

Case No. BZA 1-84 - Kernie Binyon - Requests 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 east side of Pershing

POSTED
1-19-84
G.E.L.

POSTED 3-5-84
SLOK 3-20-84
Record ✓

ACTION
BZA. 1-84 APPROVED 2-28-84
DATE

57986

CASE VOIDED

10-15-85

See letter 1/11/85

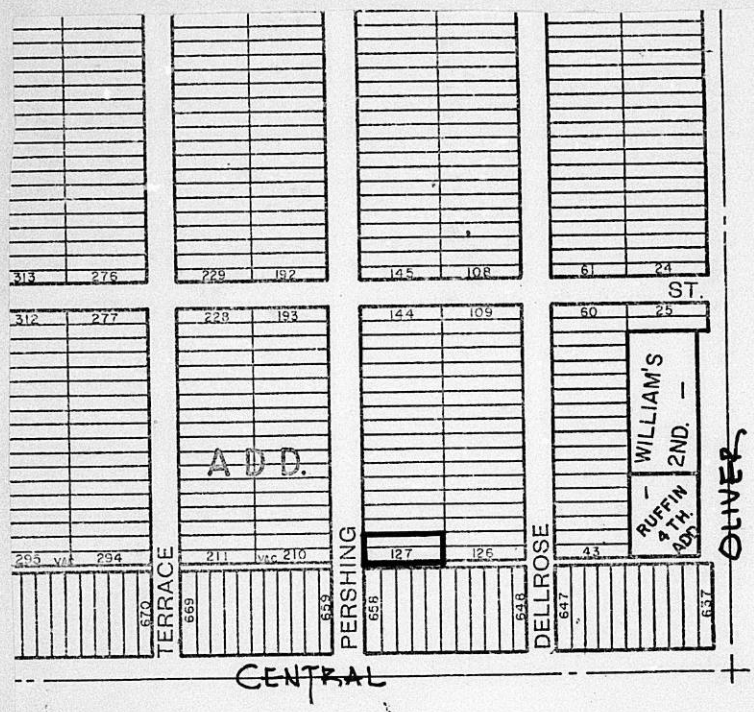
See cases 34-86 & 35-86

Map No. 5748

BZA 1-84
Filed _____

AREA DATA:

1. Acres: _____ (57 1/2 ft. by 135 ft.)
2. Adjoining Zoning: E A S LC W A N A
3. Land Use: East IF South Comm.
West IF North IF
4. Area (is) (~~not~~) platted.



WESTINGHOUSE
 No. 2153C
 LOS ANGELES, CHICAGO, LOGAN, OH
 McREGGON, TX, LOCKST GROVE, GA
 U.S.A.

October 15, 1985

Kernie W. Binyon
4618 East Central
Wichita, Kansas 67208

RE: BZA Case No. 1-84 Request for Exception (500 Block North Pershing)

Dear Mr. Binyon:

Recent inspection of the property located on the east side of Pershing and north of Central reveals that the property included in Resolution BZA 1-84 has not been improved in conformance with condition number 6 and the requirements of the zoning ordinance. As such, the Resolution becomes null and void for failure to comply with the conditions established by the Board on February 28, 1984.

Any permits on this property are now limited to those of the "A" Two-family Dwelling District. If you have any questions, please give me a call.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL/lw

cc: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

February 29, 1984

Kernie W. Binyon
4618 East Central
Wichita, Kansas

Re: BZA 1-84 & BZA 2-84
Requests for Exception & Variance

Dear Mr. Binyon:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on February 28, 1984.

These Resolutions reflect the official action of the Board to approve the requests and set out the conditions of approval. These are forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosures

cc: Thomas G. Binyon, 4618 East Central, Wichita
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 1-84

WHEREAS, KERNIE W. BINYON, 4618 East Central, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, 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 127 & 129 and the north half of vacated alley, Overlook Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Pershing and north of Central (518 North Pershing).

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 February 28, 1984, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has authority to permit the establishment of an off-street parking lot on property zoned the "A" Two-family Dwelling District subject to the conditions outlined in Section 28.04.184., Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of an off-street parking lot on property zoned the "A" Two-family Dwelling District legally described as follows:

Lots 127 & 129 and the north half of vacated alley, Overlook Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Pershing and north of Central (518 North Pershing).

subject to the following conditions:

1. The parking spaces and all drives and circulation aisles shall be surfaced with asphalt or concrete and be maintained in good condition.
2. The spaces shall conform to the plan submitted with the application and shall be marked accordingly. Exiting from the parking lot shall be to Dellrose.
3. A 6' fence of masonry, wood or metal complying as a screening fence shall be erected along the north property line. Such fence shall be reduced to 3' in height for the west 25'.
4. Only such signs as are necessary for the operation of the parking lot shall be permitted and shall not exceed the size set forth in 28.04.139 C.1 of the Zoning Ordinance.
5. The parking area shall be used for passenger vehicles only and shall not include trucks or equipment of any business. The area shall not include the use of the property for any storage, work area, dismantling or servicing of any vehicles, equipment materials or supplies.
6. Prior to occupancy of the property as a parking lot, and in no case later than 12 months from the approval by the Board, all conditions of this resolution and those of 28.04.145 of the zoning ordinance shall be complied with or the resolution shall become null and void.
7. Upon the release of this resolution, resolutions BZA 35-82 and BZA 36-82 shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of February, 1984.


Earl Henderson, Vice President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE February 24, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Dean Kruithof, Administrative Aide III

SUBJECT BZA 1-84, 518 North Pershing

CPO Neighborhood Council Area "I" considered the captioned exception to permit the establishment of an off-street parking lot on property zoned "A" Two-Family Dwelling District at its February 21 meeting. Thomas Binyon was present representing the applicant. No area residents or property owners were present regarding the case.

The Council voted, 4-2, to recommend approval of the exception. Please present the Council's recommendation to the Board of Zoning Appeals when the case is considered on February 28.



Dean Kruithof
Administrative Aide III

DK:sm

SECRETARY'S REPORT
CASE NO. BZA 1-84

APPLICANT: Kernie W. Binyon, 4618 East Central, Wichita, Kansas.

AGENT: Thomas G. Binyon, 4618 East Central, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.145, Code of the City of Wichita to permit the establishment of an off-street parking lot on property zoned the "A" Two-family Dwelling District.

GENERAL LOCATION: On the east side of Pershing and north of Central (518 North Pershing).

ZONING: Subject property is zoned the "A" Two-family Dwelling District as are the properties to the east, north and west. Property to the south is zoned the "LC" Light Commercial District.

LAND USE: Subject property is vacant. Properties to the north, east and west are residential. To the south is commercial development.

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 as has previously been approved by this Board on the east portion of the property, so that the property may be improved for off-street parking for the office and business uses that presently exist on the north side of Central. This lot will provide the much needed parking for a number of existing uses that are owned by the applicant. This requested exception is in conformity with the adopted policy of the Planning Commission and the City Commission to look with favor on the granting exceptions for parking rather than the deepening of zoning down residential streets.

In this case, the applicant has recently been successful in the vacation of the east-west alley in the block, and will eliminate the access to Pershing on the west and provide exiting by a driveway to Dellrose on the east thru the area that was an alley.

It is the opinion of the Secretary that the request is in conformance with established policies and should not be a detriment to the neighborhood if properly installed.

RECOMMENDATION:

Should the Board determine that the proposed use of the property as an off-street parking lot is appropriate, then it is the recommendation of the Secretary that the exception be approved subject to the following conditions:

1. The parking spaces and all drives and circulation aisles shall be surfaced with asphalt or concrete and be maintained in good condition.
2. The spaces shall conform to the plan submitted with the application and shall be marked accordingly. Exiting from the parking lot shall be to Dellrose.
3. A 6' fence of masonry, wood or metal complying as a screening fence shall be erected along the north property line. Such fence shall be reduced to 3' in height for the west 25'.

4. Only such signs as are necessary for the operation of the parking lot shall be permitted and shall not exceed the size set forth in 28.04.139 C.1 of the Zoning Ordinance.
 5. The parking area shall be used for passenger vehicles only and shall not include trucks or equipment of any business. The area shall not include the use of the property for any storage, work area, dismantling or servicing of any vehicles, equipment materials or supplies.
 6. Prior to occupancy of the property as a parking lot, and in no case later than 12 months from the approval by the Board, all conditions of this resolution and those of 28.04.145 of the zoning ordinance shall be complied with or the resolution shall become null and void.
-

BZA CASE NO. 1-84

2 NOTICES SENT TO APPLICANT/AGENT
LEGAL ADVERTISEMENT
10 ~~NOTICES~~ SENT TO MAPC
1 NOTICES SENT TO CPO
19 NOTICES SENT TO ADJOINING PROPERTY OWNERS
22 TOTAL NOTICES SENT 2-8-84

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

February 8, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 1-84

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Kernie W. Binyon, 4618 East Central, Wichita, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of an off-street parking lot on property zoned "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 127 & 129 and the north half of vacated alley,
Overlook Addition to Wichita, Sedgwick County, Kansas.
Generally located on the east side of Pershing and
north of Central (518 North Pershing).

This application has been assigned Case BZA 1-84. It will be considered by the Board of Zoning Appeals on February 28, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, 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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 1-84
FILED 1-19-84

APPLICATION FOR EXCEPTION

I. Name of Applicant KERNIE W. BINYON
Mailing Address 4618 E. CENTRAL Phone 684-2819
Name of Authorized Agent THOMAS BINYON
Mailing Address 4618 E. CENTRAL Phone 684-2819
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

on property zoned "A"
located on the east side of Pershing and north of Central
at 518 N. PERSHING
and legally described as: LOTS 127-128 OVERLOOK ADD. and
the north half of the vacated alley, Overlook Addition
to Wichita, Sedgewick County, Kansas
in the City of Wichita.

- 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. 36-596); and that the appropriate fee is herewith tendered;
 - That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
 - That he has been advised of his right to bring action in the District Court of Sedgewick County to appeal the decision of the Board.

Applicant _____

Authorized Agent Thomas G. Binyon
THOMAS G. BINYON

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:30 (p.m.), JAN 19, 1984, together with appropriate fee of 2.00

Signed A. Lytle

KERNIE W. BINYON, M.D., P.A.
FAMILY PRACTICE
4618 EAST CENTRAL AVENUE
WICHITA, KANSAS 67208

KERNIE W. BINYON, M.D., DABFP

DAY OR NIGHT
(316) 684-2819

TO: THE BOARD OF ZONING APPEALS

FROM: THOMAS G. BINYON

SUBJECT: STATEMENT JUSTIFYING THE EXCEPTION AND VARIANCE APPLIED FOR TO
THE BOARD OF ZONING APPEALS

WE ARE APPLYING FOR AN EXCEPTION AND VARIANCE TO THE BOARD OF ZONING APPEALS
IN ORDER FOR US TO REDUCE THE SET BACK TO ZERO (0) AT THE SUBJECT PROPERTY,
518 N. PERSHING. WE ARE ALSO REQUESTING THAT THE VARIANCE ~~BE~~ BE EXTENDED
FROM ITS PRESENT STATE TO INCLUDE ALL THE SUBJECT PROPERTY.

THIS EXCEPTION AND VARIANCE IS BEING SOUGHT IN ORDER TO ALLOW US TO UTILIZE
THIS SPACE TO ITS FULLEST POTENTIAL AS OFF-STREET PARKING.

THERE ARE THREE RETAIL BUSINESS' AND TWO DOCTORS SHARING 26 PARKING SPACES.
THERE ARE 13 EMPLOYEE CARS EXCLUDING THE TWO DOCTORS. THIS LEAVES 11 SPACES
FOR THE RETAIL CUSTOMERS AND THE PHYSICIANS PATIENTS TO SHARE.

THE CONVERSION OF THE SUBJECT LOT AT 518 N. PERSHING TO OFF-STREET PARKING
WOULD INCREASE THE AVAILABLE PARKING SPACE BY 50% ALLOWING AN ADDITIONAL 14
SPACES. THIS FIGURE IS BASED ON THE ASSUMPTION THAT WE CAN OBTAIN THE DESIRED
ZONING EXCEPTIONS AND VARIANCES.

IF WE ARE ABLE TO CONVERT THE LOT TO PARKING AS PROPOSED, WE COULD THEN ASK
ALL THE EMPLOYEES TO PARK ON THAT LOT THUS FREEING UP THE ADJACENT LOTS TO
THE BUSINESS' AND OFFICES FOR THEIR CLIENTS AND PATIENTS.

WE WOULD VERY MUCH APPRECIATE YOUR COOPERATION IN THIS MATTER.

THANK YOU.

OWNERSHIP LIST

<u>Property Description</u>	<u>Property Owner</u>
Lots 127 & 128, Overlook Addition	Kernie W. Binyon D Hilda N. Binyon 4618 E. Central 67208
Lots 129 & 130, Overlook Addition	Hilda N. Binyon D Thomas G. Binyon Sandra D. Binyon 4618 E. Central 67208
Lots 131 & 132, Overlook Addition	Harold Adams ✓ Oma A. Adams 528 N. Pershing 67208
Lots 133 & 134, Overlook Addition	Thomas G. Binyon D 4618 E. Central 67208
Lots 135 & 136, Overlook Addition	Waldo W. Schmersey ✓ Doris A. Schmersey 540 N. Pershing 67208
Lots 117 & 118, Overlook Addition	Raymond K. Morgan ✓ Jacqueline R. Morgan 537 N. Dellrose 67208
Lots 119 & 120, Overlook Addition	Kaylyn Robbins - 525 N. Dellrose 67208
Lots 121 & 122, Overlook Addition	Daniel E. Maxton Cynthia A. Maxton - 521 N. Dellrose 67208
Lots 123 & 124, Overlook Addition	H. S. Barnes - Sophie J. Barnes 519 N. Dellrose 67208
Lots 125 & 126, Overlook Addition	Warren P. Lyttle - Ruth K. Lyttle 517 N. Dellrose 67208
Lots 43 & 44, Overlook Addition	Lucille Worthy (dec.)
Lots 45 & 46, Overlook Addition	Sandra D. Binyon D Thomas G. Binyon Kernie W. Binyon Hilda N. Binyon 4618 E. Central 67208

<u>Property Description</u>	<u>Property Owner</u>
Lots 47, 48 & 49, Overlook Addition	Edward S. McCullough Jr. Dee Ann McCullough ✓ 524 N. Dellrose 67208
Lots 200 & 201, Overlook Addition	Ronald Lee Peters ✓ Connie Lea Peters <i>2500 S. Pershing</i> <u>Address unknown</u>
Lots 202 & 203, Overlook Addition	Everett L. Miller Christine Miller ✓ 535 N. Pershing 67208
Lots 204 & 205, Overlook Addition	David L. Brimmer Sally M. Brimmer ✓ 527 N. Pershing 67208
Lots 206 & north half of lot 207, Overlook Addition	Secretary of Housing & Urban Development Washington, D. C.
The south half of lot 207, all of lot 208, Overlook Addition.	Charles W. Osborn Wilma G. Osborn ✓ 523 N. Pershing 67208
Lots 209 & 210, Overlook Addition	<i>Cindy</i> ✓ Charles E. Mitchell, Jr. Wanda M. Mitchell <u>Address unknown</u> <i>119 Rutland St.</i>
Lots 213 & 214, Overlook Addition	Rex E. Curfman ✓ Linda L. Curfman 534 N. Terrace Dr. 67208
Lots 211 & 212, & the north 6 feet of the west half of alley adjoining on the south., Overlook Addition.	✓ Thomas C. Ruggles Jeanette M. Ruggles 518 N. Terrace 67208
Lots 648, 649 & 650, Overlook Addition	Kernie W. Binyon D Hilda Binyon 4618 E. Central 67208
Even lots 651 through 656, Overlook Addition	Kernie W. Binyon D Hilda N. Binyon 4618 E. Central 67208
Lots 657 & 658, Overlook Addition	Fourth National Bank & Trust Co., Wichita, trustee for R. M. Gouldner trust ✓ 100 N. Broadway 67202

Property Description

Property Owner

Lots 659 & 660, Overlook Addition

✓ Charles M. Downs, Jr.
Joan W. Downs
360 N. Crestway
67208

Lots 661 & 662, Overlook Addition

✓ McClaren & McClaren
P.A.
4520 E. Central
67208

Lots 663 & 664, Overlook Addition

Charles E. Mitchell
address unknown

Lots 645, 646, & 647, Overlook Addition

D 419 Rutland
Ray H. Quackenbush
Address unknown
✓ 602 S. Volusia
Retirement

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 200 foot radius of:

Lots 127 & 128, Overlook Addition, to the City of Wichita, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 15th day of December, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Isable
Vice President

Order No: 328410
cf

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29

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
<i>184</i>	
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY

RECEIVED

FEB 13 1984

WICHITA - SEDGWICK COUNTY
 METROPOLITAN PLANNING
 ROUTE

W S C

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

ATTENTION
 ENVELOPE KNOWN
 RETURN TO SENDER

1-84
 2-84
 Wichita
 FEB 1984

listed in phone bk

BBA*02 070930N1 02/09/84

RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD

Ray H. Quackenbush
 602 South Volutsia
 Wichita, Ks.

WICHITA
 FEB-094
 20

*

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

Roll # 2