

POSTED
10-4-79
[Signature]

BZA
59-79 ACTION

COMMITTEE DENIED DATE 10-23-79
M.A.P.C. _____
B.C.C./B. CO. C. _____

Case No. BZA 59-79 - B-R-D
requests exception to permit
est. of off-street parking on
prop. zoned "A" & gen. loc. on
the west side of Pershing in an
area south of Central

Map No. 5747
 Sec. 23
 Twp. 27
 Range 1E

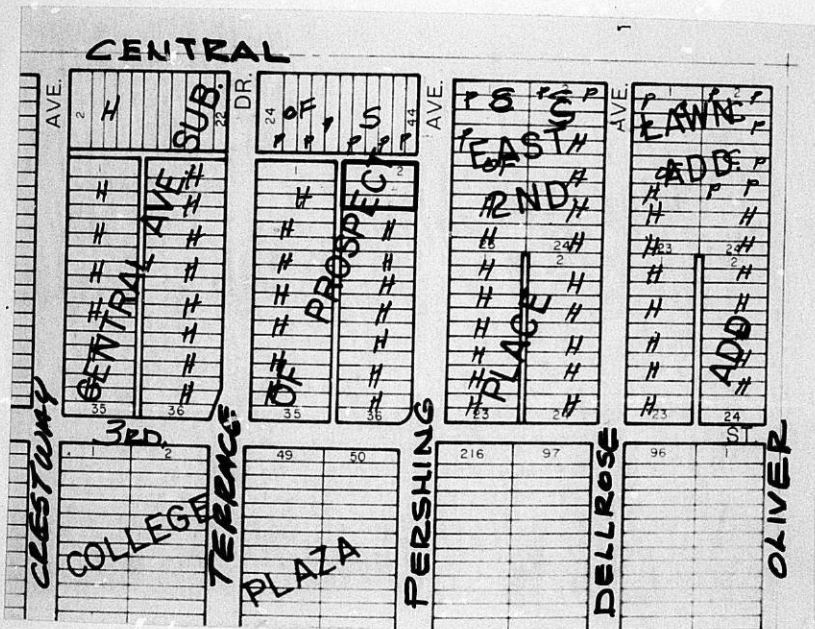
BZA- 59-79
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

Acres: 0.27 (95 ft. by 140 ft.)
 Adjoining Zoning: E _____ S _____ W _____ N _____
 Land Use: East SINGLE FAM & OFFICE South SINGLE FAM
 West SINGLE FAM North SERVICE STATION
 Sketch Plan Land Use is for: _____
 Present Land Use if for: _____
 Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



Simonds
 No. 2-153C
 HASTINGS, MIN. LOS ANGELES
 LOGAN OH - McREGOR, TX U. S. A.

BZA 59-79

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to permit the location of the required screening to be located on adjacent property on property zoned the "LC" Light Commercial District and legally described as:

Lots 1, 2, 3 and 4 of Triple J Addition to
Wichita, Kansas. Generally located on the
east side of Rock Road in an area north of
Harry Street

be approved subject to the following conditions:

1. The variance shall be granted to permit the required screening fence to be erected on Lots 1 thru 9 of Block 4, Lynncrest Heights Addition in lieu of Lots 2,3, and 4 of Triple "J" Addition to Wichita, Kansas.
2. The maintenance of the fence shall be subject to the same requirement as if the fence were located on the applicant's property.
3. If at anytime the existing fence located on Lots 10, 11, 15 and 16 of Block 4, Lynncrest Heights Addition is in need of maintenance and repair, the Superintendent of Central Inspection shall notify the owner of Lot 4, Triple "J" Addition who shall be responsible for the maintenance of said fence. Should the maintenance of the fence not be made within 30 days, the variance of the location of the fence for Lot 4, Triple "J" Addition shall become null and void and the fence shall be erected along the west line of the drainage maintenance access easement of said Lot 4.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October, 1979 .

Earl Henderson, Chairman

ATTEST:

Glen E. Lytle, Assistant Secretary

-
17. Case No. BZA 59-79 - B-R-D, Partnership, 460 N. Terrace, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita requests an exception to permit the establishment of an off-street parking lot, on property zoned "A" Two-family Dwelling District, and legally described as follows:

Lots 2, 4, and 6 on Pershing Avenue in Central Avenue Subdivision of Prospect Place Addition to Sedgwick County, Kansas. Generally located on the west side of Pershing in an area south of Central Avenue (435-47 No. Pershing).

LYTLE showed slides of the application area and reviewed the following comments from the Secretary's Report.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.145 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the establishment of an off-street parking lot, on property zoned the "A" Two-family Dwelling District that would provide additional parking for an existing dental office building located at the southeast corner of Terrace and Central. The property is occupied by a two-family dwelling and the applicant is requesting to use the west 50 feet of the property for off-street parking. This portion of the lot has been graveled and is presently being used in violation of the zoning ordinance. The applicant has filed a request for a change of zoning for the "B" Multiple-family District which permits off-street parking for adjacent uses.

It should be noted that apparently one side of the duplex is being used for office or storage also in violation of the uses permitted in the "A" two-family district. The application area is separated from the main use by an alley which is also being used for off-street parking.

The Planning Commission, at their meeting of September 13, 1979, deferred any action on the zoning request to allow the applicant the opportunity to file for an exception to permit the parking on the property. During discussion before the Planning Commission violations of the ordinance were pointed out by neighbors and there was opposition expressed to the zoning change request. The CPO Council also recommended by a 7-0 vote to oppose the zoning change request.

It has been the policy of the Planning Commission to look with favor on providing parking areas for existing uses along major streets, particularly through the use of exceptions, when the parking is adjacent to the use. It is the Secretary's opinion that this request is in conformance to this policy.

RECOMMENDATION:

If the Board determines that the request for the exception should be permitted, it is the recommendation of the Secretary that the exception be approved subject to the following conditions:

1. In addition to maintaining the existing fences along the south, west and north property lines around the parking area, a six to eight foot high solid fence shall be erected along the east line of the parking area in order to maintain the required rear yard for the duplex.
 2. The applicant shall remove all storage from the duplex and maintain the structure as a two-family dwelling only.
 3. The applicant shall submit a site plan of their existing parking lot to Central Inspection for approval. This site plan shall include appropriate barriers to prevent encroachment onto public right-of-way (alleys & streets).
 4. The off-street parking lot and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash, and debris.
 5. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
 6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
 7. The parking areas shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
 8. Only such signs as are necessary for the proper operation of the parking lots shall be permitted.
 9. In no case shall a fee be charged for parking facilities provided hereunder.
 10. All improvements and conditions shall be completed within 90 days.
-

LYTLE stated CPO Council recommended 7-0 to deny the exception and 7-0 to deny the zoning.

Everett Fettis appeared before the Board representing the applicant. Mr. Fettis pointed out several facts. He stated the applicant has been in business in this area for 20 years. He recently filed an application to "B" zoning in order to use the backyard for parking which is needed. At the present time some cars have to wait until other cars leave for available parking. Office workers are parking on streets. He cited complaints by neighbors where tickets were given by police because cars being parked too far away from curb. He stated they are not destroying the zoning, but asking only to be permitted to use the backyard for parking. A discussion followed.

Frank Kelly, 442 N. Terrace, appeared before the Board in opposition stated that the increase in staff and patient output has placed a demand on the existing parking spaces. He felt the owners should try to find out more useful ways for parking space than in the backyard of the duplex. He indicated he would be willing to vacate the two alleys if that is what is needed. KELLY further stated that there are 228 names on petitions submitted opposing this request.

Mark Singer appeared before the Board in opposition stated that he was told only two dentists would be in the building originally, now there are 5 or 6. He also indicated that residents have been accused of making the problem more of a problem themselves by not agreeing with the applicants wishes.

A show of hands showed 11 people opposed to adding more parking space.

Frank Priest, 299 N. Terrace Drive, appeared before the Board and stated that this request will enroach into the neighborhood and they opposed this. The applicant has outgrown the building and should possibly try to relocate. He further indicated it is the job of the Board to protect the residents.

Robert Fee appeared before the Board in opposition stating that to grant this exception would condone this method of enroachment, and it would also serve as a very bad example of future businesses to do the same.

Considerable discussion followed, all of which had already been heard before.

MOTION: JACOB made a motion as per staff recommendations and #11 that they would submit a plan to vacate the east side of the alley. JACOB withdrew his motion and amended the motion to allow the items 1-10 and to add #11 to file application to vacate the east portion of the alley between east half of the east/west alley between Pershing & Terrace. Motion died for lack of second. GOEBEL made motion the case be turned down. KOPIETZ seconded motion be denied. Motion passed 3-1. (SQUIRES absent during discussion of this case.)

October 24, 1979

B-E-D, Partnership
460 N. Terrace
Wichita, Kansas 67203

Re: Case No. BEA 59-79
Request for Exception

Gentlemen:

At the regular meeting of the Board of Zoning Appeals on Tuesday, October 23, 1979, your request for an exception to permit the establishment of an off-street parking lot on property zoned the "A" Two Family Dwelling District and generally located on the west side of Pershing in an area south of Central Avenue was considered.

It was the action of the Board to deny this request.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:bbc
cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk
Everett Pettis, 120 South Market #500, Wichita, Ks. 67021

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE October 18, 1979

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, CPO Administrative Aide

SUBJECT BZA 59-79 (West side of Pershing,
approximately 200 feet south of
Central)

At their meeting of October 15, CPO Council "G" considered the captioned case. The applicant's agent, Everett Fettis, explained circumstances leading to the filing for an exception to permit the establishment of an off-street parking lot on property zoned the "A" Two-Family Dwelling district with the BZA, and answered questions directed from the Council and residents of the neighborhood.

Several neighborhood residents reiterated statements of opposition to the exception request and indicated of the alternatives presented - continued parking on residential streets and the establishment of off-street parking - their preference was of the former opinion.

After comments and discussion, the Council voted 7-0 to recommend denial of the exception request for the following reasons: opposed to further intrusion into the residential neighborhood, and neighborhood opposition to the exception request.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the October 23 meeting.

Shirley Mast
Shirley Mast
CPO Administrative Aide

SM:lw

NOTED:

Sarah Gilbert
Sarah Gilbert
Assistant CP Coordinator

RECEIVED

OCT 19 1979

METROPOLITAN PLANNING

ROUTE _____

~~Oct 1979~~

Statement in opposition to
Zone Change (case # Z 2172) and
Board of Zoning Appeals Exception
(case # 59-79)

We the undersigned state our opposition to the
proposed zone change in case # Z2172 and the proposed
BZA exception in case #59-79 for the property located
at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the
zoning law and their plans to use the back of the lots
for off-street parking.

Name	Address
George Bradley	436 N. Terrace
Frank S. Kelly	442 N. Terrace
Norothy Vinn	433 N. Terrace
Craig Van	433 N. Terrace
Debra Davis	433 N. Terrace
John Aak	451 N. Terrace
Brenda Ratigan	423 N. Terrace
Judy Mathers	411 N. Terrace
Jack McElhannon	411 N. Terrace
Anna Lee V. Drake	4422 E. 3rd - corner 2nd & Terrace
Ruthie Drake	4422 E. 3rd " " " " " "
Jay Brubaker	419 N. Terrace
Henry Brigidia	419 N. Terrace
Ernest L. Stenale	426 N. Terrace
B. Catharine Stenale	426 N. Terrace
Dorothy Gruber	426 N. Terrace
Jan [unclear]	435 N. Terrace
William A. [unclear]	435 N. Terrace
19 Patrick Kelly	442 N. Terrace

Statement in opposition to
 Zone Change (case # Z 2172) and
 Board of Zoning Appeals Exception
 (case # 59-79)

We the undersigned state our opposition to the proposed zone change in case # Z2172 and the proposed EZA exception in case #59-79 for the property located at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the zoning law and their plans to use the back of the lots for off-street parking.

Name	Address
Gertrude E. Barker	225 N. Terrace
M. Linda Higgins	215 N. Terrace
Loann J. Mahan	205 N. Terrace
J. [unclear]	205 N. Pershing
[unclear]	200 N. Pershing
[unclear]	235 N. Pershing
Selmon N. Oud	4525 E. Second
Mr. Richard C. [unclear]	260 N. Terrace
[unclear]	240 N. TERRACE
Mrs. [unclear]	234 N. Grace
[unclear]	229 N. Terrace
[unclear]	211 N. Pershing
[unclear]	229 N. Pershing
[unclear]	216 N. Pershing
Thomas Kulas	233 N. Terrace
Mrs. J. A. Muel	4421 E. 7th
[unclear]	231 N. Crestway
18 Betty J. Pruell	230 N. Crestway

Statement in opposition to
 Zone Change (case # Z 2172) and
 Board of Zoning Appeals Exception
 (case # 59-79)

We the undersigned state our opposition to the proposed zone change in case # 22172 and the proposed BZA exception in case #59-79 for the property located at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the zoning law and their plans to use the back of the lots for off-street parking.

Name	Address
Ted Moeller	442 N. Pershing
Judy Moeller	442 N. Pershing
Faren Blick	436 " "
Philly Blick	" " "
Dalene York	420 N. Pershing
Tautkoek Jr.	420 N. Pershing
James Johnson	429 N. Pershing
David Oster	425 N. Pershing
Ken Plander	425 N. Pershing
John H. Hoffmann	425 N. Pershing
C. Olson	415 N. Pershing
C. Olson	415 N. Pershing
B. B. Balie	401 N. PERSHING
14 Grace P. Balie	" " "

Statement in opposition to
Zone Change (case # Z 2172) and
Board of Zoning Appeals Exception
(case # 59-79)

We the undersigned state our opposition to the proposed zone change in case # Z2172 and the proposed BZA exception in case #59-79 for the property located at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the zoning law and their plans to use the back of the lots for off-street parking.

Name	Address
Ernest Thomas	140 N. Clifton
Clifford A. Schopp	137 No. Clifton
Rae Haney	133 N. Clifton
Deborah J. Salamanca	3338 Victor
Beverly A. Martin	3340 Victor
Robert H. Taylor	111 N. Clifton
Dominic Cole	3347 Victor Pl.
Mark Billma	3333 Victor Pl.
Hubert H. Little	3334 Victor Pl.
Robert E. Layton	144 No. Clifton
Bill V. Parrack	150 N. Clifton
12 Harold R. Cole	136 N. Clifton

Statement in opposition to
Zone Change (case # Z 2172) and
Board of Zoning Appeals Exception
(case # 59-79)

We the undersigned state our opposition to the
proposed zone change in case # Z2172 and the proposed
BZA exception in case #59-79 for the property located
at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the
zoning law and their plans to use the back of the lots
for off-street parking.

Name	Address
<i>Paul D. Kapp</i>	<i>259 N. Clifton</i>
<i>Rich. Kidgway</i>	<i>245 N. Clifton</i>
<i>Andy W. Johnson</i>	<i>235 N. Clifton</i>
<i>Ray & Brenda Edwards</i>	<i>"</i>
<i>Jane [unclear]</i>	<i>[unclear]</i>
<i>Steve Jones</i>	<i>146 N. Clifton</i>
<i>7 G. B. Johnson</i>	<i>248 N. Clifton</i>

Statement in opposition to
Zone Change (case # Z 2172) and
Board of Zoning Appeals Exception
(case # 59-79)

We the undersigned state our opposition to the proposed zone change in case # 22172 and the proposed BZA exception in case #59-79 for the property located at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the zoning law and their plans to use the back of the lots for off-street parking.

Name

Address

Margaret A. Chana	421 No Clifton
Minnie Verenna	421 No Clifton
Jelly Rughley	412 No. Clifton
Rosetta Harvey	415 NORTH CLIFTON
5 Patricia Salasaurae	440 North Clifton

Statement in opposition to
 Zone Change (case # Z 2172) and
 Board of Zoning Appeals Exception
 (case # 59-79)

We the undersigned state our opposition to the proposed zone change in case # Z2172 and the proposed BZA exception in case #59-79 for the property located at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the zoning law and their plans to use the back of the lots for off-street parking.

Name

Address

Salp. Dixon	155 N. Pershing
Patricia & Heinen	135 N. Pershing
Thom M. Canning	115 N. Pershing
Ray F. Jabree	106 N. Pershing
John Blattert	134 N. Pershing
Carl A. Southworth	140 N. Pershing
Rita M. Lewis	154 N. Pershing
Ruth J. Lita	205 N. Pershing
9 [Signature]	155 N. Pershing
Ally [Signature]	442 N. Broadway
11 Edward J. Gavin	412 N. Vassar

Statement in opposition to
Zone Change (case # Z 2172) and
Board of Zoning Appeals Exception
(case # 59-79)

We the undersigned state our opposition to the
proposed zone change in case # Z2172 and the proposed
BZA exception in case #59-79 for the property located
at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the
zoning law and their plans to use the back of the lots
for off-street parking.

Name

Address

James Jones 312 N. Clifton

Helicite Lavigne - Dillard 314 N. Clifton

Flora Chambers 320 N. Clifton

Christina M. Williams 332 N. Clifton

Thomas D. Jones 340 N. Clifton

Mrs. & Mrs. A. L. McCaskey 346 N. Clifton

Ed Jones & Vernon D. Jones 359

Back Fidel 341 N. Clifton

James Appleman 341 N. Clifton

Kenneth L. & Sharon K. Burton 325 N. Clifton

Bole "Anna" Smith

Ramona Becker 303 N. Ruten

Wayne Becker 303 N. Ruten

14 Mr. & Mrs. Mark E. Singer 451 N. CLIFTON

Statement in opposition to
Zone Change (case # Z 2172) and
Board of Zoning Appeals Exception
(case # 59-79)

We the undersigned state our opposition to the proposed zone change in case # Z2172 and the proposed BZA exception in case #59-79 for the property located at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the zoning law and their plans to use the back of the lots for off-street parking.

Name	Address
<u>Kathie Burrus</u>	<u>334 N. Vassar</u>
<u>Michael C. Burrus</u>	<u>334 N. Vassar</u>
<u>William Richardson</u>	<u>330 N. Vassar</u>
<u>Sally Lamadonne</u>	<u>335 N. Vassar</u>
<u>Glenn Trachauer</u>	<u>341 N. Vassar</u>
<u>Joseph M. Wagner</u>	<u>345 N. Vassar</u>
<u>Timothy B. Decker</u>	<u>355 N. Vassar</u>
<u>Tom Speer</u>	<u>363 N. Vassar</u>
<u>Daniel P. Furse</u>	<u>367 N. Vassar</u>
<u>Denise J. Furse</u>	<u>367 N. Vassar</u>
<u>Rose L. Swallow</u>	<u>348 N. Vassar</u>
<u>Gailyn Laird</u>	<u>344 N. Vassar</u>
<u>Jim Laird</u>	<u>344 N. Vassar</u>
<u>Kenneth J. Masteller</u>	<u>338 N. Vassar</u>
15 <u>Chang Q. Masteller</u>	<u>338 N. Vassar</u>
_____	_____
_____	_____
_____	_____
_____	_____

Statement in opposition to
Zone Change (case # Z 2172) and
Board of Zoning Appeals Exception
(case # 59-79)

We the undersigned state our opposition to the
proposed zone change in case # Z2172 and the proposed
BZA exception in case #59-79 for the property located
at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the
zoning law and their plans to use the back of the lots
for off-street parking.

Name	Address
Ray A. Reynolds	3833 E 2 City
James H. Reynolds	3833 E 2 City
Paul H. Beme	3737 1/2 2nd City
Shirley S. Bremer	3838 E 2nd, Wichita, Ks. 67208
Shirley S. Bremer	3850 E 2nd, Wichita, Ks.
6 Arline Hargaw	3850 East 2nd City

Statement in opposition to
 Zone Change (case # Z 2172) and
 Board of Zoning Appeals Exception
 (case # 59-79)

We the undersigned state our opposition to the proposed zone change in case # Z2172 and the proposed BZA exception in case #59-79 for the property located at 435-37 N. Pershing.

We oppose the applicant's flagrant violation of the zoning law and their plans to use the back of the lots for off-street parking.

Name	Address
Walter Cox	310 N. Quentin
Walter Cox	310 N. Quentin
Chas G Johnson	309 1/2 Quentin
W R Johnson	309 1/2 Quentin
Stephen A Thomas	342 N. QUENTIN
Carl Brubaker	418 N. QUENTIN
Elaine Bulerly	418 N. QUENTIN
Walter Cox	420 N. QUENTIN
Robert Watson	487 Quentin
Due Noyes	433 N. QUENTIN
Mendell Nelson	431 N. QUENTIN
Dorothy Nelson	431 N. QUENTIN
Elizabeth D Ollridge	337 N. QUENTIN
Sarah C Bettle	150 N. Bluff
Jim Bettle	150 N. Bluff
Robert Q. Ollidge	337 N. QUENTIN
Mary Thomas	524 N. QUENTIN
18 Walter Cox	324 N. QUENTIN

Statement in opposition to
 Zone Change (case # Z 2172) and
 Board of Zoning Appeals Exception
 (case # 59-79)

We the undersigned state our opposition to the proposed zone change in case # Z2172 and the proposed BZA exception in case #59-79 for the property located at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the zoning law and their plans to use the back of the lots for off-street parking.

Name	Address
Julia F. Hagler	342 N. Bluff
Sam F. Hagler	342 North Bluff
Vivian E. Agallo	323 N. Bluff
Stan Feigh	332 N. Bluff
Barbara J. Agallo	323 N. Bluff
Robert Stevens	324 N. Bluff
Ramona M. Anderson	324 N. Bluff
Ox Sanden	320 No. Bluff
Lillian E. Sanden	320 N. Bluff
Walter E. Barber	316 N. Bluff
Geraldine Aikman	304 N. Bluff
Arthur James	353 N. Bluff
Henry Pearce	315 N. Bluff
Juanita Wolff	3860 E. 2nd
Edaine Bates	347 N. Bluff
William H. Bates	347 N. Bluff
Kay Young	351 N. Bluff
Harold Stephens	359 N. Bluff
Blenda Foss	346 N. Bluff

Statement in opposition to
Zone Change (case # Z 2172) and
Board of Zoning Appeals Exception
(case # 59-79)

We the undersigned state our opposition to the proposed zone change in case # 22172 and the proposed BZA exception in case #59-79 for the property located at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the zoning law and their plans to use the back of the lots for off-street parking.

Name	Address
<i>John D. Furbush</i>	<i>255 N. Rutan</i>
<i>Janis Sanders</i>	<i>237 N. Rutan</i>
<i>Donna Smith</i>	<i>237 N. Rutan</i>
<i>Ricky Kidaway</i>	<i>245 N. C. Hillen</i>
<i>Joe Summers</i>	<i>240 N. Rutan</i>
<i>Patricia Fleming</i>	<i>240 N. Rutan</i>
<i>Michael D. McInley</i>	<i>225 N. Rutan</i>
<i>George Taylor</i>	<i>227 N. Rutan</i>
9 <i>Phillip McCaron</i>	<i>227 N. Rutan</i>

Statement in opposition to
 Zone Change (case # Z 2172) and
 Board of Zoning Appeals Exception
 (case # 59-79)

We the undersigned state our opposition to the proposed zone change in case # Z2172 and the proposed BZA exception in case #59-79 for the property located at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the zoning law and their plans to use the back of the lots for off-street parking.

Name	Address
B. Harglen Fride	402 N. Bluff
Terpenita Romell	406 N. Bluff
Regina Stanger	417 N. Bluff
Ludwig Walter	420 N. Bluff
William R. Rosell	446 N. Bluff
Garth B. Bull	446 N. Bluff
Miss E. Winstral	448 N. Bluff
Miss Tom Jattoch	424 N. Bluff
Will Matherson	451 N. Bluff
Samora L. Paulner	431 N. Bluff
Sandy Gatter	425 N. Bluff
Jan M. Thibault	415 N. Bluff
Helen Spachek	409 N. Bluff
14 Betty Smith	401 N. Bluff

Statement in opposition to
 Zone Change (case # 22172) and
 Board of Zoning Appeals Exception
 (case # 59-79)

We the undersigned state our opposition to the proposed zone change in case # 22172 and the proposed BZA exception in case #59-79 for the property located at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the zoning law and their plans to use the back of the lots for off-street parking.

Name	Address
Jerry Carson	357 N. Roosevelt
Alfred Schaefer	345 N. Roosevelt
Tom Kilgus	321 N. Roosevelt
David Rigby	"
Frank Malone	307 N. Roosevelt
Virginia C. Malone	302 N. Roosevelt
David F. Sargent	330 N. Roosevelt
Lu Lunte	324 N. Roosevelt
John W. Williams	320 N. Roosevelt
Winnifred Roberts	307 N. Roosevelt
W. Richard Roberts	309 N. Roosevelt
Mrs. Richard Williams	315 N. Roosevelt
13 Mr. & Mrs. Thomas A. Davis	3807 E. 3rd

Not Zoned

Statement in opposition to
Zone Change (case # Z 2172) and
Board of Zoning Appeals Exception
(case # 59-79)

We the undersigned state our opposition to the proposed zone change in case # Z2172 and the proposed BZA exception in case #59-79 for the property located at 435-37 N. Pershing.

We oppose the applicants flagrant violation of the zoning law and their plans to use the back of the lots for off-street parking.

Name	Address
<i>Hazi Kughian</i>	<i>145 North Crestway</i>
<i>Joseph de la Haye</i>	<i>148 N. Crestway</i>
<i>William C. Clark</i>	<i>156 N. Crestway</i>
<i>Raymond Clark</i>	<i>146 N. Crestway</i>
<i>Michael S.</i>	<i>136 N. Crestway</i>
<i>Mary G. Brown</i>	<i>130 N. Crestway</i>
<i>John S. Brown</i>	<i>130 N. Crestway</i>
<i>Rena Kurdian</i>	<i>145 N. Crestway</i>
<i>9 Amy Coleman</i>	<i>155 N. Crestway</i>

EMPTY PARKING SPACES AT DENTAL CLINIC

<u>TUES 9/18</u>	<u>THUR 9/20</u>	<u>FRI 9/21</u>	<u>SAT. 9/22</u>
12:30 - 36	9:30 - 10	12:35 - 40	10:00 - 11
2:00 - 7	1:00 - 15	2:50 - 23	11:00 - 12
3:00 - 11	4:00 - 7		12:35 - 36
4:00 - 7			1:10 - 13
			2:10 - 16
			3:10 - 15
			4:15 - 47

<u>MON 9/24</u>	<u>TUES 9/25</u>	<u>WED 9/26</u>	<u>SAT 9/29</u>
12:15 - 42	12:55 - 24	8:10 - 12	9:00 - 23
1:55 - 10	2:10 - 5	12:30 - 38	10:00 - 38
2:50 - 12	4:25 - 9	1:05 - 21	11:00 - 36
4:35 - 9	5:05 - 34		12:00 - 35
			1:25 - 34
			3:25 - 36
			3:55 - 38

<u>MON 10/1</u>	<u>TUES 10/2</u>	<u>TUES 10/9</u>	<u>SAT. 10/3</u>
12:00 - 29	2:00 - 8	2:50 - 3	9:30 - 16
		4:40 - 3	

<u>MON 10/15</u>	<u>TUES 10/16</u>	<u>WED 10/17</u>
8:15 - 17	1:25 - 12	1:00 - 15
9:00 - 6	2:40 - 11	2:30 - 10
11:00 - 15	3:30 - 11	
12:00 - 32		
1:00 - 14		
2:00 - 2		
3:30 - 2		
3:30 - 4		
4:15 - 2		

EMPTY PARKING SPACES AT DENTAL CLINIC

<u>TUES 9/18</u>	<u>THUR 9/20</u>	<u>FRI 9/21</u>	<u>SAT 9/22</u>
12:30 - 36	9:30 - 10	12:25 - 40	10:00 - 11
2:00 - 7	1:00 - 15	2:30 - 23	11:00 - 12
3:00 - 11	4:00 - 7		12:35 - 36
4:00 - 7			1:10 - 13
			2:10 - 16
			3:10 - 15
			4:15 - 47
<u>MON 9/24</u>	<u>TUES 9/25</u>	<u>WED 9/26</u>	<u>SAT 9/29</u>
12:15 - 42	12:55 - 24	8:10 - 12	9:00 - 23
1:55 - 10	2:10 - 5	12:20 - 38	10:00 - 38
2:50 - 12	4:25 - 9	1:05 - 21	11:00 - 26
4:35 - 9	5:05 - 34		12:00 - 35
			1:25 - 34
			3:25 - 36
			3:55 - 38
<u>MON 10/1</u>	<u>TUES 10/2</u>	<u>TUES 10/9</u>	<u>SAT 10/13</u>
12:00 - 29	2:00 - 8	2:50 - 3	9:30 - 16
		4:10 - 3	
<u>MON 10/15</u>	<u>TUES 10/16</u>	<u>WED 10/17</u>	
8:15 - 17	1:25 - 12	1:00 - 15	
9:00 - 6	2:40 - 11	2:30 - 10	
11:00 - 15	3:30 - 11		
12:00 - 32			
1:00 - 14			
2:00 - 2			
3:30 - 2			
3:30 - 4			
4:15 - 2			

BZA CASE NO.

59-79

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>20</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>33</u>	TOTAL NOTICES SENT <u>10-3-79</u>

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

October 3, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 59-79

An application has been filed by B-R-D, a Partnership, 416 N. Terrace Dr., Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of an off-street parking lot on property zoned the "A" Two Family Dwelling District and legally described as follows:

Lots 2, 4, and 6 on Pershing Avenue in Central Avenue Subdivision of Prospect Place Addition to Sedgwick County, Kansas. Generally located on the west side of Pershing in an area south of Central Avenue (435-37 N. Pershing).

This application has been assigned case No. BZA 59-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 23, 1979, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack E. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 59-79

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. ✓ Name of Applicant B-R-D, a Partnership
Mailing Address 416 N. Terrace Dr. Phone _____ (08)
✓ Name of Authorized Agent Everett C. Fettis
Mailing Address 120 S. Market #504 Phone (316) 267-7251 (62)
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of an off-street parking lot

✓ A on property zoned South of Central Avenue on the West side of Pershing
(435-437 N. Pershing)

and legally described as: _____

✓ Lots 2, 4, and 6 on Pershing Avenue in Central Avenue
Subdivision of Prospect Place Addition to Sedgwick
County, Kansas., in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant B-R-D

Authorized Agent Everett C. Fettis

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 4:45 (a.m. - p.m.), SEPT 24, 1979, together with appropriate fee of \$50.00

Signed Alan Lytle

STATEMENT

Applicant owns a duplex located at the subject address. The duplex fronts on Pershing Avenue to the east and on the north it faces an alleyway which runs east and west from Pershing to Terrace. On the north side of the alley is a service station and dental offices. The owners of the subject property are dentists who also own the dental offices. It was decided to utilize the back yard of the duplex for parking, mainly for the employees of the dental offices. It is not intended to change the use of the duplex building from residential use. The back yard has been fenced with a 6 foot wooden fence with access only from the alley.

The traffic to the dental offices has gradually increased over the years and likewise the number of employees has increased over the years to the point that the present off-street parking is inadequate. Consequently, a considerable amount of on-street parking is occurring on both Pershing and Terrace which is a detriment to the neighbors.

It is believed that the parking will create no noise hazard and there will be no light interference for the neighbors. Consequently, it is felt that this will not only benefit the applicants but that it will benefit the neighborhood as well.

OWNERSHIP LIST

Lot	Addition	Property Owner
1, 3, 5, 7 & N 4.3' lot 9, Pershing Ave.	East Lawn 2nd Addition	✓ Heard Oil Company, Inc. 6402 E. Central, Wichita, 67206
S 20.7' of lot 9, all of 11 & N. 4.3' of lot 13, Pershing Ave.	Same	✓ Helen M. Hartshorn & S. James Hartshorn, 169 S. Belmont Wichita, 67218
S 20.7' of 13, all of 15 & N 9.3' of 17, Pershing Ave.	Same	✓ Theodore Allen Hoeller & Judith Clark Hoeller, 442 N. Pershing Wichita, 67208
S 15.7' of 17, all of 19 & N 14.3' of 21, Pershing Ave.	Same	✓ Raymond Finkbinder & Clarice Finkbinder, 7810 E. Douglas. Apt 21 Wichita, 67206
S. 10.7' of 21 all of 23 Pershing Ave.	Same	✓ Joseph W. Metz, 430 N. Pershing Wichita, 67208
W 18.75' of lots 2, 4, 5 & 8 & W. 18.75' of N. 4.3' of 10 Dellrose	Same	✓ Heard Oil Company, Inc. 6402 E. Central, Wichita. 67206
S 20.7' of 10, all of 12 & N. 4.3' of 14, Dellrose	Same	✓ David A. Benson & Carolyn Benson 445 N. Dellrose, Wichita, 67208
S. 20.7' of 14, all of 16 & N. 9.3' of 18, Dellrose	Same	X C. Roy Davis & Geneva Davis Address unknown
S 15.7' of 18, all of 20 & N 14.3' of lot 22 Dellrose	Same	✓ Charles K. Bien & Debra G. Bien 439 N. Dellrose, Wichita, 67208
S 10.4' of 22 all of 24 Dellrose	Same	✓ Robert C. Van Huss & Mary C. Van Huss, 429 N. Dellrose Wichita, 67208
N 19' of 1, Pershing	Central Avenue Sub. of Prospect Place	✓ Joseph W. Metz, 430 N. Dellrose Wichita, 67208
S 5.7' of 1, all of 3 & N. 24.3' of 5, Pershing	Same	X Ella B. Gruger Address unknown
S. 8.7' of 5, all of Lots . 7 and 9 Pershing	Same	Robert O. Dodson, Jr., 832 S. Christine, Wichita, 67218
2, 4 & 6 Pershing	same	✓ B.R.D., a partnership 460 N. Terrace Drive, Wichita, 67208
8 & 10, Pershing	Same	✓ Vergil T. Mourning & Fred W. Mourning, 1610 Glasgow. Wichita, 67206
12 & 14, Pershing	Same	✓ Eilert A. Schroeder & Neane E. Schroeder, 429 N. Pershing Wichita, 67208
16 & 18, Pershing	Same	✓ Kenneth J. Olander, 9400 E. Lincoln Apt. 108, Wichita, 67207 and ✓ Louis A. Elster, 127 S. Pinecrest Wichita, 67218
20 & 22	Same	✓ W. Lee Poulsen & Carolee J. Poulsen 415 N. Pershing, Wichita. 67208
1 & 3 Terrace Drive	Same	✓ Francis L. Kelly & Barbara J. Kelly 442 N. Terrace Dr. Wichita, 67208
5 & 7, Terrace Drive	Same	✓ Howard S. Brodsky & Georgie E. Brodsky, 436 N. Terrace Drive Wichita, 67208

Lot	Addition	Property Owner
9 & 11, Terrace Drive	Central Avenue Sub. of Prospect Place	✓ Rodney H. Busey & Janice E. Busey 1111 Coolidge, Wichita, 67203
13, 15 & 17, Terrace Drive	Same	✓ Ervyl L. Steinle & B. Natalie Steinle, 426 N. Terrace Drive Wichita, 67208
N 100' of 34, 36, 38 & 40 Central Ave.	Same	✓ Wickers Petroleum Corp. K.S.B. & T. Building Wichita, 67202
24, 26, 28, 30, 32 & S. 40' of lots 34 thru 40 even Central Ave.	Same	D B.R.D., a partnership 460 N. Terrace Drive. Wichita, 67208

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

Lots 2, 4 and 6, on Pershing Avenue, in Central Avenue Subdivision of Prospect Place Addition to Wichita, Sedgwick County, Kansas

as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 24th day of September, 1979 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Sable

Vice-President

Order No. 281602
CT

Wichita, 6/2/78

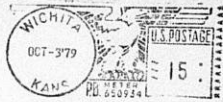
WICHITA - SEDGWICK COUNTY

W.S.C.

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Shirley
BZA-59-79

Kenneth J. Olander
9400 E. Lincoln Apt. 108
Wichita KS 67207



ADDRESSEE
UNKNOWN
RETURN TO SENDER



WICHITA - SEDGWICK COUNTY

W.S.C.

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Bev
BZA 59-79

Raymond Finkbinder & Clarice
7810 E. Douglas Apt. 211
Wichita KS 67206



ADDRESSEE
UNKNOWN
RETURN TO SENDER



MICROFILMED
FROM THE BEST
AVAILABLE COPY

FOF 9-021

PAYMENT NOTICE
 City of Wichita

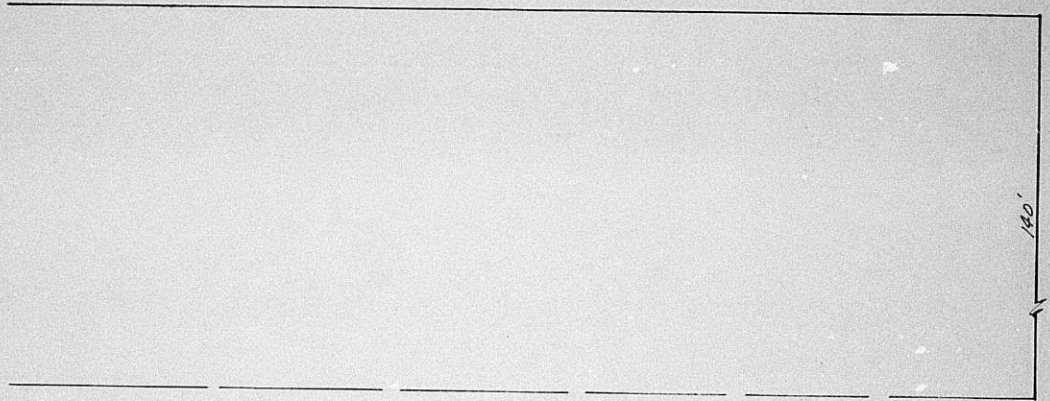
Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
PLAN REV. (P.W.)	1502

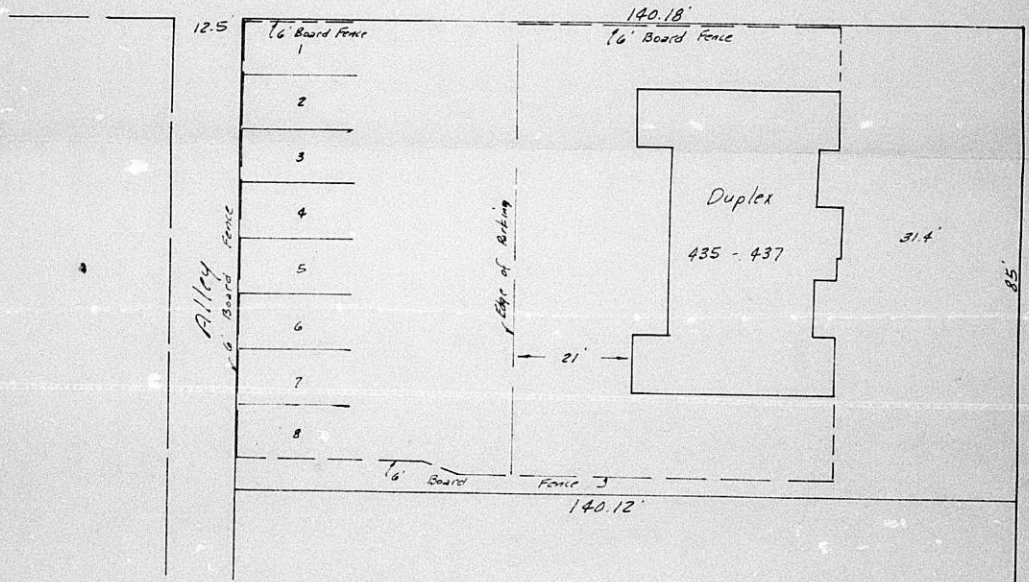
NAME _____
 ADDRESS _____
 FUND _____ DUE DATE _____
 COMMENTS _____
 DATE 11/21/79 BY [Signature]

Central

Ave.



Alley



Parking Plan

Lots 2-4-6 on Pershing, Central Avenue Subdivision
in Prospect Place Addition to, Wichita, Kansas.



Baughman Comp.

Central

Ave.

Ave.

Alley

12.5

1/6" Board Fence

140.18'

1/6" Board Fence

2

3

4

5

6

7

8

Alley
1/6" Board Fence

Edge of Parking

Duplex

435 - 437

31.4'

85'

1/6" Board

Fence 3
140.12'

Pershing

Parking Plan

2-4-G on Pershing, Central Avenue Subdivision
Project Place Addition to, Wichita, Kansas



1" = 20'

Baughman Company P.A. 10-11-79