

Case No. BZA 13-79 Request for exception to establish an off-street parking lot on property zoned "A" and generally located on the east side of N. Erie in an area between 3rd St. & Central

Posted
3-30-79
MAPO
C.I.V.
6-13-79
24

ACTION

BZA
B-79

COMMITTEE
M.A.P.C.

Approved

DATE

4-24-79

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

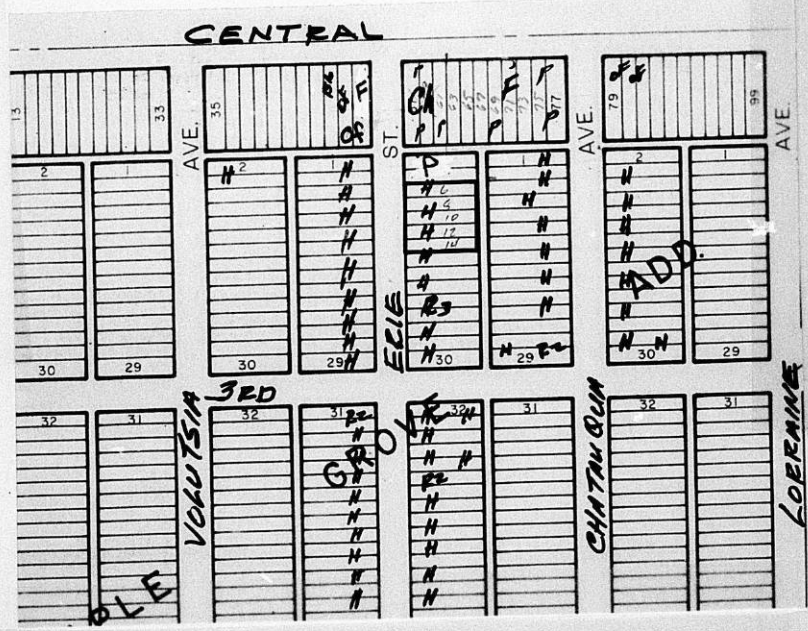
fg

No. 5647
22
27
 Page 1E

BZA- 13-79
 SCZ- _____
 CU- _____
 Filed _____

SA DATA:
 Acres: _____ (_____ ft. by _____ ft.)
 Adjoining Zoning: E _____ S _____ W _____ N _____
 Land Use: East _____ South _____
 West _____ North _____
 Sketch Plan Land Use is for: _____
 Present Land Use if for: _____
 Area (is) (is not) platted.

DTO DATA:
 Date _____ Time _____
 Drawn by _____



Xeroxed copy of Resolution for Ray Trumble who is potential partner in project 5-2-79 ed

May 3, 1979

John McDonald
Suite 400
221 N. Main
Wichita, Kansas 67202

Re: Case No. BEA 13-79
Request for Exception

Dear Mr. McDonald:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 24, 1979, in connection with your request for an exception to permit the establishment of an off-street parking lot on property zoned the "A" Two Family Dwelling District and generally located on the east side of North Erie in an area between 3rd Street and Central (422, 426 4434 North Erie).

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

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

Sincerely,

Larry Dobson
Assistant Secretary

LD:bbe
Enclosure

cc: Dr. Harold Vogt, 259 S. Parshing 67208
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

RESOLUTION NO. BZA 13-79

WHEREAS, Dr. Harold Vogt, 259 S. Pershing, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an off-street parking lot on property zoned the "A" Two Family Dwelling District and legally described as follows:

Lots 6, 8, 10, 12 & 14, Maple Grove Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of North Erie in an area between 3rd Street and Central (422, 426 & 434 North Erie).

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 April 24, 1979, consider said application; and

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

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

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

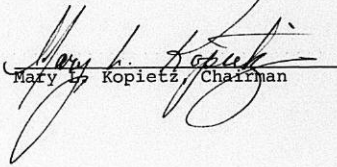
Lots 6, 8, 10, 12 & 14, Maple Grove Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of North Erie in an area between 3rd Street and Central (422, 426 & 434 North Erie).

subject to the following conditions:

1. The parking areas 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.
2. Only such signs as are necessary for the proper operation of the parking lots shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress 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.
5. 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.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.

7. The required 25 foot front yard setback except for one point of ingress and egress shall remain unpaved, and shall be landscaped with trees, and/or shrubs and grass and shall be maintained compatible with the residential area.
8. Only one driveway shall be permitted to Erie Street. All other driveway approaches shall be removed and the curb returned. The City Engineer's office shall be contacted relative to the procedure for returning the curb.
9. A six to eight foot high solid fence, constructed of redwood or cedar, shall be erected along the south and east boundaries of subject property, except for the west 25 feet of the south property line; and a three to four foot high fence, as detailed on the applicant's submitted site plan, shall be erected along the 25 foot front yard setback line, except for the one point of ingress and egress.
10. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

ADOPTED AT WICHITA, KANSAS, this 24th day of April, 1979.


Mary L. Kopietz, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

JINX, Inc.

Residential and Commercial
Real Estate Development

Dobson

Main 221
Suite 301
Wichita, Kansas 67202
(316) 267-2815

April 24, 1979

*Larry,
Thanks a million!
John*

Mr. Jack Galbraith
City of Wichita
Board of Zoning Appeals
455 North Main
Wichita, Kansas 67202

Dear Jack,

Your Board must be truly appreciative of the detail and effort put into the presentation of your agenda.

My success in having my appeal granted was totally due to the work and interest of your office and in particular Mr. Larry Dodson.

Thanks, and congratulations on a job well done.

Best personal regards,

John
John McDonald

JM:ar

cc: L. Dobson



April 25, 1979

John McDonald
Suite 400
221 N. Main
Wichita, Kansas 67202

Re: Case No. BEA 13-79
Request for Exception

Dear Mr. McDonald:

At the regular meeting of the Board of Zoning Appeals on April 24, 1979, your request for an exception to permit the establishment of an off-street parking lot on property zoned the "A" Two Family Dwelling District and generally located on the east side of North Erie in an area between 3rd Street and Central (422, 426 & 434 North Erie) was considered.

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

1. The parking areas 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.
2. Only such signs as are necessary for the proper operation of the parking lots shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress 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.

Page 2
April 24, 1979
John McDonald
Re: BEA 13-79

5. 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.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
7. The required 25 foot front yard setback except for one point of ingress and egress shall remain unpaved, and shall be landscaped with trees, and/or shrubs and grass and shall be maintained compatible with the residential area.
8. Only one driveway shall be permitted to Erie Street. All other driveway approaches shall be removed and the curb returned. The City Engineer's office shall be contacted relative to the procedure for returning the curb.
9. A six to eight foot high solid fence, constructed of redwood or cedar, shall be erected along the south and east boundaries of subject property, except for the west 25 feet of the south property line; and a three to four foot high fence, as detailed on the applicant's submitted site plan, shall be erected along the 25 foot front yard setback line, except for the one point of ingress and egress.
10. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Larry Dobson
Assistant Secretary

LD:bbc

Page 3
April 25, 1979
John McDonald
Re: BZA 13-79

cc: Dr. Harold Vogt, 259 S. Pershing 67208
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE April 20, 1979

TO Larry Dobson, Junior Planner

FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 13-79 (East of Erie, between
3rd Street and Central)

On April 17, 1979, CPO Council "K" considered the captioned case. The Council voted 6-0 to recommend denial of the proposed exception.

The Council felt that the depth of the encroachment and the loss of the three single-family homes offset the benefit of the additional parking.

Bill Morris
Bill Morris
CPO Administrative Aide

BM:m1



SECRETARY'S REPORT
CASE NO. BZA 13-76

APPLICANT: Dr. Harold Vogt, 250 S. Pershing, Wichita, Kansas.

AGENT: John McDonald, Suite 400, 221 N. Main, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.500.C, Code of the City of Wichita to permit the establishment of an off-street parking lot.

GENERAL LOCATION: East side of North Erie in an area between 3rd Street and Central (422, 426 and 434 North Erie).

ZONING: Subject property and those to the east, south and west are all zoned the "A" Two Family Dwelling District. Property to the north is the "BB" Office District.

LAND USE: Subject property contains three single family residences. Properties to the west, south and east are also developed with single family residences. North is a vacant, unpaved lot used for parking.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.500.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.145 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the establishment of an off-street parking lot, on property zoned the "A" Two Family Dwelling District, that would provide the required parking for the proposed conversion of a vacant church into an office and/or commercial building at the southeast corner of Central and Erie. Subject property is separated from the use it is intended to serve by an alley and a 50 foot vacant tract held under separate ownership.

Subject property is 125 feet wide by 140 feet deep and presently contains three single family residences. These three homes would be removed from the site to facilitate the proposed project. The Historic Wichita Board and the Historic Wichita COWTOWN Board have expressed an interest in obtaining the small cottage located at 426 N. Erie, which is the center house of the three to be removed. If this exception is approved, the applicant's agent has expressed a willingness to cooperate with the Historic boards in the relocation of this house in COWTOWN.

Case No. BZA 13-79
BZA Agenda
4-24-79
Page 2

A site plan, approved by the Traffic Engineer, has been submitted with this application indicating incorporation of the 50 foot ownership between subject property and the alley into the overall parking lot design. This 50 foot tract is owned by the owners of Larcher's Supermarket, which is adjacent to the old church building. The separate ownership is zoned the "BB" Office District and, therefore, is permitted to be utilized as a parking lot without benefit of a BZA exception. The site plan shows that there would be only one driveway to Erie Street, with additional circulation through the "BB" zoned property to the alley located north of the combined parking lot. A north/south alley is located on the east side of subject property, but this is not proposed to be utilized for access to the parking lot. The site plan shows the required 25 foot front yard setback will be retained and landscaped with a combination of existing and new trees. A proposed screening fence, to be placed along the front setback line, is also detailed on the plan, consisting of brick columns and 4 foot high cedar fencing. Screening, 6 foot in height, would also be placed along the south and west property lines to provide protection to the adjoining residential neighborhood.

The existing old church building has operated over the years without benefit of its own off-street parking but any redevelopment of this property necessitates that off-street parking be provided in accordance with zoning ordinance requirements. This request is similar in nature to others in recent years as businesses have tried to expand or replace or convert existing structures along Central and Douglas. This request is a somewhat deeper encroachment (175 feet) into the residential neighborhood, but with proper screening and landscaping may not appreciably change the overall character of the neighborhood.

It is the Secretary's opinion that the coordination and cooperation between two separate owners in developing a single functioning parking lot is to the advantage of all concerned.

RECOMMENDATION:

If the Board determines that parking should be permitted on subject property, the request should be approved subject to the following conditions:

1. The parking areas 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.

2. Only such signs as are necessary for the proper operation of the parking lots shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress 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.
5. 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.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
7. The required 25 foot front yard setback except for one point of ingress and egress shall remain unpaved, and shall be landscaped with trees, and/or shrubs and grass and shall be maintained compatible with the residential area.
8. Only one driveway shall be permitted to Erie Street. All other driveway approaches shall be removed and the curb returned. The City Engineer's office shall be contacted relative to the procedure for returning the curb.
9. A six to eight foot high solid fence, constructed of redwood or cedar, shall be erected along the south and east boundaries of subject property, except for the west 25 feet of the south property line; and a three to four foot high fence, as detailed on the applicant's submitted site plan, shall be erected along the 25 foot front yard setback line, except for the one point of ingress and egress.
10. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

BZA CASE NO. 13-79

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

18 NOTICES SENT TO ADJOINING PROPERTY OWNERS

31 TOTAL NOTICES SENT 4-2-79

THE CITY OF WICHITA

April 2, 1979



HISTORIC WICHITA BOARD
3751 EAST DOUGLAS AVENUE
WICHITA, KANSAS 67218
(316) 866-0815

Mr. John McDonald
221 North Main St.
Wichita, Kansas

Dear Mr. McDonald:

The Historic Wichita Board and the Historic Wichita Cowtown Board are most interested in obtaining the small Victorian Cottage located at 426 North Erie, to be placed at Cowtown to expand this ever growing historical community. Historic Wichita Cowtown feels that this property would fit beautifully either in the museum area or within the commercial area and would certainly be a welcome addition.

At the point in your project where the property is to be moved, we would be grateful for your consideration of this request and we thank you very much for your concern.

Sincerely,

D. Dale Richmond, Chairman

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

April 2, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 13-79

An application has been filed by Dr. Harold Vogt, 259 S. Pershing, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of an off-street parking lot on property zoned the "A" Two Family Dwelling District and legally described as follows:

Lots 6, 8, 10, 12 & 14, Maple Grove Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of North Erie in an area between 3rd Street and Central (422, 426 & 434 North Erie).

This application has been assigned case No. BZA 13-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 24, 1979, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 13-79

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant DR. HAROLD VOGT

Mailing Address 259 S. Pershing 67208 Phone 263-2351 Business 685-0572 Res.

Name of Authorized Agent John McDonald

Mailing Address Suite 400, 221 N. Main 67202 Phone 264-4386

Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other).

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

2.12.590.C, Code of the City of Wichita, Kansas, to permit

the establishment of an off-street
A private parking lot

_____ on property zoned

A _____, located 434, 426 & 422 North Erie

_____ and legally described as: Lots 6, 8,

10, 12 & 14 Maple Grove Addition to the City of Wichita, Sedgwick County,

Kansas. ~~1/2 of lot to 7~~

_____, 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 Harold W. Vogt

Authorized Agent John McDonald

*on the east side of N Erie
in an area between
3rd st
& Central*

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 2:30 (a.m. - p.m.), March 26, 1979, together with appropriate fee of \$50.00

Signed J. Lynn Shirley

JOHN McDONALD
SUITE 400
221 N. MAIN
WICHITA 67202

CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS

Dear Sir,

Re: APPLICATION FOR EXCEPTION
OFF STREET PARKING

I am requesting your approval
of my application to allow off-
street parking on LOTS 6, 8, 10, 12 + 14
NORTH ERIE, currently zoned 'A' residential.

Your approval will allow the re-use
of the presently vacant old church which
has been empty for some two and a
half years.

In addition we will be able to
remove the blight currently created
by the existing vacant buildings
and so enhance the value of
the surrounding real estate.

Yours Sincerely
John McDonald

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS:
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:


All the owners within 200 feet of Lots 6, 8, 10, 12, 14 and the N 6 1/2 feet of Lot 16 all on Erie Avenue in Maple Grove Addition to the City of Wichita, Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

LOTS	STREET	ADDITION	OWNER
2 & 4	Erie	Maple Grove n	✓ Frank J. Larcher 428 N. Chautauqua 67214
Caption of Cert.	"	" "	D Harold W. Vogt 259 S. Pershing 67218
16 Exc N 6 1/2' and 18	"	" "	✓ Kelly A. Greenwell Trustee 418 N. Erie 67214
20 & 22 24-26-28 & 30	"	" "	✓ Carlton K. Smith Mollie E. Smith 402 N. Erie 67214
1 & N 8' 3	"	" "	✓ Donald G. Odle Olive Odle 435 N. Erie 67214
8 Exc N 8' All 5 & N 4' of 7	"	" "	✓ Alice A. Heldenbrand 431 N. Erie 67214
7 Exc N 4' All 9	"	" "	✓ Albert Baldrige Opal Baldrige 425 N. Erie 67214

Fidelity  Title
 COMPANY, INC.

LOTS	STREET	ADDITION	OWNER
11 & 13	Erie	Maple Grove	<i>No history</i> Jeanette C. Neal ?
15 & 17	"	" "	C.G. McDonald 415 N. Erie ; 67214
19 & 21	"	" "	Clarence W. Corn Ella L. Corn 405 N. Erie 67214
23 & 25	"	" "	Mattie I. Cowel 405 N. Erie 67214
27 & 29	"	" "	Joseph M. Valerio Donna C. Valerio 401 N. Erie 67214
 1 & N 24' Chautauqua Ave "		"	Frank J. Larcher 428 N. Chautauqua 67214
Lot 3		"	
S 1' 3 All 5 & 7	"	" "	Homes By Harter Inc. 401 E. Douglas Suite 400n 67202
9 & 11	"	" "	Lucille M. Abel 6043 Avalon 67208
13 & 15	"	" "	Michael E. Saunders Lynette Saunders 421 N. Chautauqua 67214
17 & 19	"	" "	Sharon Marie Weiss Pamela Kay Randall 411 N. Chautauqua 67214
21 & 23	"	" "	<i>No history</i> Leo F. Hodson Juanita F. Hodson ? (unknown)
W 50' 25 27 & 29	"	" "	Carlton K. Smith Mollie E. Smith 402 N. Erie 67214
E 90' of S 10' 27 & E 90' 29	"	" "	George F. Jump Velma B. Jump Janet Kays Jump (unknown)
E 90' Lot 25 & 1/2 90' of N 15' 27	"	" "	320 N Chautauqua

LOTS	STREET	ADDITION	OWNER
45 & 47	Central	Maple Grove	✓ Bernard Trachtman 5647 Coe St 67208
Lots 49-51 53-55	"	" "	✓ D.R. Mulett 2016 S. Volutsia 67214
57-59 & 61	"	"	D Harold W. Vogt Jane C. Vogt 259 S. Pershing 67218
Lots 63 to 77 Odd Inc.	"	"	" D Frank J. Larcher 428 N. Chautauqua 67214



Dated this 20th day of March 1979 at 7:00 A.M.

FIDELITY TITLE COMPANY INC.

By C. E. Paul Riddle
VP

No. 46176



MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 29 1

PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	<u>Planning</u>		

DESCRIPTION	AMOUNT
<i>53.0</i>	<i>50.00</i>
<i>Description</i>	
NAME	<i>John M. Donald</i>
ADDRESS	<i>221 S. Main Street</i>
FUND	<i>471.00</i>
COMMENTS	
DATE	<i>2/21/77</i>
	BY <i>[Signature]</i>

*

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

Roll # 2