

BZA-11-62 - COLBY SANDLIAN REQUESTS
VARIANCE TO PERMIT PARKING IN FRONT
YARD ON WS GLENDALE BETWEEN HARRY
AND OSIE

00
BZA 12-18-62

RESOLUTION NO. 11-62

WHEREAS, COLBY SANDLIAN, 443 NORTH ST. FRANCIS, WICHITA, KANSAS, HAS REQUESTED A VARIANCE TO PERMIT PARKING ON A PORTION OF THE FRONT YARD SETBACK OF AN APARTMENT PROJECT LOCATED ON PROPERTY LEGALLY DESCRIBED AS:

LOTS 3 AND 4 AND THE NORTH 43 FEET OF LOT 2,
MCGOVNEY ADDITION, IN THE CITY OF WICHITA,
SEDGWICK COUNTY, KANSAS,

LOCATED GENERALLY ON THE WEST SIDE OF GLENDALE IN THE AREA BETWEEN HARRY AND OSIE, AND

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 IN REGULAR MEETING CONSIDER SAID APPLICATION FOR A VARIANCE ON DECEMBER 18, 1962, AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS DETERMINED THAT IT HAS JURISDICTION TO CONSIDER SAID REQUEST FOR A VARIANCE UNDER THE PROVISIONS OF SECTION 2.12.590 CODE OF THE CITY OF WICHITA, AND

WHEREAS, THE PROPERTY IS ZONED "RB" FOUR FAMILY DWELLING DISTRICT, AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE VARIANCE ARISES FROM SUCH CONDITION WHICH IS UNIQUE AND NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT IN THAT THE AREA SLOPES AT AN UNUSUAL GRADE TO THE WEST MAKING THE PARKING OF CARS IMPRACTICAL, AND FURTHER THAT THE AREA IS BOUNDED ON THE SOUTH BY A POWER SUB-STATION AND A COMMERCIAL STRUCTURE ON THE NORTH, BOTH OF WHICH ARE BUILT TO THE PROPERTY LINE. AND DUE TO THE FACT THAT NO RESIDENCES ARE BUILT ON THE WEST SIDE OF THE STREET WHICH FACE GLENDALE AVENUE; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE GRANTING OF THE VARIANCE WOULD NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS IN THAT THE PROPOSED DEVELOPMENT WILL ENHANCE THE VALUE OF PROPERTY IN THE AREA AND FURTHER BECAUSE NO PROPERTY OWNERS IN THE AREA, AFTER BEING NOTIFIED, APPEARED TO OBJECT TO THE PROPOSED USE; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL CONSTITUTE UNNECESSARY HARDSHIP UPON THE APPLICANT AND PROPERTY OWNER INASMUCH AS THE DEVELOPER STATED THAT EFFORTS TO DESIGN THE PROPOSED DEVELOPMENT AND ASSOCIATED PARKING IN A CONVENTIONAL MANNER WITHIN THE STRICT APPLICATION OF THE RULES OF THE ZONING ORDINANCE WERE UNPRODUCTIVE AND RESULTED IN A PROPOSED DEVELOPMENT WHICH DID NOT PERMIT THE BEST UTILIZATION OF LAND AND HIGH QUALITY OF DESIGN DESIRED FOR THE BENEFIT OF THIS LAND AND OF THE GENERAL NEIGHBORHOOD, AND FURTHER THAT PLANS FOR THIS DEVELOPMENT WERE SUBSTANTIALLY COMPLETE BEFORE THE ZONING ORDINANCE WAS AMENDED ELIMINATING OFF-STREET PARKING; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THIS VARIANCE DESIRED WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE WHEN SUBJECTED TO THE CONDITIONS MADE A PART OF THIS RESOLUTION, AND

WHEREAS, AS SHOWN ABOVE, EACH OF THE FOUR CONDITIONS REQUIRED BY SECTION 2.12.590 OF THE CODE OF THE CITY OF WICHITA, TO BE PRESENT BEFORE A VARIANCE MAY BE GRANTED, HAVE BEEN FOUND TO EXIST.

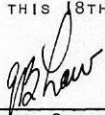
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA, KANSAS, THAT THE REQUEST FOR A VARIANCE FROM THE STRICT ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE PROHIBITING OFF-STREET PARKING IN THE FRONT YARD SETBACK ON PROPERTY LEGALLY DESCRIBED AS

LOTS 3 AND 4 AND THE NORTH 43 FEET OF LOT 2,
MCGOVNEY ADDITION, IN THE CITY OF WICHITA,
SEDGWICK COUNTY, KANSAS,

BE AND THE SAME IS HEREBY APPROVED AND THE SUPERINTENDENT OF CENTRAL INSPECTION IS HEREBY AUTHORIZED TO ISSUE A PERMIT AND ALLOW THE USE OF SAID PROPERTY FOR OFF-STREET PARKING PURPOSES SUBJECT TO THE FOLLOWING CONDITIONS:

1. PARKING AREAS AND DRIVEWAYS ON THE PROPERTY PROVIDING INGRESS AND EGRESS TO PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE OR ANY OTHER COMPARABLE SURFACING AND SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH, AND DEBRIS.
2. THE PARKING AREA SHALL HAVE ADEQUATE GUARDS TO PREVENT EXTENSION OR OVERHANG OF VEHICLES BEYOND PROPERTY LINES OR PARKING SPACES.
3. SUBMISSION OF A PARKING PLAN COMPLETE WITH ADEQUATE MEANS OF INGRESS AND EGRESS TO THE TRAFFIC ENGINEER FOR HIS APPROVAL. SUCH PLAN SHALL BE APPROVED BY THE TRAFFIC ENGINEER IN ACCORDANCE WITH PROVISIONS SET FORTH IN THE ZONING ORDINANCE (SECTION 28.04.140.A).
4. THE APPROVAL TO BE VALID ONLY IN THE EVENT THAT THE BOARD OF CITY COMMISSIONERS APPROVED THE REQUESTED ZONE CHANGE TO "B" (CASE NO. Z-0419).
5. SUCH PROJECT SHALL BE COMPLETED WITHIN 12 MONTHS FROM THE EFFECTIVE DATE OF APPROVAL.
6. SCREENING SHALL BE INSTALLED ALONG THE EAST SIDE OF THE PROPERTY OF SHRUBBERY OR OTHER GREENERY SUCH THAT THE LIGHT FROM CARS WILL NOT BE VISABLE AT WEST PROPERTY LINE OF THE PROPERTY ON THE EAST SIDE OF GLENDALE. THIS RESOLUTION SHALL BE EFFECTIVE ONLY SO LONG AS SAID SCREENING SHALL BE ADEQUATELY MAINTAINED.

ADOPTED AT WICHITA, KANSAS, THIS 18TH DAY OF DECEMBER,
1962.



E. B. LAW, CHAIRMAN

ATTEST:


ROBERT A. LAKIN, SECRETARY

BOARD OF ZONING APPEALS

DECEMBER 26, 1962

C. H. FUNK, CITY CLERK

ROBERT A. LAKIN, SECRETARY

BZA 11-62

ATTACHED IS A COPY OF BZA RESOLUTION 11-62 COVERING ACTION TAKEN BY THE BOARD OF ZONING APPEALS ON THE ABOVE CASE.

THIS CASE WAS HEARD ON DECEMBER 18, 1962, AND AN APPEAL MAY BE FILED IN YOUR OFFICE ON OR BEFORE DECEMBER 28, 1962.

IF AN APPEAL IS FILED, PLEASE ADVISE.

ROBERT A. LAKIN
SECRETARY

RAL:BER

ATTACHMENT

DECEMBER 31, 1962

MR. COLBY B. SANDLIAN
443 NORTH ST. FRANCIS
WICHITA, KANSAS

DEAR MR. SANDLIAN:

Re: BZA 11-62

ON DECEMBER 21, 1962, WE ADVISED YOU THAT THE BOARD OF ZONING APPEALS HAD APPROVED YOUR APPLICATION FOR A VARIANCE TO PERMIT PARKING ON A PORTION OF THE FRONT YARD SETBACK ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF GLENDALE IN AN AREA BETWEEN HARRY AND OSIE, SUBJECT TO CERTAIN CONDITIONS.

WE ALSO ADVISED THAT THE BOARD'S DECISION MIGHT BE APPEALED TO THE CITY COMMISSION PROVIDED THAT SUCH APPEAL WAS FILED ON OR BEFORE DECEMBER 28, 1962.

THE CITY CLERK HAS ADVISED THAT NO APPEAL WAS FILED ON OR BEFORE THE DATE INDICATED, AND THE DECISION OF THE BOARD OF ZONING APPEALS IS, THEREFORE, FINAL.

A COPY OF THE RESOLUTION SETTING FORTH THE ACTION OF THE BOARD IS ATTACHED FOR YOUR INFORMATION AND FILES.

VERY TRULY YOURS,

ROBERT A. LAKIN
SECRETARY

RALIBER

ATTACHMENT

cc: GLEN LYTLE, SUPERINTENDENT
CENTRAL INSPECTION

SECRETARY'S REPORT

BZA CASE NO. 11-62

GENERAL DESCRIPTION

THE AREA INVOLVED IN THIS CASE IS LOCATED GENERALLY ON THE WEST SIDE OF GLENDALE BETWEEN HARRY AND OSIE. THE PROPERTY IN QUESTION IS CURRENTLY VACANT. THE WEST BRANCH OF DRY CREEK CUTS ACROSS THE REAR OF THE PROPERTY IN QUESTION.

SUBJECT PROPERTY IS CURRENTLY ZONED "RB" FOUR FAMILY, HOWEVER, THERE HAS BEEN A REQUEST FOR A ZONE CHANGE TO "B" MULTIPLE FAMILY FILED IN THE OFFICE OF THE METROPOLITAN AREA PLANNING DEPARTMENT. ON DECEMBER 6, 1962, THE METROPOLITAN AREA PLANNING COMMISSION RECOMMENDED TO THE BOARD OF CITY COMMISSIONERS THAT THIS APPLICATION BE APPROVED. THE APPLICATION WILL GO BEFORE THE BOARD OF CITY COMMISSIONERS ON DECEMBER 26, 1962 FOR ITS ACTION. THE EXISTING ZONING TO THE EAST IS "A" TWO FAMILY; SOUTH IS "A" TWO FAMILY AND "LC" LIGHT COMMERCIAL; WEST IS "A" TWO FAMILY AND NORTH IS "B" MULTIPLE FAMILY AND "LC" LIGHT COMMERCIAL.

TO THE EAST OF SUBJECT PROPERTY THERE ARE SINGLE FAMILY DWELLINGS. TO THE SOUTH IS A KANSAS GAS AND ELECTRIC POWER SUB-STATION, SERVICE STATION WITH AUTO REPAIR AND A CHURCH. L. W. CLAPP MEMORIAL GOLF COURSE IS JUST ACROSS OLIVER TO THE WEST. TO THE NORTH AND NORTHEAST THERE IS A TAVERN, CLEANING AND PRESSING ESTABLISHMENT, RESTAURANT, LIQUOR STORE, DRIVE IN RESTAURANT AND MULTIPLE FAMILY DWELLINGS. (SEE ATTACHMENT #1 OF THIS REPORT.)

REQUEST

THE REQUEST IS FOR A VARIANCE TO ALLOW OFF-STREET PARKING IN A PORTION OF THE FRONT YARD SETBACK AREA.

JURISDICTION

SINCE THE APPLICANT IS REQUESTING THE MODIFICATION OF THE STRICT ENFORCEMENT PROVISIONS OF THE USE OF THE PROPERTY WHICH IS ALLOWABLE UNDER THE EXISTING ZONING CLASSIFICATION, IT IS THE OPINION OF THE SECRETARY THAT THE BOARD HAS PROPER JURISDICTION UNDER SECTION 2.12.560 ET SEQ TO CONSIDER THIS CASE.

COMMENTS BY THE SECRETARY

IF THE BOARD TAKES JURISDICTION IN THIS CASE, THE BOARD MUST FIND ALL FOUR OF THE FOLLOWING CONDITIONS PRESENT BEFORE GRANTING THE REQUEST OF THE APPLICANT. THESE CONDITIONS ARE AS FOLLOWS:

- A. THAT THE VARIANCE DESIRED ARISES FROM SUCH CONDITION WHICH IS UNIQUE AND WHICH IS NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT.
- B. THAT THE GRANTING OF PERMIT FOR VARIANCE WILL NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS.
- C. THAT THE STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL CONSTITUTE UNNECESSARY HARDSHIP ON THE PROPERTY OWNER REPRESENTED IN THE APPEAL.
- D. THAT THE VARIANCE DESIRED WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE.

THE APPLICANT HAS SUBMITTED A STATEMENT TO JUSTIFY HIS REQUEST FOR A VARIANCE AND IT IS SHOWN AS ATTACHMENT #2 TO THIS REPORT.

THE APPLICANT SUBMITS, THAT "THE TWO PROPERTIES ADJOINING THIS LAND ON EACH SIDE ARE OF SUCH A NATURE AND HAVE BEEN CONSTRUCTED IN SUCH A WAY AS TO MAKE IT HARD TO DESIGN GOOD STRUCTURES THAT WILL BE AN ASSET TO THE AREA WITHOUT THIS VARIANCE IN PARKING." THE APPLICANT ALSO MAINTAINS THAT THE TAVERN ON THE NORTH OF KANSAS GAS & ELECTRIC SUB-STATION ON THE SOUTH ARE IN SUCH CLOSE PROXIMITY TO HIS PROPOSED DEVELOPMENT THAT IT WOULD MAKE IT VERY DIFFICULT TO ARRANGE THE WALKS AND LAWN AREA ON THE FRONT PART OF THE PROPERTY. THE SECRETARY CONCURS THAT FOR THIS PARTICULAR TYPE OF DEVELOPMENT IT WOULD BE HARD TO ARRANGE THE STRUCTURES IN SUCH A MANNER SO AS TO ALLOW ANY WALKS AND LAWN AREAS TO BE IN FRONT OF THE APARTMENT STRUCTURE AND TO ALLOW PARKING IN THE REAR. IT SHOULD BE NOTED THAT A PORTION OF DRY CREEK RUNS IMMEDIATELY TO THE WEST OF THE PROPERTY AND THAT THIS PROPERTY DROPS OFF TO THE WEST PROVIDING A DIFFERENCE OF SOME SIX FEET (LOWER THAN THE GLENDALE FRONTAGE). THE SECRETARY ALSO CONCURS WITH THE APPLICANT IN THE PHYSICAL CHARACTERISTICS OF THE PROPERTY IN QUESTION ARE SOMEWHAT UNIQUE. THIS DROP, THE APPLICANT CONTENDS WOULD MAKE IT DIFFICULT TO GET CARS OUT OF THE PARKING AREA ON SNOWY AND ICY DAYS. THE NEW PARKING PLAN SUBMITTED BY THE APPLICANT SHOWS A MILD SLOPE TOWARD THE STREET, WHICH WOULD FACILITATE FREE AND EASY ACCESS FOR THE

PEOPLE LIVING ON THE PROPERTY. IT IS FELT THAT THIS PROPERTY WITH ADJACENT TYPE OF DEVELOPMENT AND ITS PHYSICAL FEATURES QUALIFY UNDER THE "UNIQUENESS" CLAUSE OF THE ORDINANCE.

HOWEVER, IT HAS BEEN SUGGESTED THAT "HARDSHIP" SHOULD BE SO CONSTRUED AS TO MEAN THAT THE PROPERTY CANNOT BE USED FOR THE PURPOSE FOR WHICH ZONED AND SUCH DENIAL OF USE WOULD BE A RIGHT OF USE NOT ACCESSIBLE TO HIM, BUT IS ENJOYED BY THE REST OF THE PROPERTY OWNERS IN THE SAME DISTRICT OR AREA UNDER SIMILAR CIRCUMSTANCES. IT IS BELIEVED THAT PROJECTS OF VARIOUS TYPES SUCH AS DUPLEXES OR FOURPLEXES WHICH ARE SCATTERED THROUGHOUT THIS AREA COULD BE CONSTRUCTED ON THIS PROPERTY UNDER THE EXISTING CIRCUMSTANCES WITHOUT THE VARIANCE REQUESTED. IT IS RECOGNIZED, HOWEVER, THAT THIS PROJECT MAY BE MORE DESIRABLE THAN THE NORMAL STEROTYPED FOURPLEX DEVELOPMENT FOUND THROUGHOUT WICHITA. IT IS SUGGESTED THAT IF THE APPLICANT CAN MAKE A SHOWING AT THE PUBLIC HEARING THAT SOME EFFORT HAS BEEN MADE TO DESIGN MULTIPLE DWELLING UNITS FOR THIS TRACT AND THAT THE EFFORT HAS BEEN UNSUCCESSFUL EITHER THROUGH ██████ PHYSICAL OR ECONOMIC LIMITATION, THE BOARD MAY PROPERLY FIND "HARDSHIP" TO EXIST.

THE "NO PARKING IN FRONT YARD IN DWELLING DISTRICT" PROVISION OF THE ZONING ORDINANCE WAS INSERTED TO PROTECT THE NORMAL RESIDENTIAL FROM PARKING LOTS IN ASSOCIATION WITH COMMERCIAL OR QUASI-PUBLIC USES WHICH OFTEN TIMES LOCATE THEIR PARKING IN THE SO CALLED BUFFER ZONE ("B" MULTIPLE FAMILY) OR IN THE OTHER DWELLING DISTRICTS THROUGH BZA APPROVAL. SINCE THERE ARE NO RESIDENCES ON THE WEST SIDE OF GLENDALE IN THIS

AREA AND NO RIGHTS OF VIEW, AIR OR PRIVACY WOULD BE VIOLATED, IT IS SUGGESTED THAT THE RIGHTS OF ADJACENT PROPERTY OWNERS WOULD NOT BE ADVERSELY AFFECTED IF THIS VARIANCE IS APPROVED.

IT IS FELT THAT THE RIGHTS OF THE GENERAL PUBLIC WOULD NOT BE ADVERSELY AFFECTED IF THIS VARIANCE IS APPROVED.

SECRETARY'S RECOMMENDATIONS

IT IS THE OPINION OF THE SECRETARY THAT THE APPLICANT HAS ADEQUATELY MET THREE OF THE FOUR REQUIRED POINTS. IT IS FELT THAT THE FOURTH POINT "HARDSHIP" HAS NOT BEEN ADEQUATELY MET AT THE TIME OF PREPARING THIS REPORT. UNLESS THE APPLICANT CAN SATISFY THIS POINT TO THE SATISFACTION OF THE BOARD, IT IS RECOMMENDED THAT THE APPLICATION BE DENIED ON THE GROUNDS THAT ALL FOUR POINTS HAVE NOT BEEN ADEQUATELY PROVEN.

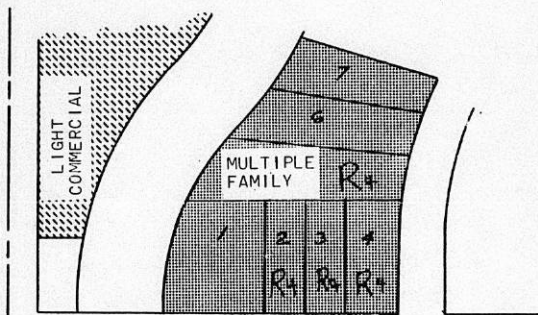
CONDITIONS IN EVENT OF APPROVAL

IN THE EVENT THE BOARD OF ZONING APPEALS TAKES JURISDICTION IN THIS CASE AND FINDS THAT ALL FOUR POINTS RELATIVE TO GRANTING A VARIANCE EXIST. THEN IT IS THE RECOMMENDATION OF THE SECRETARY THAT THE FOLLOWING CONDITIONS BE ESTABLISHED AS CONDITIONS TO APPROVAL.

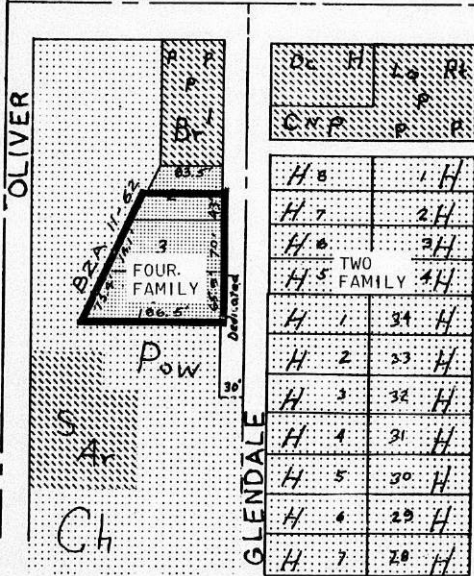
- A. PARKING AREAS AND DRIVEWAYS ON THE PROPERTY PROVIDING INGRESS AND EGRESS TO PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE OR ANY OTHER COMPARABLE SURFACING WHICH MEETS THE APPROVAL OF THE BOARD OF ZONING APPEALS AND SHALL BE MAINTAINED IN

GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH,
AND DEBRIS.

- B. THE PARKING AREA SHALL HAVE ADEQUATE GUARDS TO PREVENT EXTENSION OR OVERHANG OF VEHICLES BEYOND PROPERTY LINES OR PARKING SPACES.
- C. SUBMISSION OF A PARKING PLAN COMPLETE WITH ADEQUATE MEANS OF INGRESS AND EGRESS TO THE TRAFFIC ENGINEER FOR HIS APPROVAL. SUCH PLAN SHALL BE APPROVED BY THE TRAFFIC ENGINEER IN ACCORDANCE WITH PROVISIONS SET FORTH IN THE ZONING ORDINANCE (SECTION 28.04.140.A).
- D. THE APPROVAL TO BE VALID ONLY IN THE EVENT THAT THE BOARD OF CITY COMMISSIONERS APPROVED THE REQUESTED ZONE CHANGE TO "B".
- E. SUCH PROJECT SHALL BE COMPLETED WITHIN 12 MONTHS FROM THE EFFECTIVE DATE OF APPROVAL.



HARRY



**BZA 11-62 LAND USE • ZONING...
ATTCH. # 1**

DECEMBER 21, 1962

MR. COLBY B. SANDLIAN
443 NORTH ST. FRANCIS
WICHITA, KANSAS

DEAR MR. SANDLIAN:

RE: BZA 11-62

THIS IS TO ADVISE YOU THAT AT ITS REGULAR MEETING OF DECEMBER 18, 1962, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA CONSIDERED YOUR REQUEST FOR A VARIANCE TO PERMIT PARKING ON A PORTION OF THE FRONT YARD SETBACK OF THE APARTMENT PROJECT PROPOSED FOR LOTS 3 AND 4 AND NORTH 43 FEET OF LOT 2, McGOVNEY ADDITION, GENERALLY LOCATED ON THE WEST SIDE OF GLENDALE IN AN AREA BETWEEN HARRY AND GUIS.

AFTER DISCUSSION, IT WAS THE ACTION OF THE BOARD OF ZONING APPEALS TO APPROVE YOUR REQUEST, SUBJECT TO CERTAIN CONDITIONS WHICH ARE INCLUDED AS AN ATTACHMENT TO THIS LETTER.

SECTION 2.12.610 OF THE CODE OF THE CITY OF WICHITA PROVIDED THAT THE DECISION OF THE BOARD OF ZONING APPEALS SHALL BE FINAL UNLESS IT IS APPEALED TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN DAYS OF THE DATE OF THE BOARD'S ACTION. ACCORDINGLY, AN APPEAL COULD BE FILED IN THIS CASE ON OR BEFORE DECEMBER 28, 1962.

SUBSEQUENT TO THE EXPIRATION OF THE APPEAL PERIOD, YOU WILL BE ADVISED WHETHER OR NOT AN APPEAL HAS BEEN FILED. IF NO APPEAL HAS BEEN FILED ON OR BEFORE DECEMBER 28, 1962, THE DECISION OF THE BOARD WILL BE FINAL AND THE SUPERINTENDENT OF CENTRAL INSPECTION WILL BE IN A POSITION TO ISSUE THE APPROPRIATE PERMIT.

VERY TRULY YOURS,

ROBERT A. LAKIN
SECRETARY

RALS:MM

CC: C. H. FUNK, CITY CLERK
GLEN LYTLE, SUPERINTENDENT OF CENTRAL INSPECTION

CONDITIONS OF APPROVAL

BZA 11-62

1. PARKING AREAS AND DRIVEWAYS ON THE PROPERTY PROVIDING INGRESS AND EGRESS TO PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE OR ANY OTHER COMPARABLE SURFACING AND SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH, AND DEBRIS.
2. THE PARKING AREA SHALL HAVE ADEQUATE GUARDS TO PREVENT EXTENSION OR OVERHANG OF VEHICLES BEYOND PROPERTY LINES OR PARKING SPACES.
3. SUBMISSION OF A PARKING PLAN COMPLETE WITH ADEQUATE MEANS OF INGRESS AND EGRESS TO THE TRAFFIC ENGINEER FOR HIS APPROVAL. SUCH PLAN SHALL BE APPROVED BY THE TRAFFIC ENGINEER IN ACCORDANCE WITH PROVISIONS SET FORTH IN THE ZONING ORDINANCE (SECTION 28.04.140A).
4. THE APPROVAL TO BE VALID ONLY IN THE EVENT THAT THE BOARD OF CITY COMMISSIONERS APPROVED THE REQUESTED ZONE CHANGE TO "B" (CASE No. Z-0419).
5. SUCH PROJECT SHALL BE COMPLETED WITHIN 12 MONTHS FROM THE EFFECTIVE DATE OF APPROVAL.
6. SCREENING SHALL BE INSTALLED ALONG THE EAST SIDE OF THE PROPERTY, BEING OF SHRUBBERY OR OTHER GREENERY SUCH THAT THE LIGHT FROM CARS WILL NOT BE VISABLE AT WEST PROPERTY LINE ON THE EAST SIDE OF GLENDALE. THIS SCREENING SHALL BE ADEQUATELY MAINTAINED.

CASE BZA 11-62

NOTICES MAILED ^{Dec 3}~~NOVEMBER 30~~, 1962 TO THE FOLLOWING:

JACK B. C. HODNETT
HERMINA C. HODNETT
4847 EAST HARRY

KANSAS GAS & ELECTRIC
201 NORTH MARKET

GEORGE L. HALL
VELMA L. HALL
7915 EAST GILBERT

J. R. MCGOVNEY
LORETTA G. MCGOVNEY
1754 SOUTH OLIVER

FLOYD A. ENSMINGER
DORIS J. ENSMINGER
1142 INVERNESS

BILLY LEE WINEGARNER
EVELYN WINEGARNER
1622 SOUTH GLENDALE

FAYE L. MALLORY
WELDON M. LOUIS
1602 CRANBROOK

VERN L. FORNEY
FREDA G. FORNEY
1505 PLEASANTVIEW

JAMES M. HICKMAN
1640 SOUTH GLENDALE

KENNETH NELSON
MARGUERITE NELSON
2415 MENLO DRIVE

VIRGIL A. LIBY
MARVELEA J. LIBY
1814 SOUTH GLENDALE

RICHARD R. LENNON
MARY ALICE LENNON
1617 ELPYCO

ELBERT M. LEWIS
BEULAH F. LEWIS
1613 ELPYCO

GLEN MATNEY
VINTA BELLE MATNEY
1629 ELPYCO

W. J. KLUTH
ADA M. KLUTH
1635 ELPYCO

RICHARD L. MACKEY
NANCY K. MACKEY
1655 SOUTH GLENDALE

ERNEST B. ROOT
FLORENCE I. ROOT
1650 SOUTH GLENDALE

EDGAR C. ROGGE
BEVERLY J. ROGGE
1646 SOUTH GLENDALE

RALPH G. EELLS
LUCY I. EELLS
1642 SOUTH GLENDALE

COLBY B. SANDLIAN
443 NORTH ST. FRANCIS, UNIT E

BOARD OF ZONING APPEALS
ROOM 402 CITY BUILDING ANNEX
104 SOUTH MAIN
WICHITA, KANSAS

NOTICE TO ADJOINING PROPERTY OWNERS

NOVEMBER 29, 1962

AN APPLICATION FOR A VARIANCE HAS BEEN FILED BY COLBY B. SANDLIAN, 443 NORTH ST. FRANCIS, WICHITA, KANSAS, WHEREIN HE REQUESTS PERMISSION TO PERMIT PARKING ON A PORTION OF THE FRONT YARD SETBACK OF PROPERTY LEGALLY DESCRIBED AS:

LOTS 3 AND 4 AND THE NORTH 43 FEET OF LOT 2,
McGOVNEY ADDITION, WHICH IS
GENERALLY LOCATED ON THE WEST SIDE OF GLENDALE BETWEEN HARRY AND OSIE.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 11-62. A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, DECEMBER 18, 1962, AT 2 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.

ROBERT A. LAKIN, SECRETARY
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 11-62
FILED 11-21-62

APPLICATION FOR VARIANCE

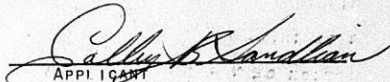
I. NAME OF APPLICANT Colby B. Sandlian
MAILING ADDRESS 443 No. St. Francis, Unit-E PHONE FO 3-0118
NAME OF AUTHORIZED AGENT NA
MAILING ADDRESS NA PHONE _____
(RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF Buyer &
OWNER, TENANT, LESSEE, OTHER)

II. THE VARIANCE REQUESTED IS the privilege of parking on a portion of the
front yard set back of our apartment project.

FOR PROPERTY LOCATED AT West side of Glendale between Harry Street
and Osie Street
AND LEGALLY DESCRIBED AS LOT(S) 3 & 4 and the north 43' of Lot 2,
Block(s) McGovney Addition

ADDITION TO THE CITY OF WICHITA; AND WHICH IS PRESENTLY ZONED
RB. Property is now being zoned B for apartments.
(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE):

- III. THE APPLICANT HEREIN, OR HIS AUTHORIZED AGENT, HEREBY 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 24-606); AND THAT THE APPROPRIATE FEE IS HEREWITH TENDERED;
 - C. THAT HE HAS BEEN ADVISED OF HIS RIGHT OF APPEAL OF THE DECISION OF THE BOARD OF CITY COMMISSIONERS WITHIN TEN (10) DAYS OF THAT DECISION;
 - D. THAT ALL DOCUMENTS ARE ATTACHED HERETO AS NOTED IN PARAGRAPHS 3 AND 4 OF THE INSTRUCTIONS.


APPLICANT

AUTHORIZED AGENT

OFFICE USE ONLY

RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, _____
(A.M. - P.M.) _____, 19____, TOGETHER WITH APPROPRIATE
FEE OF \$30.00

SIGNED

ADDENDUM TO APPLICATION FOR VARIANCE

In accordance with Item 3 of the instructions to this application, we give the following reasons for our desire and need of zoning:

A. The two properties adjoining this land on each side are of such a nature, and have been constructed in such a way, as to make it hard to design good structures that would be an asset to the area without this variance in parking. The property adjoining on the north is a large tavern and lounge building, the building of which is setting directly on the front property line. The property on the south is a Kansas Gas & Electric transformer sub-station; it also is built on the front property line. The proximity of these two developments makes it necessary, for good building, to arrange the walks and lawn area to the rear of the apartment structure.

B. This parking area will be uniquely arranged and beautifully landscaped, and will, in no way affect the property values of any of the properties in the area in any adverse way; to the contrary, it should only act to increase the value of other properties in the area.

C. Should this variation not be allowed, the property in question would be extremely hard to develop in a way that would be beneficial to the present property owners, the adjoining property owners, or the City at large. Its present zoning, which is that of 4-plexes, duplexes or homes, could simply not be accomplished with any apparent benefit to anyone. The property needs a development that can block off, in a minor way, the existence of an adjoining power sub-station and commercial structure.

The real hardship and need for the parking variation comes in the fact that it would destroy the true livability of either 4-plexes or apartments to put the parking at the rear of the property, and with the landfall being from front to rear and a drop of over 6 feet in 160 feet, it would be hard to get cars out of the parking area on snowy and icy days. Our new parking plans call for the parking area slope to be mild and toward the street, facilitating free and easy access for the people living in the property.

D. This variance will in no way affect the public health, safety, morals, order, convenience, prosperity or general welfare except in a way that might be a benefit to the area.

OWNERSHIP LIST

LOT	BLOCK	ADDITION	PROPERTY OWNERS
1	A	Gene Hancock's 1st	Ralph C. Ellis Lucy L. Ellis 1642 S. Glendale
2	"	"	Edgar C. Rogge Beverly J. Rogge 1646 S. Glendale
3	"	"	Ernest B. Root Florence I. Root 1650 S. Glendale
4	"	"	Richard L. Mackey Nancy K. Mackey 1654 S. Glendale
33	"	"	W. J. Kluth Ada M. Kluth 1635 Elpyco
34	"	"	Glen Matney Vinta Belle Matney 1629 Elpyco
W 135' of Reserve	"	Replat of Magnussens	J. E. Dennis Effa L. Dennis No Address Available <i>1600 S. Glendale</i>
1	"	"	Elbert M. Lewis Beulah F. Lewis 1613 Elpyco
2	"	"	Richard R. Lennon Mary Alice Lennon 1617 Elpyco
3	"	"	Virgil A. Liby Marvales J. Liby 1814 S. Glendale
4	"	"	Kenneth Nelson Marguerite Nelson 2415 Manlo Drive
5	"	"	James M. Hickman 1640 S. Glendale
6	"	"	Vern L. Forney Freda G. Forney 1505 Pleasantview
7	"	"	Faye L. Mallory Weldon M. Louis No Address Available <i>1600 S. Glendale</i>
8	"	"	Billy Lee Winegarner Evelyn Winegarner 1622 S. Glendale

Continued -2-

1	McGovney	Floyd A. Ensminger Doris J. Ensminger 1142 Inverness
2 N 30'	"	"
2 S 43'	"	J. R. McGovney Loretta G. McGovney 1754 S. Oliver
3	"	"
4	"	"

1	McGovney 2nd	George L. Ball Velma L. Hall 7915 E. Gilbert
Beg 300' E & 328' S of NW/c NW 1/4 36-27-1E; th W 186.5'; th SWly 52.5' to a pt 90' E & 475' S of NW/c NW 1/4; th E 60'; th S 53'; th E 150'; th N 100' to beg.		Kansas Gas & Electric 201 North Market

Beg 528' S NW/c NW 1/4 36-27-1E; th S 132'; th E 330'; N 132'; th W to beg ex sewer r-o-w and ex cond for Oliver and ex E 30'	J. M. Hickman 1640 S. Glendale
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Beg 300' S NW/c NW 1/4 36-27-1E; th S 175'; th E 90'; th N 175'; th W 90' to beg ex Sewer r-o-w and ex cond. for Oliver.	City of Wichita
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Beg 330' E NW/c NW 1/4 36-27-1E; th E 165'; th S 132'; th W 165'; th N 132' to beg ex W 30' for street.	Jack B. C. Hodnett Hermine J. Hodnett 4847 E. Harry
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We hereby certify the foregoing to be a true and correct List of Property Owners within a two hundred foot radius of Lot 1 except the North 30 feet thereof and Lots 3 and 4, in McGovney Addition to Wichita, as shown by the records in the office of the Register of Deeds of Sedgewick County, Kansas, on this the 25th day of October, A.D., 1962 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE Co., INC.

By

Vice President

Order No. 98340
(Imp)

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bld'g & Elev. _____ Elec. _____ Elev. Insp. _____
Exam Fees _____ Hse. Mvr. _____ Hse. Moving _____
License _____ Mech. _____ Oil Well _____ Pav. Cuts _____
Plan. _____ Plb'g. _____ Plb'g. Cert. _____
Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
Street _____ Trailers _____

DESCRIPTION	AMOUNT
_____	_____
_____	_____

Name _____
Address _____
Type _____ Due Date _____
Comments: 10-11-60
Date 11-21-60 By _____
20H 5-60

*

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