

*POSTED
4-1-80
[Signature]*

ACTION

*B2^A
14-80*

DATE 4-22-80

COMMITTEE Approved

M.A.P.C. _____

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

*Will & find
see correspondence
[Signature]*

Case No. BZA 14-80 - Dewey Garrison - requests an exception to permit the establishment of an off-street parking lot on property zoned "RB" Four-family Dwelling and generally located on the east side of Hillside north of 31st Street South

Dewey Harrison 5-27-81
683-3931 was in

Re: BZA 14-80

HOLD FOR
RELEASE FROM
CENT. INSP. ON
COMP. W/ LC-DIST.
REGS. Re:
Outside Stor. of Boats.

G. L.
Apr. 1980

5644
 Map No. 5744
 Sec. 2
 Twp. 28
 Range 1E

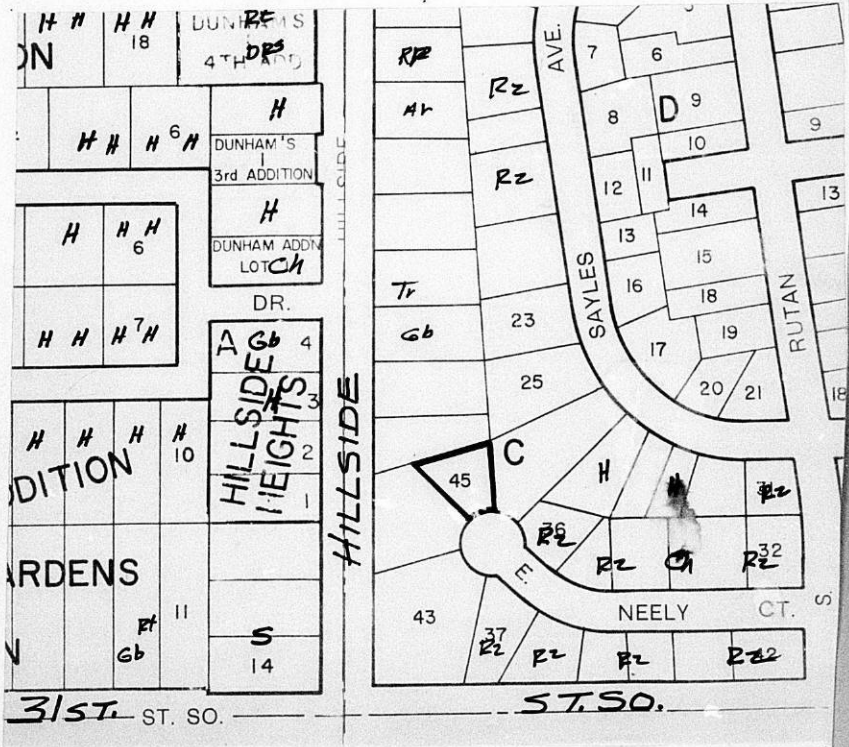
BZA- 14-80
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

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

PHOTO DATA:

Taken by _____ Date _____ Time _____



BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

April 1, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 14-80

An application has been filed by Dewey Garrison, 2335 South Spruce, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of an off-street parking lot on property zoned the "RB" Four-family Dwelling District and legally described as follows:

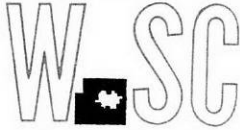
Lot 45, Block C, Planeview Sub. No. 2,
Sedgwick County, Kansas. Generally
located on the east side of Hillside
north of 31st Street South.

This application has been assigned case No. BZA 14-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 22, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Dewey Garrison
2335 South Spruce
Wichita, Kansas

RESOLUTION NO. BZA 14-80

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Lot 45, Block C, Planeview Sub No. 2, Sedgwick County, Kansas. Generally located on the east side of Hillside north of 31st Street South.

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 April 22, 1980, 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 an off-street parking lot on property zoned "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 establishment of an off-street parking lot on property zoned "RB" Four-family Dwelling District and legally described as follows:

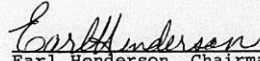
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10. Two copies of a revised site plan indicating the fencing required in condition #8 shall be submitted to the Secretary of the Board prior to release of the resolution.
11. No vehicular access shall be permitted to East Neely Court.
12. Compliance with the provisions of the "LC" Light Commercial District to the satisfaction of the Central Inspection Division shall be obtained prior to the release of the Resolution.

ADOPTED AT WICHITA, KANSAS, this 22nd day of April, 1980.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

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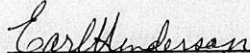
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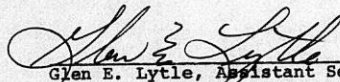
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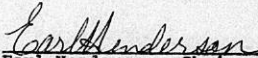
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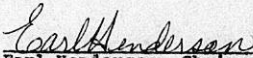
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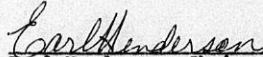
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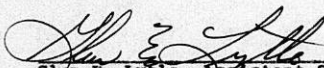
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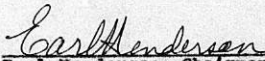
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Earl Henderson, Chairman

ATTEST:


Glad E. Lytle, Assistant Secretary

November 5, 1981

Mr. Dewey Garrison
2335 South Spruce
Wichita, Kansas 67211

Re: Case No. EZA 14-80
Exception for parking

Dear Mr. Garrison:

As I confirmed to you on May 18, 1981 by letter and herein the office on November 3, 1981, failure to commence the use of the property as off-street parking within 12 months makes the special permit revocable. Since you have advised me that due to circumstances preventing additional building at this time, the need for the parking is also not critical, and you therefore will not be surfacing the area.

In this case, the action of the Board will become null and void and if at some time in the future you find a need for the parking, it will be necessary to refile the case. By copy of this letter I am advising Central Inspection of this action.

If we can be of further help to you, please give us a call.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection

May 18, 1981

Dewey Garrison
2335 South Spruce
Wichita, Kansas 67211

Re: Case No. BZA 14-80
Exception for Parking

Dear Mr. Garrison:

On April 23, 1980 I advised you by letter of the action of the Board of Zoning Appeals to approve your request subject to several conditions. The release of the Resolution was subject to the property being in satisfactory compliance with the provisions of the "IC" Light Commercial Zoning District. To this date I have not received such a statement from Central Inspection.

I would also point out to you that a condition of approval by the Board of Zoning Appeals as set forth in Section 28.04.145 of the Zoning Ordinance states that the special permit is revocable if the applicant fails to commence the use of the property within 12 months. Please advise of your intent to occupy the area for parking within the next 30 days, or we will ask the Board to void the previous action and revoke the special permit.

If you have any questions, please give me a call.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection

April 23, 1980

Dewey Garrison
2335 South Spruce
Wichita, Kansas

Re: Case No. BIA 14-80
Request for Exception

Dear Mr. Garrison:

At the regular meeting of the Board of Zoning Appeals on April 22, 1980, your request for an exception to permit an off-street parking lot on property zoned "RB" Four-family Dwelling District and generally located on the east side of Hillside north of 31st Street South was considered.

It was the action of the Board to approve this request subject to the following conditions:

1. Approval shall be only for that portion of Lot 45 lying north of a line beginning 43 feet southeasterly of the N.W. corner thereof and extending east to a point 63 feet south of the N.E. corner of said lot.
2. 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.
3. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
4. In no case shall a fee be charged for parking facilities provided hereunder.
5. 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.

6. 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.
7. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent residential properties.
8. A six foot high solid fence, constructed of redwood or rough sawed cedar shall be erected along the south, west and east lines of the area described in condition number one. No access shall be permitted to Neely Court.
9. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.
10. Two copies of a revised site plan indicating the fencing required in condition #6 shall be submitted to the Secretary of the Board prior to release of the resolution.
11. No vehicular access shall be permitted to East Neely Court.
- 122 Compliance with the provisions of the "LC" Light Commercial District to the satisfaction of the Central Inspection Division shall be obtained prior to the release of the Resolution.

A Resolution setting forth the official action of the Board is being prepared and you will be furnished a copy when the signature of the Chairman has been obtained and upon notification by the zoning Inspector that the zoning violations have been cleared to their satisfaction.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: David Short, 6440 Southeast Blvd., Derby, Ks. 67037
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE April 18, 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, CPO Administrative Aide

SUBJECT BZA 14-80: EAST SIDE OF HILLSIDE
NORTH OF 31ST STREET SOUTH


On April 17, CPO Council "D" considered the captioned case and voted 6-0 to recommend approval of the requested exception.

Please advise the Board of Zoning Appeals of the Council's recommendation when this case is heard on April 22.


Stan Scott
CPO Administrative Aide

SS:rs

Noted:


Sarah Gilbert
Assistant CP Coordinator

RECEIVED

APR 21 1980

METROPOLITAN PLANNING

ROUTE Lytle

SECRETARY'S REPORT
CASE NO. BZA 14-80

APPLICANT: Dewey Garrison, 2335 South Spruce, Wichita, Kansas.

AGENT: David Short, 6440 S. E. Blvd., Derby, Kansas.

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

GENERAL LOCATION: On the east side of Hillside north of 31st Street South.

ZONING: Subject property is zoned "RB" Four-family Dwelling District as are the properties to the east, south and west. Property to the north is "LC" Light Commercial.

LAND USE: Subject property is unoccupied. Property to the north is developed with commercial uses and is proposed to be expanded. Property to the east and south is residential.

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 application to permit the establishment of an off-street parking lot, on property zoned the "RB" Four-family Dwelling District, that would be utilized as off-street parking necessary for the expansion of the commercial property to the north.

The applicant states that the subject property is so taken up by utility easements that it is impossible to develop as a residential lot. He further indicates that the expansion of the parking area to the south of the building will also permit easier access to the utility easements east of the present buildings.

The site plan submitted with the application indicates that 14 parking spaces will be provided on that portion of the application area to be utilized for parking. The site plan does not indicate the required screening fence along the east, south and west lines of the parking lot.

Page 2
EZA 14-80
EZA AGENDA
4-22-80

RECOMMENDATION:

It is 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. Approval shall be only for that portion of Lot 45 lying north of a line beginning 43 feet southeasterly of the N.W. corner thereof and extending east to a point 63 feet south of the N.E. corner of said lot.
2. 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.
3. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
4. In no case shall a fee be charged for parking facilities provided hereunder.
5. 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.
6. 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.
7. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent residential properties.
8. A six foot high solid fence, constructed of redwood or rough sawed cedar shall be erected along the south, west and east lines of the area described in condition number one. No access shall be permitted to Neely Court.
9. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.
10. Two copies of a revised site plan indicating the fencing required in condition #8 shall be submitted to the Secretary of the Board prior to release of the resolution.

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

April 1, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 14-80

An application has been filed by Dewey Garrison, 2335 South Spruce, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of an off-street parking lot on property zoned the "RB" Four-family Dwelling District and legally described as follows:

Lot 45, Block C, Planeview Sub. No. 2,
Sedgwick County, Kansas. Generally
located on the east side of Hillside
north of 31st Street South.

This application has been assigned case No. BZA 14-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 22, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

BZA CASE NO. 14-80

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>7</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>20</u>	TOTAL NOTICES SENT <u>4-1-80</u>

BOARD OF ZONING APPEALS

CASE NO. 14-80

CITY OF WICHITA, KANSAS

FILED 3-24-80

APPLICATION FOR EXCEPTION

I. Name of Applicant Dewey Garrison

Mailing Address 2335 So. Spruce Phone 264-1868

Name of Authorized Agent David Skant

Mailing Address 6440 SE. Boulevard Derby, Kansas 67037 Phone 788-4192

Relationship of applicant to property is that of Other
(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 on 10th street Parking Lot

_____ on property zoned

"RB", located on the east side of Hillside north

of 31st St. South and legally described as: see ownership list

Exhibit A

_____, 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 Dewey Garrison

Authorized Agent David Skant

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 10:02 (a.m. -- p.m.), Mar. 24, 1980, together with appropriate fee of \$50.00

Signed [Signature]

WILLIAM L. KORBER

JOHN E. LUNDBLADE

JAMES E. JORDAN



BAUGHMAN COMPANY, P.A.

S U R V E Y O R S

316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

Exhibit (A)

Part of Lot 45, Block C, Plainview Subdivision No. 2, Wichita, Kansas, described as beginning at the N.W. Corner thereof; thence southeasterly along the westerly line of said lot, 43 feet; thence east to a point on the east line of said lot, said point being 63 feet of the N.E. Corner of said lot; thence north 63 feet to the N.E. Corner of said lot; thence west 146.87 feet to beginning.

March 24, 1980

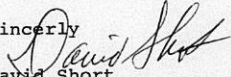
Mr. Jack Galbraith
Board of Zoning Appeals
Wichita Sedgwick County Metropolitan
Area Planning Department
445 N. Main
Wichita, Kansas

Dear Mr. Galbraith:

I feel the application for Parking Exception on part of Lot 45, Block C, Plainview Subdivision No. 2, should be granted under Section 28.04.145.1.2, for the following reasons.

1. To give additional parking for existing building and will meet parking requirements for proposed building.
2. By allowing this exception the screening fence will be moved and allow better access to utility easement, and around building.
3. There are so many easements on this lot that the portion being requested for exception will not hinder the use of the remaining portion of the lot.

Sincerely


David Short
6440 S. E. Blvd.
Derby, Kansas 67037

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

Lot	Addition	Property Owner
lot 12	Edminster Gardens	Melba K. Bunyard 3165 South Hillside 67216
lots 1 and 2 Block A	Hillside Heights	? James K. Barnett and Carolyn E. Barnett Address Unknown
lot 23, Block C	Planeview Sub. No. 2	Ernest Lee Miller and Leatha Jewel Miller 3053 Sayles Court 67210
lot 25, Block C	Same	Bobby Eugene Craig and Betty Joann Craig 3125 Sayles Court 67210
lot 26, Block C	Same	<i>Dub.</i> C. H. McKee & Willie K. 7603 East Indianapolis 67207
lot 27, Block C	Same	Joseph L. Baker and Evelyn J. Baker 3131 Sayles Court 67210
lot 35, Block C	Same	C. H. McKee and Willie K. McKee 7603 East Indianapolis 67207
lot 36, Block C	Same	<i>Dub.</i> Cleet H. McKee and Willie K. McKee 7603 East Indianapolis 67210
lot 37, Block C	Same	Warren G. West and Beverly J. West 3273 East Neely Lane 67210
lots 43 and 44 Block C	Same	Land Enterprises Co. 3900 East Harry, Suite 135 67218
lots 45, 46, 47, 48 Block C	Same	<i>Dub.</i> Dewey D. Garrison and Colleen M. Garrison 3072 South Hillside 67210



SECURITY IS KNOWING
Title Insurance • Escrow Closings • Abstracts

We hereby certify the foregoing to be a true and correct list of the property owners of:

was legal

A 200 foot radius of: [Lot 45,
Block C, Planeview Sub. No. 2,
Sedgwick County, Kansas]

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 19th day of March, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Stable

Vice President

Order No. 286513
wh

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 021

PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
<u>Planning</u>			

DESCRIPTION	AMOUNT
117,524	50 =
Expenses	
NAME	
ADDRESS	
FUND	DUE DATE
110-70071-01	5-000-000
COMMENTS	
DATE	BY
3/24/00	Ull

*

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

Roll # 2