

M.A.P.C.

B.C.C. (B.C.C.)

Approved at direction
of District Court Order 8/26/75

BZA 4-75 - Donald Walenta request
exception to permit off-street
parking on west side of Dellrose
in an area south of Kellogg.

POSTED

3-6-75

M.A.P.V.
C.I.V.

9-5-75

ACTION

B32 COMMITTEE denied DATE 3.25.75

M.A.P.C. _____

B.C.D.V.C. _____

Approved at direction
of District Court Order 8/26/75

B3A 4-75 - Donald Walenta request
exception to permit off-street
parking on west side of Dellorose
in an area south of Kellough.

Map No. 5746
 Sec. 26
 Twp. R7
 Range 1E

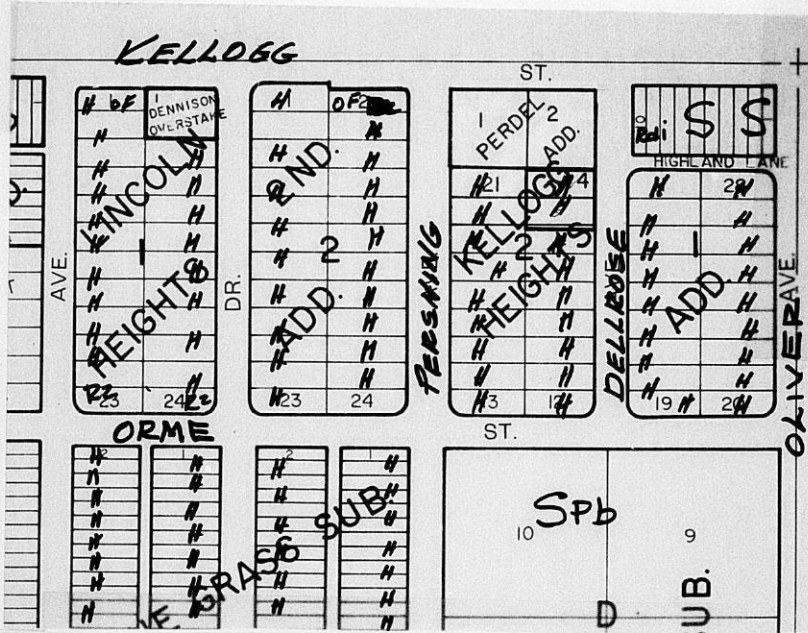
BZA- 4-75
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.32 (110 ft. by 130 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



No. 2-153C
 EASTING - 100-100
 LOGAN - ANDERSON, T1 U.S.A.

from: Lary date: 5-12-75

admin. adv. plans com. dev. social graphics

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| <input type="radio"/> comment | <input type="radio"/> files |
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| <input type="radio"/> handle | <input type="radio"/> library |

remarks: Plot plan is in file.
File in case file
Do not remove from file

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

May 12, 1975

TO Tom Powell, Legal Counsel to the Board of Zoning Appeals
FROM Larry Dobson, Assistant Secretary to the Board of Zoning Appeals
SUBJECT Appeal to District Court on Case No's. BZA 4-75 and BZA 5-75

In reference to the above captioned cases, the following information is furnished for your review and files:

1. Copy of Resolutions BZA 4-75 and BZA 5-75.
2. Correspondence forwarding both resolutions.
3. Correspondence to applicant setting forth the Board's action to deny both applications.
4. Copy of both Secretary's reports to the Board.
5. Notice to Adjoining Property Owners.
6. Applicant's Statement of Justification (BZA 5-75).
7. Application.
8. Plot Plan.

A presentation map of the general area and BZA Minutes pertaining to these two cases are being prepared and will be forwarded to you as soon as they are available.

Also attached are copies of the Secretary's Report and Resolution pertaining to Case No. BZA 6-75, which was the other off-street parking exception case considered by the Board on the same agenda with the two captioned cases.

Please advise if we can furnish you any additional information.

Larry Dobson
Larry Dobson
Junior Planner

LD:js

cc: Jack H. Galbraith, Chief Planner

COPY

RESOLUTION NO. BZA 4-75

WHEREAS, Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 4 and 5 and the north 10 feet of Lot 6, Block 2, Kellogg Heights Addition to Wichita, Kansas. Generally located on the west side of Dellrose in an area south of 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, 1975, 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

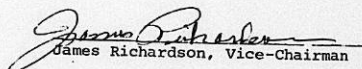
WHEREAS, the Board of Zoning Appeals has authority to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

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

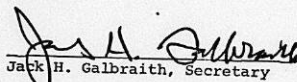
Lots 4 and 5 and the north 10 feet of Lot 6, Block 2, Kellogg Heights Addition to Wichita, Kansas. Generally located on the west side of Dellrose in an area south of Kellogg.

be denied.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1975.


James Richardson, Vice-Chairman

ATTEST:


Jack H. Galbraith, Secretary

April 18, 1975

Robert L. Smith
Boyer, Donaldson & Stewart
1030 First National Bank Building
Wichita, Kansas

Subject: Case No. BZA 4-75
Request for Exception

Dear Mr. Smith:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 25, 1975, in connection with your request for an exception to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and generally located on the west side of Dellrosa in an area south of Kellogg.

This Resolution reflects the official action of the Board to deny your request. 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:LD:js

cc: Robert Feldner, Superintendent of Central Inspection
Con C. Gisick, City Clerk
Joe Donnelly, Central Inspection
Donald Walenta, 7332 Plaza Lane, 67208

March 31, 1975

Robert L. Smith
Eoyer, Donaldson & Stewart
1030 First National Bank Building
Wichita, Kansas 67202

Subject: Case No. BZA 4-75
Request for Exception

Dear Mr. Smith:

At the regular meeting of the Board of Zoning Appeals on March 25, 1975, your request for an exception to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and generally located on the west side of Dellrose in an area south of Kellogg was considered.

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

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack E. Galbraith
Secretary

JHG:LD:emo

cc: Robert Palmer, Superintendent of Central Inspection
Don C. Gisick, City Clerk
Joe Donnelly, Central Inspection
Donald Walenta, 7332 Plaza Lane, 67208
Harry Sauns, Attorney, 4th Financial Center, 67202
Francis Talbott, 522 South Pershing, 67213

SECRETARY'S REPORT

CASE NO. EZA 4-75

APPLICANT: Donald Walenta, 7322 Plaza Lane, Wichita, Kansas

AGENT: Robert L. Smith, 1030 First National Bank Bldg., Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation of an off-street parking lot.

GENERAL LOCATION: The west side of Dellrose in an area south of Kellogg.

LAND USE: Subject property contains two (2) single family homes; east, west and south are also developed as single family homes; north is vacant.

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

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 permitted in the zoning ordinance, to allow the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, that would be utilized as off-street parking for a proposed commercial development on lots adjacent to the north. In proposing maximum development on this commercial property, the applicant must provide additional parking in order to meet the off-street parking requirements. In conjunction with the total development of his property, the applicant has also filed a variance application (BZA 5-75) on this adjacent Light Commercial property, requesting that the rear yard setback be reduced to 0 feet directly north of this exception request; and requesting the landscaped area adjacent to subject property be reduced from the required 50x25 foot rectangular area to 0 landscaping. The applicant proposes, however, to provide a landscaping strip on the front portion of this application area.

Secretary's Report
Case No. BZA 4-75
Page Two

Lot 4, Kellogg Heights Addition, which is the northernmost lot of this application area, was also included in a 1968 zone change request with the property adjacent to the north. That request was for a change of zoning from the "A" Two Family Dwelling District to the "BB" Office District. The Board of City Commissioners approved the request with the exception of this Lot 4, Kellogg Heights Addition, which was withdrawn from the application at the applicant's request after considerable neighborhood opposition. In 1970 the City Commission approved the previously approved "BB" property to its present "LC" light commercial classification.

It is the opinion of the Secretary that approval of this request, in effect, would be an extension of the associated commercial use into the neighboring residential district. Subject property is presently developed with two single family homes. The replacement of these homes with a commercially oriented parking lot would, in the opinion of the staff, alter the residential character of the area. The homes in this neighborhood are well maintained, single family residences. The commercial property to the north can be developed without encroachment of parking into this neighborhood. The need to encroach into this neighborhood with an off-street parking lot suggested that the commercial property to the north is being overdeveloped.

RECOMMENDATION:

Based on the comments above, it is the recommendation of the Secretary that this request be denied. Should the Board determine however, that parking would be appropriate on subject property, it is recommended that approval be subject to the following conditions.

1. The parking area 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 vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.

Secretary's Report
Case No. 32A 4-75
Page Three

4. The off-street 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 other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required 25 foot front yard setback. The front yard setback area shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
8. A detailed landscape plan for the setback area on Dellrose showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of staggered or louvered redwood or rough sawed cedar shall be constructed along the west property line and along the south property line behind the front yard setback line. A three foot fence of the same material shall be constructed along the front yard setback line as indicated on the applicant's submitted plot plan.
10. There shall be no ingress or egress from the parking lot through the 25x50 foot landscape area to Dellrose.
11. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

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

March 3, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 4-75

An application has been filed by Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 4 and 5 and the north 10 feet of Lot 6,
Block 2, Kellogg Heights Addition to Wichita,
Kansas. Generally located on the west side of
Dellrose in an area south of Kellogg.

This application has been assigned Case No. BZA 4-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 25, 1975, 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

BOARD OF ZONING APPEALS

CASE NO. 4-75

CITY OF WICHITA, KANSAS

FILED 2-25-75

APPLICATION FOR EXCEPTION

I. Name of Applicant Donald Walenta
7332 Plaza Lane
Mailing Address Wichita, Kansas Phone 685-1503

Name of Authorized Agent Robert L. Smith of Boyer, Donaldson &
1030 First National Bank Building Stewart
Mailing Address Wichita, Kansas 67202 Phone 264-7321

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 off-street parking on property zoned

~~zone~~ "A" ~~XXXXXXXXXXXX~~

located south of Kellogg Street, approximately 150
feet and west of Dellrose Avenue,
and legally described as:

Lot 4, and the North five feet of Lot 5, Block 2, and the
south 45 feet of Lot 5, and the North 10 feet of Lot 6, Block
2, Kellogg Heights Addition, 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 Donald Walenta

Authorized Agent BOYER, DONALDSON &

BY Robert L. Smith STEWART

OFFICE USE ONLY: Received in the office of the Secretary, Board of
Zoning Appeals, 3:45 (a.m.) - p.m.), 2/25, 1975,
together with appropriate fee of \$50.00

Signed Robert L. Smith

RESOLUTION NO. BZA 5-75

WHEREAS, Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

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, 1975, 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 does not arise 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 in fact created by an action of the property owner or the applicant inasmuch as the applicant is attempting to overdevelop this site; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance would adversely affect the rights of adjacent property owners or residents inasmuch as there would not be sufficient landscaping and buffering provided for the adjacent residential property, and the location of the commercial structure on the property line would eliminate the open space adjacent to the residential property, necessary for the passage of light and air; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will not constitute unnecessary hardship upon the property owner represented in the application inasmuch as he is not being deprived the utilization of his property any more than for any other property where setback and landscaping provisions are required to be maintained; and

WHEREAS, the Board of Zoning Appeals has found that it is difficult to determine whether the desired variance would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired would be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as rear yard setback requirements are established to provide open space for the passage of light and air, and landscaping requirements are established to provide for a compatible atmosphere for commercial uses when located adjacent to residential development; and

Resolution No. BZA 5-75
Page Two


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

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District and legally described as:

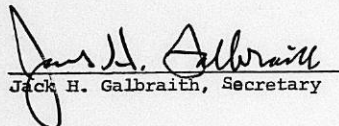
Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

be denied.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1975.


James Richardson, Vice Chairman

ATTEST:


Jack H. Galbraith, Secretary

April 18, 1975

Robert L. Smith
Boyer, Donaldson & Stewart
1030 First National Bank Building
Wichita, Kansas 67202

Subject: Case No. BZA 5-75
Request for Variance

Dear Mr. Smith:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 25, 1975, in connection with your request for a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District, and generally located on the south side of Kellogg between Pershing and Dellrose Avenues.

This Resolution reflects the official action of the Board to deny your request. 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:LD:js

cc: Robert Feldner, Superintendent of Central Inspection
Don C. Gisick, City Clerk
Joe Donnelly, Central Inspection
Donald Walenta, 7332 Plaza Lane, 67208

March 31, 1975

Robert L. Smith
Boyer, Donaldson & Stewart
1030 First National Bank Building
Wichita, Kansas 67202

Subject: Case No. BZA 3-75
Request for Variance

Dear Mr. Smith:

At the regular meeting of the Board of Zoning Appeals on March 25, 1975, your request for a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50 x 25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District, and generally located on the south side of Kellogg between Pershing and Dellrose Avenues was considered.

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

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:LD:rne

cc: Robert Feldner, Superintendent of Central Inspection
Don C. Gisick, City Clerk
Joe Donnelly, Central Inspection
Donald Walenta, 7332 Plaza Lane, 67208
Harry Saums, Attorney, 4th Financial Center, 67202
Francis Talbott, 522 South Pershing, 67218

SECRETARY'S REPORT

CASE NO. EZA 5-75

APPLICANT: Donald Walenta, 7332 Plaza Lane, Wichita, Kansas.

AGENT: Robert L. Smith, 1030 First National Bank Building, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dallrose from the required 50x25 foot rectangular area to 0 landscaping.

GENERAL LOCATION: The south side of Kellogg between Pershing and Dellrose Avenues.

ZONING: Subject property is zoned the "LC" Light Commercial District, as is the property to the east; west is the "BB" Office District and the "A" Two Family Dwelling District; south is "A" Two Family; north is the "BB" Office District and "A" Two Family.

LAND USE: Subject property is vacant; north is office and single family; south is single family; east is a service station; west is office and single family.

JURISDICTION

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

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

Secretary's Report
Case No. BZA 5-75
Page Two

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

COMMENTS BY THE SECRETARY

This application was filed simultaneously with the previous case, BZA 4-75. The applicant is the owner of the properties in both cases and is desirous of developing both as one project.

Subject property lies on the south side of Kellogg between Pershing and Dellrose and is immediately north of the property previously considered for an off-street parking exception.

The applicant is requesting a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping. The applicant's letter of justification is based on the premise of his off-street parking lot exception to the south gaining approval of the Board. It is from this same position that this report is written, for without the parking lot exception it would be most difficult to justify the five conditions necessary to the granting of a variance.

As shown on the submitted plot plan, the applicant proposes to construct a commercial building on subject property that would encroach into the entire 10 foot required rear yard for a 52 foot portion of the rear yard adjacent to the property to the south that is proposed for off-street parking. The remainder of subject property would maintain the required 10 foot setback.

The other part of the variance request involves the recently adopted landscaping provision of the zoning ordinance. As the

Secretary's Report
Case No. BZA 5-75
Page Three

requirements apply to subject property the ordinance states that, "Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a landscaped yard equal in depth to the minimum front yard required by this ordinance on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least 50 feet, including the width of any intervening alley". In this case the property to the south is zoned the "A" Two Family Dwelling District, which requires a 25 foot front yard setback. Therefore, the applicant is required to extend this 25 foot landscaped setback area for at least 50 feet north from the adjacent residential district on both Pershing and Dellrose. The applicant's plot plan indicates compliance with this provision on the Pershing side, but suggests an alternate proposal on the Dellrose side which would provide the landscaping area on the parking lot property to the south instead of on subject property.

NOTE: The following justification is based on the premise of the off-street parking lot exception being approved by the Board.

UNIQUENESS

It is the opinion of the Secretary that this is a unique situation inasmuch as screening and landscaping would be provided on the property to the south by the conditions of approval on the exception for an off-street parking lot.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not adversely affect adjacent property owners inasmuch as property to the south is owned by the applicant and would be a part of the overall development; and the property to the east is zoned and developed with a Light Commercial use.

HARDSHIP

It is the opinion of the Secretary that the applicant may be burdened with an unnecessary hardship if the variance is not granted inasmuch as the requests are both adjacent to property that is part of the proposed overall development.

Secretary's Report
Case No. BZA 5-75
Page Four

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as the rear yard variance request is interiorly located and the landscaped area is provided at a point further south on the parking lot exception property.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as the parking lot area provides the open space, screening and landscaping necessary to protect the rights of adjacent property owners.

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 application to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping be approved subject to the following conditions:

1. Board approval has been given to Case No. BZA 4-75, with the conditions as outlined in the Secretary's Report.
2. The request to reduce the rear yard setback from 10 to 0 feet be approved for only the 52 foot portion of the rear yard as proposed on the applicant's plot plan.

March 24, 1975

CASE # BZA 5-75

If BZA 4-75 is denied, then the following comments concerning the five conditions would be appropriate:

UNIQUENESS

It is the opinion of the Secretary that the variance requested does not arise from such condition which is unique to the property in question, and would in fact be created by the action of the applicant in attempting to overdevelop this site.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would have an adverse effect on adjacent property inasmuch as there would not be sufficient landscaping and buffering provided for the adjacent residential property, and the location of the commercial structure on the property line would eliminate the open space adjacent to the residential property, necessary for the passage of light and air.

HARDSHIP

It is the opinion of the Secretary that the strict application of the zoning ordinance will not constitute undue hardship on the applicant inasmuch as he is not being deprived the utilization of his property any more than for any other property where setback and landscaping provisions are required to be maintained.

PUBLIC INTEREST

It is the opinion of the Secretary that it is difficult to determine whether the granting of the variance would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance desired would be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as rear yard setback requirements are established to provide open space for the passage of light and air, and landscaping requirements are established to provide for a compatible atmosphere for commercial uses when located adjacent to residential development.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary to the granting of this variance cannot be found to exist and therefore, it is recommended that this request be denied.

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

March 3, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 5-75

An application has been filed by Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

This application has been assigned Case No. BZA 5-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 25, 1975, 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

3-4-75 - 32 Notices mailed to adjacent property owners
3-4-75 - 10 Notices mailed to MAPC

5746

STATEMENT IN SUPPORT OF APPLICATION FOR VARIANCE

The applicant seeks variance from enforcement of Zoning Ordinance 28.04.090, subparagraph C, Area Regulations, 3.1:

"3.1 There shall be a rear yard having a depth of not less than fifteen feet on all lots which are developed for residential use, including those used for motor courts. On lots which are used for commercial purposes, the rear yard depth shall be not less than ten feet."

Applicant has filed simultaneously with this application a request for exception so as to allow off-street parking in the area immediately to the south of this lot.

The property so affected to the south is owned by applicant and is legally described as:

Lot 4, and the North five feet of Lot 5,
Block 2, and the South 45 feet of Lot 5,
and the North ten feet of Lot 6, Block 2,
KELLOGG HEIGHTS ADDITION to Wichita, Kansas;

The above-described property is presently zoned "A". The granting of the variance will allow the applicant to utilize the property to its fullest extent.

The applicant further seeks a variance from the enforcement of §28.04.160 of the Code relating to screening and landscaping, as it relates to Lot 2, Perdel Addition, for the reason that immediately to the south thereof will be screening, all as provided in the case filed simultaneously with this application to allow off-street parking.

The Request for Variance of the screening and landscaping requirements, as it applies to Lot 1, Perdel Addition, is requested for the purpose that there is *already* required screening along the south property line, which is adjacent to a residential zoning district.

RESOLUTION NO. BZA 6-75

WHEREAS, George R. Tiller, M.D., 5101 East Kellogg, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lot 1, Fallon's 2nd Addition, Wichita, Kansas. Generally located on the east side of Bleckley in an area south of 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, 1975, 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 installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District, subject to the conditions outlined in Section 28.04.145, 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 installation of an off-street parking lot on property zoned the "RB" Four Family Dwelling District and legally described as follows:


Lot 1, Fallon's 2nd Addition, Wichita, Kansas. Generally located on the east side of Bleckley in an area south of Kellogg.

subject to the following conditions:

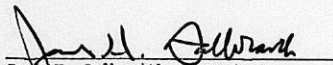
1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street 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 other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.

6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required front yard setback. The front yard setback area except for points of ingress and egress, shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
8. A detailed landscape plan for the setback area on Bleckley showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence with slats) shall be constructed along the south property line behind the front yard setback line.
10. The addition to the doctor's office, on adjoining property to the north, shall not extend any further east than shown on the submitted plot plan dated March 23, 1975.
11. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1975.


James Richardson, Vice-Chairman

ATTEST:


Jack H. Galbraith, Secretary

SECRETARY'S REPORT

CASE NO. BZA 6-75

APPLICANT: George R. Tiller, M.D., 5101 East Kellogg, Wichita, Ks.

AGENT: William B. Livingston, 239 Pattie, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation of an off-street parking lot.

GENERAL LOCATION: On the east side of Bleckley in an area south of Kellogg.

LAND USE: Subject property is developed as a single family dwelling, south and east are single family, north is a doctors office and parking lot, west is also a doctor's offices and parking.

ZONING: Subject property is zoned the "RB" Four Family Dwelling District as are properties to the south and east. North is the "B" Multiple Family Dwelling District and west is the "BB" Office District.

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 desires to expand an existing office building on property adjacent to the north of subject property. In order to comply with the off-street parking requirements of the Zoning Ordinance, additional parking must be provided. The applicant is requesting an exception on subject property to permit an off-street parking lot for the purpose of providing part of this required parking. The existing building on the property adjacent to the north is a doctor's office with associated parking. In the proposed plans for expansion an addition to the existing building would be constructed on the south side of the present offices, encroaching into what is now off-street parking. This property as well as adjoining property to the east to the drainage channel is all

Secretary's Report
BZA 6-75
Page Two

zoned the "B" Multiple Family Dwelling District and owned by the applicant. The submitted plans show that in addition to off-street parking being provided on subject property, the "B" zoned property between the existing office and the drainage channel would also be utilized as off-street parking. A two family dwelling presently occupies that property and a single family home is located on subject property. Both dwellings would be removed to provide parking. The property to the west is zoned the "BB" Office District and extends approximately 150 feet further south than subject property. This property to the west is developed with a medical building and its associated off-street parking.

When the applicant first contacted us about expansion plans for his office building, he was advised that he could approach the off-street parking problem from one of two ways. One would be to request a change of zoning on his total ownership from the "B" and "RB" zoning districts to the "BB" Office District, which would be compatible with the property to the west. It was pointed out that "BB" zoning on the property would permit parking to the property line, which would not be permitted with "B" zoning or with an off-street parking exception. As mentioned, the other method was the off-street parking exception, whereby the Board of Zoning Appeals can grant the utilization of the lot for off-street parking provided certain conditions, such as paved parking, screening, landscaping, etc. are met. He was advised that for a change of zoning the Planning Commission would most likely require a replat of his entire ownership, requiring the dedication of additional street right-of-way and solving of the serious drainage problems associated with the property. The exception route was chosen. The Flood Control Division of Public Works advises that this ownership is in a flood plain and that they could not support approval of further development of the area without solutions to the drainage problems. They did, however, comment that expansion of the doctor's office to the south would be more favorable than expansion to the east, nearer to the drainage channel.

With the "BB" zoning to the west extending further south than this request and the location of the drainage channel on the east, this exception would not seem to be inappropriate for the neighborhood. The off-street parking lot would not of itself be incompatible with the existing drainage problem.

Secretary's Report
Case No. BZA 6-75
Page Three

The submitted plot plan indicates a willingness on the part of the applicant to provide proper screening and landscaping for the protection of the dwelling district to the south.

RECOMMENDATION:

Although the drainage problems in the area remain a concern to the Secretary, it is realized that this one ownership cannot solve the total problem. It is therefore the recommendation of the Secretary that the application to permit the installation of an off-street parking lot be approved, subject to the following conditions:

1. The parking area 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 vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street 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 other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required front yard setback. The front yard setback area shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.

Secretary's Report
Case No. BZA 6-75
Page Four

8. A detailed landscape plan for the setback area on Bleckley showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence with slats) shall be constructed along the south property line behind the front yard setback line.
10. There shall be no ingress or egress from the parking lot through the front yard landscaped area to Bleckley.
11. The addition to the doctor's office, on adjoining property to the north, shall not extend any further east than the east wall of the existing structure.
12. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

extra

RESOLUTION NO. BZA 4-75(2)

WHEREAS, Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 4 and 5 and the north 10 feet of Lot 6, Block 2, Kellogg Heights Addition to Wichita, Kansas. Generally located on the west side of Dellrose in an area south of Kellogg.

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

WHEREAS, the Board of Zoning Appeals did, at the meeting of March 25, 1975, consider said application; and

WHEREAS, the action of the Board, as reflected by Resolution No. BZA 4-75, dated March 25, 1975, was to deny the request; and

WHEREAS, the Board's decision was appealed to the District Court of Sedgwick County, Kansas; and

WHEREAS, the District Court overruled the Board of Zoning Appeals action and directed the Board of Zoning Appeals to grant the exception and attach appropriate conditions of approval as provided by the zoning ordinance of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of August 26, 1975, consider said conditions of approval; and

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

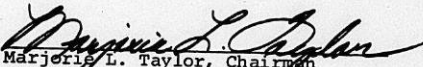
Lots 4 and 5 and the north 10 feet of Lot 6, Block 2, Kellogg Heights Addition to Wichita, Kansas. Generally located on the west side of Dellrose in an area south of Kellogg,

be approved, as directed by the District Court of Sedgwick County, Kansas, subject to the following conditions:


1. The parking area 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 vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street 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 other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.

6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required 25-foot front yard setback. The front yard setback area shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
8. A detailed landscape plan for the setback area on Dellrose, showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of masonry, wood, louvered wood or metal shall be constructed along the west property line and along the south property line behind the front yard setback line. A three foot fence of the same material shall be constructed along the front yard setback line as indicated on the applicant's submitted plot plan.
10. There shall be no ingress or egress from the parking lot through the 25x50-foot landscape area to Dellrose.
11. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

ADOPTED AT WICHITA, KANSAS, this 26th day of August, 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Jack H. Galbraith, Secretary

Z - 0110 Requested "A" to "LC"

9/4/58 MMAPC Approve for "BB"

9/16/58 BCC Denied Application

Z - 0472 Requested "A" to "LC"

7/3/63 MMAPC Deny

7/23/63 BCC Deny

Z - 0491 Requested "A" to "BB"

9/5/63 MMAPC Approve

10/1/63 BCC Deny - Motion to approve lost due to lack of 4/5 vote

(INCLUDED
FIRST RESIDENTIAL
LOT TO SOUTH)

Z - 7013 Requested "A" to "BB"

8/8/68 MMAPC Approved (only to replat)

9/17/68 BCC Approved - except lot 4 was withdrawn

Z 1203 Requested "A" to "LC"

8-27-70 MMAPC Approved

9-22-70 BCC Approved subj. to plat

6-24-71 MMAPC Clarification of Covenants

8-10-71 BCC Ord on 1st reading

(Published 9-3-71)

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

March 3, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 4-75

An application has been filed by Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 4 and 5 and the north 10 feet of Lot 6,
Block 2, Kellogg Heights Addition to Wichita,
Kansas. Generally located on the west side of
Dellrose in an area south of Kellogg.

This application has been assigned Case No. BZA 4-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 25, 1975, 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

JOHN DEKKER
City Attorney
THOMAS R. POWELL
Assistant City Attorney
600 City Building Annex
Wichita, Kansas 67202
262-0611 Ext. 245

Drafted from Law Dept.

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

DON WALENTA,

Plaintiff,

vs.

BOARD OF ZONING APPEALS
OF THE CITY OF WICHITA,
KANSAS,

Defendant,

and

KENNETH KIMBELL, FRANCES
A. TALBOT AND TOM BOWKER,

All Intervenors as
Party Defendants.

Case No. C-33296

Visiting Judge
Herb Rohleder

ORDER

NOW on this 15th day of August, 1975, this matter comes on upon the application of the defendant, the Board of Zoning Appeals of the City of Wichita, Kansas, for a new trial. The plaintiff appears by and through his attorney, Robert L. Smith, of Boyer, Donaldson and Stewart; the defendant Board of Zoning Appeals of the City of Wichita, Kansas appears by and through its Assistant City Attorney, Thomas R. Powell; and the intervening defendants, Kenneth Kimball, Francis A. Talbot and Tom Bowker, appear not.

THEREUPON the matter was argued to the Court by counsel for the parties, and the Court, having examined the file and having been fully advised in the premises, finds that defendant's motion for a new trial should be and the same is hereby overruled. The Court further finds that the judgment heretofore entered in this matter by the Court should be modified to provide that the plaintiff's application for an exception to the provisions of the zoning ordinances of the City of Wichita, Kansas, be remanded to the Board of Zoning Appeals with direction, and further that the plaintiff's application for a variance to the provisions of the zoning ordinances of the City of Wichita be remanded to the Board of Zoning Appeals with direction.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that defendant Board of Zoning Appeals' motion for a new trial is hereby overruled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the judgment heretofore entered in this matter is hereby modified to provide that the Board of Zoning Appeals of the City of Wichita, Kansas is hereby ordered to approve plaintiff's application for an exception to allow off-street parking on the property zoned "A" Two Family Dwelling, and legally described as follows:

Lots 4 and 5 and the north 10 feet of Lot 6, Block 2,
KELLOGG HEIGHTS ADDITION to Wichita, Kansas.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the judgment heretofore entered in this matter is further modified to provide that the Board of Zoning Appeals of the City of Wichita, Kansas is hereby ordered to approve plaintiffs application for a variance to reduce the required rear-yard setback from ten feet to zero feet, and to reduce the landscaping area adjacent to the residential district on Dellrose from the required 50 feet x ²⁵20 feet rectangular area to zero landscaping on property zoned "LC" (Light Commercial) and legally described as follows:

Lots 1 and 2, PERDEL ADDITION, Wichita, Kansas, generally located on the south side of Kellogg between Pershing and Dellrose Avenues.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the judgment heretofore entered in this matter be further modified to provide that the Board of Zoning Appeals shall approve the plaintiff's application for the exception and for the variance at its regularly scheduled meeting on the 26th day of August, 1975, and that the approval for the exception shall contain the conditions that pertain to off-street parking as provided in Section 28.04.145 of the Code of the City of Wichita, Kansas.

IT IS FURTHER ORDERED that as a condition of the allowance of off-street parking as ordered the owner will, at his sole and only expense, construct or cause to be constructed a wall of concrete or cinder blocks not less than 6 feet in height, rounded at the top to be located and parallel to and along the west line of said lots, having due regard for the utility easement along the west boundary of said lots; further, said wall shall extend along and parallel to the south line of said property at

a height of not less than six feet to a point twenty-five feet west of the east property line, at which point it will taper to three feet to said property line; said wall shall be painted white on the west side and south side of the said wall, and be maintained in a neat and good state of repair, all at the expense of the owner of said lots.

JUDGE

APPROVED:

BOYER, DONALDSON & STEWART

By _____
Attorneys for Plaintiff

Harry Saums, Attorney for Interveners

BOARD OF ZONING APPEALS OF THE
CITY OF WICHITA, KANSAS

By _____
Thomas R. Powell, Attorney for
Defendant

September 15, 1975

Robert L. Smith
Beyer, Donaldson & Stewart
1030 First National Bank Building
Wichita, KS 67202

Subject: Case Number's BZA 4-75
and BZA 5-75, known also
as District Court Case
No. C-33296.

Dear Mr. Smith:

At the Board of Zoning Appeals meeting of August 26, 1975, the Board, acting on the District Court Order of Judge Herb Rohleder, voted to approve the requested exception and variance as directed by the Order. Also, as directed, the Board established conditions of approval for the off-street parking lot exception, as provided in Section 28.04.145 of the Code of the City of Wichita, Kansas.

On this date you were in our office and personally picked-up your copies of Resolutions BZA 4-75(2) and BZA 5-75(2), which reflect the above action of the Board in approving these requests. By copy of this letter we are forwarding copies of these two resolutions to those listed below for their information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

LD:vn

cc: Robert Feldner, Superintendent of Central Inspection
Don Gisick, City Clerk
Joe Donnelly, Maintenance Inspection Supervisor
Donald Walenta, 7332 Plaza Lane, Wichita, KS 67208

RESOLUTION NO. BZA 4-75(2)

WHEREAS, Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 4 and 5 and the north 10 feet of Lot 6, Block 2, Kellogg Heights Addition to Wichita, Kansas. Generally located on the west side of Dellrose in an area south of Kellogg.

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

WHEREAS, the Board of Zoning Appeals did, at the meeting of March 25, 1975, consider said application; and

WHEREAS, the action of the Board, as reflected by Resolution No. BZA 4-75, dated March 25, 1975, was to deny the request; and

WHEREAS, the Board's decision was appealed to the District Court of Sedgwick County, Kansas; and

WHEREAS, the District Court overruled the Board of Zoning Appeals action and directed the Board of Zoning Appeals to grant the exception and attach appropriate conditions of approval as provided by the zoning ordinance of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of August 26, 1975, consider said conditions of approval; and

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

Lots 4 and 5 and the north 10 feet of Lot 6, Block 2, Kellogg Heights Addition to Wichita, Kansas. Generally located on the west side of Dellrose in an area south of Kellogg,

be approved, as directed by the District Court of Sedgwick County, Kansas, subject to the following conditions:

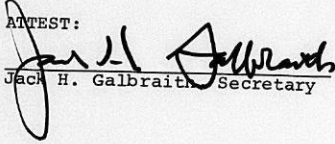
1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street 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 other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.

6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required 25-foot front yard setback. The front yard setback area shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
8. A detailed landscape plan for the setback area on Dellrose, showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of masonry, wood, louvered wood or metal shall be constructed along the west property line and along the south property line behind the front yard setback line. A three foot fence of the same material shall be constructed along the front yard setback line as indicated on the applicant's submitted plot plan.
10. There shall be no ingress or egress from the parking lot through the 25x50-foot landscape area to Dellrose.
11. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

ADOPTED AT WICHITA, KANSAS, this 26th day of August, 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Jack H. Galbraith, Secretary

Suggested Conditions to Attach to the Granting of BZA 4-75

1. The parking area 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 vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street 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 other debris.
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8. A detailed landscape plan for the setback area on Dellrose showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of Masonry, wood, louvered wood or metal shall be constructed along the west property line and along the south property line behind the front yard setback line. A three foot fence of the same material shall be constructed along the front yard setback line as indicated on the applicant's submitted plot plan.

Suggested Conditions: cont'd pg. 2

10. There shall be no ingress or egress from the parking lot through the 25x50 foot landscape area to Dellrose
11. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT

DATE June 26, 1975

TO Jack Galbraith, Chief Planner

FROM Thomas R. Powell, Assistant City Attorney

SUBJECT Judge Rohleder's Memorandum
of Decision and the Walenta vs.
Board of Zoning Appeals Case

Find attached several copies of the Memorandum of Decision prepared by Judge Rohleder in the above captioned case. The extra copies are attached for distribution to the Board members for the reason that they, at their last meeting, expressed a desire to have a copy of the memorandum to read. Ms. Taylor has previously been furnished a copy of the memorandum.

This Memorandum of Decision is not the final judgment of the court in this matter and, therefore, no building permit should be issued for the parking lot and no building permit should be issued that would allow the variance at this time. The memorandum directs the plaintiff's attorney to prepare a Journal Entry to reflect the court's decision. When this Journal Entry has been prepared and signed by the court, the judgment will be in effect. I will furnish you a certified copy of the Journal Entry at that time.

Judge Rohleder's Memorandum of Decision indicates that he has placed the conditions that must be followed by the plaintiff in regard to the exception. As I read the memorandum, this means that the secretary's recommendations as to granting the exception subject to conditions is not applicable. That is, the landowner has gotten himself in a position where he cannot object if fees are charged for use of the parking facilities, if signs are placed in and about the parking lot or if the parking lot is used for sales, repair work, storage, dismantling or service of vehicles, equipment, materials or supplies, etc.

This ruling, to me, is a good example of a court attempting to make a decision in an area where it is not competent. The surrounding landowners, at this point, have very little protection as to what use is made of the parking lot.

Thomas R. Powell

Thomas R. Powell
Assistant City Attorney

TRP:kh



. IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

DONALD V. WALENTA,)	
)	
Plaintiff,)	
vs.)	Case No. C-33296
)	
BOARD OF ZONING APPEALS OF)	
THE CITY OF WICHITA, KANSAS,)	
)	
Defendant.)	

MEMORANDUM OF DECISION

This case is in the nature of appeal by plaintiff from the defendant Board of Zoning Appeals orders of March 25, 1975, wherein plaintiff request for variances to the City of Wichita's zoning were denied. Also, parties to the litigation were certain intervenors the same being adjacent property owners to the plaintiff's property.

There is no question that the parties are properly before the Court.

The plaintiff seeks an exception for us to allow off street parking on lots four (4) and five (5) in the north ten feet (10) of lots six (6) in block two (2) of Kellogg Heights Addition to Wichita, Kansas.

Secondly, the plaintiff request a variance to reduce the required rear yard setback from ten feet (10') to zero feet (0') and to reduce the landscape area adjacent thereto on lots one (1) and two (2) Perdel Addition to Wichita.

The Board of Zoning Appeals denied the plaintiff's request and hands the appeal to the District Court.

This Court is aware that in order to disturb the decision of the Board of Zoning Appeals the same must be found to be unreasonable, arbitrary, or capricious.

The Court heard evidence concerning the proceeding held before the Board of Zoning Appeals the same having been taped. The Court heard testimony of Jack H. Galbirth, secretary of the Board of Zoning Appeals along with numerous exhibits, statements of counsel, etc.

The plaintiff owns the frontage property in Perdel Addition, the same fronting Kellogg Street which is a main thoroughfare in the City of Wichita. On this frontage property the same being zoned light commercial the plaintiff intends to build a Midas Muffler Shop. The off street parking variance requested is located south adjacent to the frontage property on Dellrose Avenue covering two (2) full lots and ten (10) feet of a third lot. Defendant's exhibit three the same being a colored coded map of the area of Wichita involved in this litigation clearly indicates that to the east of plaintiff's property is zoned light commercial or zoned for other than residential purposes, that to the west of the plaintiff's property there is very minor frontage for residential property covering approximately eight (8) blocks in each direction.

Plaintiff's frontage property is one (1) block to the west of Oliver and Kellogg Street the same being considered a main thoroughfare and trafficway and business intersection in the city of Wichita. The color coded map clearly indicates that within one (1) block of where plaintiff is requesting a variance namely at the intersection of Oliver and Kellogg the light commercial zone extends almost the complete block to the south and this is true proceeding in an easterly direction from the intersection of Oliver and Kellogg Street.

The evidence is also clear that the adjacent property owners have no objection to the plaintiff's request for off street parking in the area requested; that the plaintiff is willing to build a masonry wall so as to wall off the parking lot from the adjacent residential area; to preserve all possible trees in the area.

The defendant's evidence in opposing the plaintiff's request consisted solely of two matters; one that it is an over-development of a light commercial zone and two that it is an inappropriate encroachment of the area.

The Court believes that plaintiff has sustained the burden of showing that the action of denial by the Board of Zoning Appeals of Wichita was unreasonable.

The Court believes that the evidence in this case is overwhelming that the Board of Zoning Appeals acted in an arbitrary manner in this request for a variance for off street parking.

The Court makes the foregoing finding on the basis that 1) the area within either side of the plaintiff's frontage on Kellogg Street is zoned light commercial that the plaintiff's property is within one (1) block of one of the main traffic in business intersections in Wichita namely Kellogg and Oliver Street that the whole of Kellogg Street is zoned for all practical purposes either light commercial or business office.

The Court further believes that in a situation such as the one presently before the Court that the adjacent property owners have no objection to the request made by one such as the plaintiff that a denial of such a request is arbitrary and unreasonable.

Wichita is a large metropolitan area, the development of business areas continues and will continue to develop as the city grows and the refusal of administrative agency to grant requests such as the plaintiff is requesting cannot halt progress and the expansion of the business community.

The Court finds further that the variance requested does not in any manner over-develop the area but in fact will add to the area since the evidence clearly indicated that the property fronting Kellogg Street had never prior to the present time been able to be put to use. That the variance requested is not an inappropriate encroachment of the act.

It is therefore the finding of this Court that the action of the Board of Zoning Appeals of Wichita was arbitrary and unreasonable under the evidence heard by this Court and under the laws as this Court understands the laws of Kansas to be.

The Court therefore orders that the variance for off street parking involved herein be and the same is hereby allowed.

Relative to count two of the plaintiff's petition the same dealing with the variance requesting variance to reduce the rear yard setback the Court incorporates it's findings hereinbefore set forth relative to count one and finds that the action of the Board of Zoning Appeals in denying the same is arbitrary and unreasonable.

The Court thus orders that the plaintiff be permitted to establish off street parking and that the plaintiff be required to conform to the building of a masonry wall of concrete or cement blocks to not less than six feet (6') in height, rounded at the top; that the plaintiff preserve all the trees in the area

that are possible to preserve and that the parking in general conform to the exhibit introduced the same being an unmarked plat submitted by the plaintiff relative to the parking plan.

It is the further order of the Court that plaintiff's counsel will prepare the necessary Journal Entry to reflect this Court's decision.

Dated this 18th day of June, 1975.

Respectfully,


HERB ROHLEDER,
Judge

June 26, 1975

Ralph Wuls, City Manager

Jack H. Galbraith, Secretary to the Board of Zoning Appeals

Case Nos. BEA 4-75 and BEA 5-75 and the associated District Court Case

At the June 24, 1975, meeting of the Board of Zoning Appeals the members were informed by their legal counsel that their decision to deny the requests associated with the above captioned cases had been reversed in District Court. The two cases are related with the same proposed development of a Midas Muffler Shop and other small commercial uses to be developed on the south side of U.S. 54 between Pershing and Dellrose. One of the cases requested an exception which would have permitted the removal of two single family homes and the paving of the lots for a parking lot associated with the proposed commercial development to the north. The second application was for a variance of a rear yard setback and a request for relocating the required 25x50 ft. landscaped area when adjacent to a residential district.

Following a discussion of their previous action in denying these cases based on their determination that such commercial parking lot would be an encroachment into the residential neighborhood, and the subsequent decision of the Court, the Board felt that it was appropriate to reaffirm its original decision and to state that they believe they acted properly and not unreasonably in reaching their unanimous decision. They requested that I advise you and the City Commissioners of their feeling on this matter and their recommendation that subject cases be pursued further in the courts. I would appreciate you advising the Chairman of the Board of Zoning Appeals of the City Commissioner's determination on this matter.

Jack H. Galbraith
Secretary

JHG:js

cc: Board of City Commissioners
Marjorie L. Taylor, Chairman, Board of Zoning Appeals
John Dekker, Director of Law
Tom Powell, Legal Counsel for Board of Zoning Appeals

For Clerk's Use Only

RECEIVED
SHERIFF'S DEPARTMENT
SEDGWICK COUNTY, KANS.
JUN 10 7 38 AM '75

SUBPOENA DUCES TECUM

The State of Kansas }
Sedgwick County } sic Case Number **C-33296**
THE STATE OF KANSAS

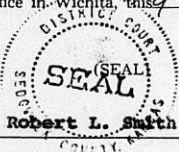
JACK GALBRAITH, Secretary
Board of Zoning Appeals
City Building Annex, 104 South Main
Wichita, Kansas 67202

BRING WITH YOU ALL DOCUMENTS, PLATS, MEMORANDUM, RECOMMENDATIONS, RESOLUTIONS AND TAPE RECORDING OF THE BOARD OF ZONING APPEALS HEARING HELD MARCH 25, 1975, IN THE CITY ANNEX BUILDING, WICHITA, KANSAS, PERTAINING TO AND SPECIFICALLY COVERING BZA Case No. 4-75, BZA Case No. 5-75 and BZA Case No. 6-75.

(Witness fee check attached) *(Fee returned)*

WE COMMAND YOU to be and appear in your own proper person before the Judge of Division No. 2, of the District Court of the County of Sedgwick, at the Court House in Wichita, County of Sedgwick, on the 12th day of June, 1975, at 10 o'clock A.M., of that day, then and there to testify on behalf of the plaintiff in a certain controversy now pending and undetermined in said court, wherein Donald Walenta is plaintiff and Board of Zoning Appeals, et al, defendant, and this do you in nowise omit under the penalty of the law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office in Wichita, this 9th day of June, A. D. 1975.



Robert L. Smith
Atty. for

plaintiff

DOROTHY I. VAN ARSDALE
Clerk

Maurice Graybill
Deputy Clerk

SHERIFF'S RETURN

Received this writ _____, 19____. Served the same by delivering a certified copy to each person named personally, at the times following, to-wit:

_____	19____	_____	19____
_____	19____	_____	19____
_____	19____	_____	19____
_____	19____	_____	19____

Served the same by leaving a copy thereof at the usual place of residence, at the times following, to-wit:

_____	19____	_____	19____
_____	19____	_____	19____
_____	19____	_____	19____

The following persons not found in Sedgwick County:

_____	19____	_____	19____
_____	19____	_____	19____

Serving first person \$ _____
 Serving _____ copies _____
 Not found _____
 Mileage _____ at 9c _____
 TOTAL \$ _____

NO FEE

SHERIFF

DEPUTY

JOHN BEKKER
City Attorney
THOMAS R. POWELL
Assistant City Attorney
600 City Building Annex
Wichita, Kansas 67202
262-0611 Ext. 245

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

DONALD WALENTA,)	
)	
Plaintiff,)	
)	Case No. C-33296
vs.)	
)	Division No.
BOARD OF ZONING APPEALS OF)	
THE CITY OF WICHITA, KANSAS,)	
)	
Defendant.)	

ANSWER

COMES NOW the defendant and for its answer to the petition heretofore filed by the plaintiff, alleges and states as follows:

Answer Count 1 of Plaintiff's Petition

1. Answering paragraph 1 of count 1, the defendant is without sufficient information to admit or deny the allegation that the plaintiff is a resident of the City of Wichita, Kansas and for that reason denies the same; further, the defendant denies that the Board of Zoning Appeals has the legal capacity to sue and be sued, but admits that any person, official or governmental agency dissatisfied with any order or determination of said board may bring an action in the District Court of the county in which such city is located to determine the reasonableness of any such order or determination of said board and admits that the Board of Zoning Appeals is a creation created by statute of the State of Kansas, K.S.A. 1973 Supp. 12-714 and 12-715 and by the ordinances of the City of Wichita, Kansas, Section 2.12.560 through Section 2.12.610;
2. The defendant admits the allegations contained in paragraphs 2, 3 and 6 of count 1;
3. The defendant denies the allegations contained in paragraph 4 of count 1;
4. The defendant alleges that in the exercise of its power to grant exceptions to the provisions of the zoning ordinance of the City of Wichita, Kansas,

that the defendant is engaged in a legislative function requiring the exercise of discretion and judgment, and that the defendant has so exercised its discretion and judgment in this case after a full and complete hearing and after due, careful and thorough deliberation;

5. For further answer, the defendant alleges that in acting as it did, the defendant has not acted unreasonably, arbitrarily, capriciously or in any manner unlawfully;

6. The defendant alleges that the power to grant exceptions on property located within the City of Wichita, Kansas, is within the exclusive authority of the Board of Zoning Appeals by virtue of K.S.A. 1973 Supp. 12-715 and Section 2.12.560 (c) of the Code of the City of Wichita, Kansas, and therefore, the Court does not have the authority to grant the plaintiff an exception as he requests in his petition and that the Court is limited by K.S.A. 1973 Supp. 12-715 to determining the reasonableness of the Board's order in denying plaintiff's request for an exception.

WHEREFORE, having answered fully count 1 of plaintiff's petition, the defendant prays that the plaintiff take nothing by his pretended cause of action; that the validity, reasonableness and priority of the action taken by the defendant be approved and sustained; that the defendant have judgment for its costs; and for such other and further relief as may be proper.

Answer Count 2 of Plaintiff's Petition

COMES NOW the defendant and for its further answer alleges and states:

1. Defendant hereby incorporates all allegations contained in count 1 of the answer as fully set out herein;
2. The defendant admits the allegations of paragraphs 2, 4 and 5;
3. Defendant denies the allegations of paragraph 3;
4. The defendant alleges that the power to grant variances is within the exclusive authority of the Board of Zoning Appeals by virtue of K.S.A. 1973

Supp. 12-715 and Section 2.12.560 (b) of the Code of the City of Wichita, Kansas and that, therefore, the Court does not have the authority to grant plaintiff a variance as he requests in his petition and that the Court is limited by K.S.A. 1973 Supp. 12-715 to determining the reasonableness of the Board's order in denying plaintiff's request for a variance.

WHEREFORE, having answered fully count 2 of plaintiff's petition, the defendant prays that the plaintiff take nothing by his pretended cause of action; that the validity, reasonableness and priority of the action taken by the defendant be approved and sustained; that the defendant have judgment for its costs; and for such other and further relief as may be proper.

Thomas R. Powell, Attorney for Defendant

CERTIFICATE OF MAILING

I certify that a copy of the foregoing has been served on Robert L. Smith of Boyer, Donaldson and Stewart, 1030 First National Bank Building, Wichita, Kansas, 67202, attorney for defendant, by placing the same in the United States mail, properly addressed and postage pre-paid, this 16th day of May, 1975.

Thomas R. Powell
Assistant City Attorney

May 12, 1975

Tom Powell, Legal Counsel to the Board of Zoning Appeals
Larry Dobson, Assistant Secretary to the Board of Zoning Appeals

Appeal to District Court on Case No's. BZA 4-75 and BZA 5-75

In reference to the above captioned cases, the following information is furnished for your review and files:

1. Copy of Resolutions BZA 4-75 and BZA 5-75.
2. Correspondence forwarding both resolutions.
3. Correspondence to applicant setting forth the Board's action to deny both applications.
4. Copy of both Secretary's reports to the Board.
5. Notice to Adjoining Property Owners.
6. Applicant's Statement of Justification (BZA 5-75).
7. Application.
8. Plot Plan.

A presentation map of the general area and BZA Minutes pertaining to these two cases are being prepared and will be forwarded to you as soon as they are available.

Also attached are copies of the Secretary's Report and Resolution pertaining to Case No. BZA 6-75, which was the other off-street parking exception case considered by the Board on the same agenda with the two captioned cases.

Please advise if we can furnish you any additional information.

Larry Dobson
Junior Planner

LD:js

cc: Jack H. Galbraith, Chief Planner

April 28, 1975

John Dekker, Director of Law
Jack H. Galbraith, Chief Planner

Notice of Appeal to District Court on Cases BZA 4-75 and
BZA 5-75

On this date I, as Secretary of the Board of Zoning Appeals, was served a summons by Robert L. Smith of Boyer, Donaldson and Stewart, who represents Mr. Donald Walenta, notifying us of their appeal of the Board's decisions on the two referenced cases, to the District Court. Attached is Summons #C33296 for your handling.

Our files on the captioned cases are available to you on request and I am available to discuss these cases with you or the attorney assigned to handle the matter.

Jack H. Galbraith
Chief Planner

JHG:js

cc: Richard Shull, Legal Counsel
to the Board of Zoning Appeals

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

RECEIVED

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Donald Walenta

C 33296

Plaintiff

Case No.

vs.

Board of Zoning Appeals of

the City of Wichita, Kansas

Defendant

SERVE: JACK GALBRAITH, Secretary
Board of Zoning Appeals
City Building Annex
103 South Main, Wichita, Ks.

SUMMONS

To the above-named Defendant:

You are hereby summoned to defend an action brought in the District Court of SEDGWICK

County, and required to serve upon Boyer, Donaldson & Stewart, plaintiff's attorney, whose address is 1030 First National Bank Building, a pleading to the petition which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. Your pleading

also must be filed with the District Court of SEDGWICK County. As provided in section 60-213 (a), your answer must state as a counterclaim any related claim which you may have against the plaintiff, or you will thereafter be barred from making such claim in any other action.

DOROTHY I. VAN ARSDALE

Clerk of said District Court



Dated: APR 25 1975

By Janet K. Cumberland
Deputy Clerk

RETURN ON SERVICE OF SUMMONS

I hereby certify that I received the foregoing summons at _____ o'clock _____ M. on the _____ day of _____, 19____, and I served the same in the following manner:

(1) By delivering on the _____ day of _____, 19____, a copy of the summons, copy of the petition, and copy of _____ to each of the within-named defendants _____

(2) By leaving on the _____ day of _____, 19____, for each of the within-named defendants _____

A copy of the summons, a copy of the petition, and _____ at the respective dwelling place or usual place of abode of said defendants with some person of his or her family of suitable age and discretion.

(3) Corporate or Partnership Return: On the _____ day of _____, 19____, by _____

(4) After diligent search and inquiry was unable to find the within-named defendant _____

on the _____ day of _____, 19____.

All done in _____ County, Kansas.

Sheriff's fees:

Summons _____

Sheriff of _____ County, Kansas

Not Found _____

Mileage _____

Total _____

By _____ Deputy.

NO FEE

RECEIVED
SHERIFF'S DEPARTMENT
SEDGWICK COUNTY, KANS.

NOV 20 8 11 AM '75

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

DONALD WALENTA,

Plaintiff,

-VS-

BOARD OF ZONING APPEALS
OF THE CITY OF WICHITA,
KANSAS,

Defendant.

C 33296

Case No. _____

BOYER, DONALDSON
& STEWART
ATTORNEYS-AT-LAW
9030 FIRST NATIONAL
BANK BUILDING
WICHITA, KANSAS
67202
264-7281

P E T I T I O N

COMES NOW the plaintiff, Donald Walenta, and for his cause of action against the defendant alleges and states:

COUNT I

1. That the plaintiff is an individual, a resident of the city of Wichita, Sedgwick County, Kansas, and that the defendant, the Board of Zoning Appeals of the City of Wichita, Kansas, is a creature, created by statutes of the state of Kansas, K.S. A. 1973 Supp. 12-714, and by the Ordinances of the City of Wichita, Kansas, Section 2.12.560, et seq, and has the legal capacity to sue and be sued.

2. That the plaintiff did file, pursuant to statute and the Ordinances of the City of Wichita, Kansas, and further

Section 28.04.145 of the Code of the City of Wichita, a request for an exception under the provisions of Section 2.12.590.c concerning the property described as follows:

Lots 4 and 5 and the north 10 feet of Lot 6, Block 2, Kellogg Heights Addition to Wichita, Kansas.

3. That the Board of Zoning Appeals, after public notice and pursuant to the Code of the City of Wichita held a hearing on the 25th day of March, 1975, and that pursuant to their hearing refused to grant the exception so as to allow off-street parking on the above-described property.

4. That said refusal of the Board of Zoning Appeals was unreasonable, arbitrary and capricious and contrary to all evidence given in support of said application.

5. That this action is authorized and is brought pursuant to K.S.A. 1973 Supp. 715 to determine the reasonableness of the Board's order.

6. That attached hereto, marked Exhibit "1" and made a part hereof is the Resolution adopted by the Board of Zoning Appeals entitled "RESOLUTION NO. BZA 4-75."

WHEREFORE, plaintiff prays the court determine that the Board of Zoning Appeals acted in an unreasonable, arbitrary and capricious manner and that it grant to this plaintiff an exception as originally requested by this plaintiff and make such further orders as may be necessary to terminate all issues between the plaintiff and the Board of Zoning Appeals.

COUNT II

COMES NOW the plaintiff and for its further petition alleges and states:

1. Plaintiff hereby incorporates all allegations contained in Count I of this Petition as if fully set out herein.

2. That this plaintiff did file a request for variance to reduce the required rear yard setback from ten feet to zero feet and to reduce the landscape area adjacent to the residential district on Dellrose from the required fifty by twenty-five feet area to zero landscaping on property described as follows:

Lots 1 and 2, PERDEL ADDITION, Wichita, Kansas.

3. That although plaintiff has complied with the conditions as set forth in Section 2.12.590.6 of the Code of the City of Wichita, Kansas, that the Board of Zoning Appeals acted in an unreasonable, arbitrary and capricious manner and refused to grant the variance as above requested.

4. That this actions is authorized and is brought pursuant to K.S.A. 1973 Supp. 715 to determine the reasonableness of the Board's order.

5. That attached hereto, marked Exhibit "2" and made a part hereof is the Resolution adopted by the Board of Zoning Appeals entitled "RESOLUTION NO. BZA 5-75."

WHEREFORE, plaintiff prays that this court determine the refusal of the Board of Zoning Appeals to grant the variance as unreasonable and that it grant the variance requested by the plaintiff and make such further orders as may be necessary to terminate all issues between the plaintiff and the Board of Zoning Appeals.

BOYER, DONALDSON & STEWART

BY Robert L. Smith
ATTORNEYS FOR PLAINTIFF

Certificate of Clerk of the District Court. The above is a true and correct copy of the original instrument which is on file or of record in this court.

Done this 25 day of April 1925
DOROTHY I. VAN ANSDALE, Clerk

By Jessie K. Cumberland Deputy



RESOLUTION NO. BZA 4-75

WHEREAS, Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 4 and 5 and the north 10 feet of Lot 6, Block 2, Kellogg Heights Addition to Wichita, Kansas. Generally located on the west side of Dellrose in an area south of 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, 1975, 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

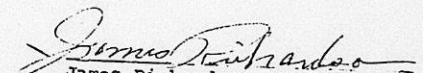
WHEREAS, the Board of Zoning Appeals has authority to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

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

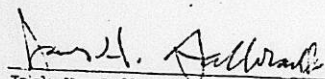
Lots 4 and 5 and the north 10 feet of Lot 6, Block 2, Kellogg Heights Addition to Wichita, Kansas. Generally located on the west side of Dellrose in an area south of Kellogg.

be denied.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1975.


James Richardson, Vice-Chairman

ATTEST:


Jack H. Galbraith, Secretary

RESOLUTION NO. BZA 5-75

WHEREAS, Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

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, 1975, 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 does not arise 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 in fact created by an action of the property owner or the applicant inasmuch as the applicant is attempting to overdevelop this site; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance would adversely affect the rights of adjacent property owners or residents inasmuch as there would not be sufficient landscaping and buffering provided for the adjacent residential property, and the location of the commercial structure on the property line would eliminate the open space adjacent to the residential property, necessary for the passage of light and air; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will not constitute unnecessary hardship upon the property owner represented in the application inasmuch as he is not being deprived the utilization of his property any more than for any other property where setback and landscaping provisions are required to be maintained; and

WHEREAS, the Board of Zoning Appeals has found that it is difficult to determine whether the desired variance would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired would be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as rear yard setback requirements are established to provide open space for the passage of light and air, and landscaping requirements are established to provide for a compatible atmosphere for commercial uses when located adjacent to residential development; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard setback from 10 feet to 0 feet; and to reduce the landscaped area adjacent to the residential district on Dellrose from the required 50x25 foot rectangular area to 0 landscaping on property zoned the "LC" Light Commercial District and legally described as:

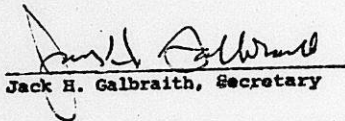
Lots 1 and 2, Perdel Addition, Wichita, Kansas.
Generally located on the south side of Kellogg
between Pershing and Dellrose Avenues.

be denied.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1975.


James Richardson, Vice Chairman

ATTEST:


Jack H. Galbraith, Secretary

RESOLUTION NO. BZA 4-75

WHEREAS, Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 4 and 5 and the north 10 feet of Lot 6,
Block 2, Kellogg Heights Addition to Wichita,
Kansas. Generally located on the west side of
Dellrose in an area south of 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, 1975, 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

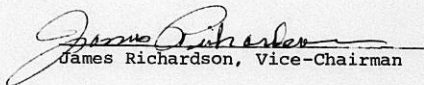
WHEREAS, the Board of Zoning Appeals has authority to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

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

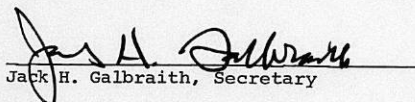
Lots 4 and 5 and the north 10 feet of Lot 6,
Block 2, Kellogg Heights Addition to Wichita,
Kansas. Generally located on the west side of
Dellrose in an area south of Kellogg.

be denied.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1975.


James Richardson, Vice-Chairman

ATTEST:


Jack H. Galbraith, Secretary

April 18, 1975

Robert L. Smith
Boyer, Donaldson & Stewart
1030 First National Bank Building
Wichita, Kansas

Subject: Case No. BZA 4-75
Request for Exception

Dear Mr. Smith:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 25, 1975, in connection with your request for an exception to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and generally located on the west side of Dellrose in an area south of Kellogg.

This Resolution reflects the official action of the Board to deny your request. 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:LD:js

cc: Robert Feldner, Superintendent of Central Inspection
Con C. Gisick, City Clerk
Joe Donnelly, Central Inspection
Donald Walenta, 7332 Plaza Lane, 67208

March 31, 1975

Robert L. Smith
Boyer, Donaldson & Stewart
1030 First National Bank Building
Wichita, Kansas 67202

Subject: Case No. BEA 4-75
Request for Exception

Dear Mr. Smith:

At the regular meeting of the Board of Zoning Appeals on March 25, 1975, your request for an exception to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and generally located on the west side of Dellrose in an area south of Kellogg was considered.

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

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack E. Galbraith
Secretary

JHG:LD:rma

cc: Robert Feldner, Superintendent of Central Inspection
Don C. Gisick, City Clerk
Joe Donnelly, Central Inspection
Donald Walenta, 7332 Plaza Lane, 67208
Harry Saums, Attorney, 4th Financial Center, 67202
Francis Talbott, 522 South Pershing, 67218

SECRETARY'S REPORT

CASE NO. BZA 4-75

APPLICANT: Donald Walenta, 7322 Plaza Lane, Wichita, Kansas

AGENT: Robert L. Smith, 1030 First National Bank Bldg., Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation of an off-street parking lot.

GENERAL LOCATION: The west side of Dellrose in an area south of Kellogg.

LAND USE: Subject property contains two (2) single family homes; east, west and south are also developed as single family homes; north is vacant.

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

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 permitted in the zoning ordinance, to allow the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, that would be utilized as off-street parking for a proposed commercial development on lots adjacent to the north. In proposing maximum development on this commercial property, the applicant must provide additional parking in order to meet the off-street parking requirements. In conjunction with the total development of his property, the applicant has also filed a variance application (BZA 5-75) on this adjacent Light Commercial property, requesting that the rear yard setback be reduced to 0 feet directly north of this exception request; and requesting the landscaped area adjacent to subject property be reduced from the required 50x25 foot rectangular area to 0 landscaping. The applicant proposes, however, to provide a landscaping strip on the front portion of this application area.

Secretary's Report
Case No. BZA 4-75
Page Two

Lot 4, Kellogg Heights Addition, which is the northernmost lot of this application area, was also included in a 1968 zone change request with the property adjacent to the north. That request was for a change of zoning from the "A" Two Family Dwelling District to the "BB" Office District. The Board of City Commissioners approved the request with the exception of this Lot 4, Kellogg Heights Addition, which was withdrawn from the application at the applicant's request after considerable neighborhood opposition. In 1970 the City Commission approved the previously approved "BB" property to its present "LC" light commercial classification.

It is the opinion of the Secretary that approval of this request, in effect, would be an extension of the associated commercial use into the neighboring residential district. Subject property is presently developed with two single family homes. The replacement of these homes with a commercially oriented parking lot would, in the opinion of the staff, alter the residential character of the area. The homes in this neighborhood are well maintained, single family residences. The commercial property to the north can be developed without encroachment of parking into this neighborhood. The need to encroach into this neighborhood with an off-street parking lot suggested that the commercial property to the north is being overdeveloped.

RECOMMENDATION:

Based on the comments above, it is the recommendation of the Secretary that this request be denied. Should the Board determine however, that parking would be appropriate on subject property, it is recommended that approval be subject to the following conditions.

1. The parking area 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 vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.

Secretary's Report
Case No. BZA 4-75
Page Three

4. The off-street 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 other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required 25 foot front yard setback. The front yard setback area shall remain unpaved and shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.
8. A detailed landscape plan for the setback area on Dellrose showing the proposed locations and types of trees and shrubs, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the resolution being forwarded to the Office of Central Inspection.
9. A six to eight foot solid fence constructed of staggered or louvered redwood or rough sawed cedar shall be constructed along the west property line and along the south property line behind the front yard setback line. A three foot fence of the same material shall be constructed along the front yard setback line as indicated on the applicant's submitted plot plan.
10. There shall be no ingress or egress from the parking lot through the 25x50 foot landscape area to Dellrose.
11. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

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

March 3, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 4-75

An application has been filed by Donald Walenta, 7332 Plaza Lane, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the installation of an off-street parking lot on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 4 and 5 and the north 10 feet of Lot 6, Block 2, Kellogg Heights Addition to Wichita, Kansas. Generally located on the west side of Dellrose in an area south of Kellogg.

This application has been assigned Case No. BZA 4-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 25, 1975, 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

3-4-75 . 32 Notices mailed to property owners
10 Notices mailed to map c

574b

BOARD OF ZONING APPEALS

CASE NO. 4-75

CITY OF WICHITA, KANSAS

FILED 2-25-75

APPLICATION FOR EXCEPTION

I. Name of Applicant Donald Walenta

Mailing Address 7332 Plaza Lane
Wichita, Kansas Phone 685-1503

Name of Authorized Agent Robert L. Smith of Boyer, Donaldson &
1030 First National Bank Building Stewart
Mailing Address Wichita, Kansas 67202 Phone 264-7321

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 off-street parking on property zoned

~~"A"~~ "A" ~~property zoned~~

located south of Kellogg Street, approximately 150
feet and west of Dellrose Avenue,
and legally described as:

Lot 4, and the North five feet of Lot 5, Block 2, and the

south 45 feet of Lot 5, and the North 10 feet of Lot 6, Block

2, Kellogg Heights Addition, 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 Donald Walenta

Authorized Agent BOYER, DONALDSON &

BY Robert L. Smith STEWARD

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 3:45 (a.m. - p.m.), 2/25, 1975, together with appropriate fee of \$50.00

Signed Larry Dobson

O W N E R S H I P L I S T

Lot	Block	Addition	Property Owner
1		Perdel Addition	Donald Walenta 7332 Plaza Lane 67208
2		Same	Same
5	1	Kellogg Heights Addition	Socony-Vacuum Oil Co., Inc. c/o Benjamin Service Center 4749 E. Kellogg 67218
6,7, 8,9, 10 exc S 57'	1	Same	James T. Klepper 122 Ridgecrest 67218
S57' 6,7, 8,9,10	1	Same	Diane J. Klepper & Kay M. 122 Ridgecrest 67218
11	1	Same	William R. Wood & Marilyn B. Derby, Kansas 67037
N5' 12	1	Same	Same
S45' 12	1	Same	Don Schwartz & Mildred A. 522 S. Dellrose 67218
N10' 13	1	Same	Same
S40' 13	1	Same	Bessie M. Hatchett & Verna Lona 528 S. Dellrose 67218
N20' 14	1	Same	Same
S30' 14	1	Same	Robert M. Love & Dorothy M. 532 S. Dellrose 67218
N20' 15	1	Same	Same
S30' 15	1	Same	Eldon Watts & Thelma J. Watts 7603 E. Gilbert 67207
N25' 16	1	Same	Same
S25' 16	1	Same	Aurelia R. Aguilera 544 S. Dellrose 67218
N30' 17	1	Same	Same

Lot	Block	Addition	Property Owner
N13' 24	1	Kellogg Heights Addition	W. H. Molling & Norma Address Unknown
S38' 25	1	Same	Same
N12' 25	1	Same	Billy Ray Rogers 531 S. Oliver 67218
S39' 26	1	Same	Same
N11' 26	1	Same	Ray Stekoll & Wichita Iron & Metals Corporation Inc. 5909 East 13th 67208
27	1	Same	Same
28	1	Same	Same
4	2	Same	Donald Walenta 7332 Plaza Lane 67206
5	2	Same	Same
N10' 6	2	Same	Same
S40' 6	2	Same	Murl M. Tipton 525 S. Dellrose 67218
N15' 7	2	Same	Same
S35' 7	2	Same	Mary L. Robards 531 S. Dellrose 67218
N20' 8	2	Same	Same
S30' 8	2	Same	Jimmie D. Gillenwater Bettie M. Gillenwater 537 S. Dellrose 67218
N25' 9	2	Same	Same
S25' 9	2	Same	F. Russell Hughes Jr. 543 S. Dellrose 67218
N30' 10	2	Same	Same
N23' 15	2	Same	Dale W. Scott & Thelma L. 544 S. Pershing 67218
S37' 16	2	Same	Same

Lot	Block	Addition	Property Owner
N13' 16	2	Kellogg Heights Addition	Lillian P. Whipple 538 S. Pershing 67218
S46' 17	2	Same	Same
N4' 17	2	Same	W. T. Bowker & Edith M. 534 S. Pershing 67218
18	2	Same	Same
S20' 19	2	Same	Same
N30' 19	2	Same	Francis H. Talbott Katharyn Talbott 522 S. Pershing 67208
S45' 20	2	Same	Same
N5' 20	2	Same	Kenneth A. Kimbell & Ruth B. 518 S. Pershing 67218
21	2	Same	Same
S 150 ft of W 125 ft Block 14		Lincoln Heights Addition	City of Wichita 204 S. Main 67202
9	12	Same	John Richard Mead & Gayle A. 435 S. Dellrose 67218
9	11	Same	Ralph G. Wise & Lucille 461 S. Pershing 67218
10 exc W 30'	11	Same	Same
2	2	Lincoln Heights 2nd Add.	Margaret B. Ash 221 S. Oliver 67218
4	2	Same	Dean O. Mason & Carlie O. 4529 E. Kellogg 67218
6	2	Same	Gerold E. Laughlin Hazel Ann Laughlin Address Unknown
8	2	Same	Albert L. Heitzenrader L. Geraldine Heitzenrader 519 S. Pershing 67218
10	2	Same	Charles W. Cox & Helen H. 525 S. Pershin 67218

Lot	Block	Addition	Property Owner
12	2	Lincoln Heights 2nd Add.	Reid M. Hanley & Karen S. 5524 East 3rd 67208
14	2	Same	James M. Brady & Beverly A. 4480 S. Meridian Lot 171 67217

Beginning at a point 48 feet west of the Northeast corner of Lot 10, Block 12, Lincoln Heights Addition, thence South parallel with the East line of said Lot 10, 45 feet, thence in a Southwesterly direction 28.5 feet more or less to a point 76 feet west and 50 feet south of the northeast corner of said Lot 10, thence West parallel with the North line of Lot 11 in said Block 12, 40 feet, thence in a Southwesterly direction 52.25 feet more or less to a point on the east line of Pershing Avenue as platted in said Addition, said point being 85 feet Southeasterly from the northwest corner of Lot 11, thence in a southeasterly direction along the easterly line of Pershing Avenue, 106.5 feet more or less to the southwest corner of said Lot 10, thence east 26.4 feet, thence north 80 feet, to a point 48 feet west of the east line of said Lot 10, thence in a northeasterly direction 29.58 feet more or less to a point 47 feet south and 24 feet west of the northeast corner of said Lot 10, thence north parallel to the east line of said Lot 10, 47 feet to the north line of said Lot 10, thence west 24 feet to place of beg.

Garry O. Carson
466 S. Pershing 67218

Part of Lot 11, Block 12, Lincoln Heights Addition described as: Beginning at a point 48 feet West of the Northeast corner of Lot 10, Block 12; thence South parallel with the East line of said Lot 10, 45 feet; thence in a Southwesterly direction 28.5 feet more or less to a point 76 feet West and 50 feet South of the Northeast corner of said Lot 10; thence West parallel with the North line of Lot 11, 40 feet; thence in a Southwesterly direction 52.25 feet more or less to a point on the East line of Pershing Avenue, said point being 85 feet Southeasterly from the Northwest corner of said Lot 11, thence Northwesterly along the East line of Pershing Avenue, as platted in said Addition, 85 feet to the Northwest corner of said Lot 11; thence East 137 feet to place of beginning.

Gene Knackstedt
Jane Knackstedt
460 S. Pershing
67218

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

A 200 foot radius of: Lots 1 and 2,
Perdel Addition, and Lot 4, and the
North 5 feet of Lot 5, Block 2, and
the South 45 feet of Lot 5, and the
North 10 feet of Lot 6, Block 2,
Kellogg Heights Addition to Wichita,
Kansas

as shown by the records on file in the Office of the Register of
Deeds of Sedgwick County, Kansas, on the 19th day of February,
1975 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Gable

Vice President

Order No. 221920
wh

Form 021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
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Trailer	50.00
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BZA Application	
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Name Robert Smith

Address 1035 1st Half Bank Bldg

Type AA-407102 Due Date 2/25/75

Comments:

Date 2/25/75 By ld