

BZA-21-68 - Violet Lemon requests
Exception to permit construction of
off-street parking lot on SW corner
of Mt. Carmel Ct. & Mt. Carmel Ave.

POSTED
8-27-68
SLL

ACTION

BZA ~~CONSIDERED~~ ^{DATE} Approved 8-27-68

~~RECEIVED~~ _____

~~RECEIVED~~ _____

PZ mlv
CZ mlv
10/20/69

Posted
8-1-68
-11

ACTION

		DATE
B3a	<u>approved</u>	<u>8-27-68</u>

██████	_____	_____
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██████	_____	_____
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P2 m ✓
C2 m ✓
10/20/69

BZA-21-68 - Violet Lemon requests
Exception to permit construction of
off-street parking lot on SW corner
of Mt. Carmel Ave. & Mt. Carmel St.

Map No. 5248
 Sec. 13
 Twp. 27
 Range 1W

DATA SHEET
 (ZONING & CONDITIONAL USE)

BZA- 21-68
74
 SCZ-
 CU-
 Filed 7-30-68

APPLICATION DATA: From n/a to _____

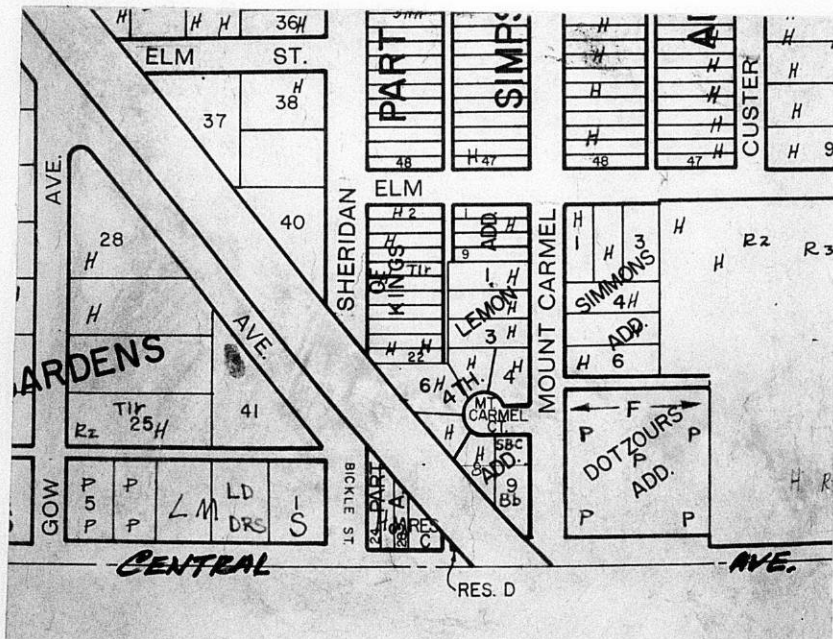
- Applicant: Violet Lemon
 Address 711 N. Mt. Carmel Phone WH 35384
- Agent: none
 Address _____ Phone _____
- General Location: On the southwest corner of Mt. Carmel Ct. and Mt. Carmel Avenue. Address _____
- Proposed Use: Parking Lot

AREA DATA:

- Acres: _____ (_____ ft. by _____ ft.)
- Adjoining Zoning: E LC S LC W AA N AA
- Land Use: East FOOD STORE & PARKING South RAILROAD TRACKS
 West RAILROAD TRACKS North SINGLE FAM
- Sketch Plan Land Use is for: RESIDENTIAL
- Present Land Use is for: BEAUTY SCHOOL
- Area (is) (is/has) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



BZA- 21-68

Map No. 5248
Sec. 13
Twp. 27
Range 1W

DATA SHEET
(ZONING & CONDITIONAL USE)

4
SCZ- _____
CU- _____
Filed 7-30-68

APPLICATION DATA: From n/a to _____

- Applicant: Violet Lemon
Address 711 N. Mt. Carmel Phone WH 35384
- Agent: none
Address _____ Phone _____
- General Location: On the southwest corner of Mt. Carmel Ct. and Mt. Carmel Avenue. Address _____
- Proposed Use: Parking Lot

AREA DATA:

- Acres: 0.33 (63 ft. by 130 ft.)
- Adjoining Zoning: E LC S LC W AA N AA
- Land Use: East Food Store & Parking South RAILROAD TRACKS
West RAILROAD TRACKS North SINGLE FAM
- Sketch Plan Land Use is for: RESIDENTIAL
- Present Land Use is for: BEAUTY SCHOOL
- Area (is) 100%/100% platted.

PROCEDURE DATA:

- Zoning Committee _____ by _____, _____, _____
- MAPC Meeting:

Date	Action

- Governing Body (Bd. City Commissioners - Bd. County Commissioners)

Date	Action	Resolution

NOTES: SEE ASSOCIATED ZONE CASE 2-0973.

December 9, 1968

Robert Feldner, Supt. of Central Inspection

Jack H. Galbraith, Senior Planner

Case No. BZA 21-68 - Request for Exception for Off-Street
Parking Lot.

On September 16, 1968, we forwarded you a copy of a letter sent to Mrs. Violet Lemon, accompanied by a Resolution setting forth the conditions of approval for an off street parking lot requested by the Board of Zoning Appeals.

Last week I had an occasion to drive by Mrs. Lemon's School of Cosmetology at Mt. Carmel and Mt. Carmel Court with several Planning Commissioners, and we noted that she had not complied with the conditions of approval set by the Board. There was considerable opposition expressed by adjacent property owners and conditions of screening and curb cut closings and openings were required to protect adjacent properties.

Since the Commissioners asked that I check into the matter, we would appreciate your reviewing the Resolution and have your staff check into the compliance of the various conditions of approval.

Attached is a plot plan with several of the conditions marked in red. We would appreciate your advising as to when these conditions are going to be complied with.

JHG:js

THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE September 27, 1968

TO Ralph Wulz, City Manager
FROM John Dekker, Director of Law



SUBJECT BZA Case No. 21-68

I am in receipt of a copy of your memorandum of September 19, directed to Jack Galbraith. These people were in to see me and I referred it to Arthur Johnson. Mr. Johnson has been in contact with their attorney, who isn't sure whether or not he is going to proceed. He is supposed to inform us whether or not he has been retained to proceed in the matter. I have assigned the matter to Mr. Johnson to handle.

John Dekker
Director of Law

JD:cr

cc: ✓ Jack Galbraith, Senior Planner



The City of Wichita

CITY BUILDING • TELEPHONE AMherst 2-8211

WICHITA, KANSAS

COPY

September 23, 1968

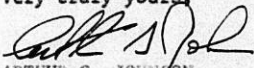
Mr. Ronald Mayes
Attorney at Law
419 Beacon Building
Wichita, Kansas 67202

Re: MRS. VIOLET LEMON
BZA Case No. 21-68

Dear Mr. Mayes:

Confirming our visit last week, you will let me know if you decide to undertake the representation of Robert Adkins with respect to his opposition of the above matter. I would then be able to offer whatever assistance that is deemed appropriate.

Very truly yours,


ARTHUR G. JOHNSON,
Assistant City Attorney
425 Beacon Building
Wichita, Kansas 67202

AGJ:nm

cc: Ralph Wulz, City Manager
John Dekker, City Attorney
Jack Galbraith, Senior Planner ✓



September 16, 1968

Mrs. Violet Lemon
711 North Mt. Carmel
Wichita, Kansas 67203

Subject: Case No. BZA 21-68
Request for an Exception

Dear Mrs. Lemon:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 27, 1968, in connection with your request for an exception to permit an off-street parking lot on property zoned "AA" Single Family and generally located on the southwest corner of Mt. Carmel Court and Mt. Carmel Avenue.

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

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Mrs. Robert S. Adkins, 3202 St. Louis, Wichita, Kans. 67203
Mr. J. F. Wharton, 715 N. Mt. Carmel Ct., Wichita, Kansas
Mr. Robert Feldner, Superintendent of Central Inspection
Mr. Ralph Eberly, City Clerk

RESOLUTION NO. BZA 21-68

WHEREAS, Violet I. Lemon, 711 North Mount Carmel, 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 lot on property zoned "AA" Single Family, and legally described as follows:

That portion of Lots 8 and 9, Lemon Fourth Addition, lying north of a line running parallel to and 180 feet north of the south line of Section 13, Township 27, Range 1 West, Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Mount Carmel Court and Mount Carmel Avenue.

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 August 27, 1968, 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 "AA" Single Family, 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 "AA" Single Family, and legally described as follows:

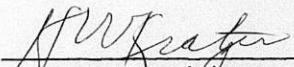
That portion of Lots 8 and 9, Lemon Fourth Addition lying north of a line running parallel to and 180 feet north of the south line of Section 13, Township 27, Range 1 West, Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Mount Carmel Avenue and Mount Carmel Court.

subject to the following conditions:

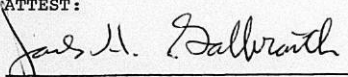
1. The parking areas shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
2. Only such signs as are necessary for the proper operation of the parking lots shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lots and all driveways providing ingress and egress to the parking lots 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 applicant shall provide for the closing of the first existing drive west of Mount Carmel and the closing of the curb returns.
8. The illegal sign advertising the "school" on the southwest corner of Mount Carmel and Mount Carmel Court shall be removed.
9. No parking shall be allowed in the 25 foot front yard setback on Mount Carmel Court.
10. A six foot high solid fence of masonry, architectural tile, louvered or staggered redwood or rough sawed cedar shall be erected along the northwest property line, except that said fence shall not extend into the required front yard setback of 25 feet; however, said fence shall be reduced to 3 feet in height and extended into said front yard a distance of 15 feet. A 3 foot high fence, of the same material, shall be erected from the northwest corner of the existing building, west a distance of 20 feet to the driveway approach of Mount Carmel Court to the parking lot.
11. All improvements and conditions as outlined above shall be installed and complied with prior to the occupance of the site for an off-street parking lot.

ADOPTED AT WICHITA, KANSAS, this 27th day of August, 1968.


H. W. KRATZER, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

August 28, 1968

Violet I. Lemon
711 N. Mt. Carmel
Wichita, Kansas 67203

Subject: Case No. BZA 21-68
Request for an Exception

Dear Mrs. Lemon:

At the regular meeting of the Board of Zoning Appeals on August 27, 1968, your request for an exception to permit an off-street parking lot on property zoned "AA" Single-Family, and generally located on the southwest corner of Mt. Carmel Court and Mt. Carmel Avenue, was considered.

It was the action of the Board to approve this request for an exception to permit an off-street parking lot subject to conditions 1 through 11 as recommended in the Secretary's Report, however, Condition No. 10 was changed to read as follows:

10. A six foot high solid fence of masonry, architectural tile, louvered or staggered redwood or rough sawed cedar shall be erected along the northwest property line, except that said fence shall not extend into the required frontyard setback of 25 feet; however, said fence shall be reduced to 3 feet in height and extended into said front yard setback a distance of 15 feet. A 3 foot high fence, of the same material, shall be erected from the northwest corner of the existing building, west a distance of 20 feet to the driveway approach of Mt. Carmel Court to the parking lot.

While this resolution is being prepared I would suggest that you proceed to conform to the conditions of this approval, as well as the conditions outlined on the building plans which you submitted to the Office of Central Inspection. Your contractor should proceed to close the one driveway entrance and widen the entrance

Violet I. Lemon
August 28, 1968
Page 2

to the parking lot in conformance with the original approved plans. You should also make arrangements with a fence contractor to immediately install the appropriate fences so that your lot becomes conforming as quickly as possible.

We are anxious to assist you in any way we can so that this case can be considered closed. If you have any questions prior to the time you receive the signed resolution, please contact our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Mrs. Robert S. Adkins
3202 St. Louis
Wichita, Kansas 67203

Mr. J. P. Wharton
715 N. Mt. Carmel Court
Wichita, Kansas 67203

Mr. Mel Meyer,
Traffic Engineer

Mr. Robert Feldner,
Superintendent of Central Inspection

Mr. Ralph Eberly,
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 21-68

APPLICANT: Violet Lemon, 711 North Mt. Carmel, Wichita, Kansas.

AGENT: None

REQUEST: Exception pursuant to Section 28.04.145, Code to the City of Wichita, to permit off-street parking facilities to be constructed in conjunction with a beauty school on property zoned "AA" Single-Family.

GENERAL LOCATION: Southwest corner of Mt. Carmel Avenue and Mt. Carmel Court.

LAND USE: Subject property is occupied by a beauty school with associated off-street parking, to the north is single family; to the south a beauty shop, east is a food store and parking, and to the west is a railroad and single family.

ZONING: The application area is zoned "AA" Single-family as are those lands to the north and west, with "LC" light commercial south and east.

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 to permit the installation or construction of an off-street parking lot provided the conditions outlined under 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 the continued use of off-street parking facilities which are presently in violation of the zoning ordinance being located in "AA" Single-Family zoning which does not permit off-street parking lots as an outright use.

It should be pointed out that the parking lot was part of an approved plan to enlarge the beauty school to the east. Through an error, by Central Inspection, the plan was approved although

Page 2 - Secretary's Report
Case No. BZA 21-68

the north 50 feet was zoned "AA". It should also be pointed out that in the event this request is approved, the north 25 feet of the beauty school will still be an illegal use.

In applying for a change of zoning from "AA" to "BB" in March of this year, on subject property, the applicant stated that she was requesting the change to provide off-street parking facilities for the beauty school, located on the site. The application was denied by the Board of City Commissioners on June 4, 1968.

It is the opinion of the Secretary that this application is logical and proper and that with adequate screening for the adjacent residential property, this parking lot would be compatible with the general area.

RECOMMENDATION:

It is the recommendation of the Secretary that this application 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 lots and all driveways providing ingress and egress to the parking lots 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 applicant shall provide for the closing of the first existing drive west of Mt. Carmel and the closing of the curb returns.
8. The illegal sign advertising the "school" on the southwest corner of Mt. Carmel and Mt. Carmel Court shall be removed.
9. No parking shall be allowed in the 25 foot front yard setback on Mt. Carmel Court.
10. A six foot high solid fence of masonry, architectural tile, louvered or staggered redwood or rough sawed cedar shall be erected along the northwest property line, except that said fence shall not extend into the required frontyard setback of 25 feet; however, said fence shall be reduced to 3 feet in height and extended into said front yard setback a distance of 15 feet.
11. All improvements and conditions as outlined above shall be installed and complied with prior to the occupancy of the site for an off-street parking lot.

Case No. BZA 21-68 - 16 NOTICES TO ADJOINING PROPERTY OWNERS MAILED 8-7-68 for
meeting of 8-27-68.

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

August 7, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 21-68

An application has been filed by Violet I. Lemon, 711 N. Mt. Carmel, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the construction of an off-street parking lot, on property zoned "AA" Single-Family and legally described as follows:

That portion of Lots 8 and 9, Lemon Fourth Addition lying north of a line running parallel to and 180 feet north of the south line of Section 13, Township 27, Range 1 West, Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Mt. Carmel Court and Mt. Carmel Avenue.

This application has been assigned Case No. BZA 21-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 27, 1968, 1:30 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

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. B2A 21-68
FILED 7-30-68

APPLICATION FOR EXCEPTION

I. Name of Applicant Violet J. Lemon
Mailing Address 711 N. Mt Carmel Phone WH 2-6121
Name of Authorized Agent Violet J. Lemon
Mailing Address 711 N. Mt Carmel Phone WH 26121
Relationship of applicant to property is that of owner
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section _____, Code of the City of Wichita, Kansas (Zoning Ordinance); to permit the installation or construction of off street parking lot on property zoned AA, located Southwest corner of Mt Carmel ~~Corner of Mt Carmel Avenue~~ and legally described as: _____, in the City of Wichita.
(Give metes and bounds description below if appropriate).

- 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 Violet J. Lemon
Authorized Agent Violet J. Lemon

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 4:15 (a.m. - P.M.), July 30, 1968, together with appropriate fee of \$50.00.

Signed John S. [Signature]

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
6	7	J. O. Davidson's 2nd Addition	✓ Dean E. Pittenger 632 Brookfield 67206
8	"	"	✓ Ruby E. Anderson and Charles D. Anderson 646 N. Mt Carmel 67203
16		Paulins Addition	✓ Vernon E. Galyardt 2659 N. Clarence 67204
Reserve except W. 130'		"	✓ Lawrence E. Gaston and Marjorie A. Gaston 1827 E. Lewis 67211
W 130' of Reserve		"	✓ Joe Justus Brown and Grace M. Brown 5900 E. Douglas Ave. 67208
2		Lemon 4th Addition	✓ Charles Loyd Handley 735 N. Mt Carmel 67203
3		"	✓ Daryl G. Glamann and Mary L. Glamann 731 N. Mt Carmel 67203
4		"	X James L. Young and Carolyn S. Young Address unknown X 215 Ohio
5		"	✓ Robert S. Adkins and Marlene Ann Adkins 3202 St. Louis 67203
6		"	✓ Mary J. Horner and Otto J. Horner 717 N. Mt Carmel 67203
7		"	✓ James Franklin Wharton and Athena Wharton 715 N. Mt Carmel 67203 ⁶⁷²⁰³
8		"	✓ Administrator of Veterans Affairs 5500 E. Kellogg 67218
9		"	✓ Violet L. Matthewa and Joseph Matthews 1731 N. Nevada 67212
5	Mt Carmel	Simmons Addition	✓ Dan L. Litzel and Bertha M. Litzel 734 N. Mt Carmel 67203
6 exc. S. 50'	"	"	"
S 50' of 6	"	"	✓ J. P. Loux 2445 St. Louis 67203

Continued page 2

Lot	Street	Addition	Property Owner
1		Dotzours Addition	X J. R. Clark X Address unknown
16	Sheridan	S. A. King Addition	X Wayne O. Winegarner X Address unknown
18	"	"	"
20	"	"	"
22	"	"	"
24	Central Ave	"	X N. H. Benschmidt X Address unknown X Elaine B. Schmitt X Address unknown X John W. Lonnberg X 1478 Woodrow 67203
26	"	"	"
28	"	"	"
Reserve C	"	"	"
Reserve D	"	"	"

We, The Security Abstract and Title Company, Inc.,
hereby certify the foregoing to be a true and correct list of property
owners of all lots within a 200 foot radius of the following property
towit;

Lots 8 and 9, in Lemon's 4th Addition to Wichita, Sedgwick County,
Kansas.

as shown by the deeds on file in the Office of the Register of Deeds of
Sedgwick County, Kansas, on this 29th day of February, 1968 at 7:00
o'clock A. M.

The Security Abstract and Title Company, Inc.

By

Luisa Schroeder

Vice-President

Order No. 151612

Supplement to Certificate No. 151612

Lot 8	Lemon Addition	Violet I. Lemon 711 N Mt. Carmel
Lot 9	"	Violet I. Lemon 711 N. Mt. Carmel
S 50' of lot 9 on Mt Carmel	Simmons Addition	Don Grayson and Ramona Grayson 10205 34th St. SW Seattle Washington

We, The Security Abstract and Title Company, Inc., hereby certify that there have been no change of ownership of the lots covered by our certificate No. 151612 except those hereinbefore set out.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Lucille Schindler
Vice-President

Order No. 155982

FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
B2C copy letter	

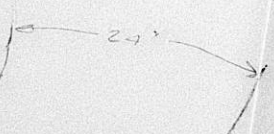
Name *Wight-Lemmon*

Address *711 N. 22nd Central*

Type *R710* Due Date

Comments:

Date *1-30-68* By *Gayle Smith*



*

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