

BZA 7-73 J. Ernest Talley requests variance to reduce rearward setback from 15 ft. to 10 ft. on the SS of U.S. 54 in an area W of Julia

*POSTED
3-27-73*

ACTION

BZA COMMITTEE ^{DATE} *not to be heard* 4.24.73

M.A.P.C. _____

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

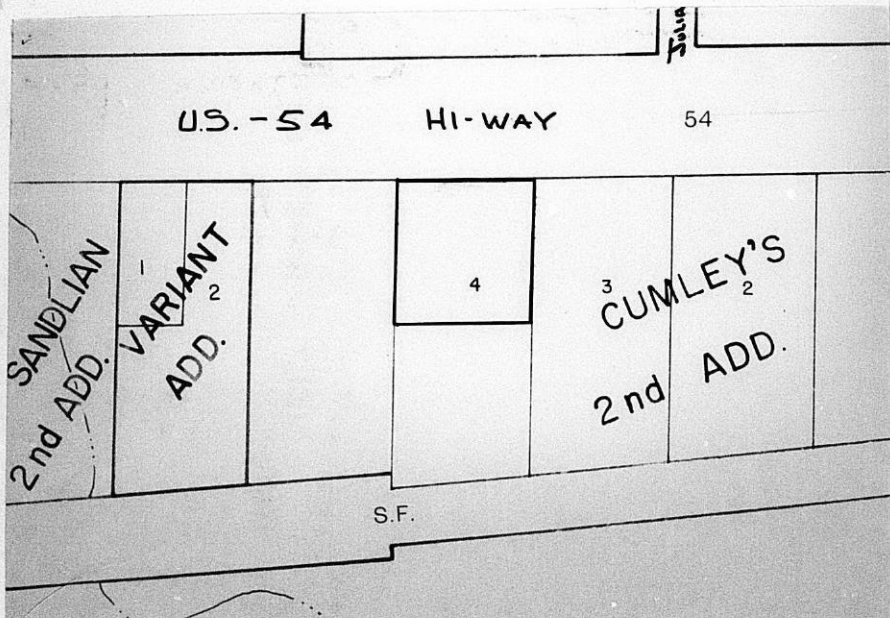
Closed 3.30.73

Map No. 5046
Sec. 27
Twp. 27
Range 1W

BZA- 7-73
SCZ- _____
CU- _____
Filed _____

- AREA DATA:
1. Acres: 1.43 (250 ft. by 250 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East _____ South _____
West _____ North _____
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: _____
6. Area (is) (is not) platted. *UP DATE
44 IN FIELD*

PHOTO DATA:
Taken by _____ Date _____ Time _____



Form 29-029

AUTHORIZATION TO REFUND
City of Wichita

Route:
Original to City Treasurer
File Duplicate

Please write check payable to:

Name *J. Ernest Talley*Address *535 West Side*

Check No.

Amount *250.00*

Refund of:	Circle Charge	Refund of:	Circle Charge
Retail Beer License Fees	AA--402201	Sanitation Charges	GL--407404
Dance Hall License Fees	AA--402506	Municipal Court Fines & Bail Bond Forfeitures	AANJ500000
Sewer Tap & Wye Permits	GJ--407403	Payroll Deduction: Blue Cross & Blue Shield	KA--260900
Sewer Permits	GJ--403600	Commissions for Collection of Past Due Accounts	AA--408000
Other License & Permit Fees	AANJ500000	Other	<i>AA 407103</i>
Rabies Innoculation & Dog Permit Vouchers	KA--260400		

Reason for refund:

*Release of deposit in the amount of \$50 which
is a refund of a filing fee for an 15 day case
which is now resolved.*

Department, Division Head or
Authorized Representative

Signature

Janet Bellwood Date *3/30/73*

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
262-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

March 30, 1973

Mr. J. Ernest Talley
535 Westshore
Wichita, Kansas 67209

RE: Case No. BZA 7-73 - A request for a variance to reduce the required rear yard setback from 15 feet to 10 feet for property generally located on the South side of West Kellogg between Hoover and Dugan

Dear Mr. Talley:

Your request for a variance to reduce the required rear yard setback on the above captioned property which is zoned the "C" Commercial District was scheduled to be heard by the Board of Zoning Appeals on April 24, 1973. It is, however, the interpretation of this office that while Section 28.04.100.C of the Zoning Ordinance does require a 15 foot rear yard setback for dwellings in the "C" Commercial District, Section 28.04.020 which defines "Dwelling" specifies that auto courts, hotels, motels, motor hotels and tourist courts shall not be considered dwellings for the purposes of this Ordinance.

Since you state in the statement of justification submitted with your application, that you propose to construct a motel on the property, it is the opinion of this office that a variance is not necessary due to the fact that no rear yard setback is required for such a use. Therefore, we feel that it is not necessary for you to obtain a variance, and we are authorizing the \$50.00 filing fee which accompanied your application for variance to be refunded. If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Jack H. Galbraith
Secretary

JHG:rw

cc: Mr. Tom Weir, 2311A Amidon, 67204
Mr. Wilmer Freund, 512 Century Plaza, 67202
Robert Feldner, Supt of Central Inspection

DELAMATER, FREUND & SCHERER, P. A.
SUCCESSORS TO

**R. S. DELAMATER
& ASSOCIATES**

CONSULTING ENGINEERS TELEPHONE (316) 262-8293 512 CENTURY PLAZA WICHITA, KANSAS 67202

March 22, 1973

Board of Zoning Appeals
Room 402
City Annex Building
104 South Main
Wichita, Kansas 67202

Gentlemen:

Enclosed herewith is an application for variance to reduce the rear yard set back on the north 250 feet of Lot 4, Cumley's 2nd Addition, along with a certified ownership list, a written statement justifying the requested variance, two prints of a sketch showing the lot and proposed building, and a check for \$50.00 to cover the application fee.

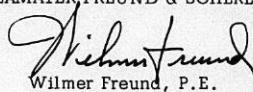
The application for lot split approval and accompanying dedication of additional street right-of-way referred to in the written statement has been previously submitted to the planning staff by Mr. Tom Weir.

We understand this matter will be placed on the Board of Zoning Appeals agenda for Tuesday, 1:30 p.m., April 24, 1973. Should you have any question pertaining to same prior to that time, please do not hesitate to call.

Very truly yours,

DELAMATER, FREUND & SCHERER, P. A.

By


Wilmer Freund, P.E.

WF/gr

cc: Mr. Pavell, Goodman & Associates
Mr. Tom Weir
Mr. Harvey Phillips

279-A

March 14, 1973

Board of Zoning Appeals
City of Wichita, Kansas

Gentlemen:

We are requesting a variance from the specific terms of Title 28 on the north 250 feet of Lot 4, Cumley's Second Addition, to reduce the rear yard setback from 15 feet to 10 feet.

The principal reason for the request is to allow construction of a two-story motel on the property after granting an additional 14 feet of street dedication off the front of the property which has been requested by the City Engineer. The reduction of the rear yard setback will in no way affect the rights of adjacent property owners or residents.

The strict application of Title 28 will prevent the said construction after dedication of the additional street right-of-way. The variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare and is not opposed to the general spirit and intent of Title 28.

Respectfully,

J. Edward Kelley
BY William J. Windig
Consolidated Realty Inc

WF/gr

279-A

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED 3-23-73

APPLICATION FOR VARIANCE

I. Name of Applicant J. Ernest Talley

Mailing Address 535 West Shore 67209 Phone 722-4500

Name of Authorized Agent Tom Weir/or Delamater, Freund & Scherer, P.A.

Mailing Address 2311A Amidon Phone 838-4279

Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is Reduce rear yard setback from 15 feet
to 10 feet.

for property located Along the south side of West Kellogg Drive
between Hoover Road and Dugan Street.

and legally described as: The north 250 feet of Lot 4, Cumley's
Second Addition to Wichita, Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned "C".

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 he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

J. Ernest Talley
Applicant

BY William L. Weir
Authorized Agent
Coastal Realty Co.

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2 PM (a.m. - p.m.), March 23 19 73 together with appropriate fee of \$50.00.

Charles L. Newby
Signed

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

Lot	Addition	Property Owner
N 250' of lot 3 exc E 146' of N 150'	Cumleys 2nd Addition	Colby B. Sandlian 435 N. Broadway Wichita, Kansas 67202
E 146' of N150' lot 3	Same	L. Vernon Johnson Address Unknown
3 exc N 250'	Same	Wichita Inns, Inc. 5801 West Kellogg Wichita, Kansas 67209
4 exc N 250'	Same	Same
N 250' lot 4	Same	J. Ernest Talley 535 West Shore Wichita, Kansas 67209
The West 249 ft of the East 2067.8 ft of that part of the Southeast Quarter of Sec. 27-27-1W lying South of row of U. S. Hiway 54 and North of row of A. T. & S. F. Railroad row.		Wichita, Inns, Inc. 5801 W. Kellogg Wichita, Kansas 67209

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: The North 250
feet of Lot 4, Cumley's Second Addition
to Wichita, Sedgwick County, Kansas

as shown by the records on file in the Office of the Register of
Deeds of Sedgwick County, Kansas, on this 15th day of March, 1973
at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By.

Mary Sable

Vice President

Form 222-021

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		50.00

DESCRIPTION

AMOUNT

PZA, Kansas...

Name

Address

Type

Due Date

Comments:

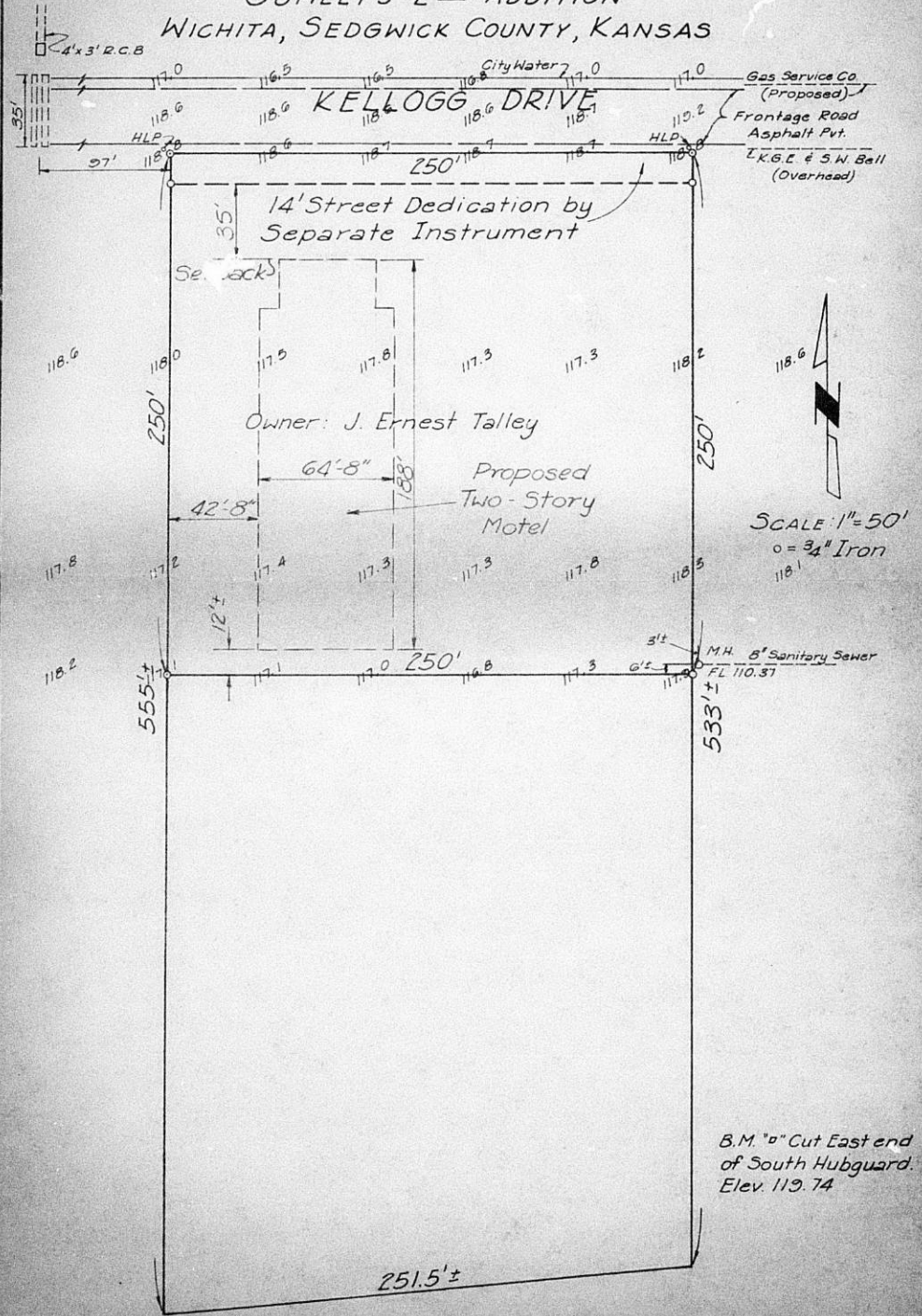
Date

By

Carl H...

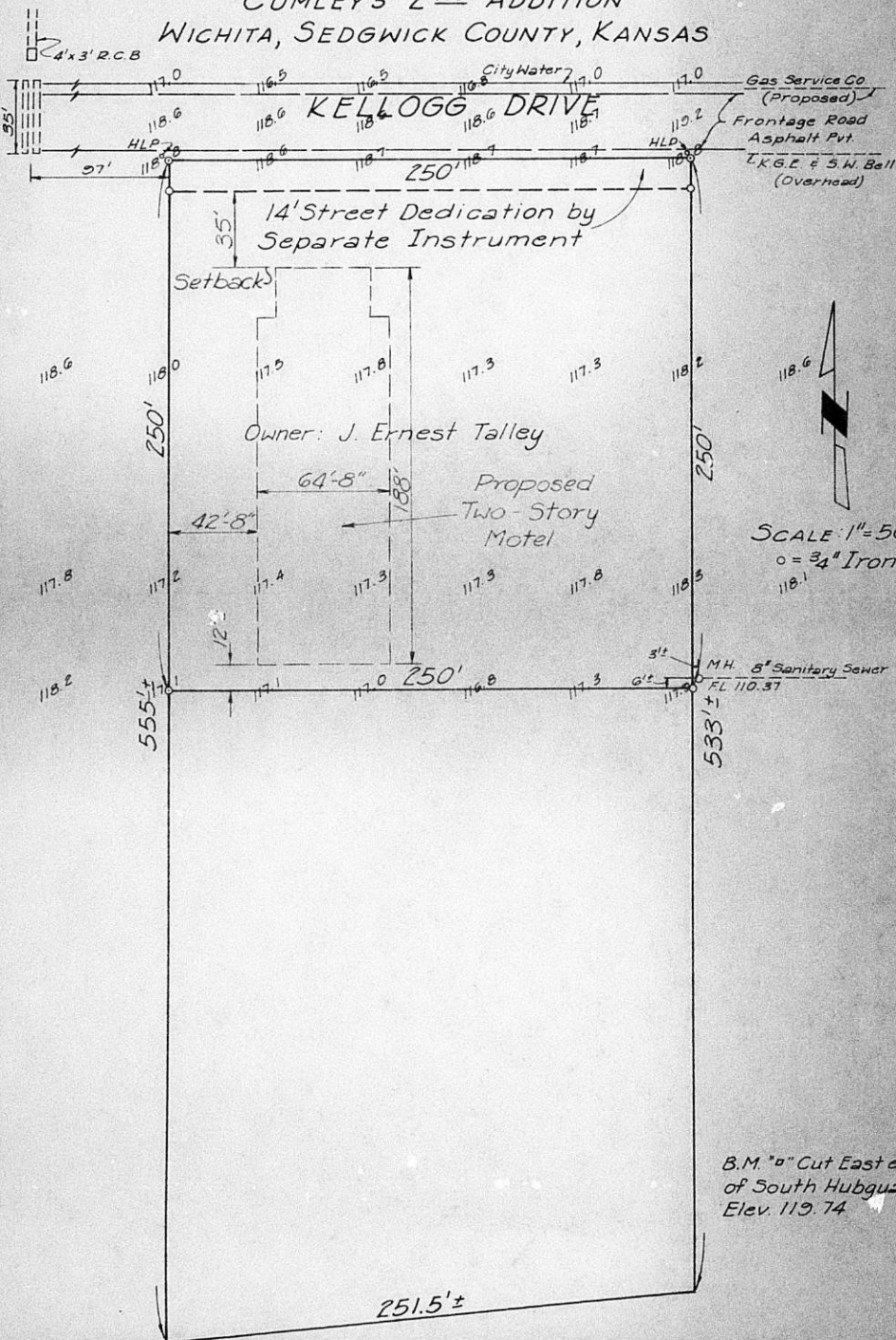
LOT SPLIT

NORTH 250 Ft. of LOT 4
 CUMLEY'S 2ND ADDITION
 WICHITA, SEDGWICK COUNTY, KANSAS



LOT SPLIT

NORTH 250 Ft. of Lot 4
CUMLEY'S 2ND ADDITION
WICHITA, SEDGWICK COUNTY, KANSAS



3-2-73 279-A-101