

117 S. Poplar

F-6
Pasco
9-13-65

Denied 6-22-65

BZA 19-65 - Edith Carson & Frank
Solomon request EXCEPTION for off-
street parking in residential
area & VARIANCE of setback lines

July 6, 1965

Edith Carson and Frank Solomon
816 Union Center Building
Wichita, Kansas

Re: BZA 19-65

On June 24, 1965, we advised you that the Board of Zoning Appeals had denied your request for an exception to allow property on the west side of Poplar in an area just south of Douglas, to be used as an off-street parking lot, and your request for a variance of the front and side yard setbacks.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before July 2, 1965.

The City Clerk has advised that no appeal was filed on or before the date indicated, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the Resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Jack H. Galbraith, Secretary

JMG:JWH:ber
Attachment

cc: Robert H. Nelson, 816 Union Center Building
William Wilson, 120 South Poplar
Mr. and Mrs. Harley Jones, 124 South Poplar
Arnold Smith, 620 South Hillside
Don P. Gaines, 204 North Hillside
Glen Lytle, Superintendent of Central Inspection

R E S O L U T I O N NO. BZA 19-65

WHEREAS, Edith Carson and Frank Solomon, 816 Union Center Building, Wichita, Kansas, by Kahrs, Nelson, Fanning & Hite, Attorneys, 816 Union Center Building, Wichita, Kansas, have requested an Exception, pursuant to Section 28.04.140, Code of the City of Wichita, to permit the installation and construction of off-street parking facilities in an area zoned "A" Two Family dwelling district; and have requested a Variance, pursuant to Section 2.12.590, Code of the City of Wichita, for complete waiver of the front yard setback and the side yard setback requirements, all being related to property legally described as follows:

Lots 5 and 7, Poplar Street, Second Subdivision of Lots 3 and 4, Richland Addition, in the City of Wichita, Sedgwick County, Kansas;

Generally located on the west side of Poplar in an area just south of Douglas; and

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, in regular meeting, consider said application on June 22, 1965; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under provisions of Section 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for variance under provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, numerous property owners and residents in the general area of subject property, appeared in opposition to the use of subject property for off-street parking facilities, and further, it seemed apparent that the approval of this application would be detrimental to residential properties in the area.

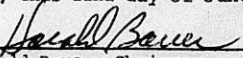
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the application for an exception to permit the installation and construction of off-street parking facilities on property zoned "A" Two family dwelling district, and legally described as follows:

Lots 5 and 7, Poplar Street, Second Subdivision of Lots 3 and 4, Richland Addition, in the City of Wichita, Sedgwick County, Kansas;

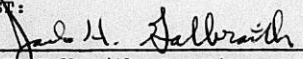
Generally located on the west side of Poplar in an area just south of Douglas,

be denied, and that in view of this action, no further consideration or action is needed with respect to the application for a variance of the front and side yard setback requirements.

ADOPTED AT WICHITA, KANSAS, this 22nd day of June, 1965.


Harold Bauer, Chairman

ATTEST:


Jack H. Galbraith, Secretary

June 24, 1965

Edith Carson and Frank Solomon
816 Union Center Building
Wichita, Kansas

Dear Mrs. Carson and Mr. Solomon:

Re: BEA 19-65

At its regular meeting on June 22, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to allow property on the west side of Poplar in an area just south of Douglas, to be used as an off-street parking lot, and your request for a variance of the front and side yard setbacks applicable to this same area.

It was the decision of the Board to deny the request for an exception and to deny the request for a variance of the side yard setback requirements. No action was taken with respect to the front yard setback inasmuch as the request for a variance of this setback was verbally withdrawn at the meeting.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before July 2, 1965.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed and if none has been, the decision of the Board will be final.

Very truly yours,

JMS:JWR:ber

Jack H. Galbraith, Secretary

cc: Robert H. Nelson, Attorney, 816 Union Center Building
William Wilson, 120 South Poplar
Mr. and Mrs. Harley Jones, 124 South Poplar
Arnold Smith, 620 South Hillside
Don F. Gaines, 204 North Estelle
Glen Lytle, Superintendent of Central Inspection
Robert Finch, City Clerk

KAHRS, NELSON, FANNING & HITE
Attorneys at Law
Union Center Building
WICHITA, KANSAS 67202

Howe

TELEPHONES
AMHERST 2-3441
AMHERST 2-3442

MEMORANDUM

Metropolitan Area Planning Commission DATE: June 16, 1965
TO: City Annex Building
Wichita, Kansas
RE: Attn: Mr. Jim Howe
Re: Case No. BZA 19-65, Frank Solomon, Douglas and Poplar

Dear Jim:

I have discussed with Mr. Solomon your proposed change of parking on the property involved which faces on Poplar Street which now shows approximately fourteen parking spaces available. Mr. Solomon stated that this was entirely agreeable with him. You are also correct in that this area will be used for employee off-street parking only. If there are any further questions, please advise.

Yours very truly,

Robert H. Nelson
Robert H. Nelson

RHN:dr



SECRETARY'S REPORT

CASE NO. BZA 19-65

APPLICANT: Edith Carson and Frank Solomon, 816 Union Center Building

AGENT: Kahrs, Nelson, Fanning & Hite, 816 Union Center Building

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita to allow the front yard setback of 25 feet and side yard setback of 3 feet to be utilized for off-street parking. The applicants have also requested an Exception pursuant to Section 28.04.140.B, Code of the City of Wichita to allow the property in question to be utilized as an off-street parking lot.

GENERAL LOCATION: West side of Popular in an area south of Douglas.

ZONING: Property in question and all surrounding property is zoned "A" Two Family.

LAND USE: Property in question and all surrounding property has been developed for single family residential use.

JURISDICTION

The Board has jurisdiction to consider the exception under the provisions outlined in Section 2.12.590.3, Code of the City of Wichita or may grant the exception request providing the conditions outlined under Section 28.04.140.B.2, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY - EXCEPTION - PART I

It is indicated in the Statement of Justification submitted with the application that the applicants are desirous of obtaining this exception in order to install an off-street parking lot for the employees of the Employers Mutual Casualty Company, located at the southwest corner of Poplar and Douglas. It was also pointed out that the Employers Mutual Casualty Company has in excess of 60 employees and it is contemplated that if the exception is approved that off-street parking facilities can be provided for 26 vehicles. This is also assuming that the setback requirements are waived. The applicants have also indicated that the lot will be fenced and gates will be provided so that the lot can be kept locked at all times when it is not in use. It was further noted that only employees of the Employers Mutual Casualty Company will have keys to the locks for the parking area.

From viewing this area it can be seen that there is considerable traffic congestion and a serious on-street parking problem in this area. This is mainly due to the fact that this property is located in

close proximity to East High School. Most of the off-street parking in this area is utilized by students of East High which creates a real hardship upon residential property owners in the vicinity. It is rather evident that the applicants are proposing to keep the parking area locked at all times in order to keep the high school students out of the lot and keep the lot open to the employees of the Employers Mutual Casualty Company. It should also be pointed out that there is one existing house between the area proposed to be utilized for off-street parking and the use for which the off-street parking is to be provided for. The interjection of an off-street parking lot between two existing single family homes could have some adverse affects on the adjacent property owners, especially if the front yard setback requirements are waived so that parking can extend to the front property line. However, it is the opinion of the Secretary that the public interest outweighs the private interest in this particular instance, inasmuch as there is a serious and chronic parking problem in this area which can only be alleviated by providing additional off-street parking facilities. If this exception is approved, the Board can require the fencing of the lot, the installation of bumper guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces and can also require whatever landscaping provisions are deemed appropriate in order to help protect the rights of adjacent residential properties.

It is the opinion of the Secretary that the proposed off-street parking lot would be more acceptable to residents in the surrounding area if the applicants could acquire the one remaining house to the north and develop the area so as to make the off-street parking lot contiguous to the use for which it is provided.

The off-street parking plan as submitted by the applicant, makes provisions for 26 off-street parking spaces, assuming that the front yard setback requirement will be waived. However, the Secretary, in viewing the off-street parking plan with the Traffic Engineer, has found that the lot is 10 feet too narrow to provide for the type of layout proposed. The Secretary has worked out a layout which provides for parallel parking and 60 degree angle parking which does meet the requirements of the Traffic Engineer. However, this layout contains only 14 spaces as opposed to the 26 spaces which have been proposed by the applicant.

RECOMMENDATION

Based upon the foregoing comments, it is the recommendation of the Secretary that the exception be approved to provide for an off-street parking lot on Lots 5 and 7, Poplar Street, Second Sub-division of Lots 3 and 4, Richland Addition, subject to the following conditions and requirements:

1. 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 vehicles, equipment, material or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot 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 other 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 and in no event shall lights be permitted to reach a height of greater than 6 feet.
7. A six foot high solid wall masonry or louvered redwood fence shall be erected along the north and south property lines to eliminate the passage of lights from vehicles and to prevent the blowing of debris, except that in the front yard setback area of 25 feet, the fence shall be reduced from 6 feet in height to 3 feet in height.
8. Prior to the time the permit is issued for occupancy of this off-street parking lot, the applicants shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location of all driveways, width of driveways, etc., for his approval.
9. All improvements as outlined above shall be installed within 12 months from the effective date of the approval of this resolution or the permit shall be null and void.

VARIANCE - PART II

The applicants have also requested that the front yard setback of 25 feet and side yard setback of 3 feet be waived so that these areas may be utilized for off-street parking.

JURISDICTION

The Board has jurisdiction to consider the variance request under the provisions outlined under Section 2.12.590.2, Code of the City of Wichita, and may grant the variance request when all four of the following conditions have been found to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district;
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
3. That the strict application of the enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal;
4. That the variance desired is not against the public interest.

UNIQUENESS

It is the opinion of the Secretary that there is nothing which is particularly unique about this request. The lot is located within an interior residential area where the front yard setback area should be retained in order to maintain the light, view and residential character of the area. However, it does appear that the request for waiver of the side yard setback of 3 feet is somewhat unique, inasmuch as if bumper guards are installed 3 feet from the property line in order to maintain the 3 foot setback that cars will still project into the side yard setback areas. Consequently, it appears that this requirement is virtually unenforceable and there appears to be no reason why the side yard setback requirement of 3 feet should not be waived.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance of the front yard setback requirement of 25 feet will adversely affect the rights of adjacent property owners inasmuch as if

the front yard of this lot is paved and utilized for off-street parking, it would detract from the adjacent residential properties.

HARDSHIP

It is the opinion of the Secretary that the applicants would be burdened with hardship if the variance is not granted inasmuch as there is a critical need for additional off-street parking facilities in this particular area; however, again, it could be argued in this instance, that the public interests outweigh the private interests inasmuch as the front yard setback of 25 feet should be maintained in order to preserve the character and continuity of the adjacent residential properties in this block.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance of the side yard setback requirement of 3 feet would in no way adversely affect the public interest; however, granting the front yard setback requirement could adversely affect the public interest by destroying the residential character and the continuity of the front yard setbacks within the block.

RECOMMENDATION

In view of the foregoing comments, it is the opinion of the Secretary that all four conditions necessary to the granting of the variance of the required front yard setback of 25 feet cannot be found to exist and, therefore, it is recommended that the variance of the requested front yard setback of 25 feet be denied. On the other hand, it is the opinion of the Secretary that all four conditions necessary to the granting of the variance for the required side yard setback of 3 feet can be found to exist and, therefore, it is recommended that this variance be approved.

SECRETARY'S REPORT

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CASE NO. BZA 19-65

APPLICANT: Edith Carson and Frank Solomon, 816 Union Center Building

AGENT: Kahrs, Nelson, Fanning & Hite, 816 Union Center Building

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita to allow the front yard setback of 25 feet and side yard setback of 3 feet to be utilized for off-street parking. The applicants have also requested an Exception pursuant to Section 28.04.140.B, Code of the City of Wichita to allow the property in question to be utilized as an off-street parking lot.

GENERAL LOCATION: West side of Popular in an area south of Douglas.

ZONING: Property in question and all surrounding property is zoned "A" Two Family.

LAND USE: Property in question and all surrounding property has been developed for single family residential use.

JURISDICTION

The Board has jurisdiction to consider the exception under the provisions outlined in Section 2.12.590.3, Code of the City of Wichita or may grant the exception request providing the conditions outlined under Section 28.04.140.B.2, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY - EXCEPTION - PART I

It is indicated in the Statement of Justification submitted with the application that the applicants are desirous of obtaining this exception in order to install an off-street parking lot for the employees of the Employers Mutual Casualty Company, located at the southwest corner of Poplar and Douglas. It was also pointed out that the Employers Mutual Casualty Company has in excess of 60 employees and it is contemplated that if the exception is approved that off-street parking facilities can be provided for 26 vehicles. This is also assuming that the setback requirements are waived. The applicants have also indicated that the lot will be fenced and gates will be provided so that the lot can be kept locked at all times when it is not in use. It was further noted that only employees of the Employers Mutual Casualty Company will have keys to the locks for the parking area.

From viewing this area it can be seen that there is considerable traffic congestion and a serious on-street parking problem in this area. This is mainly due to the fact that this property is located in

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Case No. BZA 19-65

close proximity to East High School. Most of the off-street parking in this area is utilized by students of East High which creates a real hardship upon residential property owners in the vicinity. It is rather evident that the applicants are proposing to keep the parking area locked at all times in order to keep the high school students out of the lot and keep the lot open to the employees of the Employers Mutual Casualty Company. It should also be pointed out that there is one existing house between the area proposed to be utilized for off-street parking and the use for which the off-street parking is to be provided for. The interjection of an off-street parking lot between two existing single family homes could have some adverse affects on the adjacent property owners, especially if the front yard setback requirements are waived so that parking can extend to the front property line. However, it is the opinion of the Secretary that the public interest outweighs the private interest in this particular instance, inasmuch as there is a serious and chronic parking problem in this area which can only be alleviated by providing additional off-street parking facilities. If this exception is approved, the Board can require the fencing of the lot, the installation of bumper guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces and can also require whatever landscaping provisions are deemed appropriate in order to help protect the rights of adjacent residential properties.

It is the opinion of the Secretary that the proposed off-street parking lot would be more acceptable to residents in the surrounding area if the applicants could acquire the one remaining house to the north and develop the area so as to make the off-street parking lot contiguous to the use for which it is provided.

The off-street parking plan as submitted by the applicant, makes provisions for 26 off-street parking spaces, assuming that the front yard setback requirement will be waived. However, the Secretary, in viewing the off-street parking plan with the Traffic Engineer, has found that the lot is 10 feet too narrow to provide for the type of layout proposed. The Secretary has worked out a layout which provides for parallel parking and 60 degree angle parking which does meet the requirements of the Traffic Engineer. However, this layout contains only 14 spaces as opposed to the 26 spaces which have been proposed by the applicant.

RECOMMENDATION

Based upon the foregoing comments, it is the recommendation of the Secretary that the exception be approved to provide for an off-street parking lot on Lots 5 and 7, Poplar Street, Second Sub-division of Lots 3 and 4, Richland Addition, subject to the following conditions and requirements:

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Case No. BZA 19-65

1. 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 vehicles, equipment, material or supplies.
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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 other 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 and in no event shall lights be permitted to reach a height of greater than 6 feet.
7. A six foot high solid wall masonry or louvered redwood fence shall be erected along the north and south property lines to eliminate the passage of lights from vehicles and to prevent the blowing of debris, except that in the front yard setback area of 25 feet, the fence shall be reduced from 6 feet in height to 3 feet in height.
8. Prior to the time the permit is issued for occupancy of this off-street parking lot, the applicants shall submit an off-street parking plan to the Traffic Engineer, which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and location of all driveways, width of driveways, etc., for his approval.
9. All improvements as outlined above shall be installed within 12 months from the effective date of the approval of this resolution or the permit shall be null and void.

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Case No. BZA 19-65

VARIANCE - PART II

The applicants have also requested that the front yard setback of 25 feet and side yard setback of 3 feet be waived so that these areas may be utilized for off-street parking.

JURISDICTION

The Board has jurisdiction to consider the variance request under the provisions outlined under Section 2.12,590,2, Code of the City of Wichita, and may grant the variance request when all four of the following conditions have been found to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district;
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
3. That the strict application of the enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal;
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It is the opinion of the Secretary that there is nothing which is particularly unique about this request. The lot is located within an interior residential area where the front yard setback area should be retained in order to maintain the light, view and residential character of the area. However, it does appear that the request for waiver of the side yard setback of 3 feet is somewhat unique, inasmuch as if bumper guards are installed 3 feet from the property line in order to maintain the 3 foot setback that cars will still project into the side yard setback areas. Consequently, it appears that this requirement is virtually unenforceable and there appears to be no reason why the side yard setback requirement of 3 feet should not be waived.

ADJACENT PROPERTY

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Case No. BZA 19-65

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HARDSHIP

It is the opinion of the Secretary that the applicants would be burdened with hardship if the variance is not granted inasmuch as there is a critical need for additional off-street parking facilities in this particular area; however, again, it could be argued in this instance, that the public interests outweigh the private interests inasmuch as the front yard setback of 25 feet should be maintained in order to preserve the character and continuity of the adjacent residential properties in this block.

PUBLIC INTEREST

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RECOMMENDATION

In view of the foregoing comments, it is the opinion of the Secretary that all four conditions necessary to the granting of the variance of the required front yard setback of 25 feet cannot be found to exist and, therefore, it is recommended that the variance of the requested front yard setback of 25 feet be denied. On the other hand, it is the opinion of the Secretary that all four conditions necessary to the granting of the variance for the required side yard setback of 3 feet can be found to exist and, therefore, it is recommended that this variance be approved.

CASE NO. BZA 19-65

19 NOTICES MAILED JUNE ⁴, 1965

MEETING JUNE 22, 1965

Notice sent 6-10-65 to
Margaret Harrington
7001 Rockwood Road

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

June 4, 1965

NOTICE TO ADJACENT PROPERTY OWNERS

Case No. BZA 19-65

An application has been filed by Edith ~~Carson and Frank Carson~~ Building, Wichita, Kansas, to ~~obtain a variance~~ finance to permit off-street parking, as provided in Section 2.12 ~~of the City Code~~, Code of the City of ~~Wichita~~, complete waiver of the front yard setback of 25 feet and the side yard setback of 3 feet, to permit use of these areas for off-street parking facilities, on property zoned "A" Two Family, and legally described as follows:

Lots 5 and 7, Poplar Street, Second Subdivision of
Lots 3 and 4, Richland Addition, in the City of
Wichita, Sedgwick County, Kansas.

Generally located on the west side of Poplar in an
area just south of Douglas.

This application has been assigned Case No. BZA 19-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 8, 1965, at 1:00 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

July 6, 1965

Edith Carson and Frank Solomon
816 Union Center Building
Wichita, Kansas

Re: BZA 19-65

On June 24, 1965, we advised you that the Board of Zoning Appeals had denied your request for an exception to allow property on the west side of Poplar in an area just south of Douglas, to be used as an off-street parking lot, and your request for a variance of the front and side yard setbacks.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before July 2, 1965.

The City Clerk has advised that no appeal was filed on or before the date indicated, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the Resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Jack H. Galbraith
Jack H. Galbraith, Secretary

JHG:JWH:ber
Attachment

cc: Robert H. Nelson, 816 Union Center Building
William Wilson, 120 South Poplar
Mr. and Mrs. Harley Jones, 124 South Poplar
Arnold Smith, 620 South Hillside
Don P. Gaines, 204 North Hillside
Glen Lytle, Superintendent of Central Inspection

THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS 67202

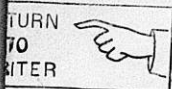


- Moved, left no address
- No such number
- Moved, not forwardable
- Addressee unknown



no address found

1114
Don P. Gaines
204 North Hillside
Wichita, Kansas



RESOLUTION NO. BZA 19-65

WHEREAS, Edith Carson and Frank Solomon, 816 Union Center Building, Wichita, Kansas, by Kahrs, Nelson, Fanning & Hite, Attorneys, 816 Union Center Building, Wichita, Kansas, have requested an Exception, pursuant to Section 28.04.140, Code of the City of Wichita, to permit the installation and construction of off-street parking facilities in an area zoned "A" Two Family dwelling district; and have requested a Variance, pursuant to Section 2.12.590, Code of the City of Wichita, for complete waiver of the front yard setback and the side yard setback requirements, all being related to property legally described as follows:

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Generally located on the west side of Poplar in an area just south of Douglas; and

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, in regular meeting, consider said application on June 22, 1965; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under provisions of Section 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for variance under provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, numerous property owners and residents in the general area of subject property, appeared in opposition to the use of subject property for off-street parking facilities, and further, it seemed apparent that the approval of this application would be detrimental to residential properties in the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the application for an exception to permit the installation and construction of off-street parking facilities on property zoned "A" Two family dwelling district, and legally described as follows:

Lots 5 and 7, Poplar Street, Second Subdivision of Lots 3 and 4, Richland Addition, in the City of Wichita, Sedgwick County, Kansas;

Generally located on the west side of Poplar in an area just south of Douglas,

be denied, and that in view of this action, no further consideration or action is needed with respect to the application for a variance of the front and side yard setback requirements.

ADOPTED AT WICHITA, KANSAS, this 22nd day of June, 1965.

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

Harold Bauer
Harold Bauer, Chairman

KAHRS, NELSON, FANNING & HITE

ATTORNEYS AT LAW

UNION CENTER BUILDING
WICHITA, KANSAS 67202

TELEPHONE
AMHERST 2-3777

AUSTIN M. COWAN (1888-1949)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
ROGER M. SHERWOOD

June 1, 1965

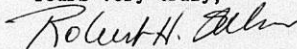
Board of Zoning Appeals
City Building Annex
104 South Main
Wichita, Kansas

Gentlemen:

The owner of the property, Edith Carson, has entered into an agreement for the sale of the property involved to Frank Solomon, the owner of the building located at the southwest corner of Douglas and Poplar Streets. It is proposed to use the lot in question for off-street parking to accommodate employees and visitors using the building in question. The petitioner is requesting an exception and also a variance as to set-back lines. The property will be improved as set forth in the statement herewith enclosed.

The undersigned as attorney hereby states that from the examination of the abstract of title and the records of Security Abstract and Title Company that the fee title in said property is in the petitioner Edith Carson.

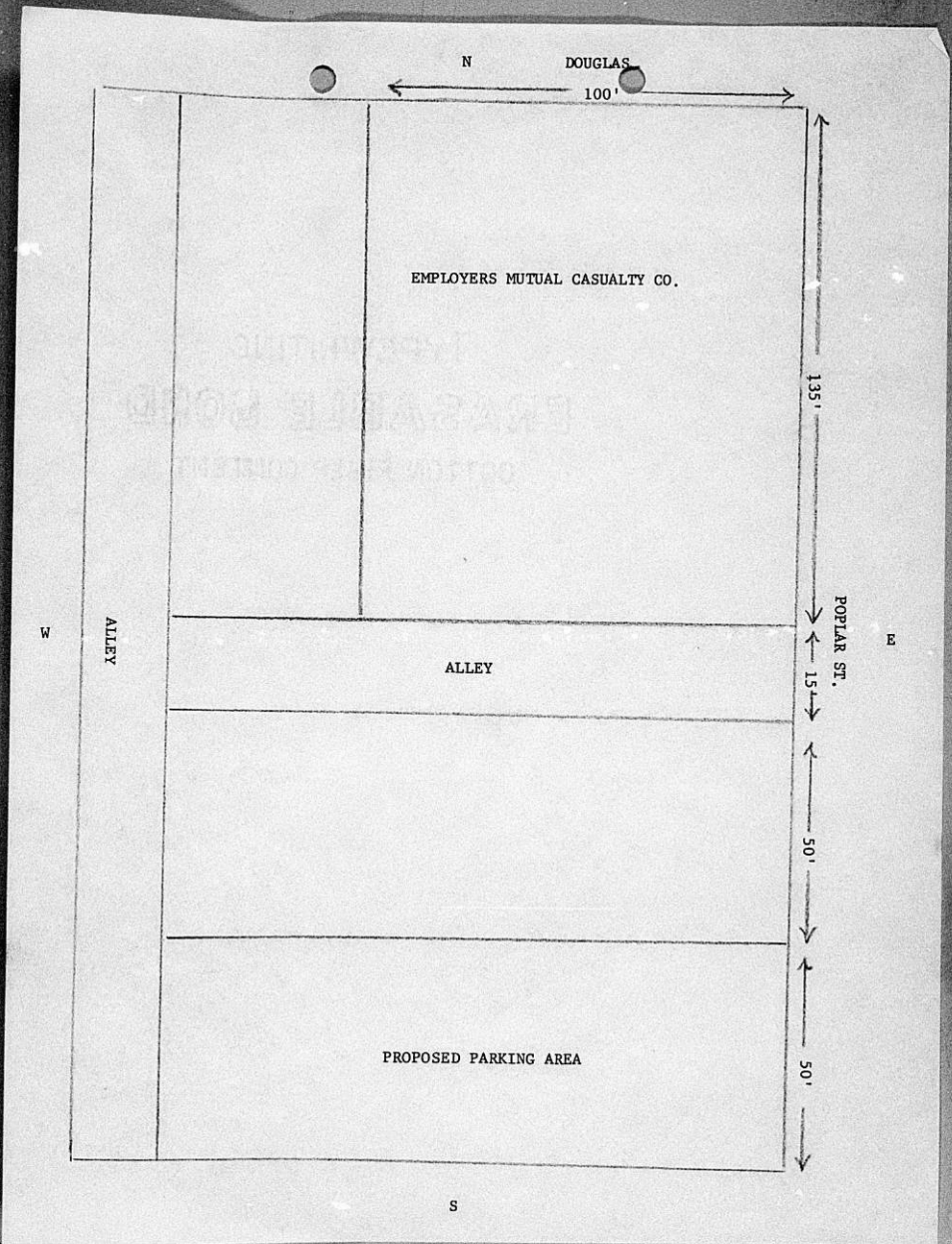
Yours very truly,



OF KAHRS, NELSON, FANNING & HITE

RHN:dr

33



N

DOUGLAS

100'

EMPLOYERS MUTUAL CASUALTY CO.

135'

POPULAR ST.

E

ALLEY

15'

50'

PROPOSED PARKING AREA

50'

S

W

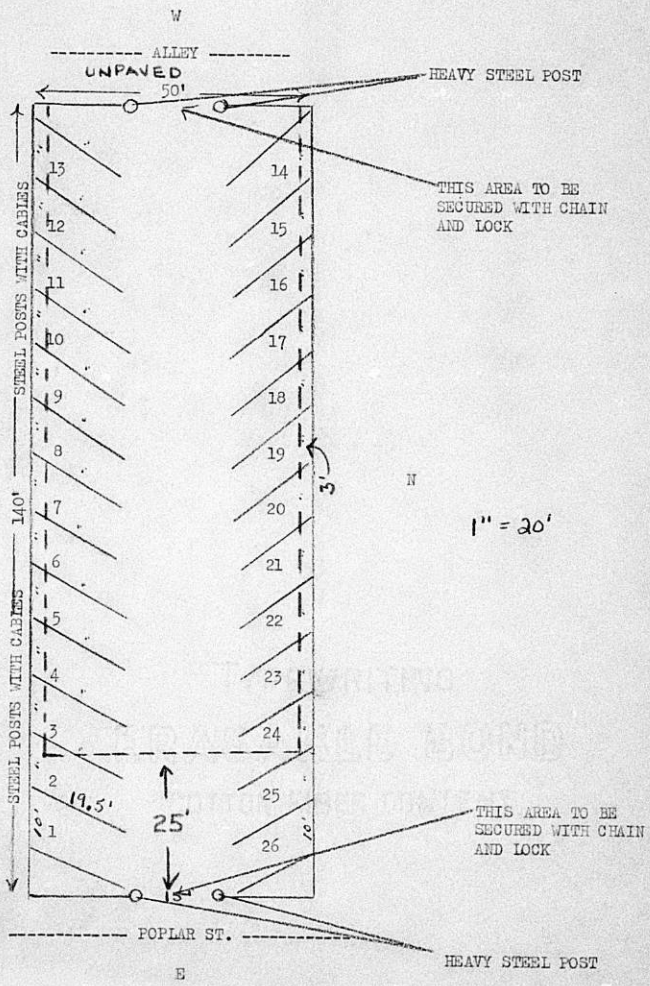
ALLEY

REFERENCE PROPOSED PARKING LOT commonly known as
117 South Poplar, Wichita, Kansas

We anticipate removing present home from lot. The lot will be enclosed with steel posts and cables; the area will be completely blacktopped. We will install a chain across the entrance on Poplar of about 14 feet, with lock; also a chain across the exit on the alley, with lock attached. The area will be striped off to accommodate approximately 26 vehicles.

The purpose of this parking area is exclusively for the employees of Employers Mutual Casualty Co., whose offices are located at 2431 East Douglas, in other words, on the corner of Poplar and Douglas. They have in excess of 60 employees, and parking in this area is urgently needed. Only employees of Employers Mutual Casualty Co. will have keys for the locks to the parking area.

The lot will be used almost exclusively as a daytime parking lot, hours from 7:00 A.M. to approximately 5:30 P.M. Employers Mutual Casualty Co. will provide the janitor service required to keep this area clean and respectable at all times.



BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 19-65
FILED 6-1-65

**APPLICATION FOR EXCEPTION
AND FOR VARIANCE**

I. Name of Applicant Edith Carson and Frank Solomon ✓

Mailing Address 816 Union Center Bldg. Phone _____

Name of Authorized Agent Kahrs, Nelson, Fanning & Hite

Mailing Address - 816 Union Center Bldg. Phone AM2-3777

Relationship of applicant to property is that of owner and
(owner, tenant, lessee, other). purchaser, respectively.

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

28.04.140, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction
of off street parking area and a variance of the front
and side yard setback requirements ^{for a complete waiver} on property zoned

A, located 117 South Poplar

and legally described as: _____

Lots 5 & 7, Poplar Street, Second Sub-Division of Lots 3 and

4, Richland Addition, in the City of Wichita.

~~XX~~
~~XX~~

The variance requested on the same above described property is
for the permitting of parking in the front yard without a setback.

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant EDITH CARSON and FRANK SOLOMON

Authorized Agent Robert H. Miller
City

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:40 (a.m. P.M.) June 1, 1965.
together with appropriate fee of \$50.00.

Signed James W. Howe

STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS)
)
 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:

Property lying within a radius of 200 ft of Lots 5 & 7, Poplar Avenue, in Second Subdivision of Lots 3 & 4, in Richland's Addition, Wichita, Kansas.

3
 Fidelity
 Title
 Company.
 inc.

And from such examination find that the record owners thereof are as set opposite the description of the property below, viz:

Lot	Street	Addition	Owner
1 (N 85')	Douglas	Second Sub, Lots 3 & 4, Richland's Add.	Dunn Investment Co. 125 $\frac{1}{2}$ N. Topeka ✓
3 (N 85')	"	" " " "	" " " " "
1 (S 45')	"	" " " "	" W. H. & Vica Irwin, ux 106 S. Grove ✓
3 (S 45')	"	" " " "	" " " " "
5 & 7	"	" " " "	" Florence A. Kellogg 149 N. Grove ✓
9, 11, 13	"	" " " "	" Wayne E. & Cuba A. Fling, ux Life Est: Minnie E. Fling 816 S. Green ✓
15 & 17	"	" " " "	" Constantine A. Balafas & Anna C. Balafas, ux 605 S. Poplar ✓

Lot	Street	Addition	Owner
19 & 21	Douglas	2nd Sub of Lots 3&4, Richland Add.	Frank R. Solomon 710 W. Douglas ✓
23, 25, 27 29 & W15' 4" Lot 31	"	" " " " " "	Fannie S. Gaines 2501 E. Douglas ✓
E 9' 8" of Lot 31 all 33 & W 23' of 35	Douglas Ave	" " " " " "	W. C. Stopher 2505 E. Douglas ✓
2 & N 22' of Lot 4	Grove St.	" " " " " "	Ora O. & Stella M. Arnold, ux 114 S. Grove ✓
S 3' Lot 4, all 6 & 8	"	" " " " " "	Marie Pedicord 118 S. Grove ✓
10 & 12	"	" " " " " "	Vera F. Williams 1637 Ferrell Dr. ✓
1 & 3	Poplar St.	" " " " " "	Arnold M. & Lillyan E. Smith, ux 620 S. Hillside ✓
5 & 7	"	" " " " " "	Edith Sheldon (Edith Carson) 117 S. Poplar ✓
9 & 11	"	" " " " " "	John W. & Mavis M. Bestvater, ux 413 Mulberry St., Ottawa, Ks. ✓
2 & 4	"	" " " " " "	Keith E. & Opal Jean Gaines, ux 204 N. Estelle ✓
6 & N 23' Lot 8	"	" " " " " "	Maxine Lybrand Realty, Inc. 414 Pattie Ave ✓
S 2' Lot 8, all Lots 10 & 12	"	" " " " " "	Herbert & Logie M. Wright, ux 122 S. Poplar ✓
1 & 3, & N 7' Lot 5	Green St.	" " " " " "	Walter A. & Doris M. Henning, ux 115 S. Green ✓
S 18' Lot 5, all Lot 7	"	" " " " " "	Melvin R. & Florence E. Smith, ux 119 S. Green ✓
9 & 11	"	" " " " " "	Charles W. & Grace B. Moyer, ux 121 S. Green ✓
2 & 4	Grove St.	Henry & Carlisle's Sub Lots 5 & 6, Blk 2, Richland Add.	Vera G. Stutsman 1639 Ferrell Dr. ✓
6 & 8	"	" " " " " "	Frederick L. & Mildred I. Dicks 134 S. Grove ✓ ux
10 & 12	"	" " " " " "	Francis D. & Gladys S. Cummin, 138 S. Grove ✓ ux

Lot	Street	Addition	Owner
1 & 3	Poplar	Henry & Carlisle's Sub Lots 5 & 6, Blk 2, in Richland Add.	✓ John C. & Mildred J. Calhoun ux 123 S. Poplar
5 & 7	"	" " " "	✓ James R. & Ineze O. Worley, ux 125 S. Poplar
9 & 11	"	" " " "	✓ Ethel M. Padgett 127 S. Poplar
2 & 4	"	" " " "	✓ Edward C. Link x Harley Jones, 124 S. Poplar
6 & 8	"	" " " "	✓ Phyllis I. & Alvan R. Jones, vir 128 S. Poplar
10 & 12	"	" " " "	✓ O. B. McClaren 5154 E 9th St.
1 & 3	Green	" " " "	✓ Frank Richard Nordstrom & Kay F. Nordstrom, ux 133 S. Green
5 & 7	"	" " " "	✓ Fanny Tyler 137 S. Green

Dated at Wichita, Kansas, this 22nd day
of February, 1965 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elvie M. Farrell
Sec. OEM

Tracer # 66235

FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
<i>Plan Application</i>	<i>10.00</i>
<i>(Exception & Variance)</i>	
Name	<i>Bob Nelson</i>
Address	<i>116 Home Center Bldg.</i>
Type	<i>2-712</i>
Due Date	

Comments:

Date *6-1-65* By *B. Shaw*