

BZA 5-67 - Herbert Leffingwell, DDS
requests Exception to permit off-
street parking lot on NE corner of
Dunsworth & Jennie Street

POSTED
3-28-67

PC
101

ACTION

DATE 3-28-67

By gja COMMITTEE _____

M.A.P.C. _____

B.C.C.S. CO. C. Approved

April 6, 1967

Dr. Herbert D. Leffingwell, D.D.S.
8925 West Central
Wichita, Kansas 67212

Dear Doctor Leffingwell:

Re: Case No. BZA 5-67 - Request for
an Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 28, 1967, in connection with your application for an Exception to the Zoning Ordinance to permit the installation of an off-street parking lot on property zoned "AA" Single Family Residential and generally located on the northeast corner of Dunsworth and Jennie Street. This Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkg

Attachment

cc: Ralph Eberly, City Clerk
Glen Lytle, Superintendent of Central Inspection
G. Gordon Dotzour, 9100 W. Central, Wichita 67212
John Callahan, Wichita Plaza Building, Wichita 67202

RESOLUTION NO. BZA 5-67

WHEREAS, Herbert D. Leffingwell, D.D.S., 8925 West Central, Wichita, by G. Gordon Dotzour, 9100 West Central, Wichita, Kansas, requests an exception as provided in Section 2.12.590.3, Code of the City of Wichita, to permit the installation of an off-street parking lot on property zoned "AA" Single Family Residential and legally described as follows:

Lot 9, Block B, Meadowview Estates, an Addition in Sedgwick County, Kansas. Generally located on the northeast corner of Dunsworth and Jennie Street.

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 28, 1967, consider said application; and

WHEREAS, the Board of Zoning Appeals has jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.3, 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 "AA" Single Family Residential 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 that this application be approved for the installation of an off-street parking lot on property zoned "AA" Single Family Residential and legally described as follows:

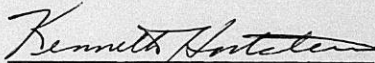
Lot 9, Block B, Meadowview Estates, an Addition in Sedgwick County, Kansas. Generally located on the northeast corner of Dunsworth and Jennie Street.

subject to the following conditions:

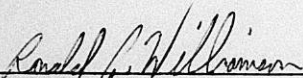
1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, material or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash, and other debris.

5. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties and in no event shall lights be permitted to reach a height of greater than 6 feet.
7. A six foot high solid fence constructed of masonry, wood or louvered redwood shall be erected along the north and south property lines and along the front setback line adjacent to Dunsworth. The front yard shall remain unpaved and shall be landscaped with trees, shrubs, and grass and shall be maintained compatible with the residential area.
8. No access from subject property shall be permitted to Dunsworth.
9. 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 28th day of March, 1967.


Kenneth Hartstein, Chairman

ATTEST:


Ronald A. Williamson
Assistant Secretary

March 30, 1967

Dr. Herbert D. Leffingwell, D.D.S.
8925 West Central
Wichita, Kansas

Dear Doctor Leffingwell:

Re: Case No. BZA 5-67 - Request for
Exception to the Zoning Ordinance
to permit the installation of an
off-street parking lot to be
located in an "AA" zone

At the regular meeting of the Board of Zoning Appeals on
March 28, 1967, your request for an exception to permit the
installation of an off-street parking lot on property zoned "AA"
Single Family Residential, and being located on the northeast
corner of Dunsworth and Jennie Street, was considered.

It was the action of the Board to approve this request sub-
ject 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, equip-
ment, material 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 and all driveways providing
ingress and egress to the parking lot shall be paved with
concrete, asphaltic concrete or asphalt, and shall be
maintained in good condition and free of all weeds, dust,
trash, and other debris.

March 30, 1967

5. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties and in no event shall lights be permitted to reach a height of greater than 6 feet.
7. A six foot high solid fence constructed of masonry, wood or louvered redwood shall be erected along the north and south property lines and along the front setback line adjacent to Dunsworth. The front yard shall remain unpaved and shall be landscaped with trees, shrubs, and grass and shall be maintained compatible with the residential area.
8. No access from subject property shall be permitted to Dunsworth.
9. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the Chairman and Secretary of the Board have signed it. If you have any questions, please call.

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kgg

cc: Glen Lytle, Superintendent of Central Inspection
Ralph Eberly, City Clerk
G. Gordon Dotzour, 9100 W. Central, Wichita
John Callahan, Wichita Plaza Building, Wichita
Harry L. Brown, Rock Island Lumber, Beacon Building, Wichita

SECRETARY'S REPORT

CASE NO. BZA 5-67

APPLICANT: Herbert D. Leffingwell, D.D.S., 8925 W. Central, Wichita

AGENT: G. Gordon Dotzour, 9100 W. Central, Wichita

REQUEST: Exception pursuant to Section 2.12.590.3, Code of the City of Wichita to permit the installation of an off-street parking lot on property zoned "AA" Single Family

GENERAL LOCATION: Northeast corner of Dunsworth and Jennie Street

LAND USE: Subject property and that to the north, south and east is vacant, to the west is single family

ZONING: Subject property and that to the north, south and west is "AA" to the east is "BB" Office

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.3, Code of the City of Wichita. The Board may grant the exception to permit the installation or construction of an off-street parking lot providing the conditions under Section 28.04.145, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to permit the installation of an off-street parking lot on property zoned "AA" Single family. The property is vacant and is between two other vacant single family lots.

On the southwest corner of Country Acres Avenue is a large lot which has 120 feet of frontage on Central and approximately 550 feet of frontage on Country Acres Avenue. The north 300 feet of this lot is zoned "BB" Office and the remainder to the south is "A" Two Family. The applicant plans to utilize the north 190 feet of the "BB" zoned property for a dental clinic and in addition utilize subject property which is adjacent to the west for off-street parking. On the southeast corner of Country Acres Avenue and Central, a 12 acre shopping center is approved and it is our understanding that development will occur soon.

March 21, 1967

The staff is concerned that the approval of this off-street parking request will have an adverse affect on the future development of the property on Dunsworth. There are several vacant lots on the east side of Dunsworth and the sandwiching in of a parking lot between the residential lots does not appear to be a proper and compatible pattern of land use. It should be emphasized that this is undeveloped land and that the choice is available for the applicant to either intrude into the residential area as proposed or obtain additional property on Country Acres Avenue which is across from a shopping center.

The approval of the parking lot on subject property would decrease the desirability of adjacent lots for single family residential development, and thus a zone change will probably be requested for a higher density residential use. If this is then the eventual result of this case, the character of the neighborhood would be substantially changed.

The plan submitted by the applicant indicates that screening will be provided on the three sides which abut or face residential zoning and that no access will be permitted to Dunsworth.

Recommendation

It is the recommendation of the Secretary that the exception to permit the installation of a parking lot not be approved inasmuch as it is the opinion of the staff that it is not a compatible land use with single family development and that there is a substantial amount of vacant land on Country Acres Avenue which is undeveloped and is adjacent to the site proposed for the dental clinic.

If the exception is approved by the Board, it is the recommendation of the Secretary that it 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, material 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 and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash, and other debris.
5. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties and in no event shall lights be permitted to reach a height of greater than 6 feet.
7. A six foot high solid fence constructed of masonry, wood or louvered redwood shall be erected along the north and south property lines and along the front setback line adjacent to Dunsworth. The front yard shall remain unpaved and shall be landscaped with trees, shrubs, and grass and shall be maintained compatible with the residential area.
8. No access from subject property shall be permitted to Dunsworth.
9. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

CERTIFICATE OF OWNERSHIP

CALLAHAN GUARANTEE TITLE CO. Inc., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds of Sedgwick County, Kansas, of the real estate within a radius of 200 feet of and including the following described property:

Lot 9, Block B, Meadowview Estates,
an Addition in Sedgwick County, Kansas.

DESCRIPTION	OWNER/OWNERS	ADDRESS
<u>Meadowview Estates</u>		
<u>Block B</u>		
Lot 6	Westlink Realty, Inc.	9100 West Central
Lot 7	Rock Island Lumber Co.	Beacon Building
Lot 8-10-12	Westlink Realty, Inc.	9100 West Central
Lot 9-11-15	Westlink Realty, Inc.	9100 West Central
<u>Block J</u>		
Lot 1	Bruce D. Blodgett & Anita L.	3518 West 16th St.
Lot 2	Robert M. McGinnis & Zelva E.	920 East Lewis
Lot 12	Ray Ruthrauff, Trustee (U.S. Dist. Court)	427 Lexington
Lot 13	Veterans Administration	5500 E. Kellogg
<u>Country Acres</u>		
<u>Block 2</u>		
Lot 1	Harry J. Ragland and Dorothy M.	701 Country Acres
Lot 11	Carl D. Baird and Ruth A.	7527 Hale Ave.
Lot 12	Frederick William Stump & Elizabeth Louise	7511 Cotton tail
Lot 13	Southwest Federal Savings and Loan	130 North Market

WITNESS our Hand and Seal this the 28th day of February, 1967.

CALLAHAN GUARANTEE TITLE CO., Inc.,

By *Melvin M. Feister*
Vice-President.

Order No. 11701

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

March 14, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 5-67

An application has been filed by Herbert D. Leffingwell, D.D.S., 8925 West Central, Wichita, by G. Gordon Douthour, 9100 West Central, Wichita, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception to permit the installation or construction of an off-street parking lot on property zoned "AA" Single Family Residential and legally described as follows:

Lot 9, Block B, Meadowview Estates, an
Addition in Sedgwick County, Kansas.
Generally located on the northeast corner
of Dunsworth and Jennie Street.

This application has been assigned Case No. BZA 5-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 28, 1967, 2:00 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

Mailed 21 - 3/14/67

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. BZA 5-67
FILED 2-28-67

APPLICATION FOR EXCEPTION

I. Name of Applicant Herbert D. Leffincwell, D.D.S.
Mailing Address 8925 W. Central Phone PA 2-3191
Name of Authorized Agent G. Gordon Dotzour
Mailing Address 9100 W. Central Phone PA 2-2345
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.145, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of off-street parking
_____ on property zoned
AA, located NE corner of Dunsworth & Jennie St.
_____ and legally described as: _____
Lot 9, Block B, Meadowview Estates, Sedgwick County, Kansas
_____, in the City of Wichita.
(Give metes and bounds description below if appropriate).

- III. The applicant herein, or his authorized agent:
- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
 - B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
 - C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant Herbert D. Leffincwell
Authorized Agent G. Gordon Dotzour

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 1115 (a.m. - p.m.), 2-28 1967, together with appropriate fee of \$50.00.

Signed Donald C. Wilkinson

CERTIFICATE OF OWNERSHIP

CALLAHAN GUARANTEE TITLE CO. Inc., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds of Sedgwick County, Kansas, of the real estate within a radius of 200 feet of and including the following described property:

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DESCRIPTION	OWNER/OWNERS	ADDRESS
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Lot 7	✓ Rock Island Lumber Co.	Beacon Building 67202
Lot 8-10-12	✓ Westlink Realty, Inc.	9100 West Central
Lot 9-11-15	✓ W. E. McGreevy	920 East Lewis 67202
<u>Block J</u>		
Lot 1	✓ Bruce D. Blodgett & Anita L.	3518 West 16th St.
Lot 2	✓ Robert M. McGinnis & Zelva E.	920 East Lewis 67202
Lot 12	✓ Ray Ruthrauff, Trustee (U.S. Dist. Court)	427 Lexington 67218
Lot 13	Veterans Administration	5500 E. Kellogg 67218
<u>Country Acres</u>		
<u>Block 2</u>		
Lot 1	✓ Harry J. Ragland and Dorothy M.	701 Country Acres 67212
Lot 11	✓ Carl D. Baird and Ruth A.	7527 Hale Ave. 67212
Lot 12	✓ Frederick William Stump & Elizabeth Louise	7511 Cotton tail 67212
Lot 13	✓ Southwest Federal Savings and Loan	130 North Market 67202

WITNESS our Hand and Seal this the 28th day of February, 1967.

CALLAHAN GUARANTEE TITLE CO. Inc.,

By *Nellie M. Reisinger*
Vice-President.

Order No. 11701

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Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
B2A	\$50.00

Name: Herbert Leffingwell
Address: Westlink Court 8925 W. Central
Type: _____ Due Date: _____

Comments: R-712

Date: 2-28-67 By: K. Halloway



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2

Map No. 492
 Sec. _____
 Twp. _____
 Range _____

- AREA DATA:
1. Acres: _____
 2. Adjoining: _____
 3. Land Use: _____
 4. Sketch Pl: _____
 5. Present L: _____
 6. Area (is): _____

PHOTO DATA:
 Taken by _____



Map No. 4947
 Sec. _____
 Twp. _____
 Range _____

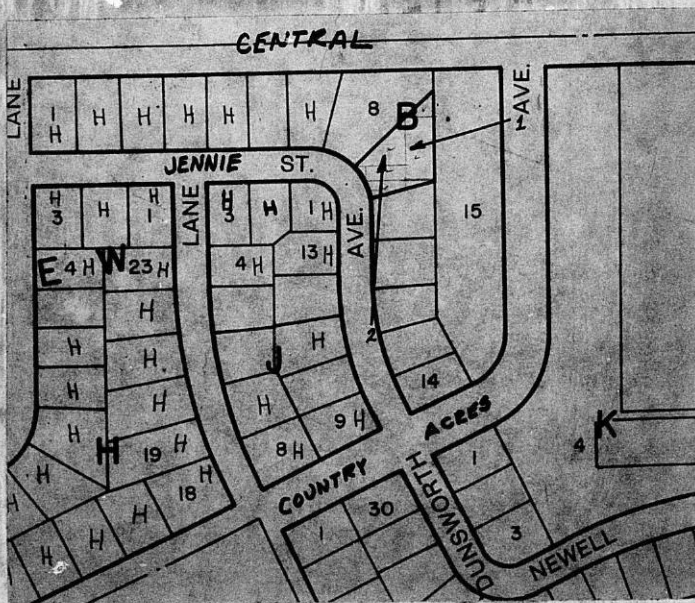
BZA 5-67
 SCZ- _____
 CU- _____
 Filed _____

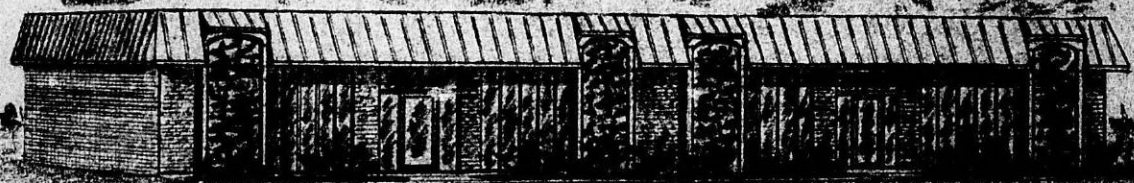
AREA DATA:

1. Acres: 0.31 (Approx 150 ft. by 110 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East Doctors Off South Dublin
 West Single Family North Vacant
4. Sketch Plan Land Use is for: Residential
5. Present Land Use is for: Vacant
6. Area (is) (~~is not~~) platted.

PHOTO DATA:

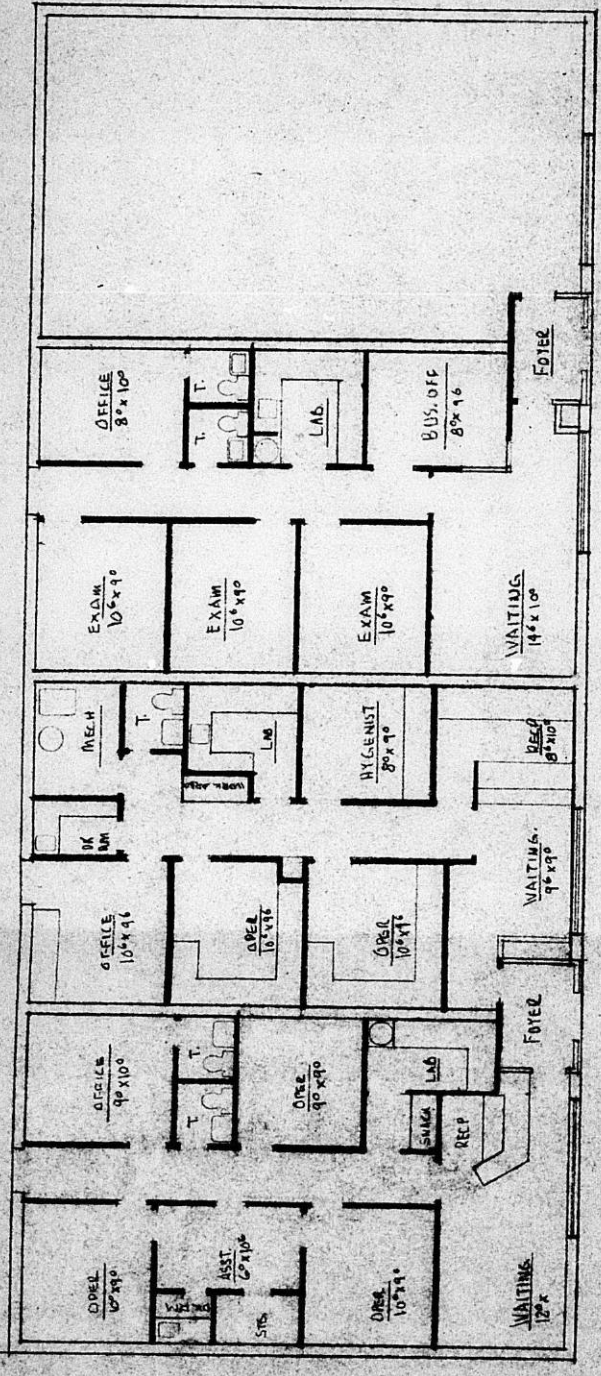
Taken by _____ Date _____ Time _____



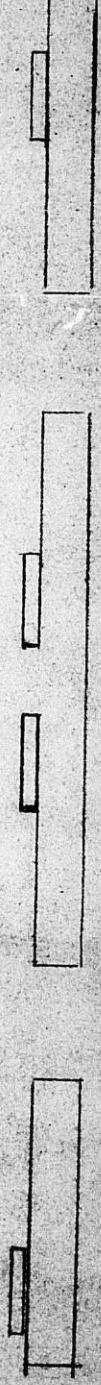


JOHN H. TASSET "ARCHITECTURAL DESIGNER" 207 N. PESSWING - WICHITA, KANSAS

26'-8"



10'-0"



*

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