

Bya COMMITTEE *App* *9-22-64*

NA.P.C. _____

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

BZA38-64 - Lee Hawkins & Chel Meade
request exception to permit off-street
parking on W side of Lorraine bet.
Kellogg and Lewis

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ACTION

Bya COMMITTEE App DATE 9-22-64

M.A.P.C. _____

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

BZA38-64 - Lee Hawkins & Chel Meade
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C E R T I F I C A T E

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)
)
CITY OF WICHITA)

I, Jack H. Galbraith, Secretary of the Board of Zoning Appeals for the City of Wichita, do hereby certify that the attached is a true and correct copy of the minutes of Board of Zoning Appeals, Case No. BZA 38-64, on file in the office of the Metropolitan Area Planning Department.

Dated this 16th day of February, 1968.

Jack H. Galbraith, Secretary
Board of Zoning Appeals

WHEREAS, the Board determined that an adequate justification for hardship was not shown by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that this application be denied inasmuch as adequate justification of hardship in this case was not shown.

DATED AT WICHITA, KANSAS, this 22nd day of September, 1964.

S/ Harold Bauer
Harold Bauer, Chairman

ATTEST:

S/ Jack H. Galbraith
Jack H. Galbraith, Secretary

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3. Case No. BZA 38-64 - Lee E. and Ada M. Hawkins, and Chel C. and Mary Ellen Meade request an Exception to permit the installation or construction of off-street parking on property zoned "A" and legally described as follows: Lots 7, 9, 11, and 13, on Sherborne, now Lorraine Avenue, in Conlan's Subdivision of Lots 3 and 4 in Imboden and Oliver's Addition. Generally located on the west side of Lorraine Avenue between Kellogg and Lewis.

GALBRAITH pointed out the area on the map and reviewed the following written report of the Secretary:

APPLICANT: Lee E. and Ada M. Hawkins, 429 South Lorraine
Chel C. and Mary Ellen Meade, 2510 East Central

AUTHORIZED AGENT: John D. Dean, 417 West 13th Street

LOCATION: East side of Lorraine between Kellogg and Lewis Street

REQUEST: The request is for exception to permit the installation and construction of an off-street parking lot on said property.

LAND USE: Property in question is vacant. North, east and south is single-family; west is a pancake house.

EXISTING ZONING: Property in question is zoned "A" Two Family. North, east and south is "A" Two Family, and west is "LC" Light Commercial and "A" Two Family.

JURISDICTION: This request is within the Board's jurisdiction to consider under provisions set out under Section 28.04.140.B.1 of the Code of the City of Wichita.

COMMENTS BY THE SECRETARY:

In conversations with the applicants before this application was filed, it was determined that the request for an off-street parking lot resulted from the fact that the applicants could not provide the required amount of off-street parking for the Pancake House which has been constructed at the northeast corner of Kellogg and Chautauqua. Consequently, it became necessary that the applicants request that the lots represented in this application be approved for an off-street parking lot in order to meet the off-street parking requirements. The four lots included in this application have a frontage on Lorraine of 100 feet and a depth of 137.6 feet.

However, after the application was filed, the Secretary, in checking with the Central Inspection Division, found that the applicants have provided more off-street parking spaces than are required on the site where the Pancake House is located. Consequently, it appears that the applicants may not need to have these lots approved for off-street parking, since they are already providing the required amount of spaces.

In any event, it should be pointed out that the only lots up for consideration for approval for off-street parking, are the lots located to the east of the Pancake House and to the north of Kellogg. The off-street parking spaces as shown on the plot plan at the northeast corner of Chautauqua and Kellogg, located in and around the Pancake House, are not to be considered since they are a permitted use in the "LC" District.

It may be that the applicants are proposing to provide more off-street parking than that required by the ordinance. If this is the correct assumption, the Secretary is of the opinion that the Board should go ahead and consider the request for off-street parking approval.

In reviewing the plot plan, it was found that the applicants have not maintained the necessary front setback line which must be maintained for off-street parking lots in a residential area. The ordinance provides that off-street parking lots may be provided in

a residential area; however, they cannot occupy any part of any required front yard setback and can only occupy one-half of the required side yard setback. In this instance, the applicants have shown that they are willing to maintain a 13-foot front setback for the off-street parking spaces. However, if the Secretary's calculations are correct, the applicants will have to provide a 25-foot front setback, which would eliminate approximately 4 off-street parking spaces which are indicated on the plot plan. (The Secretary has checked with the Superintendent of Central Inspection and found that a 25-foot setback is required.)

Another problem which arises is that the applicants show a length of only 16 feet for each car stall whereas the recommended standards for 45 degree perimeter and island parking, as recommended by the Traffic Engineer, suggests that at least 19 feet is required for the length of an off-street parking stall when using the 45 degree parking design. All of the off-street parking spaces on the north and south property lines are shown as having a stall length of 16 feet, whereas the off-street parking stalls in the center of the lot are shown as having a stall length of 18 feet. Consequently, the Traffic Engineer recommends that each stall at 45 degree perimeter and island parking design must have a length of 19 feet and, consequently, it will be necessary to re-arrange this lot to provide for the additional length in off-street parking spaces.

It appears that the circulation pattern for ingress and egress as proposed on the plot plan is acceptable as far as traffic circulation is concerned. However, if the arrows are correct indicating circulation, it would be impossible to park in three bays of stalls.

If this lot is approved for off-street parking, each parking stall adjacent to the north and south property line should have concrete bumper guards to prevent the extension or overhang of vehicles beyond property lines or parking spaces. It would also appear that in order to protect the rights and protect the view of adjacent property owners, that a fence should be constructed along the north and south property lines. If any lighting facilities are provided, they should be the low pedestal-type lights and should be hooded so as to project the lighting of the lot downward rather than into adjacent property.

RECOMMENDATION OF THE SECRETARY:

Based upon the foregoing review, it is the recommendation of the Secretary that this application be approved, subject to the following conditions and requirements:

1. A revised plot plan, drawn according to standards as recommended by the Traffic Engineer and showing all points of ingress and egress, with the length of all off-street parking stalls, front setbacks for off-street parking spaces, width of all driveways, interior traffic circulation and channelization; shall be submitted to the Traffic Engineer prior to the time a permit is issued for the construction of the off-street parking lot.
2. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
3. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
4. In no case shall a fee be charged for parking facilities provided hereunder.
5. Parking areas and driveways on private property providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, trash and other debris.
6. Parking areas shall have proper markings for channelization and movement of vehicles.
7. No lights shall be installed on said parking lot having a height greater than 6 feet above ground level, and the lights, if provided, shall be hooded so that the beam of light shall be directed downward.
8. All parking areas shall have adequate guards to prevent extension or the overhanging of vehicles beyond parking lines or parking spaces.
9. A six-foot high solid wall, masonry, brick or louvered redwood fence shall be erected along the north and south lines of the off-street parking lot, except the fence shall be reduced from 6 feet to 30 inches in height for the east 25 feet of Lots 7, 9, 11 and 13 on Sherborne, now Lorraine, Conlan's Subdivision of Lots 3 and 4 in Imboden and Oliver's Addition.

10. No off-street parking spaces shall occupy the 3 feet adjacent to the north and south property lines, which is one-half the distance of the required side yard setback, and the east 2½ feet which is the required front yard setback.
11. The lot shall be constructed in accordance with the conditions and requirements outlined above within 18 months from the effective date of the approval of this application or this permit shall be null and void.
12. A performance bond or similar security in the amount of \$2,000 shall be submitted to the City Clerk (the form of which is to be approved by Legal Counsel for the Board), to guarantee the installation of the paving of the parking lot area and construction of the fencing as required by the Board.
13. A low type of landscaping (hedges or plantings) shall be provided along the east property line adjacent to Lorraine Street except on areas of ingress and egress.

SHERMAN SAMPSON, on behalf of the applicants, stated that they desire to provide more parking than actually required under the Zoning Ordinance inasmuch as more will be needed since the Pancake House will have 50 tables and about 15 employees. He also pointed out that the 15 parking spaces required under the Ordinance is definitely insufficient to accommodate the patrons of the restaurant.

GEORGE BENNETT, a property owner adjoining subject property on the south, asked about the type of fencing, and the suggested fencing contained in the Secretary's report was explained to him. It was his feeling that a chainlink fence 4 feet in height would be more desirable.

The Chairman pointed out that the Board has always required a fence as suggested by the Secretary, and pointed out that a chainlink fence would subject his tenant to flashing lights from automobiles at night, whereas the types of fence suggested would afford this protection to his tenants.

MIKE GUNTER, 438 South Chautauqua, spoke in opposition, as it was his feeling the use proposed would tend to create more

traffic congestion along Chautauqua and would decrease the value of his residential property. He expressed opposition to what he termed "skip" zoning.

The Secretary pointed out that this request is not for a change of zoning but only for permission to operate the parking lot in a residential zoning classification, and that if approved, the parking lot is all that the property could be used for, except that it could be used for any other use permitted in the "A" zoning district.

BAUER pointed out that the off-street parking lot proposed should serve to relieve on-street parking in the area.

MR. SAMPSON indicated that he was willing to comply with the suggested conditions contained in the Secretary's report, or any other requirements the Board might determine feasible.

The Board discussed the conditions of approval, pointing out the desirability of providing for maintenance of the lot and the placing of a time period on the commencement of construction. The Board decided on minor changes with respect to the bond suggested in Condition No. 12 of the Secretary's report.

MOTION: HARTSTEIN moved, ANDERSON seconded and it carried unanimously that this application for an Exception be granted to allow construction of the off-street parking lot as shown in the following adopted resolution:

R E S O L U T I O N N O . B Z A 3 8 - 6 4

WHEREAS, Lee E. and Ada M. Hawkins, 429 South Lorraine, Wichita, Kansas, and Chel C. and Mary Ellen Meade, 2510 East Central, Wichita, Kansas, by John D. Dean, 417 West 13th Street, Wichita, Kansas, request an Exception to permit installation of an off-street parking lot, as provided in Section 2.12.590, et seq. and Section 28.04.140.B, Code of the City of Wichita, Kansas; and

WHEREAS, the above request applies to the following described property:

Lots 7, 9, 11 and 13, on Sherborne, now Lorraine Avenue, in Conlan's Subdivision of Lots 3 and 4 in Imboden and Oliver's Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located on the west side of Lorraine Avenue between Kellogg and Lewis; 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 a regular meeting held on September 22, 1964, consider said application; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider this request under the provisions of Section 2.12.590, Code of the City of Wichita, Kansas; and

WHEREAS, the property is zoned "A" Two Family Dwelling District; and

WHEREAS, the applicant is requesting to provide more off-street parking than that required under the ordinance for the Pancake House located at the northeast corner of Chautauqua and Kellogg, which will help alleviate on-street parking and traffic congestion in the area; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that an Exception be granted to allow construction of the off-street parking lot, on property legally described as follows:

Lots 7, 9, 11 and 13, on Sherborne, now Lorraine Avenue, in Conlan's Subdivision of Lots 3 and 4 in Imboden and Oliver's Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located on the west side of Lorraine Avenue between Kellogg and Lewis, subject to the following requirements:

1. A revised plot plan, drawn according to standards as recommended by the Traffic Engineer, and showing all points of ingress and egress, with the length of all off-street parking stalls, front setbacks for off-street parking spaces, width of all driveways, interior traffic circulation and channelization, shall be submitted to the Traffic Engineer prior to the time a permit is issued for the construction of the off-street parking lot.
2. The parking area shall be used for passenger vehicles only and in no case shall it be used for

sales, repair, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

3. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
4. In no case shall a fee be charged for parking facilities provided hereunder.
5. Parking areas and driveways on private property providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, trash and other debris. Except that those areas in the front yard setback of 25 feet which do not provide ingress or egress to the property shall not be surfaced.
6. Parking areas shall have proper markings for channelization and movement of vehicles.
7. No lights shall be installed on said parking lot having a height greater than 6 feet above ground level, and the lights, if provided, shall be hooded so that the beam of light shall be directed downward.
8. All parking areas shall have adequate guards to prevent extension or the overhanging of vehicles beyond parking lines or parking spaces.
9. A six-foot high solid wall, masonry, brick or louvered redwood fence shall be erected along the north and south lines of the off-street parking lot, except the fence shall be reduced from 6 feet to 30 inches in height for the east 25 feet of Lots 7, 9, 11 and 13 on Sherborne, now Lorraine, Conlan's Subdivision of Lots 3 and 4 in Imboden and Oliver's Addition.
10. No off-street parking spaces shall occupy the 3 feet adjacent to the north and south property lines, which is one-half the distance of the required side yard setback, and the east 25 feet which is the required front yard setback.
11. The lot shall be constructed in accordance with the conditions and requirements outlined above within

18 months from the effective date of the approval of this application or this permit shall be null and void.

12. A performance and maintenance bond in the amount of \$2,000 shall be submitted to the City Clerk (the form of which is to be approved by Legal Counsel for the Board), to guarantee the installation of the paving of the parking lot area, construction of the fencing and the maintenance of said parking lot as required by the Board. Said bond shall be filed within 60 days of the effective date of the approval of this resolution and shall remain in effect for a period of two years, and shall be renewed at the option of the City 30 days prior to the termination period.
13. A low type of landscaping (hedges or plantings) shall be provided along Lorraine Street in the front yard setback area of 25 feet, except on areas of ingress and egress.

ADOPTED AT WICHITA, KANSAS, this 22nd day of September, 1964.

S/ Harold Bauer
Harold Bauer, Chairman

ATTEST:

S/ Jack H. Galbraith
Jack H. Galbraith, Secretary

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4. Case No. BZA 39-64 - R. A. Davenport requests a variance to allow an addition to an existing house to encroach to within 5 feet of the rear property line on property legally described as the west 158.49 feet of Lot 4, in Block 6, in Frisco Heights 2nd Addition. Generally located on the north side of Ninth Street and in an area between the St. Louis and San Francisco Railroad and Clifton.

GALBRAITH pointed out the area on the map and reviewed the following Secretary's report:

October 5, 1964

Mr. John D. Dean
417 West 13th Street
Wichita, Kansas

Dear Mr. Dean:

Re: Case No. BEA 38-64

On September 25, 1964, we advised you that the Board of Zoning Appeals had approved your request for an exception to permit off-street parking on property zoned "A", and generally located on the west side of Lorraine in an area between Kellogg and Lewis, subject to certain conditions.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before October 2, 1964.

The City Clerk has advised that no appeal was filed on or before that date, 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

JHG:JWH:ber
Attachment

cc: Lee E. and Ada M. Hawkins
429 South Lorraine

Glen Lytle, Superintendent
of Central Inspection

Chel C. and Mary Ellen Meade
2510 East Central

George Bennett
3715 East Mt. Vernon

Sherman Sampson
3302 South Oak

R E S O L U T I O N N O . B Z A 3 8 - 6 4

WHEREAS, Lee E. and Ada M. Hawkins, 429 South Lorraine, Wichita, Kansas, and Chel C. and Mary Ellen Meade, 2510 East Central, Wichita, Kansas, by John D. Dean, 417 West 13th Street, Wichita, Kansas, request an exception to permit installation of an off-street parking lot, as provided in Section 2.12.590, et seq. and Section 28.04.140.B, Code of the City of Wichita, Kansas; and

WHEREAS, the above request applies to the following described property:

Lots 7, 9, 11 and 13, on Sherborne, now Lorraine Avenue, in Conlan's Subdivision of Lots 3 and 4 in Imboden and Oliver's Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located on the west side of Lorraine Avenue between Kellogg and Lewis; 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 a regular meeting held on September 22, 1964, consider said application; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider this request under the provisions of Section 2.12.590, Code of the City of Wichita, Kansas; and

WHEREAS, the property is zoned "A" Two Family Dwelling District; and

WHEREAS, the applicant is requesting to provide more off-street parking than that required under the ordinance for the Pancake House located at the northeast corner of Chautauqua and Kellogg, which will help alleviate on-street parking and traffic congestion in the area; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that an Exception be granted to allow construction of the off-street parking lot, on property legally described as follows:

Lots 7, 9, 11 and 13, on Sherborne, now Lorraine Avenue, in Conlan's Subdivision of Lots 3 and 4 in Imboden and Oliver's Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located on the west side of Lorraine Avenue between Kellogg and Lewis, subject to the following requirements:

1. A revised plot plan drawn according to standards as recommended by the Traffic Engineer, and showing all points of ingress and egress, with the length of all off-street parking stalls, front setbacks for off-street parking spaces, width of all driveways, interior traffic circulation and channelization, shall be submitted to the Traffic Engineer prior to the time a permit is issued for the construction of the off-street parking lot.

2. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
3. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
4. In no case shall a fee be charged for parking facilities provided hereunder.
5. Parking areas and driveways on private property providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, trash and other debris. Except that those areas in the front yard setback of 25 feet which do not provide ingress or egress to the property shall not be surfaced.
6. Parking areas shall have proper markings for channelization and movement of vehicles.
7. No lights shall be installed on said parking lot having a height greater than 6 feet above ground level, and the lights, if provided, shall be hooded so that the beam of light shall be directed downward.
8. All parking areas shall have adequate guards to prevent extension or the overhanging of vehicles beyond parking lines or parking spaces.
9. A six foot high solid wall, masonry, brick or louvered redwood fence shall be erected along the north and south lines of the off-street parking lot, except the fence shall be reduced from 6 feet to 30 inches in height for the east 25 feet of Lots 7, 9, 11 and 13 on Cherborne, now Lorraine, Conlan's Subdivision of Lots 3 and 4 in Imboden and Oliver's Addition.
10. No off-street parking spaces shall occupy the 3 feet adjacent to the north and south property lines, which is one-half the distance of the required side yard setback, and the east 25 feet which is the required front yard setback.
11. The lot shall be constructed in accordance with the conditions and requirements outlined above within 18 months from the effective date of the approval of this application or this permit shall be null and void.
12. A performance and maintenance bond in the amount of \$2,000 shall be submitted to the City Clerk (the form of which[^]to be approved by legal counsel for the Board), to guarantee the installation of the paving of the parking lot area, construction of the fencing and the maintenance of said parking lot as required by the Board. Said bond shall be filed within 60 days of the effective date of the approval of this resolution and shall remain in effect for a period of two years, and shall be renewed at the option of the City 30 days prior to the termination period.
13. A low type of landscaping (hedges or plantings) shall be provided along Lorraine Street in the front yard setback area of 25 feet, except on areas of ingress and egress.

ADOPTED AT WICHITA, KANSAS this 22nd day of September,
1964.

Harold Bauer
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

September 25, 1964

Mr. John D. Dean
417 West 13th Street
Wichita, Kansas

Dear Mr. Dean:

Re: Case No. EZA 38-64

This is to advise you that at its regular meeting of September 22, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to permit off-street parking on property zoned "A" Two Family, and generally located on the west side of Lorraine in an area between Kellogg and Lewis.

It was the action of the Board to approve your request, subject to the following conditions:

1. A revised plot plan drawn according to standards as recommended by the Traffic Engineer, and showing all points of ingress and egress, with the length of all off-street parking stalls, front setbacks for off-street parking spaces, width of all driveways, interior traffic circulation and channelization, shall be submitted to the Traffic Engineer prior to the time a permit is issued for the construction of the off-street parking lot.
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10. No off-street parking spaces shall occupy the 3 feet adjacent to the north and south property lines, which is one-half the distance of the required side yard setback, and the east 25 feet which is the required front yard setback.
11. The lot shall be constructed in accordance with the conditions and requirements outlined above within 18 months from the effective date of the approval of this application or this permit shall be null and void.
12. A performance and maintenance bond in the amount of \$2,000 shall be submitted to the City Clerk (the form of which to be approved by legal counsel for the Board), to guarantee the installation of the paving of the parking lot area, construction of the fencing and the maintenance of said parking lot as required by the Board. Said bond shall be filed within 60 days of the effective date of the approval of this resolution and shall remain in effect for a period of two years, and shall be renewed at the option of the City 30 days prior to the termination period.

Page 3 - John D. Dean
September 25, 1964

13. A low type of landscaping (hedges or plantings) shall be provided along Lorraine Street in the front yard setback area of 25 feet, except on areas of ingress and egress.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals 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 October 2, 1964.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before that date, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:bxr

cc: Lee E. and Ada M. Hawkins
429 South Lorraine

Chel C. and Mary Ellen Meade
2510 East Central

Sherman Saspeon
3302 South Oak

George Bennett
3715 East Mt. Vernon

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

September 23, 1964

Mr. John D. Dean
417 West 13th Street
Wichita, Kansas

Dear Mr. Dean:

Re: Case No. BEA 38-64

This is to advise you that at its regular meeting of September 22, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to permit off-street parking on property named "A" Two Family, and generally located on the west side of Lorraine in an area between Kellogg and Lewis.

It was the action of the Board to approve your request, subject to the following conditions:

1. A revised plot plan drawn according to standards as recommended by the Traffic Engineer, and showing all points of ingress and egress, with the length of all off-street parking stalls, front setbacks for off-street parking spaces, width of all driveways, interior traffic circulation and channelization, shall be submitted to the Traffic Engineer prior to the time a permit is issued for the construction of the off-street parking lot.
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10. No off-street parking spaces shall occupy the 3 feet adjacent to the north and south property lines, which is one-half the distance of the required side yard setback, and the east 25 feet which is the required front yard setback.
11. The lot shall be constructed in accordance with the conditions and requirements outlined above within 18 months from the effective date of the approval of this application or this permit shall be null and void.
12. A performance and maintenance bond in the amount of \$2,000 shall be submitted to the City Clerk (the form of which to be approved by legal counsel for the Board), to guarantee the installation of the paving of the parking lot area, construction of the fencing and the maintenance of said parking lot as required by the Board. Said bond shall be filed within 60 days of the effective date of the approval of this resolution and shall remain in effect for a period of two years, and shall be renewed at the option of the City 30 days prior to the termination period.

Page 3 - John D. Dean
September 25, 1964

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Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals 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 October 2, 1964.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before that date, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:dar

cc: Les E. and Ada N. Hawkins
429 South Lorraine

Chel C. and Mary Ellen Meade
2510 East Central

Sherman Sampson
3302 South Oak

George Bennett
3715 East Mt. Vernon

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 38-64

APPLICANT: Lee E. and Ada M. Hawkins, 429 South Lorraine
Chel C. and Mary Ellen Meade, 2510 East Central

AUTHORIZED AGENT: John D. Dean, 417 West 13th Street

LOCATION: East side of Lorraine between Kellogg and Lewis Street

REQUEST: The request is for exception to permit the installation and construction of an off-street parking lot on said property.

LAND USE: Property in question is vacant. North, east and south is single family; west is a Pancake House.

EXISTING ZONING: Property in question is zoned "A" Two Family. North, east and south is "A" Two family, and west is "LC" Light Commercial and "A" Two Family.

JURISDICTION: This request is within the Board's jurisdiction to consider under provisions set out under Section 28.04.140.B.1 of the Code of the City of Wichita.

COMMENTS BY THE SECRETARY

In conversations with the applicants before this application was filed, it was determined that the request for an off-street parking lot resulted from the fact that the applicants could not provide the required amount of off street parking for the Pancake House which has been constructed at the northeast corner of Kellogg and Chautauqua. Consequently, it became necessary that the applicants request that the lots represented in this application be approved for an off-street parking lot in order to meet the off-street parking requirements. The four lots included in this application have a frontage on Lorraine of 100 feet and a depth of 137.6 feet.

However, after the application was filed, the Secretary, in checking with the Central Inspection Division, found that the applicants have provided more off-street parking spaces than are required on the site where the Pancake House is located. Consequently, it appears that the applicants may not need to have these lots approved for off-street parking, since they are already providing the required amount of spaces.

In any event, it should be pointed out that the only lots up for consideration for approval for off-street parking, are the lots located to the east of the Pancake House and to the north of Kellogg.

The off-street parking spaces as shown on the plot plan at the northeast corner of Chautaugua and Kellogg, located in and around the Pancake House, are not to be considered since they are a permitted use in the "LC" district.

It may be that the applicants are proposing to provide more off-street parking than that required by the ordinance. If this is the correct assumption, the Secretary is of the opinion that the Board should go ahead and consider the request for off-street parking approval.

In reviewing the plot plan, it was found that the applicants have not maintained the necessary front setback line which must be maintained for off-street parking lots in a residential area. The ordinance provides that off-street parking lots may be provided in a residential area; however, they cannot occupy any part of any required front yard setback and can only occupy one-half of the required side yard setback. In this instance, the applicants have shown that they are willing to maintain a 13 foot front setback for the off-street parking spaces. However, if the Secretary's calculations are correct, the applicants will have to provide a 25 foot front setback, which would eliminate approximately 4 off-street parking spaces which are indicated on the plot plan. (The Secretary has checked with the Superintendent of Central Inspection and found that a 25 foot setback is required.)

Another problem which arises is that the applicants show a length of only 16 feet for each car stall whereas the recommended standards for 45 degree perimeter and island parking, as recommended by the Traffic Engineer, suggests that at least 19 feet is required for the length of an off-street parking stall when using the 45 degree parking design. All of the off-street parking spaces on the north and south property lines are shown as having a stall length of 16 feet whereas the off-street parking stalls in the center of the lot are shown as having a stall length of 18 feet. Consequently, the Traffic Engineer recommends that each stall at 45 degree perimeter and island parking design must have a length of 19 feet and, consequently, it will be necessary to rearrange this lot to provide for the additional length in off-street parking spaces.

It appears that the circulation pattern for ingress and egress as proposed on the plot plan, is acceptable as far as traffic circulation is concerned. However, if the arrows are correct indicating circulation, it would be impossible to park in three bays of stalls.

If this lot is approved for off-street parking, each parking stall adjacent to the north and south property line should have concrete bumper guards to prevent the extension or overhang of vehicles beyond property lines or parking spaces. It would also

appear that in order to protect the rights and protect the view of adjacent property owners, that a fence should be constructed along the north and south property lines. If any lighting facilities are provided, they should be the low pedestal type lights and should be hooded so as to project the lighting of the lot downward rather than into adjacent property.

RECOMMENDATION OF THE SECRETARY

Based upon the foregoing review, it is the recommendation of the Secretary that this application be approved, subject to the following conditions and requirements:

1. A revised plot plan drawn according to standards as recommended by the Traffic Engineer, and showing all points of ingress and egress, with the length of all off-street parking stalls, front setbacks for off-street parking spaces, width of all driveways, interior traffic circulation and channelization, shall be submitted to the Traffic Engineer prior to the time a permit is issued for the construction of the off-street parking lot.
2. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
3. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
4. In no case shall a fee be charged for parking facilities provided hereunder.
5. Parking areas and driveways on private property providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, trash and other debris.
6. Parking areas shall have proper markings for channelization and movement of vehicles.
7. No lights shall be installed on said parking lot having a height greater than 6 feet above ground level, and the lights, if provided, shall be hooded so that the beam of light shall be directed downward.
8. All parking areas shall have adequate guards to prevent extension or the overhanging of vehicles beyond parking lines or parking spaces.

9. A six foot high solid wall, masonry, brick or louvered redwood fence shall be erected along the north and south lines of the off-street parking lot, except the fence shall be reduced from 6 feet to 30 inches in height for the east 25 feet of Lots 7, 9, 11 and 13 on Cherborne, now Lorraine, Conlan's Subdivision of Lots 3 and 4 in Imboden and Oliver's Addition.
10. No off-street parking spaces shall occupy the 3 feet adjacent to the north and south property lines, which is one-half the distance of the required side yard setback, and the east 25 feet which is the required front yard setback.
11. The lot shall be constructed in accordance with the conditions and requirements outlined above within 18 months from the effective date of the approval of this application or this permit shall be null and void.
12. A performance bond or similar security in the amount of \$2,000 shall be submitted to the City Clerk (the form of which to be approved by legal counsel for the Board), to guarantee the installation of the paving of the parking lot area and construction of the fencing as required by the Board.
13. A low type of landscaping (hedges or plantings) shall be provided along the east property line adjacent to Lorraine Street except on areas of ingress and egress.

NOTE: A copy of the plot plan of the proposed off-street parking lot is enclosed for the Board's review.

SECRETARY'S REPORT

CASE NO. BZA 38-64

APPLICANT: Lee E. and Ada M. Hawkins, 429 South Lorraine
Chel C. and Mary Ellen Meade, 2510 East Central

AUTHORIZED AGENT: John D. Dean, 417 West 13th Street

LOCATION: East side of Lorraine between Kellogg and Lewis Street

REQUEST: The request is for exception to permit the installation and construction of an off-street parking lot on said property.

LAND USE: Property in question is vacant. North, east and south is single family; west is a Pancake House.

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Page 2 - Secretary's Report
Case No. BZA 38-64

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Page 3 - Secretary's Report
Case No. BZA 38-64

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Case No. BZA 38-64**

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NOTE: A copy of the plot plan of the proposed off-street parking lot is enclosed for the Board's review.

40

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

September 3, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 38-64

An application has been filed by Lee E. and Ada M. Hawkins, 429 South Lorraine, Wichita, Kansas, and Chel C. and Mary Ellen Meade, 2510 East Central, Wichita, Kansas, by John D. Dean, agent, 417 West 13th Street, Wichita, Kansas, pursuant to Section 28.04.140, Code of the City of Wichita, requesting an Exception to permit the installation or construction of off-street parking facilities on property zoned "A" - Two Family, and legally described as follows:

Lots 7, 9, 11 and 13, on Sherborne, now Lorraine Avenue, in Conlan's Subdivision of Lots 3 and 4 in Imboden and Olivers Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Lorraine Avenue between Kellogg and Lewis.

This application has been assigned Case No. BZA 38-64, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 22, 1964, at 2 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
Room 402 City Building Annex
104 South Main
Wichita, Kansas

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Jack H. Galbraith
Secretary

CASE NO. BZA 38-64

NOTICES MAILED SEPTEMBER 3, 1964 FOR MEETING SEPTEMBER 22, 1964

Lee E. and Ada M. Hawkins
429 South Lorraine

Chel C. and Mary Ellen Meade
2510 East Central

John D. Dean
417 West 13th Street

George W. and Mary Ellen Bennett
3715 East Mt. Vernon

Chel C. and Mary Ellen Meade
1153 Farmstead

Buford and Jaunita Freeman
427 South Lorraine

Mark C. and Stella May McAfee
3110 East Kellogg

Roscoe F. and Adella M. Turk
6502 Magill Lane

Chas. S. and Mary M. Gross
3102 East Kellogg

Robert P. and Mary Agnes Neubrand
446 South Lorraine

Maude B. Keimig
442 South Lorraine

Walter H. Shelley
436 South Lorraine

Amanda M. Day
Marjory Jane and Betty Lou Day
1702 North Estelle

Walter J. and Alvine G. Lentz
428 South Lorraine

Opal J. Cotton
449 South Hillside

Willia Mae Russell
445 South Hillside

P. Wayne and Carol L. King
619 Apache Road

Merlin M. & Gladys I. Woodward
435 South Hillside

George H. & Edith Wight
440 South Chautauqua

Preston A. & Lois A. Gunter
438 South Chautauqua

Alvah S. McGuin
1520 West 13th Street

Percy A. & Mary Ellen Stearns
457 South Chautauqua

Werner C. & Bernice L. Studer
447 South Chautauqua

Mildred J. Blubaugh
445 South Chautauqua

S.J. & Estella S. Walsh
144 North Ash

Alma Anna Neises
435 South Chautauqua

Ray F. & Vella K. Elliott
657 South Erie

Victor E. & Alice June Hardten
420 South Chautauqua

Paul L. & Joyce N. Stenge
840 Beverly Drive

J. W. & Edith Pearl Gingrich
423 South Lorraine

Stella Galncey
420 South Lorraine

Ronald A. & Marian E. Mitchell
424 South Lorraine

Skelly Oil Company
911 East Orme

Ralph G. & Mimie M. Clark
3109 East Kellogg

Leona Johnson
443 South Brookside

Board of Education
428 South Broadway

Walter L. Anderson
24 South Woodlawn

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED 8-31-64

APPLICATION FOR EXCEPTION

Lee E. Hawkins and Ada M. Hawkins

I. Name of Applicant Chel C. Meade and Mary Ellen Meade
429 S. Lorraine, Wichita

Mailing Address 2510 E. Central, Wichita Phone _____

Name of Authorized Agent John D. Dean ✓

Mailing Address 417 West 13th Street, Wichita Phone AM2-3701

Relationship of applicant to property is that of Owners
(owner, tenant, lessee, other).

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

_____ on property zoned

"A" two family, located 429 S. Lorraine (on the Wide
of Lorraine bet. Lewis & Killip and legally described as: Lots

7,9,11 and 13 Sherborne now Lorraine Avenue, Conlon's sub. of Lots 344

_____, 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.

Lee C. Hawkins and Ada M. Hawkins

Applicant Chel C. Meade and Mary Ellen Meade

Authorized Agent John D. Dean

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning
Appeals, 8:50 (a.m. - 6.m.), August 31, 19 64,
together with appropriate fee of \$50.00.

Signed Jim Howe
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CERTIFICATE OF OWNERSHIP

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

Lots 7, 9, 11, and 13, on Sherborne, now Lorraine Avenue, in Conlan's Subdivision of Lots 3 and 4 in Imboden and Ollivers Addition to Wichita, Sedgwick County, Kansas;

and the property within a 200 foot radius thereof.

| Description | Owner |
|--|---|
| Conlan's Subdivision of Lots 3 and 4 in Imboden and Ollivers Addition to Wichita: | |
| <u>Lorraine Avenue</u> | |
| Lots 1, 3 & 5 except that part taken to widen Kellogg | George W. Bennett and Mary Ellen Bennett 3715 East Mount Vernon Road ✓ |
| Lots 7 and 9 | Chel C. Meade & Mary Ellen Meade 1153 Farmstead ✓ |
| Lots 11 and 13 | Harry Street Improvement Company, Inc. <i>no address</i> |
| Lots 15 and 17 | Buford Freeman & Juanita Freeman 427 South Lorraine ✓ |
| Lots 19 and 21 | Mrs. E. C. Thayer <i>no address</i> |
| East 37½' of Lots 2, 4 & 6 & E 37½' of S 7' of Lot 8 except part taken to widen Kellogg | Mark C. McAfee and Stella May McAfee ✓ 3110 East Kellogg |
| East 47½' of W 92½' of Lots 2, 4, 6, & S 7' of Lot 8 except that part taken to widen Kellogg | Roscoe F. Turk and Adella M. Turk ✓ 6502 Magill Lane |
| West 45' of Lots 2, 4, 6, and S 7' of Lot 8 except that part taken to widen Kellogg | Chas. S. Gross and Mary M. Gross ✓ 3102 East Kellogg |
| North 18' of Lot 8 and all Lot 10 | Robert P. Neubrand & Mary Agnes Neubrand ✓ 446 South Lorraine |
| Lots 12 and 14 | Maude B. Kelmig ✓ 442 South Lorraine |
| Lots 16 and 18 | Walter H. Shelley ✓ 436 South Lorraine |
| Lot 20 & S 15' of Lot 22 | ^{1702 N. Estelle} Amanda M. Day; Marjory Jane Day & Betty Lou Day ✓ |
| North 10' of Lot 22 | Walter J. Lentz & Alvine G. Lentz ✓ 428 South Lorraine |

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| Description | Owner |
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| Conlan's Sub. (continued) | |
| <u>Hillside Avenue</u> | |
| Lot 1 | Evalyn Edwards <i>no address</i> |
| South 10' of Lot 3 | Walter L. Anderson <i>24 to Woodlawn ✓</i> |
| North 15' of Lot 3 and all of Lot 5 | Opal J. Coffon ✓ |
| Lots 7 and 9 | Willie Mae Russell ✓ |
| Lots 11 and 13 | Eugene Kent Tennant & Marie E. Tennant <i>no add</i> |
| Lots 15 and 17 | P. Wayne King & Carol L. King ✓ |
| Lot 19 | Merlin M. Woodward & Gladys I. Woodward ✓ |
| <u>Chautauqua Avenue</u> | |
| Lot 2 except part taken for widening Kellogg | <i>D</i> Chel C. Mead |
| Lot 4, 6, 8 and 10 | <i>G</i> Chel C. Meade |
| Lots 12 and 14 | George H. Wight and Edith Wight ✓ |
| Lots 16 and 18 | Preston A. Gunter & Lois A. Gunter ✓ |
| Lots 20 and 22 | Aiveh S. McGuin ✓ |
| Harris and Hoffelds Subdivision in Imboden and Oliver's Addition, Sedgwick County, Kansas: | |
| <u>Block 6</u> | |
| East 77.5' of Lot 3 and E 77.5' of S 20' of Lot 5 | Percy A. Stearns & Mary Ellen Stearns ✓ |
| North 5' of Lot 5, all of Lot 7 and S 10' of Lot 9 | Werner C. Studer & Bernice L. Studer ✓ |
| North 15' of Lot 9 and all of Lot 11 | Mildred J. Blubaugh ✓ |
| Lots 13 and 15 | S. J. Walsh & Estella S. Walsh ✓ |
| Lot 17 & S 13' of Lot 19 | Alma Anna Neises ✓ |
| North 12' of Lot 19 & all of Lot 21 | Ray F. Elliott & Vella K. Elliott ✓ |

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Description Owner

Schumachers Subdivision of Lots 1 & 2,
Block 4, In Imboden & Oilvers Addition
to the City of Wichita:

Chautauqua Avenue

Lots 16 and 18 Virginia M. (Agnew) Kerr *no address*
Lots 20 and 22 Victor E. Hardten & Alice June Hardten ✓
420 South Chautauqua

Lorraine Avenue

Lots 15 and 17 Paul L. Strenge & Joyce N. Strenge ✓
840 Beverly Drive
Lots 19 and 21 J. W. Gingrich & Edith Pearl Gingrich ✓
423 South Lorraine
Lot 16 and N 5' of Lot 18 Stella Glancey ✓
420 South Lorraine
South 20' of Lot 18 and Ronald A. Mitchell & Marlan E. Mitchell ✓
North 20' of Lot 20 424 South Lorraine
South 5' of Lot 20 and Walter J. Lentz & Alvine G. Lentz ✓
all of Lot 22 428 South Lorraine *37*

Sunny-Side Addition to the
City of Wichita:

Block 1

Lot 1 except that part taken Skelly Oil Co. ✓
to widen Kellogg and all of 911 East Orme
Lot 3
East 51' of Lots 2 & 4 Ralph G. Clark & Mimie M. Clark ✓
3109 East Kellogg
East 50' of W 100' of Edith I. Heintzelman *no address*
Lots 2 and 4 ✓
West 50' of Lots 2 & 4 Leona Johnson *443 So. Brookside*

Block 2

Lots 1 & 3, 2 & 4 Board of Education *424 S. Broadway*

WITNESS our Hand and Seal at Wichita, Kansas, this 28th day of
August, 1964, at 7:00 o'clock A. M.

CALLAHAN GUARANTEE TITLE CO., INC.
By *Stan Bright*
Vice President

No. 1945

FORM 223-021

PAYMENT NOTICE

City of Wichita

BY AT TREASURER'S OFFICE - FIRST FLOOR

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

| DESCRIPTION | AMOUNT |
|------------------|------------------------|
| <i>Exemption</i> | <i>50⁰⁰</i> |

Name *Prairie Real Estate Co*

Address *417 W 13th Street*

Type *R-712* Due Date

Comments:

Date *8-31-64* By *M. Amundson*

*

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