

BZA 25-73 Southwestern Bell Tele  
requests VARIANCE for off-street  
parking at the NE corner of Oli-  
ver & English - J.C. Vermillion

POSTED

C.I. ✓  
MAYO ✓  
12-17-73

ACTION

DATE ~~9-25-73~~ 10.23.73

Deferred  
Approved, subject to condition

BZA COMMITTEE  
BZA Comm.

A.P.C.

C./B. CO. C.



RESOLUTION NO. BZA 25-73

WHEREAS, Southwestern Bell Telephone Company, 220 East 6th, Room 535, Topeka, Kansas, 66603, by Mr. J. C. Vermillion, Architectural Engineer, 220 East 6th, Room 535, Topeka, Kansas, 66603, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 168 to 63 on property zoned "LC" Light Commercial District and the "BB" Office District, and legally described as follows:

Lots 12 through 46 Even, on Tracy, now Oliver Avenue, in East Douglas Avenue Addition to Wichita, Sedgwick County, Kansas. Generally located at the Northeast corner of Oliver Avenue and English.

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 on October 23, 1973, in considering said application, deferred it until November 27, 1973; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of November 27, 1973, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as customers do not come to this location to do business, and a large percentage of the floor space is occupied by telephone equipment rather than office equipment or personnel. Consequently, the only parking spaces which are actually needed are those to accommodate employees; and

WHEREAS, the Board of Zoning Appeals has found that as long as Southwestern Bell provides sufficient parking for all employees, the granting of the variance will not have an adverse effect on adjacent property owners or residents; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance), of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application since there is no available vacant property which could be acquired to provide the required amount of parking, and parking is only needed for the employees of Southwestern Bell; and

WHEREAS, the Board of Zoning Appeals has found that, if sufficient parking is provided to accommodate all Southwestern Bell employees working at this location, the granting of the variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as adequate off-street parking will be provided to serve the facilities located on subject property,

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance to reduce the number of off-street parking spaces from 168 to 63 on property zoned the "LC" Light Commercial District and the "BB" Office District, and legally described as:

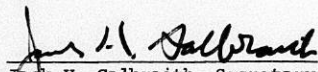
Lots 12 through 46 Even, on Tracy, now Oliver Avenue, in East Douglas Avenue Addition to Wichita, Sedgwick County, Kansas. Generally located at the Northeast corner of Oliver Avenue and English.

be approved for 73 spaces, subject to the condition that if at any time employment in any one working shift exceeds 73 employees, Southwestern Bell Telephone Company shall provide additional parking within three months or this resolution of approval shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 27th day of November, 1973.

  
Priscilla L. Lee, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

January 17, 1974

Mr. D. E. Griffin  
118 South Oliver  
Wichita, Kansas 67218

RE: Case No. BSA 25-73  
Request for Variance

Dear Mr. Griffin:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 27, 1973, in connection with your request to reduce the required number of off-street parking spaces from 168 to 63, on property zoned the "LC" Light Commercial District and the "BB" Office District, and generally located at the Northeast corner of Oliver and English.

This resolution reflects the official action of the Board to approve your request and sets out the condition of approval. It is forwarded to you for your information and files.

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:rv

Enclosure

cc: William Bell, Walter Morris and Son, 128 South Delaware, 67218  
J. C. Vermillion, Architectural Engineer, 220 East 6th, Room  
535, Topeka, Kansas, 66603  
Fred DeWesse, Architectural Engineer, 220 East 6th, Room  
535, Topeka, Kansas, 66603  
W. S. McKinley, Assistant Traffic Engineer

Mr. D. R. Griffin  
Page 2

cc: Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

December 3, 1973

Mr. D. R. Griffin  
118 South Oliver  
Wichita, Kansas 67218

RE: Case No. BEA 25-73  
Request for Variance

Dear Mr. Griffin:

At the regular meeting of the Board of Zoning Appeals on November 27, 1973, your request for a variance to reduce the required number of off-street parking spaces from 168 to 63, on property zoned the "LC" Light Commercial District and the "BB" Office District, and generally located at the Northeast corner of Oliver and English, was considered.

Based on the submitted parking plans indicating 73 approved spaces, it was the action of the Board to approve this variance to 73 spaces subject to the following condition:

1. That if at any time employment in any one working shift exceeds 73 employees, Southwestern Bell Telephone Company shall provide additional parking within three months or this Resolution of approval shall be considered null and void.

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.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:rw

December 3, 1973

Mr. D. R. Griffin  
118 South Oliver  
Wichita, Kansas 67218

RE: Case No. BSA 25-73  
Request for Variance

Dear Mr. Griffin:

At the regular meeting of the Board of Zoning Appeals on November 27, 1973, your request for a variance to reduce the required number of off-street parking spaces from 168 to 63, on property zoned the "LC" Light Commercial District and the "BB" Office District, and generally located at the Northeast corner of Oliver and English, was considered.

It was the action of the Board to approve this request subject to the following condition:

1. That if at any time employment in any one working shift exceeds 73 employees, Southwestern Bell Telephone Company shall provide additional parking within three months or this Resolution of approval shall be considered null and void.

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.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:rv

Mr. D. R. Griffin

Page 2

cc: William Bell, Walter Morris and Son, 128 South Delaware, 67218  
J. C. Vermillion, Architectural Engineer, 220 East 6th, Room  
535, Topeka, Kansas, 66603  
Fred DeWeese, Architectural Engineer, 220 East 6th, Room 535,  
Topeka, Kansas, 66603  
W. S. McKinley, Assistant Traffic Engineer  
Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

November 30, 1973

Mr. William Bell  
Walter Morris and Son  
128 South Delaware  
Wichita, Kansas 67218

RE: Case No. SEA 25-73  
Request for Variance

Dear Mr. Bell:

At the regular meeting of the Board of Hearing Appeals on November 27, 1973, your request for a variance to reduce the required number of off-street parking spaces from 168 to 63, on property zoned the "LC" Light Commercial District and the "EB" Office District, and generally located at the Northeast corner of Oliver and English, was considered.

It was the action of the Board to approve this request subject to the following condition:

1. That if at any time employment in any one working shift exceeds 73 employees, Southwestern Bell Telephone Company shall provide additional parking within three months or this Resolution of approval shall be considered null and void.

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.

Very truly yours,

Jack H. Galbraith  
Secretary

JHB:rv

Mr. William Bell  
Page 2

cc: D. E. Griffin, 967 Peterson, 67212  
J. C. Verrillion, Architectural Engineer, 220 East 6th, Room  
535, Topeka, Kansas, 66603  
Fred DeWeese, Architectural Engineer, Engineering Department,  
Southwestern Bell, 220 East 6th, Topeka, Kansas, 66603  
W. S. McKinley, Assistant Traffic Engineer  
Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

SECRETARY'S REPORT  
CASE NO. BZA 25-73

for 11-27-73

APPLICANT: Southwestern Bell Telephone Company, 220 East 6th, Room 535, Topeka, Kansas, 66603.

AGENT: Mr. J. C. Vermillion, Architectural Engineer, 220 East 6th, Room 535, Topeka, Kansas, 66603.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 168 to 63.

GENERAL LOCATION: Generally located at the Northeast corner of Oliver and English.

ZONING: Subject property is zoned the "LC" Light Commercial District and the "BB" Office District. To the north is "LC" zoning; to the south is the "A" Two Family Dwelling District; and west is "LC" and "A" zoning. To the east are the "RB" Four Family Dwelling District, the "B" Multiple Family Dwelling District and the "BB" Office District.

LAND USE: Subject property contains the Murray Telephone Equipment Building, a parking lot and undeveloped property. To the north is a department store; to the west is a shopping center, parking lots, and a duplex and office; South is a duplex and to the east there is a duplex, a fourplex, and a parking lot.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

Secretary's Report  
BZA Case No. 25-73  
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3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The northern portion of subject property (Lots 12 through 32 even), was included in previous BZA Case No: 47-64. On October 27, 1964, the Board of Zoning Appeals granted: (1) an exception to permit off-street parking on that part of the property then zoned the "RB" Four Family Dwelling District (Case No. Z-1151 involved a zone change from "RD" to the "BB" Office District for this property); (2) a variance to waive the required front and side yards for off-street parking purposes; and (3) a variance to reduce the required number of off-street parking spaces from 59 to 40. A zone change from "RB" to "BB" (Z-1555) for Lots 42, 44, and 46 was recommended for approval by the M&PC on August 9, 1973, and approved by the City Commission on September 11, 1973.

Southwestern Bell is proposing to expand the Murray Telephone Equipment Building located on subject property. Section 28.04.141, Code of the City of Wichita, requires that one parking space be provided for each 250 square feet of floor area by office buildings. The proposed addition would increase the size of the building by approximately 5200 square feet, making the gross area of the structure approximately 42,000 square feet, and thus requiring that 168 parking spaces be provided. The applicant is requesting a variance to reduce the required number of off-street parking spaces from 168 to 63.

In the statement of justification, the agent for the applicant states that the existing property will not accommodate the required parking and there is no available vacant property in the area which could be acquired to provide additional parking. He also states that this building primarily houses telephone switching equipment and does not serve the public at large.

Secretary's Report  
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Prior to the Board's meeting of October 23, 1973, certain problems existed with regard to the plot plan and parking in an unpaved area. At that meeting the Board requested that the applicant submit a revised parking plan, approved by the Traffic Engineering Division, to eliminate such problems as parking in the right-of-way for Oliver. The applicant has complied with this request and the revised parking plan, approved by Traffic Engineering, indicates a total of 73 off-street parking spaces will be provided. The applicant has also received a building permit to hard-surface a portion of the application area, which should eliminate the use of unpaved property for parking.

It should be pointed out that when the exception was granted to reduce the required number of parking spaces from 59 to 40, the Board was assured that the maximum number of employees projected for the Murray Building was 35. There are currently 48 day employees working at this location, according to the applicant's statement of justification. Although this statement also indicates an increase to 56 day and five night employees by 1983, the applicant's revised parking plan shows an increase to 80 day and 6 night employees by 1986.

Uniqueness:

It is the opinion of the Secretary that this is a unique situation inasmuch as customers do not come to this location to do business, and a large percentage of the floor space is occupied by telephone equipment rather than office equipment or personnel. Consequently, the only parking spaces which are actually needed are those to accommodate employees.

Adjacent Property:

It is the opinion of the Secretary that as long as Southwestern Bell provides sufficient parking for all employees, the granting of the variance will not have an adverse effect on adjacent property.

Hardship:

In the opinion of the Secretary, hardship can be found to exist since there is no available vacant property which could be acquired to provide the required amount of parking, and parking is only needed for the employees of Southwestern Bell.

Secretary's Report  
EZA Case No. 25-73  
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Public Interest:

The Secretary is of the opinion that, if sufficient parking is provided to accommodate all Southwestern Bell employees working at this location, the granting of the variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Spirit and Intent:

It is the opinion of the Secretary that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance), inasmuch as adequate off-street parking will be provided to serve the facilities located on subject property.

RECOMMENDATION:

Based on the submission of a parking plan approved by the Traffic Engineering Office, and provided that the number of employees for any working shift shall not exceed 60, it is the opinion of the Secretary that all 5 conditions can be justified and, therefore, it is recommended that the variance be approved to reduce the number of off-street parking spaces from 168 to 73.

SECRETARY'S REPORT *for 10.27.73*  
CASE NO. BZA 25-73

APPLICANT: Southwestern Bell Telephone Company, 220 East 6th, Room 535, Topeka, Kansas, 66603.

AGENT: Mr. J. C. Vermillion, Architectural Engineer, 220 East 6th, Room 535, Topeka, Kansas, 66603.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of *off-street* parking spaces from 168 to 63.

GENERAL LOCATION: Generally located at the Northeast corner of Oliver and English.

ZONING: Subject property is zoned the "LC" Light Commercial District and the "BB" Office District. To the north is "LC" zoning; to the south is the "A" Two Family Dwelling District; and west is "LC" and "A" zoning. To the east are the "RB" Four Family Dwelling District, the "B" Multiple Family Dwelling District and the "BB" Office District.

LAND USE: Subject property contains the Murray Telephone Equipment Building, a parking lot and undeveloped property. To the north is a department store; to the west is a shopping center, parking lots, and a duplex and office; South is a duplex and to the east there is a duplex, a fourplex, and a parking lot.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

Secretary's Report  
BZA Case No. 25-73  
Page 2

3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The northern portion of subject property (Lots 12 through 32 even), was included in previous BZA Case No: 47-64. On October 27, 1964, the Board of Zoning Appeals granted: (1). an exception to permit off-street parking on that part of the property then zoned the "RB" Four Family Dwelling District (Case No. Z-1151 involved a zone change from "RB" to the "BB" Office District for this property); (2). a variance to waive the required front and side yards for off-street parking purposes; and (3). a variance to reduce the required number of off-street parking spaces from 59 to 40. A zone change from "RB" to "BB" (Z-1555) for Lots 42, 44, and 46 was recommended for approval by the M&PC on August 9, 1973, and approved by the City Commission on September 11, 1973.

Southwestern Bell is proposing to expand the Murray Telephone Equipment Building located on subject property. Section 28.04.141, Code of the City of Wichita, requires that one parking space be provided for each 250 square feet of floor area by office buildings. The proposed addition would increase the size of the building by approximately 5200 square feet, making the gross area of the structure approximately 42,000 square feet, and thus requiring that 168 parking spaces be provided. The applicant is requesting a variance to reduce the required number of off-street parking spaces from 168 to 63.

In the statement of justification, the agent for the applicant states that the existing property will not accommodate the required parking and there is no available vacant property in the area which could be acquired to provide additional parking. He also states that this building primarily houses telephone switching equipment and does not serve the public at large.

Secretary's Report  
BZA Case No. 25-73  
Page 3

Prior to the Board's meeting of October 23, 1973, certain problems existed with regard to the plot plan and parking in an unpaved area. At that meeting the Board requested that the applicant submit a revised parking plan, approved by the Traffic Engineering Division, to eliminate such problems as parking in the right-of-way for Oliver. The applicant has complied with this request and the revised parking plan, approved by Traffic Engineering, indicates a total of 73 off-street parking spaces will be provided. The applicant has also received a building permit to hard-surface a portion of the application area, which should eliminate the use of unpaved property for parking.

It should be pointed out that when the exception was granted to reduce the required number of parking spaces from 59 to 40, the Board was assured that the maximum number of employees projected for the Murray Building was 35. There are currently 48 day employees working at this location, according to the applicant's statement of justification. Although this statement also indicates an increase to 56 day and five night employees by 1983, the applicant's revised parking plan shows an increase to 60 day and 6 night employees by 1986.

Uniqueness:

It is the opinion of the Secretary that this is a unique situation inasmuch as customers do not come to this location to do business, and a large percentage of the floor space is occupied by telephone equipment rather than office equipment or personnel. Consequently, the only parking spaces which are actually needed are those to accommodate employees.

Adjacent Property:

It is the opinion of the Secretary that as long as Southwestern Bell provides sufficient parking for all employees, the granting of the variance will not have an adverse effect on adjacent property.

Hardship:

In the opinion of the Secretary, hardship can be found to exist since there is no available vacant property which could be acquired to provide the required amount of parking, and parking is only needed for the employees of Southwestern Bell.

Secretary's Report  
BZA Case No. 25-73  
Page 4

Public Interest:

The Secretary is of the opinion that, if sufficient parking is provided to accommodate all Southwestern Bell employees working at this location, the granting of the variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Spirit and Intent:

It is the opinion of the Secretary that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance), inasmuch as adequate off-street parking will be provided to serve the facilities located on subject property.

RECOMMENDATION:

Based on the submission of a parking plan approved by the Traffic Engineering Office, and provided that the number of employees for any working shift shall not exceed 60, it is the opinion of the Secretary that all 5 conditions can be justified and, therefore, it is recommended that the variance be approved to reduce the number of off-street parking spaces from 168 to 73.

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

November 7, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

On October 23, 1973, the Board of Zoning Appeals considered Case No. BZA 25-73, filed by Southwestern Bell Telephone Company, 220 East Sixth Street, Room 535, Topeka, Kansas, 66603, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required number of off-street parking spaces from 158 to 63 on property zoned the "BB" Office District and the "LC" Light Commercial District and legally described as follows:

Lots 12 through 46 Even, on Tracy, now Oliver Avenue, in East Douglas Avenue Addition to Wichita, Sedgwick County, Kansas. Generally located at the Northeast corner of Oliver Avenue and English.

Due to uncertainties about the design of the parking lot, Case No. 25-73 was deferred to the next regular meeting of Tuesday, November 27, 1973, at 1:30 p.m. in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas.

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

*20 notices sent to Property Owners 11.8.73*



**Southwestern Bell**

220 East Sixth  
Topeka, Kansas 66603

Engineering Department

November 5, 1973

Mr. Jack H. Galbraith  
Room 402, City Building Annex  
104 South Main  
Wichita, Kansas

RE: Case No. BZA 25-73

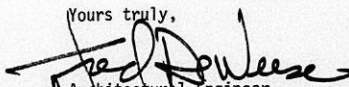
Dear Mr. Galbraith:

Attached are revised drawings of the proposed parking plan for the above referenced variance application. The plans have been revised to reflect the agreement reached by Mr. Fred DeWeese and Mr. Bill McKinley in their telephone conversation of November 2, 1973.

The revised plan allows us to park 73 cars within our property lines. The four parking spaces located on the west right of way will be eliminated.

We are hopeful the revised plan will allow you to consider our variance request at your next board meeting. If you should have any questions concerning this matter, please call Mr. DeWeese on 913+357-2818, collect.

Yours truly,

  
Fred DeWeese  
Architectural Engineer



October 26, 1973

Mr. Fred DeWeese  
7212 N. Meridian  
Wichita, Kansas 67204

RE: BEA Case No. 25-73  
Request for Variance

Dear Mr. DeWeese:

At the regular meeting of October 23, 1973, it was the action of the Board of Zoning Appeals to defer consideration of Case No. BEA 25-73 to the meeting of November 27, 1973. We regret that you did not receive the Secretary's Report prior to the meeting, and an additional copy is enclosed. Please advise us if we can be of any assistance to you and/or the Traffic Engineering Division in preparing a revised parking plan.

If you have any questions concerning this matter, do not hesitate to contact this office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:rv

cc: J. C. Vermillion, Architectural Engineer, 220 East 6th, Room 535,  
Topeka, Kansas, 66603  
W. S. McKinley, Assistant Traffic Engineer  
Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

O W N E R S H I P   L I S T

Lot	Block	Addition	Property Owner
14	4	Lincoln Heights Addition	✓ Phillip R. Young and Ruby H. Young 160 South Dellrose Wichita, Kansas 67218
That part of Lot 15, Block 4, Lincoln Heights Addition described as: Beginning at the SW/c of Lot 15, thence North on the West line 5½' thence in a diagonal line Southeasterly to a point on the South line of Lot 15, which point is 35' East of the SW/c thence West to beg.			Same
Lot 15 except above described tract			✓ Dale B. Stinson Jr. Melva M. Stinson 150 South Dellrose Wichita, Kansas 67218
16	4	Same	✓ Dale H. Cooper & Collette 140 South Dellrose Wichita, Kansas 67218
S 5'	4	Same	Same
lot 17			
Lot 17 exc			
South 5'		Same	✓ Victor Hoffman and Bess E. 136 South Dellrose Wichita, Kansas 67218
1	4	Same	✓ Walter Morris Investment Company, Inc. 208 N. Broadway Wichita, Kansas 67202
2	4	Same	Same
3	4	Same	✓ John W. Copeland & Marilyn 161 South Oliver Wichita, Kansas 67218
4	4	Same	Same
N 15'			
lot 5	4	Same	Same
S 35'			
lot 5	4	Same	Same
6	4	Same	Same
7	4	Same	✓ Allan D. Smith & JoAnne 208 N. Glendale 67208

*returned*

Lot	Block	Addition	Property Owner
43	4	Morningside Addition	X L. W. Schroeder and Lorraine F. Schroeder Address Unknown
44	4	Same	Same
45	4	Same	Janie B. Amberg 206 South Oliver Wichita, Kansas 67218
46	4	Same	Same
47	4	Same	X Gladys L. Hodge Address Unknown
48	4	Same	Same
1	4	Same	Wilda E. Walcher 201 South Glendale Wichita, Kansas 67218
2	4	Same	Same
3	4	Same	A. J. Armour and Alice L. 207 South Glendale Wichita, Kansas 67218
4	4	Same	Same
5	4	Same	James Stuart Mack and Marla 211 South Glendale Wichita, Kansas 67218
48	3	Same	Katharine Healey 208 South Glendale Wichita, Kansas 67218
10		Bleckley Terrace Addition	Charles L. Anderson & Grace 148 South Glendale Wichita, Kansas 67218
11		Same	Robert M. Robbins and Ann H. 415 South Pershing Wichita, Kansas 67218
12		Same	Neva Belle Williams 156 South Glendale Wichita, Kansas 67218
25		East Douglas Avenue Add.	Celia Kidwell 1400 N. Woodlawn Apt. 4B Wichita, Kansas 67206 Gladys Levitt-7118 E. Douglas

67206

Lot	Addition	Property Owner
27	East Douglas Avenue Addition	Celia Kidwell 1400 N. Woodlawn Apt. 4B Wichita, Kansas 67206
		Gladys L. Levitt 7118 East Douglas Wichita, Kansas 67206
29	Same	Same
31	Same	Same
33	Same	Same
35	Same	Same
37	Same	Same
39	Same	Lerland H. Richardson Address Unknown
41	Same	Same
43	Same	Hazel & Beulah Sanders 155 South Glendale Wichita, Kansas 67218
45	Same	Same
47	Same	Same
26	Same	Southwestern Bell Telephone Co. 154 N. Broadway Wichita, Kansas 67202
28	Same	Same
30	Same	Same
32	Same	Same
34	Same	Same
36	Same	Same
38	Same	Same
40	Same	Same
42	Same	Same
44	Same	Same
46	Same	Same

The Security Abstract and Title Company, Inc.  
hereby certifies the foregoing to be a true and correct list of  
property owners of:

*see for  
legal*

A 200 foot radius of: [Lots 42, 44 and 46,  
East Douglas Avenue Addition to Wichita,  
Sedgwick County, Kansas]

as shown by the records on file in the Office of the Register of  
Deeds Office of Sedgwick County, Kansas, on this 27th day of June,  
1973 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Mary Dable*

Vice President

Order No. 204076  
wh

SECRETARY'S REPORT  
CASE NO. BZA 25-73

APPLICANT: Southwestern Bell Telephone Company, 220 East 6th, Room 535, Topeka, Kansas, 66603.

AGENT: Mr. J. C. Vermillion, Architectural Engineer, 220 East 6th, Room 535, Topeka, Kansas, 66603.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of parking spaces from 168 to 63.

GENERAL LOCATION: Generally located at the Northeast corner of Oliver and English.

ZONING: Subject property is zoned the "LC" Light Commercial District and the "BB" Office District. To the north is "LC" zoning; to the south is the "A" Two Family Dwelling District; and west is "LC" and "A" zoning. To the east are the "RB" Four Family Dwelling District, the "B" Multiple Family Dwelling District and the "BB" Office District.

LAND USE: Subject property contains the Murray Telephone Equipment Building, a parking lot and undeveloped property. To the north is a department store; to the west is a shopping center, parking lots, and a duplex and office; South is a duplex and to the east there is a duplex, a fourplex, and a parking lot.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
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 provisions of Title 28 of

which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The northern portion of subject property (Lots 12 through 32 even), was included in previous BZA Case ( Case No. BZA 47-64). On October 27, 1964, the Board of Zoning Appeals granted: (1). an exception to permit off-street parking on that part of the property then zoned the "RB" Four Family Dwelling District (Case No. Z-1151 involved a zone change from "RB" to the "BB" Office District for this property). (2). a variance to waive the required front and side yards for off-street parking purposes; and (3). a variance to reduce the required number of off-street parking spaces from 59 to 40. A zone change from "RB" to "BB" (Z-1555) for Lots 42, 44, and 46 was recommended for approval by the MAPC on August 9, 1973, and approved by the City Commission on September 11, 1973.

Southwestern Bell is proposing to expand the Murray Telephone Equipment Building located on subject property. Section 28.04.141, Code of the City of Wichita, requires that one parking space be provided for each 250 square feet of floor area by office buildings. The proposed addition would increase the size of the building by approximately 5200 square feet, making the gross area of the structure approximately 42,000 square feet, and thus requiring that 168 parking spaces be provided. The applicant is requesting a variance to reduce the required number of parking spaces from 168 to 63.

In the statement of justification, the agent for the applicant states that the existing property will not accommodate the required parking and there is no available vacant property in the area which could be acquired to provide additional parking. He also states that this building primarily houses telephone switching equipment and does not serve the public at large. It is further explained that there are presently 48 day and 5 night employees working at the Murray Building, and projected growth for this addition indicates an increase to 56 day and 5 night employees by

Secretary's Report  
BZA Case No. 25-73  
Page 3

1983. The applicant proposes to add a new 39-space parking area, giving a total capacity of 63 cars.

However, the plot plan submitted by the applicant had not received prior approval from the Traffic Engineering Division of the Department of Public Works. After reviewing the plan with the Traffic Engineering Division, it was discovered that eight of the spaces indicated on the plan, as existing parking, do not conform to the parking standards utilized by that Division, and will have to be eliminated. Four of the spaces adjacent to Oliver are in the sight line for the driveway and are also shown to be in street right-of-way. (This area was dedicated as right-of-way by Southwestern Bell and the Department of Public Works has no record of a minor street privilege ever having been granted to the applicant for parking in this area.) In addition, only 6 parking spaces to the rear of the existing structure received approval for 30° angle parking, as opposed to the 10 spaces designated on the plot plan.

The number of parking spaces which could be provided in the areas specifically designated as "existing parking" and "new parking" is therefore reduced to 55 from the 63 originally proposed by the applicant. However, by utilizing that portion of the area indicated as "future parking", which is not located in the right-of-way for Oliver, 65 parking spaces could be provided. (Although an additional 19 spaces could be created by the granting of a minor street privilege to allow parking in the right-of-way, the Division of Traffic Engineering discourages such parking. The applicant should consult with the Traffic Engineering Division in order to furnish the Board with revised copies of the parking plan prior to the BZA meeting.

It should be further pointed out that when the exception was granted to reduce the required number of parking spaces from 59 to 40, the Board was assured that the maximum number of employees projected for the Murray Building was 35. There are currently 48 day employees working at this location, according to the applicant's statement of justification. It should also be noted that in viewing the area from the field, 13 cars were parked on subject property, which is not hard surfaced. The existing parking lot contained 35 vehicles, including two parked in areas neither designated nor approved for parking, and there were six vacant parking spaces.

Secretary's Report  
BZA Case 25-73  
Page 4

Uniqueness:

It is the opinion of the Secretary that this is a unique situation inasmuch as customers do not come to this location to do business, and a large percentage of the floor space is occupied by telephone equipment rather than office equipment or personnel. Consequently, the only parking spaces which are actually needed are those to accommodate employees.

Adjacent Property:

It is the opinion of the Secretary that as long as Southwestern Bell provides sufficient parking for all employees, the granting of the variance will not have an adverse effect on adjacent property.

Hardship:

In the opinion of the Secretary, hardship can be found to exist since there is no available vacant property which could be acquired to provide the required amount of parking, and parking is only needed for the employees of Southwestern Bell.

Public Interest:

The Secretary is of the opinion that, if sufficient parking is provided to accommodate all Southwestern Bell employees working at this location, the granting of the variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Spirit and Intent:

It is the opinion of the Secretary that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance), inasmuch as adequate off-street parking will be provided to serve the facilities located on subject property.

RECOMMENDATION:

Based on the submission of a parking plan approved by the Traffic Engineering Office, and provided that the number of employees for any working shift shall not exceed 56, it is the opinion of the Secretary that all 5 conditions can be justified and, therefore, it is recommended that the variance be approved.

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 25-73

An application has been filed by Southwestern Bell Telephone Company, 220 East Sixth Street, Room 535, Topeka, Kansas, 66603, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required number of off-street parking spaces from 168 to 63 on property zoned the "BB" Office District and the "LC" Light Commercial District and legally described as follows:

Lots 12 through 46 Even, on Tracy, now Oliver Avenue, in East Douglas Avenue Addition to Wichita, Sedgwick County, Kansas. Generally located at the Northeast corner of Oliver Avenue and English.

This application has been assigned Case No. BZA 25-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 23, 1973, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals 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 when this matter will be considered.

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

21 notices sent to Property Owners 10.2.73  
10 " " " Plng Comms. 10.3.73

Notice to Fred DeWane 10-3-73 OK slw

August 27, 1973

Mr. J. C. Vermillion  
Architectural Engineer  
220 East Sixth Street, Room 535  
Topeka, Kansas 66603

RE: Case No. BZA 25-73 - Request by Southwestern Bell for a variance to reduce the required number of off-street parking spaces from 168 to 63; and Z-1555 - Southwestern Bell requests zone change from "RB" to "BB" for property located at the Northeast corner of English and Oliver.

Dear Mr. Vermillion:

On August 9, 1973, the Metropolitan Area Planning Commission recommended approval of the above captioned zone change, subject to the applicant dedicating an additional 20 feet of right-of-way for Oliver. Since the appropriate dedication forms have not been submitted to this office, zone case Z-1555 has not yet been forwarded to the Board of City Commissioners.

The "Rules and Regulations" of the Board of Zoning Appeals do not allow any application to be advertised for public hearing for property wherein a change of zoning is first necessary until the zone change amendment is approved and becomes effective (Article III.E). Property zoned the "RB" Four Family Dwelling District cannot be utilized for office purposes and can only be used for off-street parking through the approval of an exception by the Board of Zoning Appeals. Therefore, until the zone change to the "BB" Office District on Lots 42, 44, and 46 of the East Douglas Avenue Addition becomes effective, the Board of Zoning Appeals case involving this property cannot be advertised for public hearing. If the dedication forms are submitted, the zone change approved by the Board of City Commissioners, and the zoning becomes effective through publication during the month of September, Case No. BZA 25-73 will be

Mr. J. C. Vermillion  
Page 2

scheduled for public hearing on October 23, 1973. (The Board meets the fourth Tuesday of each month.) If you have any questions concerning this matter, please do not hesitate to contact this office.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:rw  
cc: Lawrence McDonough  
Jochens, Sargent and Blaes  
200 East First Street  
Wichita, Ks. 67202



**Southwestern Bell**

220 East Sixth  
Topeka, Kansas 66603

Engineering Department

August 8, 1973

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

Dear Sir:

We are submitting an application for variance in off-street parking requirements for our property located at 118 South Oliver. We are presently planning an addition to our Murray Telephone Equipment Building located on this property. Since we are increasing the size of the building by approximately 5,200 square feet, it will be necessary to adjust our parking capacity to meet projected work force loads.

We are asking for a variance in the total number of required off-street parking spaces. We propose to furnish 63 spaces in lieu of 168 as computed by the 1 space for 250 square feet of gross building area rule established by Code Section 28.04.140, Ordinance 28-34 dated September 24, 1965. The gross area of the two story Murray Building, including the basement, is approximately 42,000 square feet.

We feel our request is unique in as much as this building primarily houses telephone switching equipment and does not serve the public at large. As an office building, it is unlike other office uses and other retail businesses in that customers do not come to this location to do business, and that a large percentage of the floor space is occupied by telephone equipment and cannot be classified as an office space function. Consequently, the only parking spaces that are needed are those required to accommodate the employees at this building.

We presently have 48 day and 5 night employees working at the Murray Building. Our projected growth for this addition indicates an increase to 56 day and 5 night employees by 1983. We propose to add a new 39 space parking lot to our existing lot giving a total parking capacity of 63 cars. We feel the 63 spaces will be adequate to meet our parking requirements for approximately 8 to 10 years.

Granting of this permit for the variance will not adversely affect public interest since we can provide adequate parking on our existing property for all persons working at the building.

As we have stated, we are presently designing an addition to the Murray Building. We understand that granting of a building permit is contingent upon compliance with the parking code. If the ordinance is strictly applied, it will cause an unnecessary hardship by delaying the construction of the addition and installation of telephone equipment to provide service for customers of east Wichita. An additional hardship exists in as much as the existing property will not accommodate the required amount of parking and there is no available vacant property in the area which could be acquired to provide additional parking.

Please refer to Zone Case No. Z15-55 for certified listing of property owners as requested in variance application instructions. We are enclosing our check for \$50 covering the filing fee for this application.

If additional information is required, please contact Mr. Fred DeWeese at 913-357-2818, Topeka.

Yours truly,

  
Architectural Engineer

Enclosures

BOARD OF ZONING APPEALS

CASE NO. 25-73

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

5847

APPLICATION FOR VARIANCE

*Fred De Weese 7212 N Meridian 67204*

I. Name of Applicant Southwestern Bell Telephone Company

Mailing Address 220 E. 6th, Rm 535, Topeka, Ks 66603 phone 913+357-2818

Name of Authorized Agent Mr. J. C. Vermillion, Architectural Engineer

Mailing Address 220 E. 6th, Room 535, Topeka, Ks 66603 phone 913+357-2273

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

II. The variance requested is pursuant to Section 2.12.590.B, Code of the

City of Wichita, to provide only 63 off-street parking spaces rather than

168 spaces as required by Section 28.04.140

for property located 118 South Oliver, Wichita, Kansas (NE corner

of Oliver + English)

and legally described as: lots 12 through 46<sup>Even</sup> on Tracy, now Oliver

Avenue, in East Douglas Avenue Addition to Wichita, Sedgwick County,

Kansas,

in the City of Wichita; and which is presently zoned LC/BB+RB.

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 he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Southwestern Bell Telephone Company

Applicant

*Jack C. Vermillion*  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals \_\_\_\_\_ (a.m. - p.m.), 8:9 19 73 together with appropriate fee of \$50.00.

Send copies of correspondence to  
Mr. Fred De Weese

T9-402

GL Shirkey by KLV  
Signed

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		

DESCRIPTION	AMOUNT
Warrant 614	50.00

Name: Thurston Bell Telephone

Address: 221 E 6th Street, Kansas

Type: 44-417103 Due Date: 1-1-73

Comments:

Date: 11/1/73 By: [Signature]

**SENDER: Be sure to follow instructions on other side**

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)  
(Additional charges required for these services)

Show to whom, date and address where delivered

Deliver ONLY to addressee

**RECEIPT**

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

769123

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

NOV 21 1973

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

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		

DESCRIPTION	AMOUNT
Various BLD	50.00

Name: Thomas Bell Telephone  
 Address: 2315 6th Terrace Kansas  
 Type: AD-4-7103 Due Date: 1-1-73  
 Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 Date: 2/1/73 By: [Signature]

U.S. POSTAL SERVICE  
 OFFICIAL BUSINESS

POSTAGE WILL BE PAID BY ADDRESSEE

POSTNET OF DELIVERING OFFICE

SENDER INSTRUCTIONS  
 Print in the space below your name, address, including ZIP Code.  
 • If special services are desired, check block(s) on other side.  
 • Molten gummed ends and attach to back of article.

RETURN TO

Mr. Jack Galbraith, Chief Planner  
 Metropolitan Area Plng. Dept.  
 104 S. Main  
 Wichita, Ks. 67202

PS Form 3811 Nov. 1970 68-34-8327-1

U.S. MAIL

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

\*

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