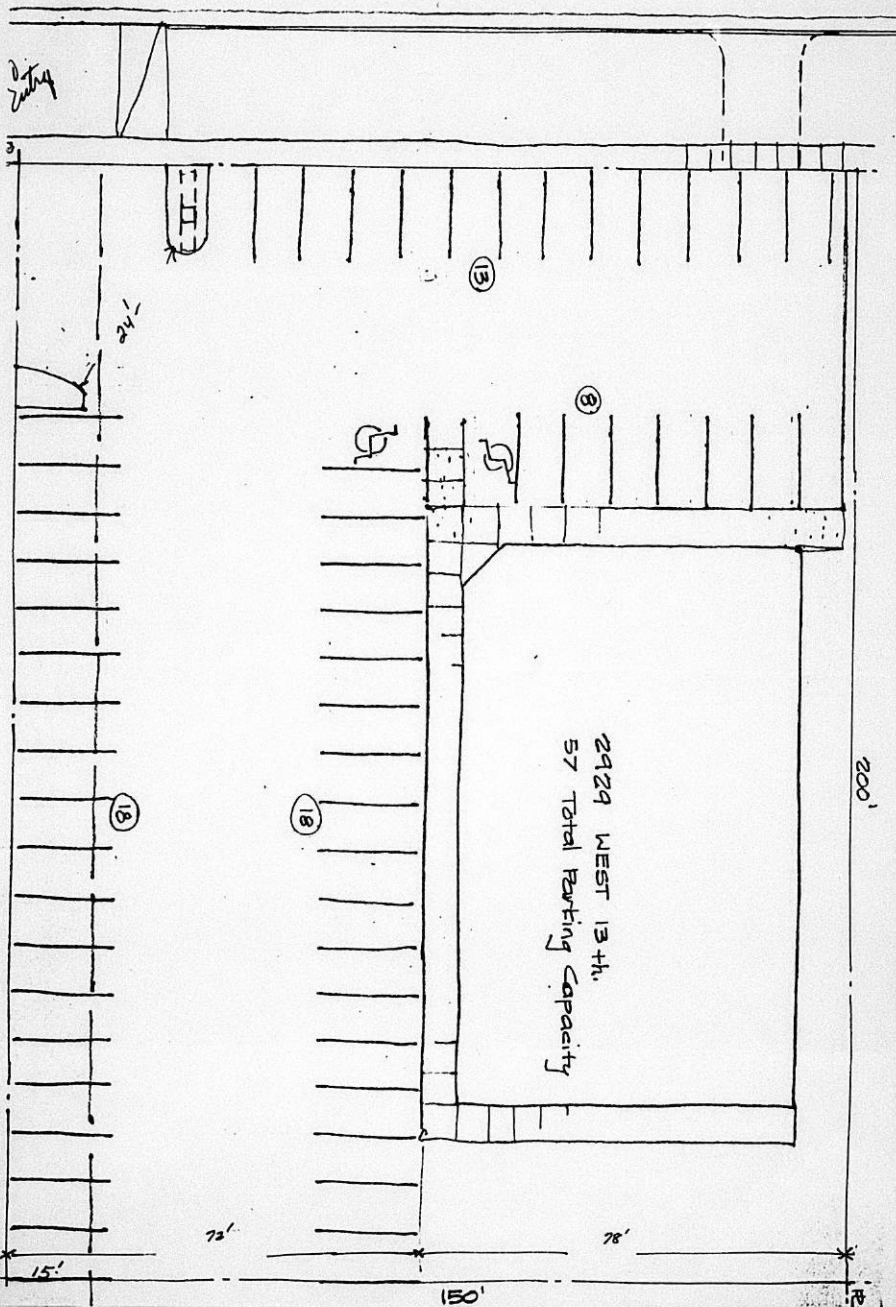
RECEIVED

MAY 13 1982

METROPOLITAN PLANNING

ROUTE 25

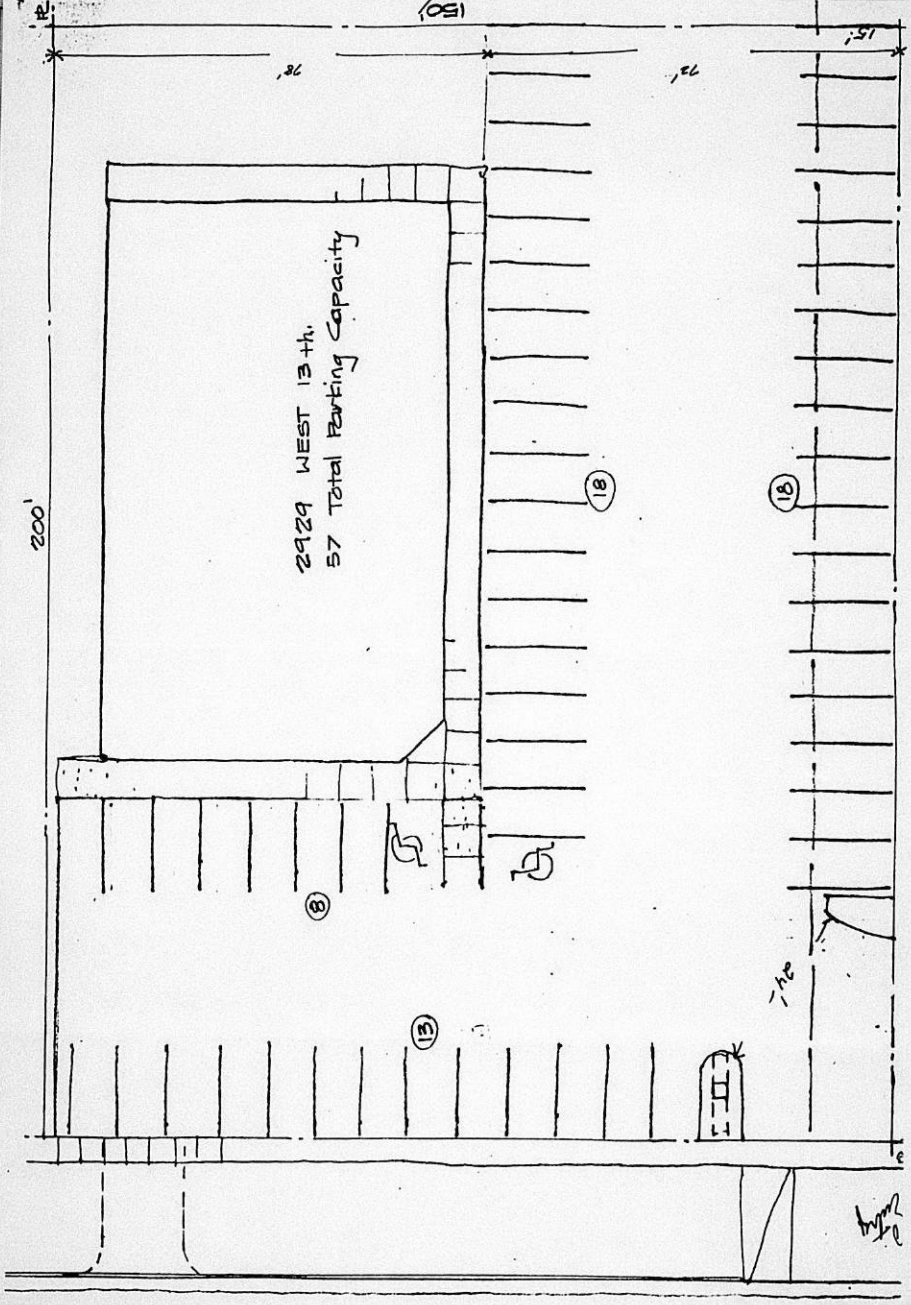
13th Street



2929 WEST 13th.
57 Total Parking Capacity

William H. Hume Architect

William & Anne Architects



13th Street

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE May 7, 1982

TO Jack Galbraith, Current Planning

FROM Jim Jorgensen, Plans Examining

SUBJECT BZA 10-82

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James H. Jorgensen

Jim H. Jorgensen
Chief Plans Examiner

JHJ:bg

RECEIVED

MAY 10 1982

METROPOLITAN PLANNING
ROUTE _____

May 5, 1982

Mr. Phillips S. Frick
Foulston, Seifkin, Powers and Eberhardt
700 Fourth Financial Center
Broadway at Douglas
Wichita, Kansas 67202

Re: BZA 10-82

Dear Mr. Frick:

I am attaching a copy of the legal opinion received from the Law Department relative to the two acre minimum requirement. I have not yet received any answer from Central Inspection relative to the off-street parking on the adjacent property to the east.

In light of the opinion received, I would believe the Board would not consider the application valid. Should your client acquire additional property to constitute the area requirement, it will be necessary to readvertise for the public hearing. The next closing date would be May 24th for the June 22, 1982 meeting.

When I receive any correspondence from Central Inspection on the off-street parking, I will advise you of the same.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL:sad

Encl.

THE CITY OF WICHITA
OFFICE OF Department of Law

DATE May 3, 1982

RECEIVED

MAY 4 1982

METROPOLITAN PLANNING

ROUTE

TO Jack H. Galbraith, Chief Planner

FROM H. R. Kuhn - Ass't City Attorney

SUBJECT Case No. BZA 10-82
Request for an exception.

Your memo of April 29, 1982 concerning the above-noted matter was handed to me for review and response. It is the opinion of the Department of Law that:

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If challenged in court, it is our opinion that since the two acre requirement of the zoning ordinance was not satisfied, the authority of the BZA to consider and grant the exception would be held to be lacking.

Respectfully,


H. R. Kuhn, Ass't City Attorney

HRK/mb

FOULSTON, SIEFKIN, POWERS & EBERHARDT

LAW OFFICES
700 FOURTH FINANCIAL CENTER
BROADWAY AT DOUGLAS
WICHITA, KANSAS 67202
(316) 267-6371

GEORGE B. POWERS*
JOHN F. EBERHARDT
ROBERT C. FOULSTON
MALCOLM MILLER
ROBERT H. PARTRIDGE
ROBERT H. SIEFKIN
RICHARD C. HARRIS
GERALD SAWATSKY
ROBERT L. HOWARD
CHARLES J. WOODIN
MIKEL L. STOUT
BENJAMIN C. LANDEL
JERRY G. ELLIOTT
WILLIAM H. OYE

PHILIP S. FRICK
STANLEY G. ANDEEL
FREDERICK L. HAAG
RICHARD D. EWY
DARRELL L. WARTA
WILLIAM R. SAMPSON
HARVEY R. BORNHUSEN
CHRISTOPHER P. CHRISTIAN
MICHAEL KIM MOORE
JAMES W. ARMSTRONG
MARY KATHLEEN BABCOCK
CHARLES P. EFFLANDT
JAMES D. OLIVER

GARY L. AYERS
MARK G. AYESH
E. EUGENE CLARK
LINDA K. CONSTABLE
NICHOLAS B. DAILY
GLORIA G. FLENTJE
JAY F. FOWLER
STEPHEN M. KERWICK
GARY E. KNIGHT
RICHARD G. MORRIS
JOHN J. MURPHY
LARRY G. HAPP
R. DOUGLAS REAGAN
M. KAY ROYSE
NOLA TEDESCO

*COUNSEL

ROBERT C. FOULSTON (1889-1947) GEORGE SIEFKIN (1892-1934)

May 3, 1982

RECEIVED

MAY 4 1982

METROPOLITAN PLANNING

ROUTE _____

Mr. Glenn Lytle
Metropolitan Area Planning Commission
City Hall, Tenth Floor
455 North Main
Wichita, Kansas 67202

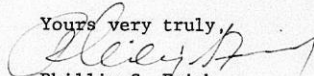
RE: BZA 10-82

Dear Glenn:

In connection with the BZA case wherein Anderson Investment Company is requesting an exception for the mini warehouses, you were going to request an opinion from the legal staff regarding the square footage requirement and whether or not it could be rounded off. In addition, you were going to check with Central Inspection as to whether or not the parking available on the adjacent lot met city minimums.

I would appreciate your furnishing me with copies of the replies prior to our next hearing date of May 25th. I would hope that you could ask for opinions to be delivered to you by the 18th of May so that we would all have time to examine them and decide where we go next. I would appreciate your keeping me advised. Thanks for your help.

Yours very truly,



Phillip S. Frick
of FOULSTON, SIEFKIN, POWERS & EBERHARDT

PSF/ms
cc: Keith Anderson

THE CITY OF WICHITA
OFFICE OF Department of Law

DATE May 3, 1982

RECEIVED

MAY 4 1982

METROPOLITAN PLANNING

ROUTE

to Jack H. Galbraith, Chief Planner
FROM H. R. Kuhn - Ass't City Attorney

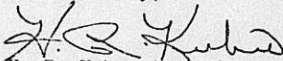
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Respectfully,



H. R. Kuhn, Ass't City Attorney

HRK/mb

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

April 30, 1982

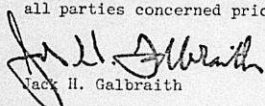
TO Robert Feldner, Superintendent of Central Inspection
FROM Jack H. Galbraith, Secretary, Board of Zoning Appeals
SUBJECT Case No. BZA 10-82 - Request for Exception

This case filed by Keith Anderson for residential storage warehouses, in the "LC" District, was deferred one month to the May 25, 1982 meeting for additional information. One condition was to secure from Central Inspection a determination of the required number of off-street parking spaces for the "Family Game Room" at 2919 West 13th Street, and whether the issuance of a permit on the adjacent property as shown by the attached applicant's site plan will interfere with any of the required off-street parking spaces.

This office has seen an off-street parking layout, approved by Central Inspection, that included a portion of the land of the adjacent property to the west. If this includes any of the required parking for 2919 West 13th, the Board would like to know. When Glen Lytle first discussed this with Joe Inquez, he was informed that the required number of spaces included those installed south of the building. With the construction of a building on the property line immediately south of the game room, it appears that none of the spaces south of the building will comply with the off-street parking standards.

We have been advised that when the permit was first issued, it was for a commercial building and the parking was required on a basis of 1 space per 250 square feet of floor area. We then were told that the off-street parking was recalculated based on an assembly building and the parking was calculated on that occupancy and the number was increased. Please advise me of the requirements for the building at 2919 West 13th based on the present occupancy and the number of spaces that are required to be maintained in accordance with Section 28.04.140.3.

Would appreciate this information by May 14, 1982 so that we may advise all parties concerned prior to the meeting.


Jack H. Galbraith

JHG:GEL:sad

Attachment

APRIL 27, 1982

Board of Zoning Appeals

Dear Sirs:

I am the owner of the property adjacent to the south of the land concerned with the BZA 10-82 Request

I do not desire to have heavy commercial buildings near my property such as storage units I feel it will decrease my property value and may well encourage further requests

I hope the ~~an~~ Honorable Board of Zoning Appeals ~~to~~ deny the exception request for BZA-10-82

Respectfully
M. M. Hammke Jr.
M. M. Hammke Jr.

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE April 22, 1982



TO Glen Lytle, Special Assistant for Zoning

FROM Robert Tillman, Administrative Aide III

SUBJECT BZA 10-82 (Generally Located
on the South Side of 13th
Street Between St. Paul and
Custer

On Wednesday, April 21st, CPO Neighborhood Council "N" considered the captioned case and voted 6-3 to recommend approval of the request for an exception to permit the construction of residential storage warehouses on property zoned the "LC", Light Commercial District, subject to the BZA Secretary's recommendations.

The applicant informed me, in a letter, that he would be out of town at the time of the CPO meeting and unable to attend. There were no area residents present to speak in support or opposition to the request for an exception.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at its April 27th meeting.

Robert Tillman
Administrative Aide III

Noted:

Sarah Gilbert
CP Coordinator

KANSAS CLAIMS, INC.

POST OFFICE BOX 794
WICHITA, KANSAS 67201
316-942-8241

April 27, 1982

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

Re: Board of Zoning Appeals
Case No. 10-82

Dear Sirs:

I am the owner of the property adjacent west of the land concerned with the BZA 10-82 request. (I purchased my property from Grace Y. Olmstead and the deed executed to me is being held in escrow.) The legal description of my property is as follows:

The North 200 feet of the East 100 feet of the West 195 feet of Lot 1, Block A, Place Thirteen Addition to Wichita, Sedgwick County, Kansas.

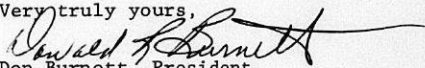
Notice of the hearing for BZA 10-82 was never received by me nor forwarded to me by Grace Y. Olmstead.

I do not wish to see Heavy Commercial development such as storage units next door to my office and property. Variances to the existing Light Commercial zoning to permit heavier commercial use will decrease area property values and tend to encourage further exception requests.

I sincerely hope the BZA 10-82 exception request be denied.

Thank you.

Very truly yours,


Don Burnett, President
KANSAS CLAIMS, INC

**HOUSE of Insurance**

2969 WEST 13th ST WICHITA, KANSAS 67203

April 26, 1982

Board of Zoning Appeals
Tenth Floor - City Hall
455 North Main
Wichita, KS 67202

Re: Board of Zoning Appeals
Case No. BZA 10-82

Dear Sirs:

We are the owners of the property located at 2969 West 13th Street, legally described as, The North 270' of the West 100' and the South 90' of the North 290' of the East 100' of the West 200' of Lot 1 except the North 10' and the West 5' for streets, Block A, Place 13 Addition to Wichita, Sedgwick County, Kansas.

We have read the above Case requesting a change in the zoning from Light Commercial to "C" zoning and feel this would not be compatible with the rest of the neighborhood or businesses on 13th Street. It is for this reason we urge you to deny the request for the exception requested by BZA 10-82.

Thank you very much for your consideration of our request.

Sincerely yours,

HOUSE OF INSURANCE, INC.



Leon S. Talbott, President

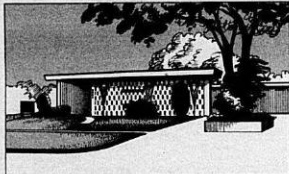


Fred L. Griner, Vice-President



Ellen F. Nellis, Secretary/Treasurer

C.RAY TYLER AGENCY CALVIN INSURANCE AGENCY



GILLENWATER CHIROPRACTIC CENTER

E. M. GILLENWATER, JR., D.C., P.A.

(316) 943-3251 / 2909 West 13th Street / Wichita, Kansas 67203

April 26, 1982

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

Re: Board of Zoning Appeals
Case No. 10-82

Dear Sirs:

We are the owners of the doctors' office building and property at 2909 West 13th Street, the south 190 feet of which is adjacent to the property concerned in BZA 10-82. (We purchased this property from Betty M. Blanchat in 1971 and the deed is in escrow.) The real estate taxes for this property are addressed to Dr. E. M. Gillenwater and Betty M. Blanchat and sent to 2909 West 13th Street. However, neither Mrs. Blanchat nor ourselves received any notice from the City of Wichita of the upcoming BZA 10-82 hearing.

We understand that the storage units planned for this site require "C" zoning but the present zoning is Light Commercial. If BZA 10-82 is approved, the "C" zoning use would be the only such type on West 13th Street from Broadway west to the city limits.

We urge you to deny the request for the exception request by BZA 10-82..

The planned storage units will not be compatible with the other West 13th Street offices, light commercial and especially the residential adjacent to the south and west.

We appreciate your consideration of our request.

Very truly yours,

Dr. E. M. Gillenwater, Jr., D.C., P.A.

EMG/ma

STAN CHILTON



THE CHILTON COMPANY

316-265-7153
316-262-3538

300 SOUTH MAIN
WICHITA, KANSAS 67202

RECEIVED

APR 26 1982

METROPOLITAN PLANNING
ROUTE



THE CHILTON COMPANY

April 26, 1982

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

Re: Board of Zoning Appeals Case
No. 10-82 and Secretary's
report on Case BZA 10-82

Dear Sirs:

I am the sole stockholder of The Game Room, Inc. which owns:

The East 150 feet of the North 200 Feet of Lot 2, Block A,
in Place Thirteen Addition, an Addition to Wichita, Sedgwick
County, Kansas, (Lot size 150' x 200'),

also known as 2919 West 13th Street.

This building site is bordered on two sides by the property
involved in the BZA 10-82 variance request.

I strongly oppose any use other than light commercial for the
tract represented in Case BZA 10-82. Storage warehouses are inappro-
priate for this area of private residences on the south, small office
buildings and residential on the west and offices and light commer-
cial on the east.

There is no heavy commercial zoning nor exceptions along West
13th Street for several miles in either direction.

Storage warehouses on this tract of land would have a detrimental
effect on surrounding property values and uses.

Thank you for allowing me the opportunity to express my viewpoint.

Very truly yours,

Stan Chilton

SC:lc

April 29, 1982

John Dekker, Director of Law

Jack H. Galbraith, Chief Planner

Case No. BZA 10-82
Request for an exception.

At the regular meeting of the Board of Zoning Appeals on April 27, 1982, the Board deferred case BZA 10-82 until May 25, 1982, and asked that a legal opinion be obtained on whether or not the application area complied with the lot area requirement.

This application is for an exception to permit the construction of residential storage warehouses in the 'LC' Light Commercial District. As required by Section 28.04.183.5.3, the property must be a minimum of two acres. The applicant submitted a plan that includes 87,000 square feet which is 1.99724 acres. It was my determination that this met the criteria of two acres and we accepted the application.

At the meeting of April 27, 1982, legal counsel for one of the opposing property owners stated that the Board should not act on a case that did not meet the minimum requirement of two acres as this site was short 120 square feet. The Board deferred the case and requested that I seek your opinion.

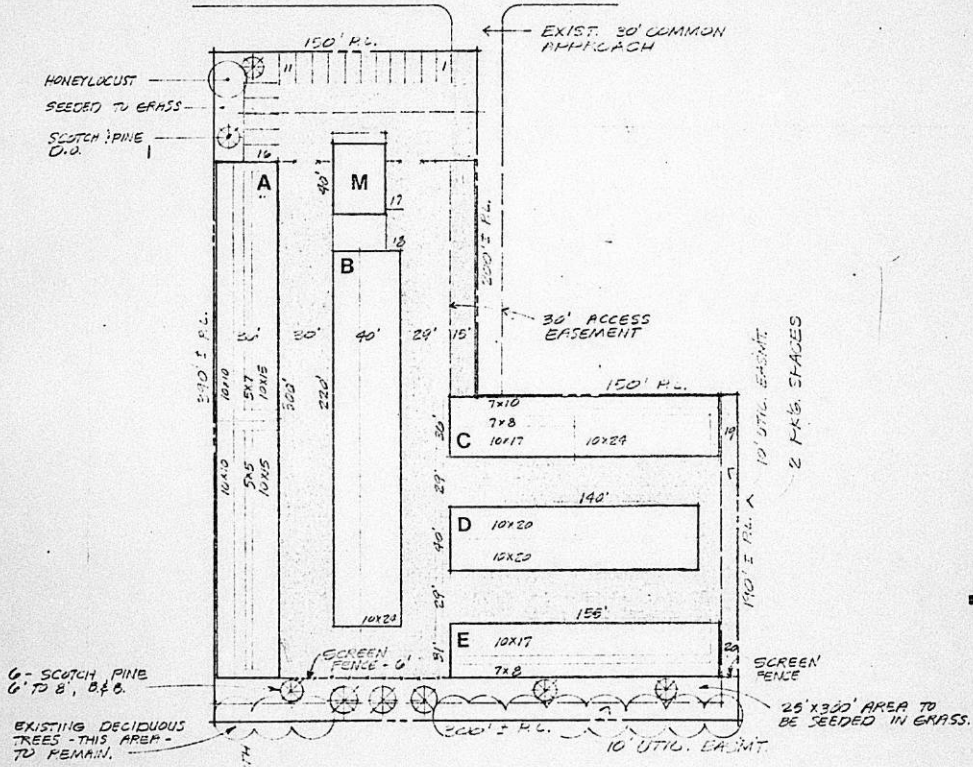
The second issue raised was whether the applicant could include the area of his ownership that is labeled a joint access easement. A copy of the site plan is attached for your information. Please note the 15-foot access easement on the east side of subject property is matched by a 15-foot access easement on the property to the east. This 30-foot access easement is for the joint useage of both properties. The question raised was, could the 15-feet on the applicant's property be calculated in the two acre requirement, since it could be used by an adjacent property owner. My thoughts again were that it is part of the applicant's property and certainly should be included in the calculations of his total ownership.

We need your opinion on these two issues by May 17, 1982 so that the information is available for the next meeting of the Board. If you have any questions on this request, please contact either me or Glen Lytle.

Jack H. Galbraith
Chief Planner

JHG:GEL:el
Attachment
cc: Robert A. Lakin, Director of Planning

← THIRTEENTH ST.



PRELIMINARY SITE PLAN
 1" = 50 FEET
 TOTAL PARKING = 20 SPACES

RODGER A. BROOKS
 ARCHITECT P.A.
 100 N. PULASKI AVENUE, CHICAGO, ILL. 60642

Revision:
 ▲
 ▲
 ▲
 ▲
 ▲

Issue date:
 11/3/21

Sheet
 1
 of 1

81-551

SECRETARY'S REPORT
CASE NO. BZA 10-82

APPLICANT: Keith L. Anderson, 1125 South Rock Road,
Wichita, Kansas.

AGENT: None

REQUEST: Exception pursuant to Section 28.04.183.5
Code of the City of Wichita to permit the
construction of Residential Storage Ware
houses in the "LC" Light Commercial District.

GENERAL LOCATION: On the south side of 13th Street between
Custer and St. Paul.

ZONING: Subject property is zoned the "LC" Light
Commercial District as are the properties
to the west, north and east. To the south
is "AA" Onefamily Dwelling District.

LAND USE: Subject property is vacant. Property to the
east is developed as offices. To the west
are residential and commercial uses. To the
south are residential properties. To the
north commercial development.

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 in order to construct Residential Storage Warehouses in the "LC" Light Commercial District. The property is 2 acres in size which meets the minimum requirement set forth in the zoning ordinance. The property is adjacent to residential zoning on the south, therefore the design of the facility must be compatible to the residential development and approved by the Superintendent of Central Inspection. The 25 foot setback adjacent to the residential district shall be maintained as a landscaped yard.

The applicant is a contract purchaser of the property which has been developed as an electronic game room. The adjacent property owner has surfaced a portion of the application area for off-street parking purposes on a lease arrangement. Also there is a 30-foot access easement which is centered on the east property line of the application area. It would appear that if the applicant provided a security fence at this location this would also interfere with the off-street parking for the adjoining use. It is the Secretary's opinion that prior to the release of any resolution authorizing any construction, a site plan showing all of the required off-street parking for the adjoining property be approved by Central Inspection. This should be coordinated with the site plan for this application area. This would also include the elimination of the driveway approach that is in violation of the lot split approval.

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, and in addition shall not interfere with the required off-street parking for the adjoining property as approved by the Superintendent of Central Inspection. This shall be submitted within 90 days, or the case will be considered null and void and the case closed.
2. A 25-foot landscaped yard shall be provided along the south property line that is adjacent to the "AA" Single-family Dwelling District.
3. A six to eight foot screening fence, constructed to prevent the passage of light and debris shall be erected along the south of the property at the required 25 foot setback line wherever the buildings do not provide the screening. Said fence shall be constructed of either brick, stone, architectural tile, masonry, wood or other similar material (not including woven wire).
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 the access easement.
5. Any side of the buildings providing access to storage areas shall maintain a 35-foot setback from the property line.
6. Off-street parking shall be provided on the basis of one space for each 2,000 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 feet 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 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 property. That access being from the common driveway to 13th 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.

BZA CASE NO. 10-82

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

18 NOTICES SENT TO ADJOINING PROPERTY OWNERS

30 TOTAL NOTICES SENT 4-7-82

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

April 7, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 10-82

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 Keith L. Anderson, 1125 South Rock Road, 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 to construct residential storage warehouses on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

The east 100 feet of Lot 1, and all of Lot 2 except the east 150 feet of the north 200 feet thereof, Block A, Place Thirteen Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 13th Street between St. Paul and Custer.

This application has been assigned Case No. BZA 10-82. It will be considered by the Board of Zoning Appeals on April 27, 1982 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. 10-82

CITY OF WICHITA, KANSAS

FILED 3-29-82

APPLICATION FOR EXCEPTION

I. Name of Applicant KEITH L ANDERSON
 Mailing Address 1125 S ROCK RD ⁶⁷²⁰⁷ Phone 681-1711
 Name of Authorized Agent NA
 Mailing Address NA Phone NA

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 RESIDENTIAL MIN-STAMBE ^{Co. Study purchase 2-3-30-82}

located on property zoned L.C., located WEST 13th NEAR ST PAUL

and legally described as:
THE EAST 100' OF LOT 1 AND ALL OF LOT 2, EXCEPT THE EAST 150' OF THE NORTH 200' TRACT OF, BLOCK A, SPACE THIRTEEN ADDITION, 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. 24-606); 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 Keith L Anderson

Authorized Agent _____

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 9:00 (a.m. - ~~p.m.~~), March 29, 19 82, together with appropriate fee of ~~450.00~~ 250.00

Signed [Signature]



ANDERSON INVESTMENT CO.
1125 SOUTH ROCK ROAD
WICHITA, KANSAS 67207
(316) 681-1711

March 25, 1982

City of Wichita
BOARD OF ZONING APPEALS
355 North Main
Wichita, Kansas 67202

RE: Application for Exception

We are applying for residential mini storage on property which is zoned light commercial under Provision 28-04183, Sec. 5.0-5.19.

Our reasons for requesting this exception:

- (1) The residential mini storage service is needed in this particular neighborhood as it is densely populated with apartments and multi-family housing.
- (2) The nearest similar facility is nearly three miles away.
- (3) We are experienced in operating a residential mini storage and have proven that our operation will enhance the values and improve appearance in the area.

Sincerely,

Keith L. Anderson
ANDERSON INVESTMENT COMPANY

KLA/bgs

10-82

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be the true and correct property owners as shown by the last deed of record in the Office of the Register of Deeds, Sedgwick County, Kansas.

The east 100 feet of Lot 1, all of Lot 2, except the east 150 feet of the north 200 feet thereof, Block A, Place Thirteen Addition to Wichita, Sedgwick County, Kansas.

together with all real estate lying within a 200 foot radius thereof.

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>Place Thirteen Addition</u> <u>Block A</u> East 100 feet of Lot 1, Lot 2, except the east 150 feet of the North 200 feet	Wilbur F. Kruse & ✓ Mary T. Kruse 1641 Womer Wichita, Kansas 67203
The North 260 feet of the West 95 feet and the North 90 feet of the South 200 feet of the East 100 feet of the West 195 feet of Lot 1	✓ Max A. Calvin and ✓ Leon S. Talbott 2969 W. 13th Wichita, Kansas 67203
The South 130 feet of the West 95 feet and the East 100 feet of the West 195 feet of the South 110 feet of Lot 1	Walter L. Lesline & Maxine Lesline Robert J. Herndon ✓ Lanell Herndon 1316 N. Custer Wichita, Kansas 67203
North 200 feet of the East 100 feet of the West 195 feet of Lot 1	Grace Y. Olmstead ✓ 733 Litchfield Wichita, Kansas 67203 <i>Returned</i>
East 150 feet of North 200 feet of Lot 2	✓ The Game Room, Inc. 300 S. Main Wichita, Kansas 67202
<u>Sroade Gardens</u> <u>Lots</u> 7	Enid S. Garren & ✓ Jack L. Garren 1310 N. Custer Wichita, Kansas 67203
8	Edward R. Toles & ✓ Donna V. Toles 1300 N. Custer Wichita, Kansas 67203
Lot 9, except the south 10.61 feet	Donald F. Humfeld & ✓ Asela M. Humfeld 1301 N. St. Paul Wichita, Kansas 67203
The South 10.61 feet of Lot 9	James F. Grantham & ✓ Delores Irene Grantham 1225 N. St. Paul Wichita, Kansas 67203
Lot 10	Susie Marie Hammer ✓ 1305 N. St. Paul Wichita, Kansas 67203

DESCRIPTION

OWNERS AND ADDRESSES

Sroade Gardens cont'd
Lot 1

✓ Dr. K.E. Blanchat &
Betty M. Blanchat
1816 W. 13th
Wichita, Kansas 67203

Valley Acres

Lots
44

✓ Mary A. Thacker
1220 N. Custer
Wichita, Kansas 67203

1

✓ James F. Grantham &
Delores Irene Grantham
1225 N. St. Paul
Wichita, Kansas 67203

Beedee's Replat

Lots
1

✓ Matthew Investment, Inc.
3108 W. 13th St.
Wichita, Kansas 67203

2 & 3

✓ Richard R. Ayesh &
Mildred M. Ayesh
2628 Benjamin
Wichita, Kansas 67204

4

✓ Beedee Clay Co., a
general partnership
c/o Phillip F. Farha
Box 18146
Wichita, Kansas 67218

Farha Addition

Block 1

The north 125 feet of Lot 5

Returned 4-12-82
Kansas Counselors, Inc.
✓ c/o Charles Bartlett
~~1622 E. Central~~ 1421 N. St. Paul
Wichita, Kansas 67214 67203

Lot 5, except the North 125 feet thereof

Returned 4-12-82
✓ The Universal Motor Fuel, Inc.
~~520 S. Main~~ 2824 Ohio
Wichita, Kansas 67202
67219

Dated this 11th day of March, 1982, at 7:00 A.M.

REALTY TITLE CO., INC.

By Judy Kowalski
Judy Kowalski, Abstracter

WICHITA - SEDGWICK COUNTY

W.S.C.

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

MOVED LEFT
NO ADDRESS
RETURN TO SENDER



KAN 22 070804N1 04/08/82

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD



10-82

Kansas Counselors, Inc.

% Charles Bartlett
~~1622 East Central~~ 1421 N. St. Paul
Wichita, Kansas 67214

MOVED
NO AD
RETURN

WICHITA - SEDGWICK COUNTY

W.S.C.

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

ATTEMPTED
NOT KNOWN
RETURN TO SENDER

RECEIVED

APR 14 1982

METROPOLITAN PLANNING ROUTE
Y. Olmstead
733 Litchfield
Wichita, Kansas 67203



DLM 33 081022N1 04/10/82

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD



NOT AT THIS ADDRESS 3062

ATTEMPTED
NOT KNOWN
RETURN TO SENDER

WICHITA - SEDGWICK COUNTY

W.S.C.

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

NO NUMBER
RETURN TO SENDER



10-82

The Universal Motor Fuel, Inc.
~~520 South Main~~
Wichita, Kansas 67202

2824 Ohio Ave.
67219



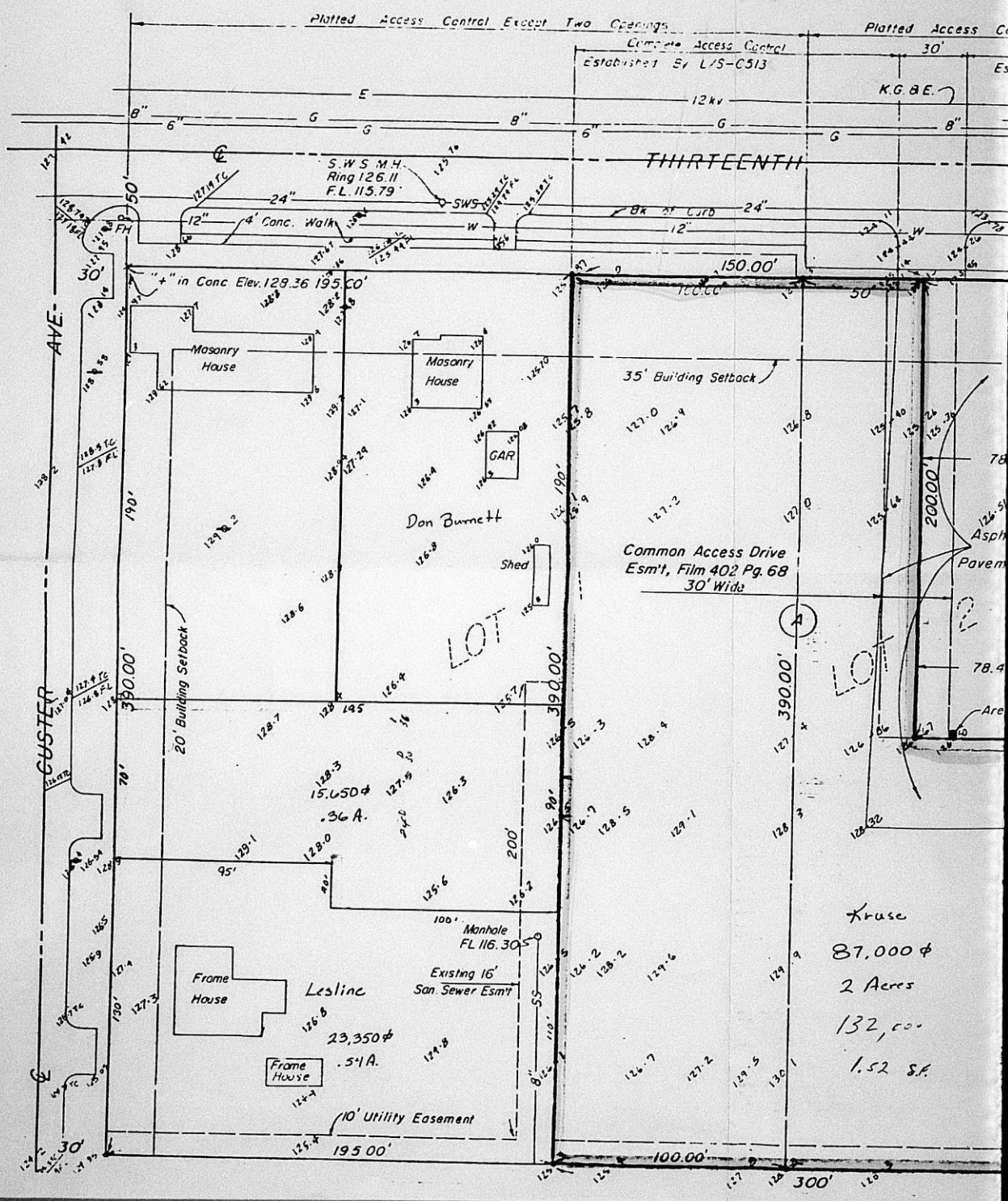
217 hg

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
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	



Platted Access Control Except Two Openings

Complete Access Control
Established By L/S-0513

Platted Access Co

THIRTEENTH

GUSTER AVE.

LOT

LOT

Kruse
87,000 ±
2 Acres
132,000
1.52 SF

Masonry House

Masonry House

GAR

Don Burnett

Shed

Frame House

Lesline

Frame House

100' Manhole
FL 116.30

Existing 16'
San Sewer Esm't

23,350 ±
.54 A.

10' Utility Easement

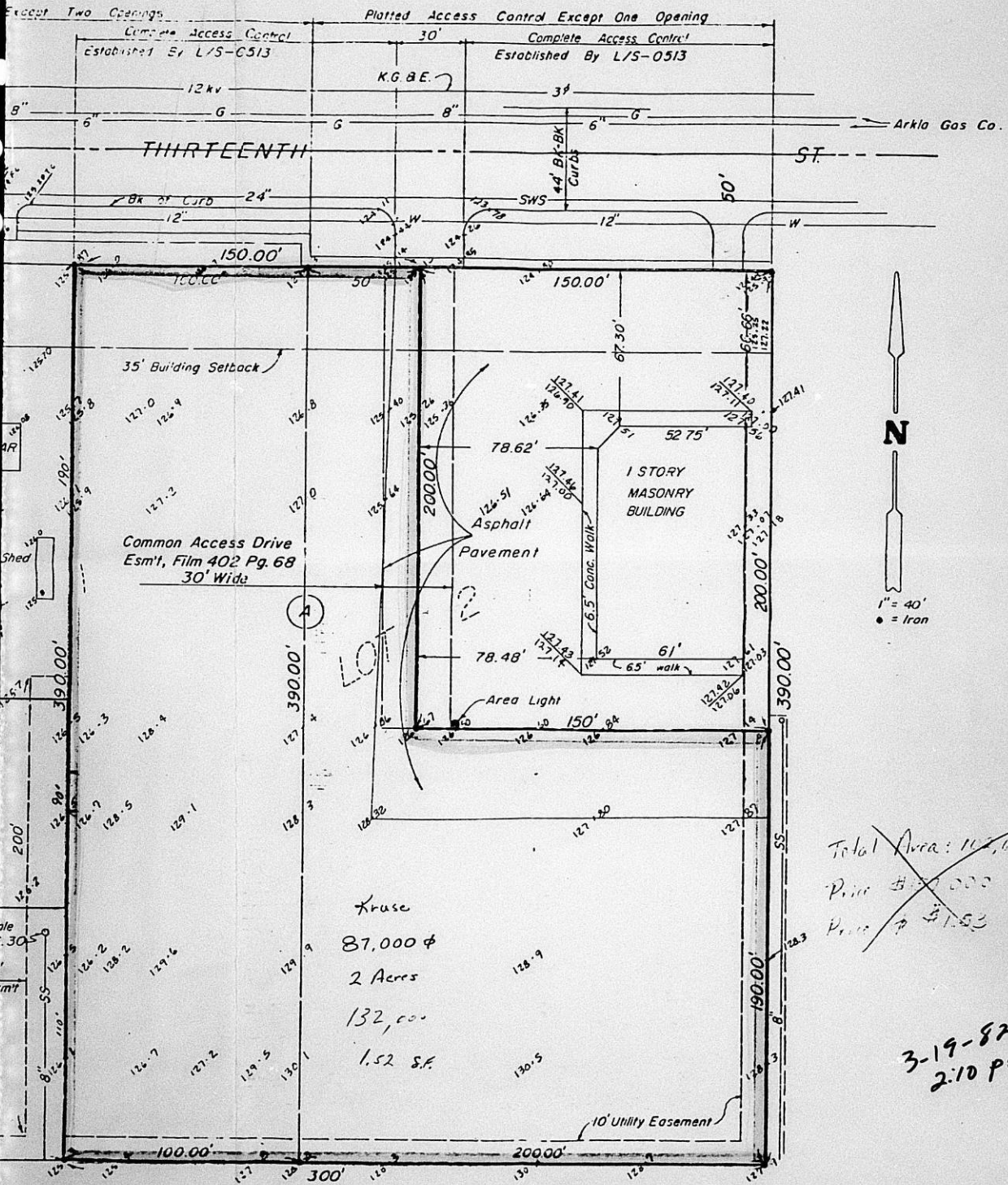
35' Building Setback

20' Building Setback

Common Access Drive
Esm't, Film 402 Pg. 68
30' Wide

Asph
Pavem

Are



1" = 40'
● = Iron

Kruse
87,000 φ
2 Acres
132,000
1.52 s.f.

~~Total Area: 102,650~~
~~Price \$100,000~~
~~Price \$1.52~~

3-19-82
2:10 pm.

TH
15
Ac

W. ST.

*

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

Roll # 2