

M.A.P.C.

B.C.C./R. CO. C.

BZA 8-69 - Pizza Hut, Inc. requests exception for off street parking lot on property zoned "AA" & "A" and located in area north of Kellogg between Belmont and Crestway.

POSTED  
5-1-69  
M

# ACTION

BZA COMMITTEE denied DATE 5-27-69

M.A.P.C. \_\_\_\_\_

B.C.C./B. C.C. \_\_\_\_\_

BZA 8-69 - Plaza Hut, Inc. requests exception for off street parking lot on property zoned "AA" & "A" and located in area north of Kellogg between Belmont and Crestway.

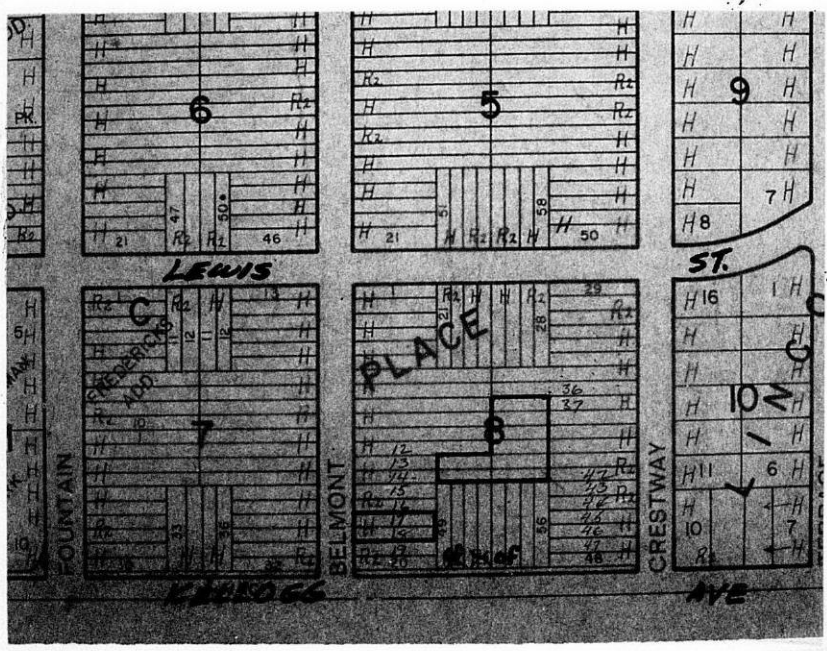
Map No. 5747  
 Sec. 23  
 Twp. 27  
 Range 1E

BZA 8-62  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 0.6 ( 50 ft. by 150 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East SINGLE FAM South OFFICES  
 West SINGLE FAM North SINGLE & Two Fam  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use is for: \_\_\_\_\_  
 6. Area (is) (is not) platted.

**BZA-8-69**

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



Louis R. Delmonico  
 Colonel  
 United States Army

RESOLUTION NO. BZA 8-69

WHEREAS, Frank J. Ablah, 800 East 11th Street, by Donald C. Tinker, 502 Union Center Building, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of an off-street parking lot on property zoned the "AA" Single Family District & "A" Two Family District and legally described as follows:

Lots 17 and 18, the east 100 feet of Lots 13 and 14, and the west 100 feet of Lots 37, 38, 39, 40, 41, and 42, Block 8, Merriman Park Place Addition to Wichita, Sedgwick County, Kansas. Generally located in an area north of Kellogg between Belmont and Crestway.

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 May 27, 1969, 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 construction or installation of an off-street parking lot on property zoned "AA" Single Family 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 or construction of an off-street parking lot on property zoned the "AA" Single Family District & "A" Two Family District, and legally described as follows:


Lots 17 and 18, the east 100 feet of Lots 13 and 14, and the west 100 feet of Lots 37, 38, 39, 40, 41, and 42, Block 8, Merriman Park Place Addition to Wichita, Sedgwick County, Kansas. Generally located in an area north of Kellogg, between Belmont and Crestway.

not be approved.

ADOPTED AT WICHITA, KANSAS, this 27th day of May, 1969.

  
NORMAN N. DOKE, Chairman

ATTEST:

  
JACK H. GALBRAITH, Secretary

June 9, 1969

Mr. Frank J. Ablah  
Ablah Partnership  
800 East 11th Street  
Wichita, Kansas 67214

Subject: BZA 8-69 - Request for  
Exception

Dear Mr. Ablah:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 27, 1969, in connection with your request for an exception to permit the installation or construction of off street parking on property zoned "AA" Single Family and "A" Two Family, located between Belmont and Crestway and north 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.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:so

Attachment

cc: Mr. Donald Tinker, 502 Union Center, Wichita, Kansas 67202  
Mr. Frank Carney, 4328 East Kellogg, Wichita, Kansas 67218  
Mr. Robert B. Feldner, Supt. of Central Inspection  
Mr. Ralph Eberly, City Clerk

May 28, 1969

Mr. Frank J. Ablah  
Ablah Partnership  
800 East 11th Street  
Wichita, Kansas 67214

Subject: BZA 8-69 - Request for  
Exception

Dear Mr. Ablah:

At the regular meeting of the Board of Zoning Appeals on May 27, 1969, your request for an exception to permit the installation or construction of off street parking on property zoned "AA" Single Family and "A" Two Family, located between Belmont and Crestway and north 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 will be forwarded to you as soon as the signatures of the Chairman and the Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:sm

cc:

✓ Mr. Donald Tinker, 502 Union Center	Mr. John Barrier, 1727 S. Gordon
✓ Mr. Frank Carney, 4328 E. Kellogg	
Mr. Newt Harrell, 1726 S. Seneca	Mr. Harold Shoff, 411 S. Belmont
Mr. Gerald Aaron, Garvey Bldg.	Mr. Robert Rives, 409 S. Crestway
Mr. Ernest McRea, 402 S. Crestway	Col. Louis Delmonico, 405 S. Crestway
Mr. & Mrs. Howard McHugh, 408 S. Belmont	
Mr. Leonard Gilbert, 2156 S. Vine	
Mr. James Jackson, Jr., 419 S. Crestway	
Mrs. Mary Consolver, 443 S. Crestway	
Mrs. Jessie D. Quick, 347 S. Hillside	

30  
6572

Total 180

BZA Case 8-69

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

Because of the depreciating effect upon the value of property throughout a wide area and a desire to maintain as a residential neighborhood the area in which we live and own property, we, the undersigned, do hereby request that Board of Zoning Appeals deny an exception to the zoning Lots 17 and 18, the east 100 feet of Lots 13 and 14, and the west 100 feet of Lots 37, 38 and 39 between the South 400 blocks of Belmont and Crestway Streets.

Name	Address
Olive J. Watson	170 So. Crestway
Anna L. Watson	170 S. Crestway
John C. Neely	344 S. Crestway
Lothie Neely	344 S. Crestway
W. A. Dyer	328 S. Crestway
Mary Cambern	204 S. Cambern
Best H. Clifton	420 So. Crestway
Mellie M. Clifton	420 So. Crestway
Thomas E. Smith	326 So. Crestway
Rose Marie Smith	326 So. Crestway
Lora M. McClure	350 S. Crestway
Maudie H. McClure	350 S. Crestway

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

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Name	Address
Mabel Mectron	240 South Crestway
Dorothy K. Moore	240 South Crestway
Philip L. Bowman	412 So. Crestway
Barbara L. Bowman	412 S. Crestway
Justin Cassel	216 S. Crestway
Michael Cassel	216 S. Crestway
James A. Jackson	419 S. Crestway
Phyllis A. Sharp	200 So. Crestway
Dorothy J. Moore	4316 E. Lewis
T. F. Swell	306 So. Crestway
Janet Sharp	220 South Crestway
Don A. Sharp	200 So. Crestway

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

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Name	Address
Mrs. John R. McGraw	400 S. Belmont
Priscilla J. Reese	409 So. Crestway
LaFay R. Jackson	419 S. Crestway
Reta E. Butler	306 S. Crestway
ASusan L. Faulkner	424 S. Crestway
Barbara D. Neff	140 So. Belmont
Patricia Jones	130 S. Belmont
John E. Faltz	122 S. Belmont
Marianne Foster	122 S. Belmont
Mary R. Love	118 S. Belmont
Thomas O. Stuckel	424 S. Crestway

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

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Name	Address
Mrs. A. McGraw	400 S. Belmont
Edward A. Woklepenath	401 S. Fountain
Verona S. Woklepenath	401 S. Fountain
Beverly J. Stephenson	409 S. Fountain
Mrs. R. F. ReSmith	351 So. Fountain
Max Max Kirk	345 S. Fountain
Mrs. Bessie C. Blue	337 S. Fountain
Francis E. Eshier	336 S. Belmont
Mildred R. Thies	336 So. Belmont
Euleta M. Neager	240 S. Belmont
Connie Bush	215 S. Belmont
Lora D. Fuller	146 S. Belmont

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

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Name	Address
<i>Meriel Schaeffling</i>	<i>350 S. Belmont.</i>
<i>Lorna M. Schaeffling</i>	<i>352 S. Belmont</i>
<i>CW Niemiholt</i>	<i>346 S. Belmont</i>
<i>C. S. Niemiholt</i>	<i>346 So. Belmont.</i>
<i>Nancy L. Linn</i>	<i>342 So. Belmont</i>
<i>Louis L. Niemi</i>	<i>342 S. Belmont</i>
<i>Ernest E. Godding</i>	<i>332 S. Belmont</i>
<i>Rosella Shanks</i>	<i>4306 E. Waterman</i>
<i>Joe Maddox</i>	<i>4319 E. Levee</i>
<i>Leslie E. Huff</i>	<i>307 S. Crestway</i>
<i>H. J. McHugh</i>	<i>408 So. Belmont</i>
<i>Thos. B. Alexander</i>	<i>406 So. Belmont</i>

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

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Name	Address
Mrs Curtis D. E. Biss	401 So. Belmont
Max L. Dugan	353 S. Belmont 14y
Faye Bungeover	353 S. Belmont 1 y.
Cathryn Hay	307 S. Belmont 3 yrs
Bryan S. Hay	307 S. Belmont 3 years
Margaret E. Clark	301 S. Belmont 3 yrs.
Henneth L. Clark	321 S. Belmont 3 yrs
Maria R. Ellsby	243 S. Belmont 9 yrs
Donald F. Elsie	243 S. Belmont 9 yrs
B. B. Sullivan	235 S. Belmont 18 yrs
Arthur Steves	404 S. Mountain
Blanche Stevens	404 So. Mountain

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

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Name	Address	
Harold F. Shuff	411 S. Belmont	40 yrs
Pearl O. Shuff	411 S. Belmont	
Harold M. Walpole	418 S. Belmont	18 yrs
W. Chester Kemp	405 S. Belmont	25 yrs
Gratia C. Kemp	405 S. Belmont	25 yrs
Joseph C. Swiler	422 S. Belmont	21 yrs
Laine Swiler	422 S. Belmont	21 yrs
Mel H. Gates	419 S. Belmont	22 yrs
Isabel V. Gates	419 S. Belmont	22 yrs
Lorelind D. Carson	427 S. Belmont	16 yrs
Wanda D. Burger	433 S. Belmont	12 yrs
Joseph P. Burger	433 S. Belmont	12 yrs

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

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Name	Address
Bernie Foster	441 S. Pershing
Mrs. Wilfred Cox	423 S. Pershing
Robert M. Robbins	415 S. Pershing
Mrs. E. W. Boyd	407 S. Pershing
Mrs. Forest Robinson	285 S. Pershing
D. J. Price	275 S. Pershing
E. Edwards	267 S. Pershing
Kathleen Edmiston	263 S. Pershing
Steve Brandin	259 S. Pershing
Clude E. Mann	245 S. Pershing
Fred C. Schmitzler	201 S. Pershing
Jeanneane Hall	120 S. Pershing

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

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Name	Address
Mildred Toppant	143 S. Pershing
Mrs. F. J. Rameck	442 S. Pershing
Jk. Cullen	416 S. Pershing
Mrs. J. F. Tuller	408 S. Pershing
Nancy L. McBride	390 S. Pershing
Doris Landdown	240 S. Pershing
Bettya Schmit	150 S. Pershing
Theodore G. Goe	140 S. Pershing
Royal W. Goe	140 So. Pershing
Mr. Morris	136 So. Pershing
R. D. Loe	120 S. Pershing
Mrs. John Dapp	248 S. Pershing

2

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

Because of the depreciating effect upon the value of property throughout a wide area and a desire to maintain as a residential neighborhood the area in which we live and own property, we, the undersigned, do hereby request that Board of Zoning Appeals deny an exception to the zoning Lots 17 and 18, the east 100 feet of Lots 13 and 14, and the west 100 feet of Lots 37, 38 and 39 between the South 400 blocks of Belmont and Crestway Streets.

Name	Address
<i>W. J. Pierson, Jr.</i>	<i>214 S. Pershing</i>
<i>[Signature]</i>	<i>400 S. Crestway</i>

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. EZA 8-69

Because of the depreciating effect upon the value of property throughout a wide area and a desire to maintain as a residential neighborhood the area in which we live and own property, we, the undersigned, do hereby request that Board of Zoning Appeals deny an exception to the zoning Lots 17 and 18, the east 100 feet of Lots 13 and 14, and the west 100 feet of Lots 37, 38 and 39 between the South 400 blocks of Belmont and Crestway Streets.

Name	Address	
Nancy J. & Helen White	410 South Fountain	7 yrs
Mrs & Mrs R F Bratcher	440 South Fountain	27 yrs
Mrs J. G. Wall	342 South Fountain	2 1/2 yrs
Ed. Bell	328 South Fountain	28 yrs
Gene B. Ellet	328 South Fountain	28 yrs
Mrs E. Lund	338 So Fountain	22 yrs
Mrs Stanley Churchill	341 S. Fountain	1 yr
Mrs. Ditzler P. Drentman	4009 E. Waterman	4 yrs
Venus X. Barrick	421 So. Belmont	42 "

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69



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Name	Address
Gordon J. Glade	217 S. Terrace Dr.
Mary E. Meyer	407 So Terrace Dr.
Mrs John D. Guthrie	429 So. Terrace Dr.
Bill Neill	435 So Terrace
Frank M. Selt	448 S. Terrace
Norman G. Maben	444 So Terrace
Eaton R. Maben	444 So Terrace
Robert W. Patton	401 S. Terrace
Ernie L. Patton	401 So Terrace Dr.
Dolores A. Kinson	338 S. Terrace Dr
H.P. Cloninger	333 S Terrace Dr
Glenn O. Thompson	324 S. Terrace

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

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Name	Address
Bethie M. Thompson	324 S. Terrace
Suzanne H. Woodley	316 S. Terrace
R. W. Woodley	316 S. Terrace
Ethel B. Jordan	323 So. Terrace
	319 S. Terrace Dr.
	315 S. TERRACE DR.
Mrs. Robert Marshall	315 S. Terrace
Jeanne Fleming	227 S. Terrace
Mrs. Robert B. McNeely	337 S. Terrace Drive

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

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Name	Address
Wm E. Moore	4316 E. Lewis
Bernice L. McCormick	401 So. Crestway
Vernice Empire	212 S. Crestway
Jessie L. Quick	347 So. Hillside So. Crestway Property owned 1939
Welcher Moddrell	4319 E. Lewis
Dina Abtinity	230 So. Crestway
Mary Alice Conover	443 S. Crestway
George P. Conover	443 S. Crestway
Mrs George Hodges	451 S. Crestway
Leonard M. Gilbert	422 S. Crestway
Delma J. Gilbert	422 S. Crestway

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. EZA 8-69

Because of the depreciating effect upon the value of property throughout a wide area and a desire to maintain as a residential neighborhood the area in which we live and own property, we, the undersigned, do hereby request that Board of Zoning Appeals deny an exception to the zoning Lots 17 and 18, the east 100 feet of Lots 13 and 14, and the west 100 feet of Lots 37, 38 and 39 between the South 400 blocks of Belmont and Crestway Streets.

Name	Address
Mrs. Hal Schweg	229 So. Crestway
Mrs. John & Melba	225 S. Crestway
Mrs. O. L. Andres	223 S. Crestway
Mrs. O. L. Andres	221 S. Crestway
Donna Smith	215 S. Crestway
Donna Smith	217 S. Crestway
Edna Denver	4340 E. English
Mrs. J. Edw. Hoover	4348 E. English
Mrs. & Mrs. Arthur Wolf	145 So. Crestway
Mrs. & Mr. R. N. Smith	251 S. Crestway
Mrs. Mary Haglund	309 So. Crestway
Edna Hays	323 S. Crestway

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

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Name	Address
Mr & Mrs R J Carlton	327 S. Crestway
Mrs Mrs R J Carlton	329 S. Crestway
Mr. & Mrs Geo V. Comstock	125 South Crestway
MR. & MRS. E. L. VanNickle	134 W. BELMONT
Louis R. DeLeonico	405 S. Crestway
Mrs. L. A. Donnell	4329 E. Lewis
Mr & Mrs Dave Aldert	333 So. Crestway
<del>Mr &amp; Mrs James Kallman</del>	4341 E. Waldman <sup>Waldman</sup> Crestway
Mr & Mrs Richard Kallman	Corner of E. Kellogg & Crestway 4406 E. Kellogg
Lynette J. DeLeonico	405 S. Crestway
Frank V. Diamond	4408 East Kellogg

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

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Name	Address
Jimmy Shipp	422 E WATERMAN
Jack F. Todd	4326 E. WATERMAN
Beatrice Todd	4326 E. Waterman
Ruth Carter	125 S Belmont
John B. McLaw	400 S Belmont

TO: The Board of Zoning Appeals  
City of Wichita, Kansas

RE: Case No. BZA 8-69

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Name	Address
<i>Mr. and Mrs. Ernest</i>	<i>402 S. Crestway</i>

*File*

May 22, 1969

Mr. Jack Galbraith  
Metropolitan Area Planning Commission  
City Hall Annex  
Wichita, Kansas 67202

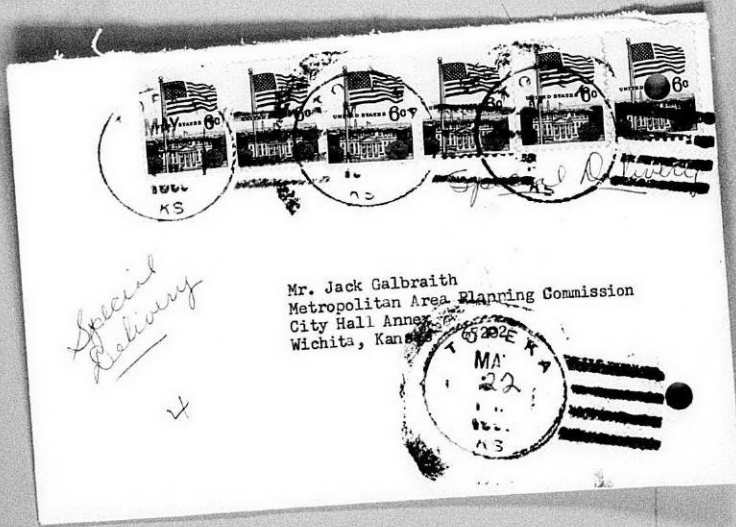
Dear Mr. Galbraith,

The undersigned is the owner of the property at 416 South Crestway, Wichita, Kansas. Since I will not be in the city on the date of the hearing of the Case No. BZA 8-69, I wish to record my protest and the opposition to the exception requested. This request is predicated on the following:

1. A reduction in land value of the surrounding properties as the result of over commercializing in a depth of Kellogg exceeding any other zoning requests.
2. Changing the residential complexion of the area, thus opening the way for further commercialization.

Sincerely,

*Mrs. Martha Stewart*  
Mrs. Martha Stewart  
416 South Crestway  
Wichita, Kansas



*File*

May 22, 1969

Mr. Jack Galbraith  
Metropolitan Area Planning Commission  
City Hall Annex  
Wichita, Kansas 67202

Dear Mr. Galbraith,

The undersigned is the owner of the property at 416 South Crestway, Wichita, Kansas. Since I will not be in the city on the date of the hearing of the Case No. BZA 8-69, I wish to record my protest and the opposition to the exception requested. This request is predicated on the following:

1. A reduction in land value of the surrounding properties as the result of over commercializing in a depth of Kellogg exceeding any other zoning requests.
2. Changing the residential complexion of the area, thus opening the way for further commercialization.

Sincerely,

*Mrs. Martha Stewart*

Mrs. Martha Stewart  
416 South Crestway  
Wichita, Kansas



Mrs. Martha Stewart  
416 South Crestway  
Wichita, Kansas



**SECRETARY'S REPORT**

**CASE NO. BZA 8-69**

**APPLICANT:** Frank J. Ablah d/b/a Ablah Partnership, 800 East 11th, Wichita, Kansas.

**AGENT:** Donald C. Winker, Jr., 502 Union Center Bldg., Wichita, Kansas

**REQUEST:** Exception pursuant to Section 28.04.145, Code of the City of Wichita, to permit the installation or construction of an off-street parking lot.

**GENERAL LOCATION:** Between Belmont and Crestway in an area north of Kellogg.

**LAND USE:** Subject property is occupied in part by a single family residence with the balance being vacant. To the north and east are duplexes and single family with single family to the west. South are offices and off-street parking.

**ZONING:** Subject property is zoned "AA" and "A". To the north and west is "AA", east is "AA", "A" and "BB" with "BB" to the south.

**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 to permit the installation or construction of an off-street parking lot providing the conditions as set out under Section 28.04.145 can be complied with.

**COMMENTS BY THE SECRETARY**

The applicant is requesting approval of the exception to permit the use of subject property for an off-street parking lot to serve the Pizza Hut Corporate offices located on the property adjacent to the south.

The applicant states their present plan is to have an office building complex which will consist of 16,600 square feet and will consist of the presently existing Pizza Hut building, the presently existing building at the northeast corner of Kellogg and Belmont and a new building to be constructed for the Pizza Hut Corporate offices.

The applicant further states that although a minimum of 67 off-street parking spaces are required by ordinance they desire to provide additional parking in order to provide a space for each employee which they anticipate will be between 90 and 100, and, in addition, 15 spaces for customer parking. The plot plan submitted with the application proposes a total of 107 off-street parking spaces including the existing parking facilities.

The main question to consider in regards to this request is the depth of penetration of the proposed parking lot into the interior of the block and the rear yards of the adjacent residential properties and what adverse affects might be created to the residences. It would appear that with proper screening and lighting it becomes a matter of degree as to how each of the individual properties in the area would be affected and to what extent.

RECOMMENDATION

If the Board should determine that all or any part of this request is logical and proper and recommends approval, it should 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 vehicle, 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 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 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 so 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 six feet.
7. A 6 to 8 foot fence shall be constructed adjacent to the north, east and west property lines and shall not extend closer to Belmont Avenue than 35 feet from the east right-of-way line. Said fence shall then be reduced to 3 feet in height and shall be constructed along the 35 foot setback line from the north line of Lot 17, south a distance of 30 feet.
8. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

May 20, 1969

**Board of Zoning Appeals**

**Jack H. Galbraith, Secretary**

**BEA 8-69, Pizza Hut, Inc.  
Exception for Off-Street Parking**

This is to advise you that at your next regular meeting you will consider a request from Pizza Hut, Inc., for an exception for off-street parking, in the block north of Kellogg between Belmont and Crestway.

Since mailing out notices to adjacent property owners within 200 feet, we have had numerous calls and inquiries at the counter from people expressing opposition. We have been advised that perhaps thirty or forty people will be in attendance to express their concerns on this request. Therefore, attached for your information is a map outlining the area of the application which we thought would be of benefit in your review of the area prior to the meeting. We would certainly recommend that you attempt to see this area north of the present Pizza Hut offices.

JHG:smm

GAMELSON, HIEBSCH, ROBBINS AND TINKER

ATTORNEYS AT LAW

502 UNION CENTER BUILDING

WICHITA, KANSAS 67202

May 20, 1969

AREA CODE 316  
TELEPHONE FO 3-6257

LYNDON GAMELSON  
KENNETH H. HIEBSCH  
HARRY E. ROBBINS, JR.  
DONALD C. TINKER, JR.  
CARL N. KELLY

Mr. Jack H. Galbraith, Secretary  
Board of Zoning Appeals  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

Re: Case No. BZA 8-69

Dear Mr. Galbraith:

The request for off-street parking contained in the captioned matter is to provide parking for the Pizza Hut Corporate offices. The present plan is to have an office building complex which will consist of 16,600 square feet. I am advised that this would require a minimum of 67 parking spaces. The Pizza Hut expects to have between 90 and 100 employees. If in addition to this you add parking spaces for 15 visitors, you have a possible need of between 105 and 115 parking spaces.

The Pizza Hut Office complex will consist of the presently existing Pizza Hut building, the presently existing building on the Layman Clark Addition and a new building to be constructed for the Pizza Hut Corporate offices.

Yours very truly,



of GAMELSON, HIEBSCH, ROBBINS & TINKER

DCT:1a



Newt Harvell called this  
date + advised they had  
leased near 100' of lots  
13 + 14 to applicants and  
are agreeable to application

5-13-69

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

May 7, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 8-69

An application has been filed by Frank J. Ablah, 800 East 11th Street, Wichita, Kansas, pursuant to Section 28.04.145, Code of the City of Wichita, requesting an exception to permit the construction of an off-street parking lot, on property zoned "AA" Single Family and "A" Two Family, and legally described as follows:

Lots 17 and 18, the east 100 feet of Lots 13 and 14, and the west 100 feet of Lots 37, 38, 39, 40, 41 and 42, Block 8, Merriman Park Place Addition to Wichita, Sedgwick County, Kansas. Generally located in an area north of Kellogg, between Belmont and Crestway.

This application has been assigned Case No. BZA 8-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 27, 1969, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH  
Secretary

*55 Notices  
mailed 5-7-69*

GAMELSON, HIEBSCH, ROBBINS AND TINKER

ATTORNEYS AT LAW

502 UNION CENTER BUILDING

WICHITA, KANSAS 67202

LYNDON GAMELSON  
KENNETH H. HIEBSCH  
HARRY C. ROBBINS, JR.  
DONALD C. TINKER, JR.  
CARL N. KELLY

AREA CODE 316  
TELEPHONE FO 3-6257

April 28, 1969

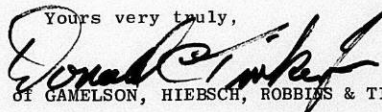
Board of Zoning Appeals  
City of Wichita  
Wichita, Kansas

Re: Application of Frank J. Ablah  
for Exception to zoning on  
Lots 17 and 18, the East 100  
feet of Lots 13 and 14 and the  
West 100 feet of Lots 37, 38,  
39, 40, 41 and 42, Block 8  
Merriman Parkplace Addition to  
Wichita, Kansas.

Gentlemen:

Frank J. Ablah, on behalf of Ablah Partnership, seeks an exception to zoning for off street parking on the captioned land. This parking is necessary to accommodate the offices of the Pizza Hut, Inc. The Board of Zoning Appeals is believed to have jurisdiction under 28.04.145 of the Code of the City of Wichita.

Yours very truly,



OF GAMELSON, HIEBSCH, ROBBINS & TINKER

DCT:md

BOARD OF ZONING APPEALS

CASE NO. 8-69

CITY OF WICHITA, KANSAS

FILED 4-29-69

**APPLICATION FOR EXCEPTION**

✓ I. Name of Applicant Frank J. Ablah, d/b/a Ablah Partnership

Mailing Address 800 E. 11th, Wichita, Kansas Phone 262-1827

✓ Name of Authorized Agent Donald C. Tinker, Jr.

Mailing Address 502 Union Center Bldg, Wichita Phone F03-6257

Relationship of applicant to property is that of owner and lessee (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

AAXA, located between Belmont Street and Crestway

and north of Kellogg and legally described as: Lots 17

and 18, the East 100 feet of Lots 13 and 14 and the West 100 feet

of Lots 37, 38, 39, 40, 41 and 42, Block 8, Merriman Park Place  
Addition, in the City of Wichita.

(Give metes and bounds description below if appropriate).

*OK for legal*

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 Frank J. Ablah

Authorized Agent Donald C. Tinker, Jr.

**OFFICE USE ONLY:** Received in office of Secretary, Board of Zoning Appeals, 1:15 (a.m. - (P.M.)), 4-29, 1969, together with appropriate fee of \$50.00.

Signed L. Lynn Shesky  
*planner # 1*

## STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
 SEDGWICK COUNTY )

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

All owners within a 200 foot radius of the following property:

Lots 13, 14, 15, 17, 16, 18, 37, 38, 39, 40, 41 and 42 in Block 8 All in Merriman Park Place Addition to Wichita.

  
 Fidelity  
 Title  
 Company,  
 inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

LOTS	BLOCK	ADDITION	OWNER
X 5 & 6	8	Merriman Park Place	✓ ✓ Howard J. McHugh Hazel H. McHugh 408 S. Belmont 67218
7 & 8	"	" "	✓ Willard F. Walpole Hazel M. Walpole 6721 418 S. Belmont 67218
9 & 10	"	" "	✓ J.C. Swiler Frances D. Swiler 422 S. Belmont 67218
11 & 12	"	" "	✓ Glenn R. Boyer Mary F. Boyer 5629 Coe Dr. 67208
13 & 14	"	" "	✓ Paul N. Harrell Robert L. Harrell Martha J. Landrum Marjorie H. Hoover 439 S. Belmont 67218



LOTS	BLOCK	ADDITION	OWNER	
15 & 16	8	Merriman Park Place	✓ Elizabeth A. Law 1522 N. Sabin	67212
17 & 18	"	" "	✓ Lawrence Heinen Madeline Heinen 448 S. Belmont	67218
X 21 & 22	"	" "	✓ Joseph E. Moddrell Sr. Gretchen C. " 4317 E. Lewis	67218
23 & 24	"	" "	✓ Wilbur D. McKirahan Juanita M. " 2401 Coolidge	67204
X 25 & W 18' 26	"	" "	✓ Lloyd C. Reece Mabel F. Reece 2002 S. Parkwood	67218
E 7' 26 A11 27 & 28	"	" "	✓ Jay Inc. 2520 Coolidge	67204
29 & 30	"	" "	✓ Mary McCormick Bernice McCormick 206 Circle Dr.	67218
W 10' 31 & W 10' of N 15' of 32	"	" "	✓ Jay Inc. 2520 Coolidge	67204
X E 140' 31 & 32 "	"	" "	<i>To Margaret &amp; Donald Hodgson 4440 E. 6th Ave. Park Crestway. (Louise R. Delmonico)</i> <del>Zeina Evans</del> <del>Margaret Evans</del> 405 S. Crestway	67218
W 10' of S 10' 32	"	" "	✓ Velora C. Hollicke 824 West Street Emporia, Kansas	66801
33 & 34	"	" "	✓ Robert L. Rives Priscilla J. Rives 409 S. Crestway	67218
X 35 & 36	"	" "	✓ James A. Jackson Jr. LaFay Ruth Jackson 419 S. Crestway	67218
37-38-39	"	" "	✓ Thomas C. Peffer Ruth T. Peffer 423 S. Crestway	67218
40-41-42	"	" "	✓ J. Wesley Lucas Dorothy Lucas 433 S. Crestway	67218
43 & 44	"	" "	X ✓ Jessie D. Quick Cora Smith Bugham 347 S. Hillside	67211
45 & 46	"	" "	✓ George P. Consolver Mary Alice Consolver 443 S. Crestway	67218
49250 47 & 48 Exc S 8' of 48	"	" "	<del>Jemaine H. Persona</del> ✓ Georbe J. Hondros Margaret Hondros 451 S. Crestway	67218

LOTS	BLOCK	ADDITION	OWNER	
17 & 18	7	Merriman Park Place	✓ Elizabeth Shoff Harold F. Shoff 411 S. Belmont	67218
19 & 20	"	" "	✓ Mel A. Gates Isabel Gates 419 S. Belmont	67218
21 & 22	"	" "	* ✓ Carl C. Barrier 421 S. Belmont	67218
23 & 24	"	" "	✓ Douglas C. Carson Rosalind D. Carson 427 S. Belmont	67218
25 & 26	"	" "	✓ Joseph P. Burger Wanda D. Burger 433 S. Belmont	67218
27 & 28	"	" "	✓ David V. Pursley Dorothy A. Pursley 439 S. Belmont	67218
29 & 30	"	" "	✓ Eldon Watts Thelma Watts 1750 N. Yale	67208
31 & 32	"	" "	✓ Benny F. Hurlock Violet Hurlock 4116 E. Kellogg	67218
7 & 8 Exc N 60'	10	Lincoln Heights Add	✓ William Joseph Egan Betty G. Egan 447 S. Terrace	67218
N 60' 7 & 8	"	" "	✓ Chas H. Mouser Mary Elizabeth Mouser 443 S. Terrace	67218
9 & 10 Exc N 16.7' & Exc S 65'	"	" "	✓ Dick J. Branstetter 7012 E. Kellogg <i>ret. 67207</i> <i>resort to 1247 S. Washington 5-12-69</i>	
N 16.7' 9 All 10 & 11	"	" "	✓ Thomas O. Faulkner Susann L. Faulkner 424 S. Crestway	67218
S 65' 9 & 10	"	" "	* Effie May Maule	
12	"	" "	✓ Leonard Max Gilbert Velma J. Gilbert 2156 S. Vine	67203
X 13	"	" "	✓ Bert H. Clifton 420 S. Crestway	67218
X 14	"	" "	✓ Martha E. Stewart Don C. Stewart 416 S. Crestway	67218
15	"	" "	✓ Philip L. Bowman Barbara L. Bowman 412 S. Crestway	67218

LOTS	BLOCK	ADDITION	OWNER	
16	10	Lincoln Heights Ad	✓ Ernest McRea Joan McRea 402 S. Crestway	67218
1		Laymon Clark Add	✓ Laymon Clark Lena Ann Clark 4304 E. Kellogg	67218
1-3-5 7 Exc Street		Lynch's Add	✓ H.A. Stutsman 1002 Brookfield	67206
9-11-13		" "	✓ Wallace G. Case Bessie C. Case 4313 E. Kellogg	67218
15-17-19-21		" "	✓ Irvin L. Turner Leone M. Turner 523 S. Belmont	67218
721 & 722		Fairfax Add	✓ H.L. Bertsche Ruth Bertsche 4215 E. Kellogg	67218
723 & W 15' 724		" "	✓ Clinton W. Cornett Annie K. Cornett 4223 E. Kellogg	67218
W 10' 24 A11 25		" "	✓ Paul Sitz 4225 E. Kellogg	67218

Dated at Wichita, Kansas this 22nd day of  
April 1969 at 7:00 A.M.

FIDELITY TITLE COMPANY INC.

By C. E. Ruff VP

Order No. 94297

FORM 27-71 **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.	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		50.00

DESCRIPTION AMOUNT  
*BZA application*

Name *Donald C. Sirkus*  
 Address *502 Union Center Bldg.*  
 Type *R71C* Due Date \_\_\_\_\_  
 Comments: \_\_\_\_\_

Date *4-29-69* By *Grace Smith*

WICHITA - SEDGWICK COUNTY  
**W.S.C.**  
 METROPOLITAN AREA PLANNING COMMISSION  
 CITY BUILDING ANNEX  
 104 S. MAIN ST.  
 WICHITA, KANSAS 67202

8-69

Dick J. Branstetter  
 7012 E. Kellogg  
 Wichita, Kansas 67207

Moved, left no address  
 No such number  
 Moved, not forwarded  
 Address change

RETURN TO WRITER  
 Important! Notice of Hearing Enclosed

WICHITA  
 MAY 8 1969  
 KANSAS

WICHITA  
 MAY 7 1969  
 KANSAS

RECEIVED  
 MAY 9 1969  
 METROPOLITAN PLANNING

\*

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