

BZA 13-72 - Richard J. Bogue, et al
req. Exception to permit off-st.
parking lot on N side of Oakland
in area between Rutan and Clifton

POSTED
5-4-72
MAP
C.I.V.
8-24-72

Richard J. Bogue

Bza 5-23-72 Defer

BZA 6-22-72 Appraise

BZA 10-23-73

EXTENDED TIME 6 months
(April 23, 1974)

RESOLUTION NO. BZA 13-72

WHEREAS, Richard J. Bogue, et al, 537 Hidden Valley, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of an off-street parking area on property zoned "A" Two Family and "BB" Office District and legally described as follows:

Lots 16 and 17, on Oakland Avenue, in Douglas Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Oakland in an area between Rutan and Clifton.

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 June 27, 1972, 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 installation or construction of an off-street parking lot on property zoned "A" Two Family and the "BB" Office 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 installation or construction of an off-street parking lot on property zoned "A" Two Family and the "BB" Office District, and legally described as follows:

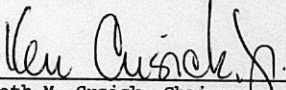
Lots 16 and 17, on Oakland Avenue, in Douglas Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Oakland in an area between Rutan and Clifton.

subject to the following conditions:

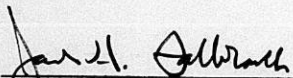
1. There shall be no vehicular access to Oakland Avenue; all access shall be oriented toward Douglas.
2. Prior to the Resolution being forwarded to the applicant, the applicant shall make satisfactory arrangements with the Department of Public Works to close the existing driveway to Oakland and the Secretary shall be provided a copy of the satisfactory agreement.
3. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
5. In no case shall a fee be charged for parking facilities provided hereunder.

6. The off-street parking lot and all circulation driveways to the parking lot shall be paved with concrete, asphaltic concrete or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and debris.
7. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
8. If lighting facilities are provided, they shall be so arranged as to reflect to direct light away from adjacent properties.
9. A five to eight foot high solid fence of masonry, architectural tile, louvered redwood or rough sawed cedar shall be erected along the east and west property lines to the front 25 foot setback line, and a three foot high solid fence shall be erected on the front setback line adjacent to Oakland Avenue. The required front yard setback on Oakland shall remain unpaved and shall be landscaped with trees, shrubs and grass and shall be maintained compatible with the residential area.
10. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.
11. The applicant shall submit drainage plans to the Department of Public Works for approval prior to the surfacing of the lot for parking purposes.

ADOPTED AT WICHITA, KANSAS, this 27th day of June, 1972.


Kenneth M. Cusick, Chairman

ATTEST:


Jack H. Galbraith, Secretary

WHEREAS, the Superintendent of Central Inspection, City of Wichita, Kansas, due to the failure of the applicants to commence using the area within twelve months after the issuance of the permit, as provided in Section 28.04.145(5), Code of the City of Wichita, recommends the Board of Zoning Appeals consider revoking the exception granted to Richard J. Bogue, et.al., on June 27, 1972, to permit the installation or construction of an off-street parking lot on property zoned the "A" Two Family Dwelling District and the "BB" Office District and legally described as follows:

Lots 16 and 17, on Oakland Avenue, in Douglas Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Oakland in an area between Rutan and Clifton.

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 October 23, 1973, consider revoking said exception; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider revoking said exception under the provisions of Section 28.04.145(5), Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to revoke the off-street parking exception permit after public hearing for the reason of failure to commence the use of the area within twelve months after issuance of the permit.

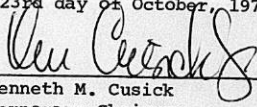
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the granted exception to permit the installation or construction of an off-street parking lot on property zoned the "A" Two Family Dwelling District and the "BB" Office District, and legally described as follows:

Lots 16 and 17, on Oakland Avenue, in Douglas Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Oakland in an area between Rutan and Clifton.


be granted a six month extension to meet the conditions set forth with the granting of the exception and additionally subject to the following conditions:

1. The lots are to be maintained in a manner acceptable to the Superintendent of Central Inspection, with any violations to be corrected within ten days from notification, or the case be considered null and void.
2. If all conditions have not been complied with by April 23, 1974, the resolution of approval shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October, 1973.


Kenneth M. Cusick
Temporary Chairman

ATTEST:


Jack H. Galbraith, Secretary

April 30, 1974

Dale H. Cooper
458 North Market
Wichita, Kansas 67202

Subject: Case No. BZA 13-72 -
Request for Exception

Dear Mr. Cooper:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 27, 1972, in connection with your request for an exception to permit the installation or construction of an off-street parking lot on property zoned "A" Two Family and "BB" Office District and generally located on the north side of Oakland in an area between Rutan and Clifton.

As you will recall, the Board reconsidered this case on October 23, 1973, and their action was to grant an extension of six months (to April 23, 1974) to meet the conditions of the Resolution. The Board also included the following additional conditions to their previously adopted resolution:

1. The lots are to be maintained in a manner acceptable to the Superintendent of Central Inspection, with any violations to be corrected within ten days from notification, or the case be considered null and void.
2. If all conditions have not been complied with by April 23, 1974, the resolution of approval shall be considered null and void.

This is to advise you that on April 29th I reviewed the premises and found that all the conditions had been met. There was, however, one section of fence adjacent to the frontage on Oakland that had been knocked down and needs repairing. I would think

Mr. Dale H. Cooper
April 30, 1974
Page Two

that bumper guards on the inside of the fence would assist in the fence not being hit by cars. Please consider this a notice in accordance with Condition #1 above. A copy of this letter is being forwarded to the Superintendent of Central Inspection and if the fence is not repaired by May 10, 1974, this case will be considered null and void.

Inasmuch as, with the exception of the one section of the fence, the conditions of approval have been complied with, the attached resolution is forwarded to you for your information and files.

We appreciate your clients' interest in completing the conditions of this resolution so that the resolution could be released. If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Robert D. Love, Love Building Co., 700 E. 37th St. North, 67217
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

November 2, 1973

Mr. Dale H. Cooper, Attorney
458 N. Market
Wichita, Kansas 67202

Re: BZA Case 13-72

Dear Mr. Cooper:

An inspection made November 1, 1973 revealed that Lots 16 and 17 on Oakland Avenue, Douglas Heights Addition, are now in satisfactory condition.

Of course periodic maintenance will be needed until development of this site.

Thank you for your cooperation.

Sincerely,

Robert B. Feldner
Superintendent of Central Inspection

RBf:rs

cc: ✓ Jack Galbraith, Secretary Board of Zoning Appeals
Robert Love, 700 E. 37th St. North
Dan Foley, 211 N. Minneapolis
Joe Donnelly, Maintenance Inspection Supervisor



MARTIN, COOPER, CHURCHILL & FRIEDEL
ATTORNEYS AT LAW
458 NORTH MARKET STREET
WICHITA, KANSAS 67202

October 30, 1973

Mr. Robert Feldner
Superintendent of Central Inspection
City Building Annex
104 South Main
Wichita, Kansas 67202

Re: BZA Case No. 13-72
Request for Exception

Dear Mr. Feldner:

Reference is made to the last paragraph of the letter of Jack Galbraith directed to the undersigned and dated October 25, 1973, a copy of which was forwarded to your office.

The purpose of this letter is to advise you that Love Box Company has made a diligent effort to comply with the requirements outlined in the last paragraph of Mr. Galbraith's letter and we would appreciate your making an inspection of the same and let us know whether or not this tract is in an acceptable condition.

If it is not, we would appreciate your outlining the specific condition which is not acceptable.

Yours very truly

Dale H. Cooper
Dale H. Cooper

I viewed this area on 10/30/73 and it appeared satisfactory

DHC:rc

cc: Mr. Jack H. Galbraith, Secretary ✓
Board of Zoning Appeals
Love Box Company, Inc.



C
O
P
Y

October 26,
1973

Robert Feldner, Superintendent of Central Inspection
Jack H. Galbraith, Chief Planner

BZA Case No. 13-72 - Request for Revocation

On October 23, 1973, the Board of Zoning Appeals considered your request to revoke the exception (BZA 13-72) to permit off-street parking granted for Lots 16 and 17, on Oakland Avenue, Douglas Heights Addition, since the conditions of the exception have never been fulfilled and the property has been the subject of numerous complaints from the neighborhood. However, in his presentation, the attorney for the property owner (Love Building Company) stated that his client had never been contacted about such complaints. He maintained his client was unaware of any of the problems until the notice of a BZA hearing to consider revoking the exception was received, whereupon a fence was immediately erected to eliminate traffic through the property to Oakland.

Dan Foley, owner of the Taco-Tico Restaurant adjacent to the north of subject property stated that he had been informed of only one complaint prior to notice of hearing to revoke. Upon receiving that complaint, bumper guards had been placed in such a manner as to prevent access to the subject property from the restaurant parking lot.

The problem of written notification to the property owner arises again. Although apparently persons working at the restaurant were told of the problems, verbal notification of someone at the site does not appear to be sufficient when property owners maintain to the Board that they have not been notified of violations. Since this notice problem was raised on several applications at the last BZA meeting, you may want to consider providing written notification to property owners in the future.

JHG:rv

cc: Fred Linde, Grievance Officer
Joe Bogie, BZA Legal Counsel

October 25, 1973

Mr. Dale H. Cooper
P.O. Box 334
Wichita, Kansas 67201

RE: BZA Case No. 13-72
Request for Exception

Dear Mr. Cooper:

On October 23, 1973, the Board of Zoning Appeals considered the request of the Superintendent of Central Inspection that the Board revoke the exception to permit an off-street parking area on Lots 16 and 17 on Oakland Avenue in Douglas Heights Addition which had previously been granted on June 27, 1972. Inasmuch as the attorney for the property owner presented evidence that a fence had been constructed to eliminate through traffic from Douglas to Oakland, assured the Board the area would be properly maintained and the adjoining restaurants still have an interest in utilizing the area for parking, it was the action of the Board to grant a 6 months extension to meet the conditions of the resolution. The Board also included the following additional conditions:

1. The lots are to be maintained in a manner acceptable to the Superintendent of Central Inspection, with any violations to be corrected within ten (10) days from notification, or the case be considered null and void.
2. If all conditions have not been complied with by April 23, 1974, the resolution of approval shall be considered null and void.

We still have the signed resolution in our file and it will be released when all conditions stated in our previous letter of June 28, 1972, have been fulfilled. In the event all conditions

Mr. Dale H. Cooper
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have not been met by April 23, 1974, this case will be considered denied and closed.

I had occasion to view this area from the field yesterday and observed that chunks of concrete, piles of dirt, and asphalt remain on the lots. The chunks of concrete and asphaltic materials should be removed and the lots leveled so the area can be maintained and mowed. The owner and applicants should be advised that this constitutes notification in accordance with condition #1 above. A copy of this letter is being forwarded to the Superintendent of Central Inspection, and if the area is not cleaned up in an acceptable manner by November 3, 1973, this case will be considered null and void.

Very truly yours,

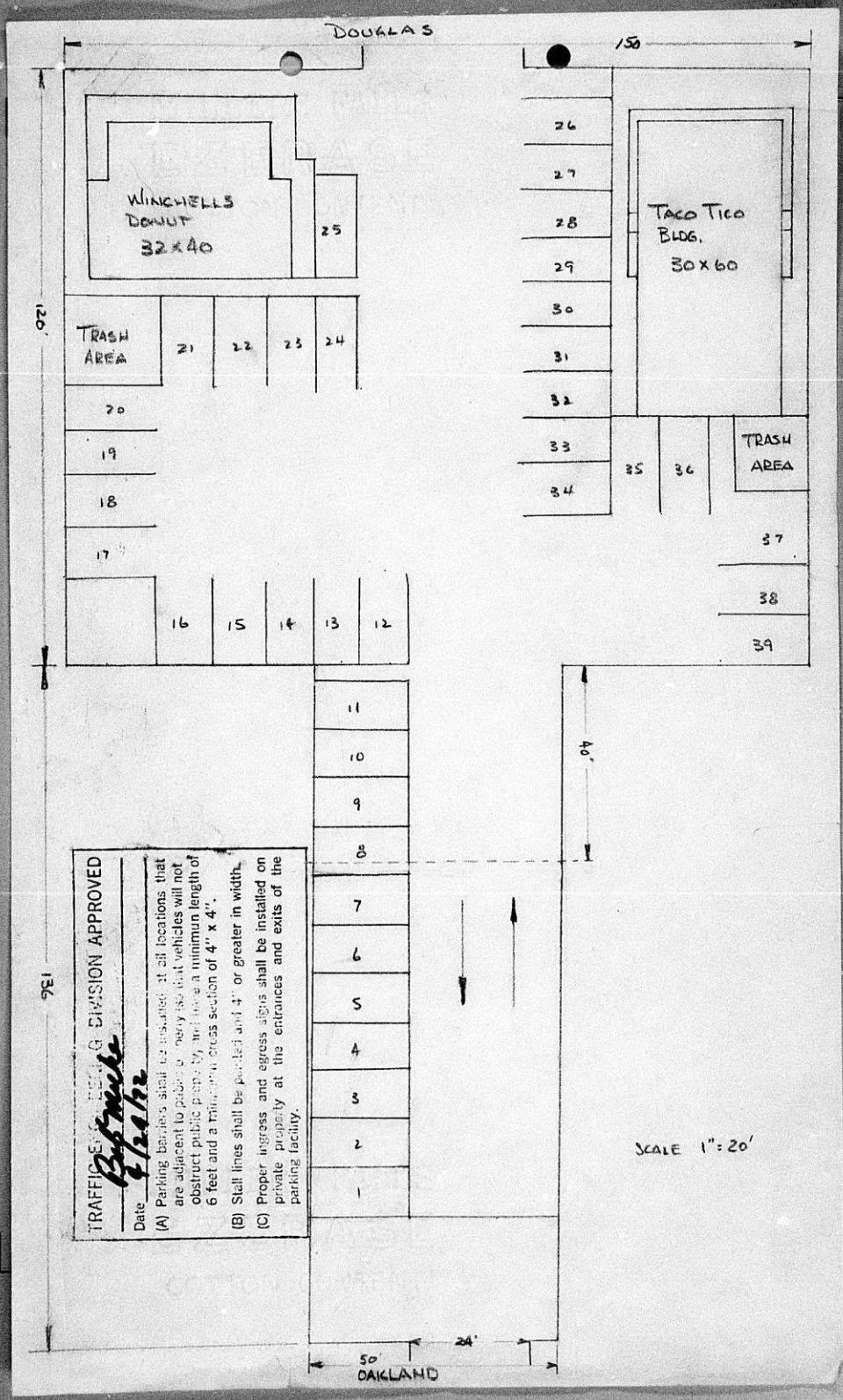
Jack H. Galbraith
Secretary

JHG:rw

cc: Robert D. Love, Love Building Co., 700 East 37th Street North, 67217 ✓

*Returned
10.31.73*

Daniel E. Foley, 211 North Minneapolis, 67214 ✓
Theodore Schupp, 1st National Bank Building, 67203
Mrs. Frank T. Bosworth, 3314 Oakland, 67218
Mrs. Catherine Dettle, 3333 Oakland, 67218
James F. Clancy, 125 S. Clifton, 67218
Jerald R. Jones, 607 Brookfield, 67304
Mrs. Angelo V. Fintarucolo, 3327 Oakland, 67218
Mrs. Beatrice Balston, 3323 Oakland, 67218
Ray Bruggeman, Director of Public Works
Fred Linds, Grievance Officer
Robert Feldner, Superintendent of Central Inspection ✓
Ralph Kherly, City Clerk ✓
Joe Donnelly, Central Inspection ✓



TRAFFIC ENGINEERING DIVISION APPROVED

By

Signature

Date

(A) Parking barriers shall be installed at all locations that are adjacent to public property, every 150' that vehicles will not obstruct public property, and have a minimum length of 6 feet and a minimum cross section of 4" x 4".

(B) Stall lines shall be painted and 4" or greater in width.

(C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

SCALE 1" = 20'

136

50' 24' DAIRLAND

SECRETARY'S REPORT
CASE NO. BZA 13-72

APPLICANT: Richard J. Bogue, et. al., 537 Hidden Valley, Wichita, Kansas, 67209

AGENT: Dale H. Cooper, P.O. Box 334, Wichita, Kansas, 67201.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of an off-street parking lot.

GENERAL LOCATION: On the North side of Oakland in an area between Rutan and Clifton.

LAND USE: Subject property is a vacant lot; those properties to the south and west are single family; the property to the east contains a duplex; to the north is parking for restaurants.

ZONING: Subject property is zoned the "A" Two Family Dwelling District and "BB" Office District; as are those properties to the East and West; to the South is the "AA" Single Family Dwelling District.

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 revoke the exception provided the conditions set out in Section 28.04.145, Code of the City of Wichita can be complied with.

COMMENTS BY THE SECRETARY:

On June 27, 1972, the Board of Zoning Appeals approved an exception (BZA 13-72), to permit the installation or construction of an off-street parking area on Lots 16 and 17 on Oakland Avenue in Douglas Heights Addition, on property zoned the "A" Two Family Dwelling District and the "BB" Office District, subject to the following conditions:

1. There shall be no vehicular access to Oakland Avenue; all access shall be oriented towards Douglas.
2. Prior to the Resolution being forwarded to the applicant, the applicant shall make satisfactory arrangements with the Department of Public Works to close the existing driveway to Oakland and the Secretary shall be provided a copy

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of the satisfactory agreement.

3. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
5. In no case shall a fee be charged for parking facilities provided hereunder.
6. The off-street parking lot and all circulation driveways to the parking lot shall be paved with concrete, asphaltic concrete or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and debris.
7. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
8. If lighting facilities are provided, they shall be so arranged as to reflect to direct light away from adjacent properties.
9. A five to eight foot high solid fence of masonry, architectural tile, louvered redwood or rough sawed cedar shall be erected along the east and west property lines to the front 25 foot setback line, and a three foot high solid fence shall be erected on the front setback line adjacent to Oakland Avenue. The required front yard setback on Oakland shall remain unpaved and shall be landscaped with trees, shrubs and grass and shall be maintained compatible with the residential area.
10. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.
11. The applicant shall submit drainage plans to the Department of Public Works for approval prior to the surfacing of the lot for parking purposes.

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The applicants, however, have never complied with the conditions of approval, and numerous complaints have been received from the neighborhood regarding the condition of the lot (mounds of dirt, high weeds, trash, etc.), parking in the unimproved area, and continued use of the existing curb cut on Oakland Avenue for ingress and egress to the Taco Tico Restaurant.

Section 28.04.145.5, Code of the City of Wichita, states that the Superintendent of Central Inspection shall be responsible for the enforcement of the conditions and requirements made by the Board of Zoning Appeals in the approval of any off-street parking permit, and shall notify the Board through its Secretary as to such violations. This Section (28.04.145.5) also authorizes the Board of Zoning Appeals to revoke such an exception for off-street parking, after public hearing, for any of the following reasons:

- 5.1 Failure to commence the use of the area within twelve months after issuance of the permit,
- 5.2 Abandonment of the area for parking purposes for six months.
- 5.3 Failure to comply with the requirements contained in this section (Section 28.04.145), or imposed by the Board of Zoning Appeals.

On September 26, 1973, the Board of Zoning Appeals was notified by the Superintendent of Central Inspection that inasmuch as the subject property has not been developed within one year of the date of the exception, and cars and motorcycles often use the area for egress onto Oakland Avenue, that it is recommended by the Division of Central Inspection that this exception be revoked as provided in Section 28.04.145.5, Code of the City of Wichita.

In viewing the area in the field on Thursday, October 11, 1973, it was again observed that the bumper guards on the restaurant parking lot which are adjacent to subject lots had been removed in such a way to permit circulation through the property to Oakland and that mounds of dirt, chunks of concrete, and trash were present on the site. It should be pointed out that upon observing the lot again on October 14, 1973, a fence post had been placed on the south side of the parking lot between the property in question.

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RECOMMENDATION:

It is the recommendation of the Secretary that in accordance with Sections 28.04.145.5.1, and 28.04.145.5.3, Code of the City of Wichita, that the exception granted in Resolution No. BZA 13-72 be revoked.

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

October 1, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 13-72

Due to the failure of the applicants to commence using the area within twelve months after the issuance of the permit, as provided in Section 28.04.145.5, Code of the City of Wichita, a hearing will be held to consider revoking the exception granted to Richard J. Brogue, et. al., on June 27, 1972, to permit the installation or construction of an off-street parking lot on property zoned the "A" Two Family Dwelling District and the "BB" Office District and legally described as follows:

Lots 16 and 17, on Oakland Avenue, in Douglas Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the North side of Oakland in an area between Rutan and Clifton.

This matter will be considered by the Board of Zoning Appeals at its meeting of October 23, 1973, at 1:30 p.m. in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you so desire, you may write to the Board at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting.

If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith
Secretary

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

October 1, 1973

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Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
Room 401 City Building Annex
104 South Main Street
Wichita, Kansas 67202

October 1, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

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AGENT: Dale H. Cooper, P.O. Box 334, Wichita, Kansas, 67201.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of an off-street parking lot.

GENERAL LOCATION: On the North side of Oakland in an area between Rutan and Clifton.

LAND USE: Subject property is a vacant lot; those properties to the south and west are single family; the property to the east contains a duplex; to the north is parking for restaurants.

ZONING: Subject property is zoned the "A" Two Family Dwelling District and "BB" Office District; as are those properties to the East and West; to the South is the "AA" Single Family Dwelling District.

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 revoke the exception provided the conditions set out in Section 28.04.145, Code of the City of Wichita can be complied with.

COMMENTS BY THE SECRETARY:

On June 27, 1972, the Board of Zoning Appeals approved an exception (BZA 13-72), to permit the installation or construction of an off-street parking area on Lots 16 and 17 on Oakland Avenue in Douglas Heights Addition, on property zoned the "A" Two Family Dwelling District and the "BB" Office District, subject to the following conditions:

1. There shall be no vehicular access to Oakland Avenue; all access shall be oriented towards Douglas.
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of the satisfactory agreement.

3. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
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9. A five to eight foot high solid fence of masonry, architectural tile, louvered redwood or rough sawed cedar shall be erected along the east and west property lines to the front 25 foot setback line, and a three foot high solid fence shall be erected on the front setback line adjacent to Oakland Avenue. The required front yard setback on Oakland shall remain unpaved and shall be landscaped with trees, shrubs and grass and shall be maintained compatible with the residential area.
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- 5.1 Failure to commence the use of the area within twelve months after issuance of the permit,
- 5.2 Abandonment of the area for parking purposes for six months.
- 5.3 Failure to comply with the requirements contained in this section (Section 28.04.145), or imposed by the Board of Zoning Appeals.

On September 26, 1973, the Board of Zoning Appeals was notified by the Superintendent of Central Inspection that inasmuch as the subject property has not been developed within one year of the date of the exception, and cars and motorcycles often use the area for egress onto Oakland Avenue, that it is recommended by the Division of Central Inspection that this exception be revoked as provided in Section 28.04.145.5, Code of the City of Wichita.

In viewing the area in the field on Thursday, October 11, 1973, it was again observed that the bumper guards on the restaurant parking lot which are adjacent to subject lots had been removed in such a way to permit circulation through the property to Oakland and that mounds of dirt, chunks of concrete, and trash were present on the site. It should be pointed out that upon observing the lot again on October 14, 1973, a fence post had been placed on the south side of the parking lot between the property in question.

Secretary's Report
BZA Case No. 13-72
Page 4

RECOMMENDATION:

It is the recommendation of the Secretary that in accordance with Sections 28.04.145.5.1, and 28.04.145.5.3, Code of the City of Wichita, that the exception granted in Resolution No. BZA 13-72 be revoked.

THE CITY OF WICHITA

OFFICE OF Sup't of Central Inspection DATE September 26, 1973



TO Jack Galbraith, Secretary, Board of Zoning Appeals

FROM Robert B. Feldner, ^{RBF} Sup't of Central Inspection

SUBJECT BZA 13-72
Taco Tico Parking Lot.

As you know, many complaints have been received regarding the condition of this unimproved lot. Mr. Dan Foley, President of Taco Tico, has been advised of these problems, however the lot remains with mounds of dirt, high weeds, trash, etc.

Cars and motorcycles often use this lot for egress onto Oakland Avenue.

Inasmuch as this lot has not been developed within one year of the date of the exception, we recommend this exception be revoked as provided in Section 28.04.145-5.

Should you need further information or pictures, please advise.

RBF/kmb

cc: Ray Bruggeman, Director of Public Works
Fred Linde, Grievance Officer
Joe Donnelly, Maintenance Inspection Supervisor

SECRETARY'S REPORT
CASE NO. BZA 13-72

APPLICANT: Richard J. Bogue, et. al., 537 Hidden Valley, Wichita, Kansas, 67209

AGENT: Dale H. Cooper, P.O. Box 334, Wichita, Kansas, 67201.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of an off-street parking lot.

GENERAL LOCATION: On the North side of Oakland in an area between Rutan and Clifton.

LAND USE: Subject property is a vacant lot; those properties to the south and west are single family; the property to the east contains a duplex; to the north is parking for restaurants.

ZONING: Subject property is zoned the "A" Two Family Dwelling District and "BB" Office District; as are those properties to the East and West; to the South is the "AA" Single Family Dwelling District.

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 revoke the exception provided the conditions set out in Section 28.04.145, Code of the City of Wichita can be complied with.

COMMENTS BY THE SECRETARY:

On June 27, 1972, the Board of Zoning Appeals approved an exception (BZA 13-72), to permit the installation or construction of an off-street parking area on Lots 16 and 17 on Oakland Avenue in Douglas Heights Addition, on property zoned the "A" Two Family Dwelling District and the "BB" Office District, subject to the following conditions:

1. There shall be no vehicular access to Oakland Avenue; all access shall be oriented towards Douglas.
2. Prior to the Resolution being forwarded to the applicant, the applicant shall make satisfactory arrangements with the Department of Public Works to close the existing driveway to Oakland and the Secretary shall be provided a copy

Secretary's Report
Case No. BZA 13-72
Page 2

of the satisfactory agreement.

3. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
5. In no case shall a fee be charged for parking facilities provided hereunder.
6. The off-street parking lot and all circulation driveways to the parking lot shall be paved with concrete, asphaltic concrete or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and debris.
7. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
8. If lighting facilities are provided, they shall be so arranged as to reflect to direct light away from adjacent properties.
9. A five to eight foot high solid fence of masonry, architectural tile, louvered redwood or rough sawed cedar shall be erected along the east and west property lines to the front 25 foot setback line, and a three foot high solid fence shall be erected on the front setback line adjacent to Oakland Avenue. The required front yard setback on Oakland shall remain unpaved and shall be landscaped with trees, shrubs and grass and shall be maintained compatible with the residential area.
10. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.
11. The applicant shall submit drainage plans to the Department of Public Works for approval prior to the surfacing of the lot for parking purposes.

Secretary's Report
Case No. BZA 13-72
Page 3

The applicants, however, have never complied with the conditions of approval, and numerous complaints have been received from the neighborhood regarding the condition of the lot (mounds of dirt, high weeds, trash, etc.), parking in the unimproved area, and continued use of the existing curb cut on Oakland Avenue for ingress and egress to the Taco Tico Restaurant.

Section 28.04.145.5, Code of the City of Wichita, states that the Superintendent of Central Inspection shall be responsible for the enforcement of the conditions and requirements made by the Board of Zoning Appeals in the approval of any off-street parking permit, and shall notify the Board through its Secretary as to such violations. This Section (28.04.145.5) also authorizes the Board of Zoning Appeals to revoke such an exception for off-street parking, after public hearing, for any of the following reasons:

- 5.1 Failure to commence the use of the area within twelve months after issuance of the permit,
- 5.2 Abandonment of the area for parking purposes for six months.
- 5.3 Failure to comply with the requirements contained in this section (Section 28.04.145), or imposed by the Board of Zoning Appeals.

On September 26, 1973, the Board of Zoning Appeals was notified by the Superintendent of Central Inspection that inasmuch as the subject property has not been developed within one year of the date of the exception, and cars and motorcycles often use the area for egress onto Oakland Avenue, that it is recommended by the Division of Central Inspection that this exception be revoked as provided in Section 28.04.145.5, Code of the City of Wichita.

In viewing the area in the field on Thursday, October 11, 1973, it was again observed that the bumper guards on the restaurant parking lot which are adjacent to subject lots had been removed in such a way to permit circulation through the property to Oakland and that mounds of dirt, chunks of concrete, and trash were present on the site. It should be pointed out that upon observing the lot again on October 14, 1973, a fence post had been placed on the south side of the parking lot between the property in question.

Secretary's Report
BZA Case No. 13-72
Page 4

RECOMMENDATION:

It is the recommendation of the Secretary that in accordance with Sections 28.04.145.5.1, and 28.04.145.5.3, Code of the City of Wichita, that the exception granted in Resolution No. BZA 13-72 be revoked.



ON SAFETY
PHASE II

THE CITY OF WICHITA

OFFICE OF Sup't of Central Inspection DATE September 26, 1973

TO Jack Galbraith, Secretary, Board of Zoning Appeals

FROM Robert B. Feldner, ^{RBF} Sup't of Central Inspection

SUBJECT BZA 13-72
Taco Tico Parking Lot.

As you know, many complaints have been received regarding the condition of this unimproved lot. Mr. Dan Foley, President of Taco Tico, has been advised of these problems, however the lot remains with mounds of dirt, high weeds, trash, etc.

Cars and motorcycles often use this lot for egress onto Oakland Avenue.

Inasmuch as this lot has not been developed within one year of the date of the exception, we recommend this exception be revoked as provided in Section 28.04.145-5.

Should you need further information or pictures, please advise.

RBF/kmb

cc: Ray Bruggeman, Director of Public Works
Fred Linde, Grievance Officer
Joe Donnelly, Maintenance Inspection Supervisor

WICHITA COMMUNITY
ROOM 5, BEACON BUILDING



GRIEVANCE OFFICE
WICHITA, KANSAS 67202

Fredrick A. Linde, *Grievance Officer*
Telephone 316 - 262-0272

October 4, 1973
File #1380

Mrs. F. T. Bosworth
3314 Oakland
Wichita, Kansas

Dear Mrs. Bosworth:

By now, you have received a notice from the Board of Zoning Appeals concerning the hearing to consider revoking the exemption on the vacant lot adjoining your property. This was shown on your notice as Case BZA 13-72.

The purpose of the notice to you is to give you an opportunity to appear before the Board of Zoning Appeals and to offer your support to the removal of the exemption. You have every right to either appear yourself or to appoint someone as your spokesman. Should the Board decide that the exception should be revoked, then we believe it will be possible as the next step to control traffic running from the Taco-Tico parking lot through the vacant property and out on Oakland.

I understand a part of the drive running from the lot onto Oakland is on your property. If this is the case, you are free to erect some kind of a barricade on your own property and to prevent motorcycles and automobiles from going out onto Oakland.

If you cannot appear before the Board in person or if you do not want to appoint a spokesman to appear then you may want to write a letter to the Board telling them of the misuse of the Oakland property and that you do want the exception revoked. In your letter it would be well to emphasize your age and physical condition and that it is difficult for you to leave your home. This letter should be addressed to Mr. Jack H. Galbraith and addressed to City Building Annex, 104 South Main Street, Wichita.

Your letter or your appearance will not jeopardize you or your welfare in any way. The letter or your appearance is needed only to help the Board reach a decision.



Page 2

Should you have any questions, I hope you will give me a call.

Sincerely,

Fredrick A Linde

Fredrick Linde,
Grievance Officer

FL:pc

cc: Mr. Ray Bruggeman, Director of Public Works
✓ Mr. Jack Galbraith, Chief Planner
Mr. Robert Feldner, Supt. of Central Inspection
Mr. Joe Donnelly, Maint. Inspection Supervisor

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

October 1, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 13-72

Due to the failure of the applicants to commence using the area within twelve months after the issuance of the permit, as provided in Section 28.04.145.5, Code of the City of Wichita, a hearing will be held to consider revoking the exception granted to Richard J. Brogue, et. al., on June 27, 1972, to permit the installation or construction of an off-street parking lot on property zoned the "A" Two Family Dwelling District and the "BB" Office District and legally described as follows:

Lots 16 and 17, on Oakland Avenue, in Douglas Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the North side of Oakland in an area between Rutan and Clifton.

This matter will be considered by the Board of Zoning Appeals at its meeting of October 23, 1973, at 1:30 p.m. in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you so desire, you may write to the Board at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting.

If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith
Secretary

24	Notices sent to	Property Owners	10.3.73
10	"	"	Plng. Comms. 10.3.73
1	"	"	Fred hinde 10.3.73

THE CITY OF WICHITA

OFFICE OF Sup't of Central Inspection DATE September 26, 1973



TO Jack Galbraith, Secretary, Board of Zoning Appeals

FROM Robert B. Feldner, ^{RBF} Sup't of Central Inspection

SUBJECT BZA 13-72
Taco Tico Parking Lot.

As you know, many complaints have been received regarding the condition of this unimproved lot. Mr. Dan Foley, President of Taco Tico, has been advised of these problems, however the lot remains with mounds of dirt, high weeds, trash, etc.

Cars and motorcycles often use this lot for egress onto Oakland Avenue.

Inasmuch as this lot has not been developed within one year of the date of the exception, we recommend this exception be revoked as provided in Section 28.04.145-5.

Should you need further information or pictures, please advise.

RBF/kmb

cc: Ray Bruggeman, Director of Public Works
Fred Linde, Grievance Officer
Joe Donnelly, Maintenance Inspection Supervisor

from: ed date: _____

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remarks: File in case file
Central Inspection requested
that specimen be checked.
send copy of notes to
Fred Hilde - I want to see
all notes

TS-105

WICHITA COMMUNITY
ROOM 5, BEACON BUILDING



GRIEVANCE OFFICE
WICHITA, KANSAS 67202

Fredrick A. Linde, *Grievance Officer*
Telephone 316-262-0272

September 28, 1973

Mrs. F. T. Bosworth
3314 Oakland
Wichita, Kansas

Dear Mrs. Bosworth:

Some two weeks ago, your companion called the Community Grievance Office and discussed with us the difficulties associated with the Taco-Tico parking lot on East Douglas.

We have worked with the City departments having jurisdiction in this case and in fact we have found that these departments had already been involved in this case.

While it is not possible at this time to tell you that the condition is being corrected, I can assure you that the necessary preliminary steps have been taken and permanent corrections can be anticipated within a reasonable period of time.

We are mindful of the annoyance from these conditions and it is hoped that permanent relief can be obtained. We will be in touch with you in the future.

Sincerely,

Fredrick Linde,
Grievance Officer



FL:pc

cc: Mr. Ray Bruggeman, Director of Public Works
✓ Mr. Jack Galbraith, Chief Planner
Mr. Robert Feldner, Supt. of Central Inspection
Mr. Joe Donnelly; Maint. Inspection Supervisor

June 20, 1973

Robert Feldner, Superintendent of Central Inspection
Jack H. Galbraith, Secretary, Board of Zoning Appeals

BZA 13-72 - Request for exception to permit the installation or construction of an off-street parking area

On June 27, 1972, the Board of Zoning Appeals approved the above captioned exception to permit an off-street parking lot on property zoned the "A" Two Family Dwelling District and the "BB" Office District, subject to the following conditions:

1. There shall be no vehicular access to Oakland Avenue; all access shall be oriented toward Douglas.
2. Prior to the Resolution being forwarded to the applicant, the applicant shall make satisfactory arrangements with the Department of Public Works to close the existing driveway to Oakland and the Secretary shall be provided a copy of the satisfactory agreement.
3. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
5. In no case shall a fee be charged for parking facilities provided hereunder.
6. The off-street parking lot and all circulation driveways to the parking lot shall be paved with concrete, asphaltic concrete or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and debris.
7. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.

Robert Feldner
Page 2

8. If lighting facilities are provided, they shall be so arranged as to reflect to direct light away from adjacent properties.
9. A five to eight foot high solid fence of masonry, architectural tile, louvered redwood or rough sawed cedar shall be erected along the east and west property lines to the front 25 foot setback line, and a three foot high solid fence shall be erected on the front setback line adjacent to Oakland Avenue. The required front yard setback on Oakland shall remain unpaved and shall be landscaped with trees, shrubs and grass and shall be maintained compatible with the residential area.
10. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.
11. The applicant shall submit drainage plans to the Department of Public Works for approval prior to the surfacing of the lot for parking purposes.

The applicant has never completed the exception by complying with the conditions of approval.

A neighbor to the east has complained that last week, during the opening of the Taco Tico (also owned by the applicant) adjacent to the north of the application area, excess parking overflowed onto this lot. The situation is apparently causing a problem for the neighborhood, since the existence of the curb cut on Oakland encourages customers and employees to continue to use the lot for parking and for ingress and egress to the restaurant. Since the applicant has never completed his exception, he should be contacted and required to place bumper guards across the opening on the existing parking lot to eliminate the above-stated uses.

Since this was a controversial case with considerable neighborhood opposition, I thought you should be advised of this complaint and potential enforcement problems so that the inspector assigned to this area can be aware of the problem and keep his eyes on the situation.

JHG:rw
cc: Joe Donnelly, Central Inspection

June 28, 1972

Dale H. Cooper
P. O. Box 334
Wichita, Kansas

Subject: Case No. BZA 13-72 - Request for exception on property located on north side of Oakland in an area between Rutan and Clifton

Dear Mr. Cooper:

At the regular meeting of the Board of Zoning Appeals on June 27, 1972, your request for an exception to permit the installation or construction of an off-street parking lot on property zoned "A" Two Family and "BB" Office District was considered. The action of the Board was to approve the request subject to the ten conditions listed in the Secretary's Report and one additional condition which reads as follows:

- (1) The applicant shall submit drainage plans to the Department of Public Works for approval prior to the surfacing of the lot for parking purposes.

Regarding Condition No. (2), it is necessary that you furnish us a memorandum from the Department of Public Works, stating that satisfactory arrangements have been made for the closing of the driveway to Oakland.

At such time as we receive this memorandum, we will forward you a copy of the Resolution setting forth the official action of the Board.

Dale H. Cooper

Page Two

June 28, 1972

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:gw

cc: Richard J. Bogue and Gwendolyn Bogue, 537 Hidden Valley, 67209
Robert E. Bogue and Betty L. Bogue, 202 North Rock Road, 67206
R. B. Foley, 1134 Kevin 67206
Mrs. Catherine Dettle, 3333 Oakland, 67218
James F. Clancy, 125 S. Clifton, 67218
Jerald R. Jones, 13 Via Roma
Mrs. Angelo V. Fiataruolo, 3327 Oakland, 67218
Mrs. Beatrice Ralston, 3323 Oakland, 67218
Clarence Ross, 3328 Oakland, 67218

Dale H Cooper
P.O. Box 334
Wichita

May 24, 1972

Dale H. Cooper
P. O. Box 334
Wichita, Kansas

Re: Case No. BZA 13-72
Request for exception
on property located on
north side of Oakland
in an area between Rutan
and Clifton

Dear Mr. Cooper:

At the regular meeting of the Board of Zoning Appeals on May 23, 1972, your request for an exception to permit the installation or construction of an off-street parking lot on property zoned "A" Two Family and "BB" Office District was considered.

A motion to approve the request subject to the ten conditions in the Secretary's Report and an additional condition relative to drainage resulted in a moot vote, two in favor of the motion and two opposed.

As a result of this moot vote, this case will appear on the next regular meeting of the Board on June 27, 1972, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:gw

cc: Richard J. Bogue and Gwendolyn Bogue, 537 Hidden Valley
Robert E. Bogue and Betty L. Bogue, 202 North Rock Road
R. B. Foley, 1134 Kevin
Mrs. James F. Clancy, 125 S. Clifton
Catherine Dettle, 3333 Oakland
Jerald R. Jones, 13 Via Roma
Mrs. Angelo V. Fiataruolo, 3327 Oakland
Mrs. Beatrice Ralston, 3323 Oakland

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

May 3, 1972

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 13-72

An application has been filed by Richard J. Bogue, et. al., 537 Hidden Valley, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of an off-street parking lot, on property zoned "A" Two Family and "BB" Office District, and legally described as follows:

Lots 16 and 17, on Oakland Avenue, in Douglas Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Oakland in an area between Rutan and Clifton.

This application has been assigned Case No. BZA 13-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 23, 1972, 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

PETITION TO THE WICHITA BOARD OF ZONING APPEALS

RE: CASE NO. BZA 13-72

Gentlemen:

The following signatures represent the serious concern of the property owners residing on Oakland between Rutan and Clifton to the proposed commercial traffic onto Oakland in the subject case.

A few reasons for this opposition are:

1. The residents feel that they should be afforded reasonable protection under the City's zoning laws from this commercial intrusion of traffic onto a predominantly residential street.
2. The current thru traffic, together with that generated by the residents, already makes this narrow street, with parking allowed on both sides, too congested. Too often only one lane of traffic can move down the center of the street. The Traffic Engineer has advised that if traffic became too congested on-street parking restrictions would be required which would further reduce the home owners ability to enjoy his property.
3. Additional drive-in traffic will not only pose a greater congestion problem but a serious danger to pedestrians and especially children. The sidewalk at the curb cut would definitely be a pedestrian hazard and both the older people of the neighborhood that enjoy walks and playing children will be in jeopardy.
4. Almost all of the traffic from the over average enthusiastic drivers that frequent College Hill Park will be on Oakland throughout the weekends, evening and early morning hours of drive-in service.
5. Both of these drive-ins remain open throughout the evening and indeed well past the normal retirement hour of most residents. The noise factor will be of great concern during these late hours for people who have known a quiet residential neighborhood for the many years of most of their home ownerships.
6. In summary, we respectfully petition the Board to deny this request for commercial access from the property zoned "A" onto Oakland and that said applicant be required to dedicate access control of same to the City as a condition to approval of the off-street parking application. This request is felt to be in the best interest of the resident property owners who have had a long term interest in their homes and wish to continue to enjoy such ownership and use without the hazards, noise, congestion and trash problems that would occur by allowing the requested drive-in traffic the use of this residential street.

NAME	ADDRESS
<i>Gene J. Demc</i>	125 S. Clifton NW corner Clifton & Oakland
<i>Shirley Leslie</i>	3341 Oakland Ave
<i>Mrs. Frances J. Johnson</i>	3335 Oakland
<i>Mrs. Mary Angela Fustung</i>	3327 Oakland
<i>Mrs. Clarence W. Ralston</i>	3323, Oakland
<i>Mrs. Bernice B. Ralston</i>	3323 Oakland
<i>Celine L. Thompson</i>	4 1/2 Ply - 3315 Oakland
<i>Mr. Marshall H. Johnson</i>	205 So Clifton SW corner Clifton & Oakland
<i>Mrs. Doris Kay</i>	205 S. Clifton
<i>Mrs. Harry M. Johnson</i>	134 S. Rutan corner Oakland & Rutan
<i>Richard W. Jordon</i>	3336 Oakland
<i>Mrs. James J. Clancy</i>	125 So Clifton

SECRETARY'S REPORT
CASE NO. BZA 13-72

APPLICANT: Richard J. Bogue, et. al., 537 Hidden Valley,
Wichita, Kansas 67209

AGENT: Dale H. Cooper, P. O. Box 334, Wichita, Kansas 67201

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the
City of Wichita, to permit the installation or
construction of an off-street parking lot

GENERAL LOCATION: On the north side of Oakland in an area between
Rutan and Clifton

LAND USE: Subject property is a vacant lot; those properties to
the south and west are single family; the property to
the east and to the north is a parking lot

ZONING: Subject property is zoned "A" Two Family and "BB" Office
District; to the east and west is "A" Two Family; north
is "LC" Light Commercial; south is "AA" Single Family

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, Code of the City of Wichita, can be
complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting approval of the exception to permit
an off-street parking lot so that additional off-street parking
may be provided for a proposed restaurant and a proposed donut shop
to be located to the north on Douglas. A plot plan has been sub-
mitted and the layout has been approved by the Traffic Engineering
Division. The plan does propose access to Oakland Avenue which
already appears to be congested with on-street parking. The
Secretary is of the opinion that access of commercial traffic to
this residential street will have a detrimental effect on existing
residences. To the west of the house to the west is a parking lot
for offices at the corner of Douglas and Rutan, however, that
parking lot does not have access to Oakland. Vehicular congestion
on Oakland should be kept to a minimum as there is also a children's
day care center to the southwest. Inasmuch as subject property
is proposed for parking associated with two food service establish-
ments, access to these proposed uses should be from Douglas rather
than a residential street.

RECOMMENDATION:

It is the recommendation of the Secretary that the application to permit the installation or construction of an off-street parking lot be approved subject to the following conditions:

1. There shall be no vehicular access to Oakland Avenue; all access shall be oriented toward Douglas.
2. Prior to the Resolution being forwarded to the applicant, the applicant shall make satisfactory arrangements with the Department of Public Works to close the existing driveway to Oakland and the Secretary shall be provided a copy of the satisfactory agreement.
3. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
5. In no case shall a fee be charged for parking facilities provided hereunder.
6. The off-street parking lot and all circulation driveways to the parking lot shall be paved with concrete, asphaltic concrete or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and debris.
7. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
8. If lighting facilities are provided, they shall be so arranged as to reflect to direct light away from adjacent properties.
9. A five to eight foot high solid fence of masonry, architectural tile, louvered redwood or rough sawed cedar shall be erected along the east and west property lines to the front 25 foot setback line, and a three foot high solid fence shall be erected on the front setback line adjacent to Oakland Avenue.

Page 3 - Secretary's Report
Case NO. BZA 13-72

The required front yard setback on Oakland shall remain unpaved and shall be landscaped with trees, shrubs and grass and shall be maintained compatible with the residential area.

10. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

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

May 3, 1972

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 13-72

An application has been filed by Richard J. Bogue, et. al., 537 Hidden Valley, Wichita, Kansas, pursuant to Section 2.12.590.C. Code of the City of Wichita, requesting an exception to permit the installation or construction of an off-street parking lot, on property zoned "A" Two Family and "BB" Office District, and legally described as follows:

Lots 16 and 17, on Oakland Avenue, in Douglas Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Oakland in an area between Rutan and Clifton.

This application has been assigned Case No. BZA 13-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 23, 1972, 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

20 notices mailed 5-3-72 for 5-23-72

MARTIN, COOPER, CHURCHILL & FRIEDEL

ATTORNEYS AT LAW
458 NORTH MARKET STREET
P. O. BOX 334
WICHITA, KANSAS 67202

MARVIN J. MARTIN
DALE H. COOPER
W. STANLEY CHURCHILL
KARL W. FRIEDEL
—
JOHN F. ERICKSON

316 265-5237

April 25, 1972

City of Wichita
Board of Zoning Appeals
402 City Building Annex
104 South Main
Wichita, Kansas 67202



Re: BZA
Application for exception Lots 16 & 17 on
Oakland Avenue, Douglas Heights Addition

Gentlemen:

** and 88*
The property covered by the captioned application is presently zoned "A" and contains a frontage of 50 feet on Oakland Avenue. This property is 136' in depth and abuts Lots 9 and 10 on Douglas Avenue in Douglas Heights Addition on the rear.

Love Building Company has contracted to purchase the captioned property plus Lots 7 through 12 on Douglas Avenue, in Douglas Heights Addition and plans to develop the Douglas Avenue property which is zoned "light commercial". The captioned application requests an exception as provided for in Sec. 28.04.145 of the Code of the City of Wichita and is filed for the reason that the applicant is desirous of obtaining authorization to use the captioned property for offstreet parking in conjunction with the commercial development on Douglas Avenue. In addition to the additional offstreet parking, it is felt that traffic congestion would be reduced by having access to the commercial development from both Douglas Avenue and Oakland Avenue.

If we can furnish any additional information concerning this application, please let us know.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Dale H. Cooper".

Dale H. Cooper

DHC:rc
enc.

BOARD OF ZONING APPEALS

CASE NO. 13-72

CITY OF WICHITA, KANSAS

FILED 4-24-72

APPLICATION FOR EXCEPTION

I. Name of Applicant Richard J. Bogue & Gwendolyn Bogue
Robert E. Bogue & Betty L. Bogue
 537 Hidden Valley 09 722-1445
 Mailing Address 202 North Rock Road 06 Phone 684-8292

Name of Authorized Agent Dale H. Cooper
 Mailing Address 458 N. Market, P.O. Box 334 Phone 265-5237

Relationship of applicant to property is that of Owner.
 (Owner, Tenant, Lessee, Other). Applicant has contracted to sell the following described property to Love Building Company, Inc.

II. Application is made for an exception as provided in Section

28.04.145, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction
 of an off street parking area to provide parking for light commercial property adjoining on the North on property zoned

A-4BB, located

and legally described as: Lots 16 & 17 on Oakland Avenue, Douglas Heights 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 Richard J. Bogue Applicant Robert Ellis Bogue
 Applicant Gwendolyn W. Bogue Applicant Betty L. Bogue
 Authorized Agent _____

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 4:15 (a.m. - P.M.), April 24, 19 72, together with appropriate fee of \$50.00.

T9-403

Signed J. Lynn Shively

map #5747

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO. Inc. hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds, Sedgwick County, Kansas:

Lots 16 and 17, on Oakland Avenue, in
Douglas Heights Addition to Wichita,
Sedgwick County, Kansas,

together with all lots and tracts lying within a 200 foot radius thereof.

DESCRIPTION	OWNER/OWNERS/ADDRESS	
<u>Douglas Heights</u>		
Lots 1-2-3-4-5-6- 21-22-23-24-25	✓ Love Building Co. Inc. 700 East 37th St. North	67217
Lots 7-8-9-10-11-12-16-17	DRichard J. Bogue 537 Hidden Valley	67209
Lot 13	DRobert E. Bogue 6409 E. 16th St. 8240 Samalac	67206
Lots 18-19-20	✓ D. W. Hendrickson and Dorothea R. 3429 East Douglas	67218
Lots 14 and 15	✓ First National Bank in Wichita, as Trustee under agrt. dated 4-19-71 P. O. Box 880, Wichita	67202
	✓ C. A. Ross and Edna Faye Ross 3328 Oakland	67218
<u>Lenore Addition</u>		
Lots 1 and 3, exc. E 1.75' of Lot 3, also 20' strip adj. on the North, and vac. alley adj. said lots on the S.	DD. W. Hendrickson and Dorothea R. 3429 East Douglas	67218
E 1.75' of Lot 3, all of 5 and 7, also 20' strip adj. on the North and vac. alley adj. said lots on the South	✓ V. A. Amend and Dorothy M. 3543 E. Douglas	67218
Lots 9 and 11, exc. S. 9' thereof and 20 adj. said lots on the North	✓ Happiness Unlimited, Inc. 142 No. Belmont 152 NORTH BATTIN	67208
West 50' of E 100' of Lot 27 and West 44.25' of Lot 27,	✓ Robert McDonald Morgan and Georgia L. 1133 State St., Augusta, Kans.	N/A Returned 10.19.73
E 50' of 27 and all of vac alley adj. said 50' on the North-also 7.5' of vac. alley adj. said lot on the East, and the So. 9 ft of Lots 9 and 11	✓ Leo A. Rasmussen & Genevieve, 3344 Oakland	67218

Samuels Addition

Lots 1 and 2 ✓ Daniel R. Aikman
c/o Jean Coulon
1141 No. Market 67214

Lots 3 and 4 ✓ Bernard J. Weldon and Barbara A.
1205 Gretchen Lane 67206

Lots 5 and 6 and N/2 of Lot 7 ✓ Aaron Figge and Mabel C.
115 So. Rutan (Hillcrest Apts.) 67218

Lots 13-15-17 ✓ Leonard L. Herman and Celesta A.
2328 E. Harry
1406 Pattie 67211

Lot 19 and all of 21, exc. the E. 3 1/3 ft
of Lot 21 ✓ James R. Ralston
3323 Oakland 67218

E 3 1/3 Feet of Lot 21 and all of
Lots 23 and 25 ✓ Angelo V. Fiataruolo and Sandra
3327 Oakland 67218

Brinker Addition

Lot 8 ✓ Winifred Hecht, Loretta Hecht
and Catherine Dettle
3331 Oakland 67218

Lot 9 ✓ Francis L. Johnson and Tina Mae
3335 Oakland 67218

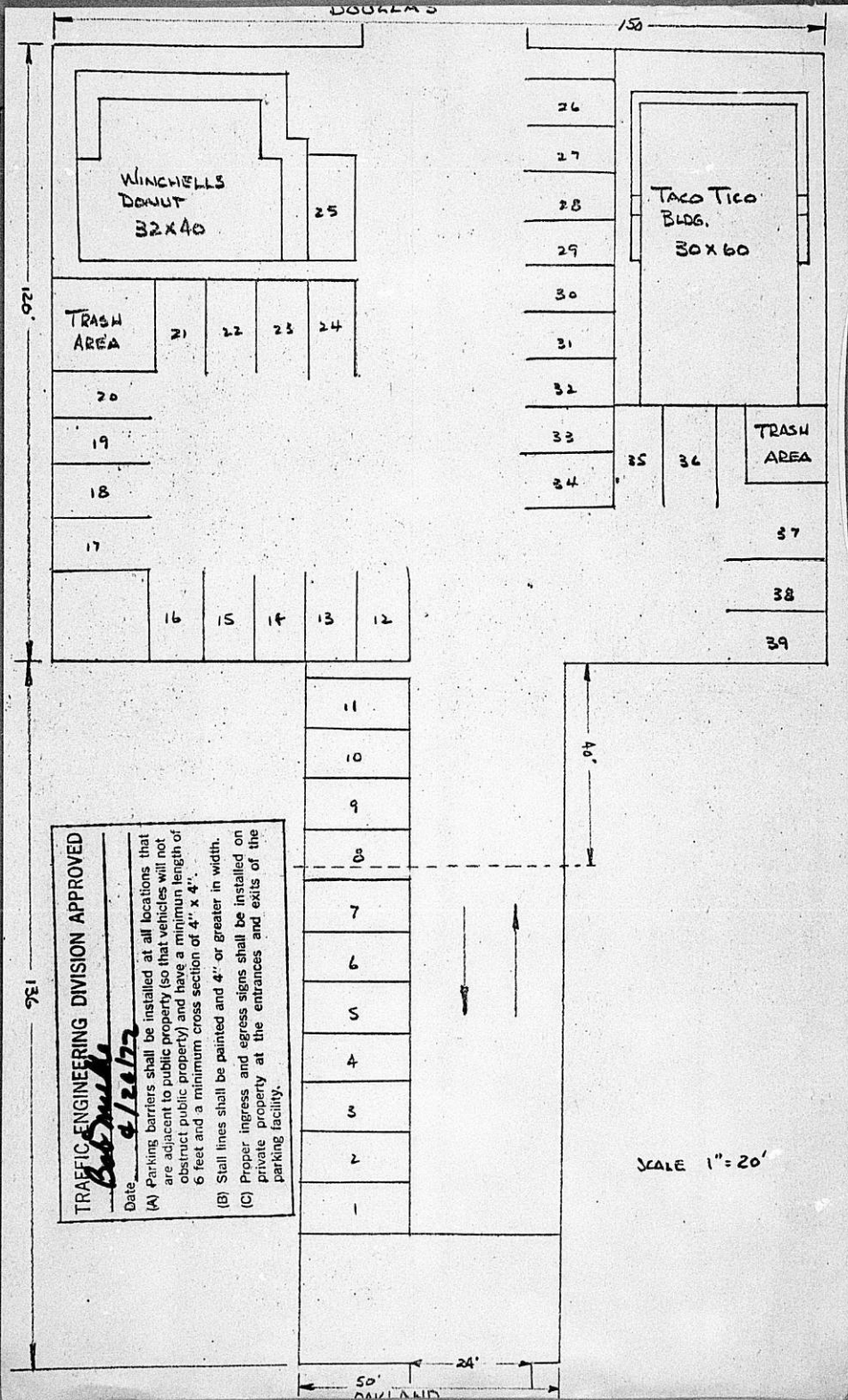
Lot 10 ✓ Margaret F. Leslie
3341 Oakland 67218

WITNESS our Hand and Seal this the 18th day of April, 1972 at 7 AM

GUARANTEE TITLE CO. Inc.

By *Nellie M. Pestinger*
Vice-President.

Order No. 37805



TRAFFIC ENGINEERING DIVISION APPROVED
Bob Smith
 Date: 4/26/77

(A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".

(B) Stall lines shall be painted and 4" or greater in width.

(C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

SCALE 1" = 20'

136

50' 24' 50' OAKLAND

October 25, 1973

Mr. Dale H. Cooper
P.O. Box 334
Wichita, Kansas 67201

RE: BEA Case No. 13-72
Request for Exception

Dear Mr. Cooper:

On October 23, 1973, the Board of Zoning Appeals considered the request of the Superintendent of Central Inspection that the Board revoke the exception to permit an off-street parking area on Lots 16 and 17 on Oakland Avenue in Douglas Heights Addition which had previously been granted on June 27, 1972. Inasmuch as the attorney for the property owner presented evidence that a fence had been constructed to eliminate through traffic from Douglas to Oakland, assured the Board the area would be properly maintained and the adjoining restaurants still have an interest in utilizing the area for parking, it was the action of the Board to grant a 6 months extension to meet the conditions of the resolution. The Board also included the following additional conditions:

1. The lots are to be maintained in a manner acceptable to the Superintendent of Central Inspection, with any violations to be corrected within ten (10) days from notification, or the case be considered null and void.
2. If all conditions have not been complied with by April 23, 1974, the resolution of approval shall be considered null and void.

We still have the signed resolution in our file and it will be released when all conditions stated in our previous letter of June 28, 1972, have been fulfilled. In the event all conditions

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

RETURN
TO
WRITER



13-72

Not at Oklahoma Smith

Theodore Schupp
1st National Bank Bldg.
Wichita, Ks. 67202



- Moved, left no address
 No such number
 Moved, not forwardable
 Addressee unknown

Mr. Dale H. Cooper
Page 2

have not been met by April 23, 1974, this case will be considered denied and closed.

I had occasion to view this area from the field yesterday and observed that chunks of concrete, piles of dirt, and asphalt remain on the lots. The chunks of concrete and asphaltic materials should be removed and the lots leveled so the area can be maintained and mowed. The owner and applicants should be advised that this constitutes notification in accordance with condition #1 above. A copy of this letter is being forwarded to the Superintendent of Central Inspection, and if the area is not cleaned up in an acceptable manner by November 5, 1973, this case will be considered null and void.

Very truly yours,

Jack H. Galbraith
Jack H. Galbraith
Secretary

JHG:rw

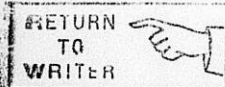
cc: Robert D. Love, Love Building Co., 700 East 37th Street North,
67217

Daniel E. Foley, 211 North Minneapolis, 67214
Theodore Schupp, 1st National Bank Building, 67202
Mrs. Frank T. Bosworth, 3314 Oakland, 67218
Mrs. Catherine Dettle, 3333 Oakland, 67218
James F. Clancy, 125 S. Clifton, 67218
Jerald R. Jones, 607 Brookfield, 67206
Mrs. Angelo V. Fiataruolo, 3327 Oakland, 67218
Mrs. Beatrice Ralston, 3323 Oakland, 67218
Ray Bruggeman, Director of Public Works
Fred Linde, Grievance Officer
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202



13-72

Not at Oklahoma Smith

Theodore Schupp
1st National Bank Bldg.
Wichita, Ks. 67202



- Moved, left no address
 No such number
 Moved, not forwardable
 Addressee unknown

Form 223-031

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		

DESCRIPTION	AMOUNT
<i>Board of Zoning Appeals</i>	<i>\$50.00</i>

Name: *Martin Cooper Church, Trust*

Address: *458 North Market*


Type: *AA-407103* Due Date: _____

Comments: _____


Date: *4-24-72* By: *rme*

Rhonda

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202



REASON CHECKED

Unclaimed Relused


Addressee unknown

Insufficient Address

No such street number

No such office in State

Do not re-mail in this envelope



Not Robert Morgan R-3

Robert McDonald Morgan & Georgia L.
1133 State Street
Augusta, Ks.

Returned
10-19-73

N/A *DTB*

13-72