

POSTED
2-27-69

ACTION

B2A COMMITTEE Approved DATE 3-25-69

M.A.P.C. _____

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

2 M ✓
P Z M ✓
10/11/69
[Signature]

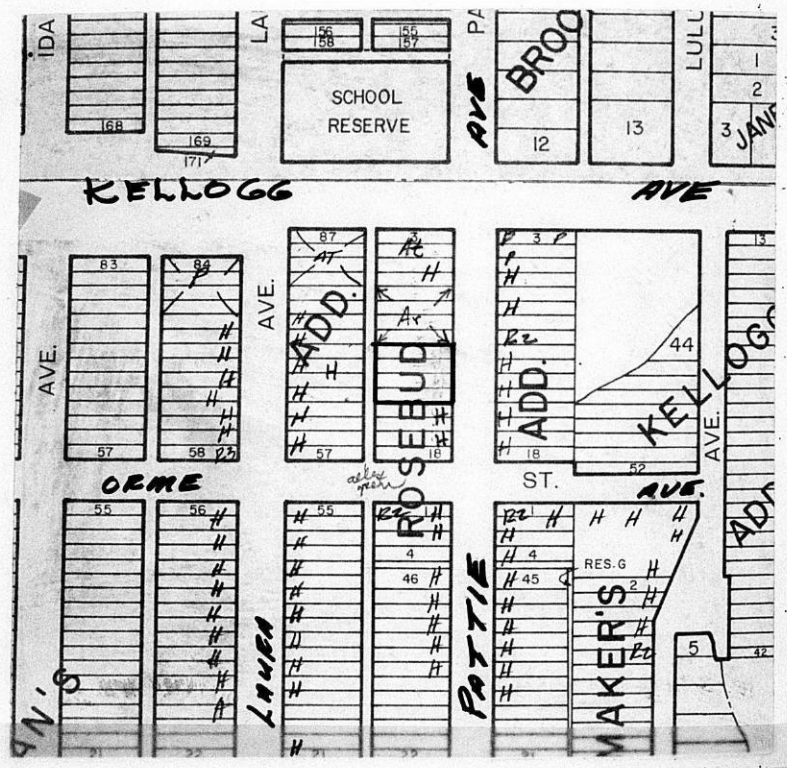
BZA 1-69 - Robt. Moore requests
VARIANCE to reduce front yard setback
to allow off-street parking on prop-
erty zoned "B" and located on west
side of Pattie between Orme & Kellogg

Map No. 5546
 Sec. 29
 Twp. 27
 Range 1E

BZA 1-69
 SCZ-
 CU-
 Filed

- AREA DATA:
1. Acres: 0.32 (100 ft. by 140 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East VAC & Two Fam South SINGLE FAM
 West SINGLE FAM North VAC SINGLE FAM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: _____
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



April 15, 1969

Mr. Richard Render
Attorney at Law
612 Union National Building
Wichita, Kansas 67202

Subject: Case No. BZA 1-69
Request for a Variance

Dear Mr. Render:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 25, 1969, in connection with your request for a variance to reduce the required front yard setback from 20 feet to 0 feet for off street parking purposes only on property zoned "B", and generally located on the west side of Pattie between Orme and Kellogg.

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

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Robert W. Moore
6215 East Kellogg
Wichita, Kansas 67218

Robert Feldner, Supt.
of Central Inspection

Ralph Eberly,
City Clerk

R E S O L U T I O N N O . B Z A 1 - 6 9

WHEREAS, Robert W. Moore, 6215 East Kellogg, by Richard Render, 612 Union National Building, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 20 feet to 0 feet for off street parking purposes only on property zoned "B" Multiple Family, and legally described as follows:

Lots 11, 12, 13 and 14, Block 2, Pattie Avenue,
Rosebud Addition to Wichita, Sedgwick County,
Kansas. Generally located on the west side of
Pattie between Orme and Kellogg.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of March 25, 1969, 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 if subject property were zoned "BB" which would be a logical buffer between the existing "C" zoning to the north and the "B" zoning to the south, parking would be permitted in the front yard setback as an outright use.

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the applicant owns the land to the north of the parking lot and the property to the south will be screened by a solid fence; and

WHEREAS, the Board of Zoning Appeals has found 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 inasmuch as an area which is of no practical use would have to be retained and could not be utilized for the use proposed; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as it would tend to eliminate possible use of adjacent streets for the parking of automobiles by persons patronizing the auto reconditioning shop to the north.

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).

Resolution
Case No. BZA 1-69
Page 2

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, have been found to exist.

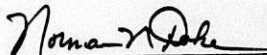
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance of the front yard setback from 20 feet to 0 feet for off street parking purposes only on property zoned "B" Multiple Family District and legally described as follows:

Lots 11, 12, 13 and 14, Block 2, Pattie Avenue, Rosebud Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Pattie between Orme and Kellogg.

be approved subject to the following conditions:

1. The area shall be utilized for customer and employee parking purposes only and no permanent structures shall be erected thereon, nor shall any wrecked or non-operable cars be parked in the "B" zoned area.
2. A solid or semi solid wall five to eight feet in height of masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be erected adjacent to the west 120 feet along the south property line thence reduced to three feet and extended to the front property line.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1969.



NORMAN DOKE, Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

March 26, 1969

Mr. Richard Render
Render, Kamas & Kelly
612 Union National Building
Wichita, Kansas 67202

Subject: Case NO. BZA 1-69
Request for a Variance

Dear Mr. Render:

At the regular meeting of the Board of Zoning Appeals on March 25, 1969, your request for a variance to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only, on property zoned "B", and generally located on the west side of Pattie between Orme and Kellogg, was considered.

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

1. The area shall be utilized for customer and employee parking purposes only and no permanent structures shall be erected thereon, nor shall any wrecked or non-operable cars be parked in the "B" zoned area.
2. A solid or semi solid wall five to eight ft. in height of masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be erected adjacent to the west 120 feet along the south property line thence reduced to three feet and extended to the front property line.

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.

Mr. Richard Rander
March 26, 1969
Page 2

If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Robert W. Moore
6215 East Kellogg
Wichita, Kansas 67218

Robert Feldner, Supt of
Central Inspection

Ralph Eberly,
City Clerk

SECRETARY'S REPORT

Case No. BZA 1-69

APPLICANT: Robert W. Moore, 6215 East Kellogg, Wichita, Kansas.

AGENT: Richard Render, 612 Union Nat'l Bldg., Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only.

GENERAL LOCATION: West side of Pattie in an area between Kellogg and Orme.

ZONING: Subject property is zoned "B" multiple family as is that to the east, west and south with "C" commercial to the north.

LAND USE: Subject property is vacant, to the north is an auto re-conditioning shop with single family residences to the south, east and west.

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

Page 2 - Secretary's Report
Case No. BZA 1-69

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 property for which this variance is being requested is to be utilized for off-street parking purposes in conjunction with a newly constructed auto reconditioning shop located adjacent to the north on land zoned "C" Commercial.

The statement of justification submitted with the application states that the applicant will comply with all code requirements relating to screening for aesthetic and safety purposes. It should be pointed out, however, that the plot plan as submitted indicates that chain link fencing is proposed along the south property line which is not permitted by ordinance inasmuch as subject property abutts residentially zoned land to the south and therefore a solid wall is required.

It is the opinion of the Secretary that the major problem involved with parking in the required setback is that the parking pavement runs clear up to the property line leaving no area for landscaping to break up and partially screen the parking area. In this instance however the land to the north has been asphalted to the property line and there appears to be no reason that with proper screening along the south property line that the granting of the variance would not affect the adjacent property to any greater extent than that which now exists.

Uniqueness

It is the opinion of the Secretary that this is somewhat of a unique situation in that if subject property were zoned "BB" which would be a logical buffer between the existing "C" zoning to the north and the "B" zoning to the south, parking would be permitted in the front yard setback as an outright use.

Adjacent Property

It is the opinion of the Secretary that the granting of the variance would not adversely affect the adjacent property owners or residents inasmuch as the applicant owns the land to the north of the parking lot and the property to the south will be screened by a solid fence.

Hardship

It is the opinion of the Secretary that if this variance is not granted it would create a hardship for the applicant inasmuch as an area which is of no practical use would have to be retained and could not be utilized for the use proposed.

Public Interest

It is the opinion of the Secretary that the granting of the variance would not affect the public interest in that it would tend to eliminate possible use of adjacent streets for the parking of automobiles by persons patronizing the auto reconditioning shop to the north.

Spirit and Intent

It is the opinion of the Secretary that the granting of the variance would not be opposed to the general spirit and intent of Title 28.

Recommendation

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the variance request be granted to reduce the required setback from 20 feet to 0 feet for off-street parking purposes only, subject to the following conditions:

1. The area shall be utilized for customer and employee parking purposes only and no permanent structures shall be erected thereon, nor shall any wrecked or non-operable cars be parked in the "B" zoned area.
2. A solid or semi solid wall five to eight ft. in height of masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be erected adjacent to the west 120 feet along the south property line thence reduced to three feet and extended to the front property line.

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

March 5, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 1-69

An application has been filed by Robert W. Moore, 6215 East Kellogg, Wichita, Kansas, by Richard Render, 612 Union Nat'l Bldg., Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only, on property zoned "B" Multiple Family District, and legally described as follows:

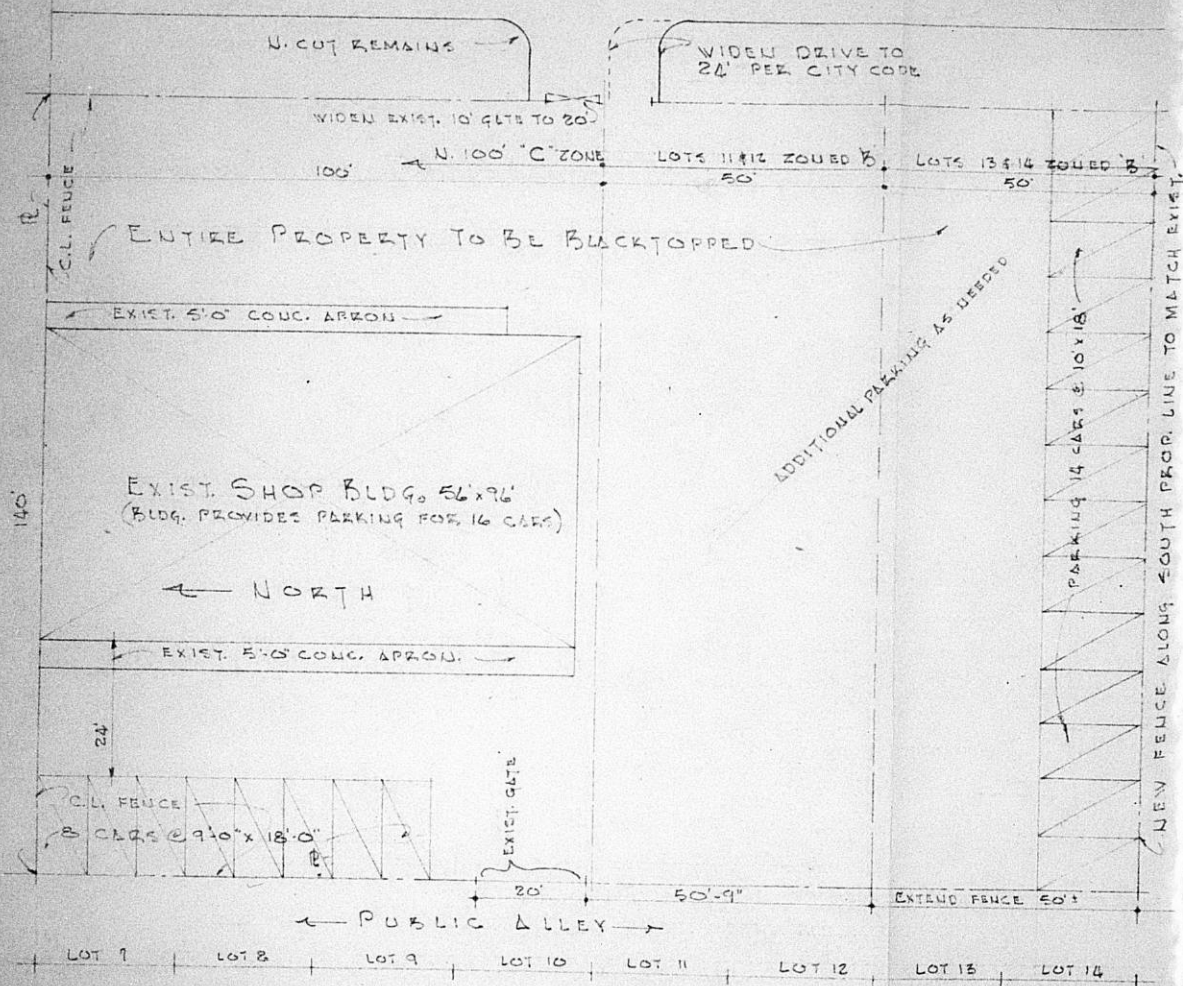
Lots 11, 12, 13 and 14, Block 2, Pattie Avenue,
Rosebud Addition, Sedgwick County, Kansas. Generally
located on the west side of Pattie between Orme and
Kellogg.

This application has been assigned Case No. BZA 1-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 25, 1969, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

*30 Notices Mailed
on 3-5-69*

PATTIE AVE.



LEGAL: BLOCK 2, PATTIE AVE., ROSEBUD ADDN. TO WICHITA
 LOTS 7 THRU 10 (ZONED 'C'), LOTS 11 THRU 14 (ZONED 'B')
 ADDRESS: 525 PATTIE

• PARKING & PAVING LAYOUT •
 1" = 20'

WIDEN DRIVE TO
24' PER CITY CODE

LOTS 11 & 12 ZONED B
50'

LOTS 13 & 14 ZONED B
50'

TOPPED

ADDITIONAL PARKING AS NEEDED

PARKING 14 CARS @ 10' X 18'

NEW FENCE ALONG SOUTH PROP. LINE TO MATCH EXIST.

50'-9"

EXISTING FENCE 50'

LOT 11 | LOT 12 | LOT 13 | LOT 14

TO WICHITA
ED B)

LAYOUT

NOTE:
ASPHALT PAVING & CHAIN LINK FENCING
WILL CONFORM TO CITY OF WICHITA
CODES.

PARKING & PAVING LAYOUT
for BOB MOORE OLDMOBILE
AUTO RECONDITION SHOP

REV.	JOB No.	DRAWN BY:	DATE:	CHECKED BY:	OF
	5086	C.S.H.	2-11-69		1

••• ROBINSON & HISSEM - ARCHITECTS •••

WICHITA, KANSAS •••

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. B2A 1-69
FILED 2-24-69

APPLICATION FOR VARIANCE

1. Name of Applicant Robert W. Moore ✓
Mailing Address 6215 E. Kellogg, Wichita, Kansas ¹³ Phone MU3-5631
Name of Authorized Agent Render, Kamas & Kelly ✓
Mailing Address 612 Union Nat'l Bldg., Wichita ¹² Phone 267-2212
Relationship of applicant to property is that of owner Lots 11 & 12
(owner, tenant, lessee, other) lessee Lots 13 & 14

II. The variance requested is to Sec. 28.04.140 of the Code of the City
of Wichita, Kansas, so as to permit off street parking spaces and
circulation aisles within the front yard set back
for property located at 525 Pattie

OK for legal
and legally described as: Lots 11, 12, 13 and 14, Block 2, Pattie
Avenue, Rosebud Addition, ^{Sedgewick County,} ~~Wichita~~, Kansas

in the City of Wichita; and which is presently zoned B.
(Give metes and bounds description below if appropriate):

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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;
 - That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
 - That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Robert W. Moore
Applicant

Render, Kamas & Kelly
Authorized Agent
By [Signature]

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

Signed

STATEMENT

The property for which the variance is requested is 100 feet North and South throughout and 140 feet East and West throughout and is located immediately South of property owned by the applicant, zoned C, and occupied by the applicant as an automobile reconditioning shop. The applicant owns the North 50 feet of the property for which the variance is requested, and is leasing the South 50 feet for purposes of providing parking facilities for the business operated by the applicant on the adjacent C zoned property.

The applicant requests that a variance be granted to permit off street parking spaces and circulation aisles within the 20-foot front yard set back of Lots 11, 12, 13 and 14, Block 2, Pattie Avenue, Rosebud Addition to the City of Wichita.

The granting of the variance will not adversely affect the rights of the adjacent property owner or residents, and the applicant will comply with all code requirements relating to screening for aesthetic and safety purposes.

The denial of the requested variance would restrict the on site parking spaces and circulation aisles available to the business operation and would create a hardship due to unavailability of property for additional on site parking areas. The variance desired will not adversely affect the public health, safety or welfare and would afford additional convenience and safety for persons using the off street parking area. Further, such granting would be consistent with the general spirit and intent of Title 28 in providing adequate off street parking.

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
3 & 4	1	Rosebud Addition	✓ William C. Speer and Sally L. Speer, 1505 E. Gilbert St. Wichita, Kansas, 67211
5 & 6	"	"	✓ Guida Kauer and Mary Kauer 512 Pattie Ave. Wichita, Kansas, 67211
7, 8, 9 & 10	"	"	✓ Nick Chicklogans 513 Pattie Ave. Wichita, Kansas, 67211
11 & 12	"	"	✓ Beatrice Marshall and Ola Marshall, 528 Pattie Ave. Wichita, Kansas, 67211
13 & 14 15 & 16	"	"	✓ Marvin D. Boyd and Fern L. Boyd, 538 Pattie Ave. Wichita, Kansas, 67211
E 38' of 17 & 18	"	"	Hazel F. Dunn, Alfred R. Ferguson and Betty Joyce Palmer, Addresses unknown <i>Wichita, Kan</i>
W 95' of 17 & 18	"	"	✓ Lee W. Oyler 605 S. Hydraulic Wichita, Kansas, 67211
3 & 4	2	"	✓ Jewell Joah Branson 221 Hillsdale Drive Wichita, Kansas, 67230
5 & 6	"	"	✓ Henry Louis Walck 509 Pattie Avenue Wichita, Kansas, 67211
7, 8, 9, 10, 11 & 12	"	"	✓ Bob Moore Oldsmobile, Inc. 6215 E. Kellogg Wichita, Kansas, 67213
13 & 14	"	"	✓ F. D. Stone and Olive J. Stone 1000 Pattie Ave. Wichita, Kansas, 67211
15 & 16	"	"	✓ C. A. Royse and Hula M. Royse 1317 Pattie Ave. Wichita, Kansas, 67211
17 & 18	"	"	✓ Luther M. Klinefelter Address unknown
1 & 2	"	"	✓ Frank M. Durkin and Roberta Durkin, 1526 N. Pershing Wichita, Kansas, 67208
1 exc E 45'	4	"	✓ Clara A. Prewitt 608 Pattie Ave., Wichita, Kansas

Continued page 2

Lot	Street	Addition	Property Owner
53 & 55	Laura Ave	Wollman's Addition	X Harold A. Kinsley and Anuzo V. Kinsley, <u>Address unknown</u> and Irvin L. Nixon and Virginia L. Nixon, 2469 S. Minneapolis Wichita, Kansas 67216
57 & 59	"	"	✓ Rex H. Leonard and Juanita J. Leonard, 542 S. Laura Wichita, Kansas, 67211
61 & 63	"	"	X Lydia A. Schumacher <u>Address unknown</u>
65 & 67	"	"	✓ Ellen M. Ransdell & W. F. Ransdell, 532 Laura Wichita, Kansas, 67211
69 & 71	"	"	✓ Robert Wayne Ferguson and Joan Ferguson, 2833 N Edwards and Donald Lee Mendenhall & Jacqueline Mendenhall Address unknown <i>1713 Nottingham Jan. 10 4</i>
73 & 75	"	"	Y Harold L. Swischer and Doris R. Swischer, <u>Address unknown</u>
77 & 79	"	"	✓ Herman H. Unruh and Iva I. Unruh, 514 Laura Wichita, Kansas, 67211
81, 83, 85, & 87	"	"	✓ Wilbur E. Walker and Bernice H. Walker, 16, Douglas Ave. Wichita, Kansas, 67206

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 11, 12, 13 and 14, Block 2, in Rosebud Addition, Sedgwick County, Kansas, as shown by the last deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 13th day of February, 1969 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Lucille Schroeder

Vice-President

Order No. 160623

FORM 273

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer	50'	

DESCRIPTION	AMOUNT
<i>Insurance - Robert Moore</i>	

Name *Rich. Reuber*

Address *612 Walnut Street*

Type *R-71-C* Due Date

Comments:

Date *2-24-69* by *rh*