

BZA 10.25.60 approved

BZA-15 - MARK F. BRODBECK REQUESTS
VARIANCE OF SIDE YARD SETBACK LINE
AT NORTHWEST CORNER OF BROADWAY &
KELLOGG

BOARD OF ZONING APPEALS M NOVEMBER 7, 1960

S. B. MAPLE, BUILDING INSPECTION SUPERINTENDENT

ALVIN J. KARETSKI, SECRETARY

BZA 15-60

ATTACHED IS THE ORIGINAL OF RESOLUTION No.
15-60 APPROVED BY THE BOARD OF ZONING APPEALS
ON OCTOBER 25, 1960. THE APPEAL PERIOD FOR
THIS PARTICULAR CASE ENDED ON NOVEMBER 4,
AND NO APPEAL WAS TAKEN ON OR BEFORE THAT
DATE. THE BOARD'S DECISION IS, THEREFORE,
FINAL.

ALVIN J. KARETSKI
SECRETARY

AJK:BER

ATTACHMENT

NOVEMBER 7, 1960

MR. MARK F. BRODSECK
64 MISSION
WICHITA, KANSAS

DEAR MR. BRODSECK:

SUBJECT: BZA 15-60

ON OCTOBER 25, 1960, WE ADVISED YOU THAT THE BOARD OF ZONING APPEALS HAD APPROVED SUBJECT APPLICATION FOR VARIANCE OF SETBACK LINES TO THE NORTH AND WEST OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF BROADWAY AND KELLOGG. WE ALSO ADVISED THAT THE BOARD'S DECISION MIGHT BE APPEALED TO THE CITY COMMISSION PROVIDED THAT SUCH APPEAL WAS FILED ON OR BEFORE NOVEMBER 4, 1960.

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,

ALVIN J. KARETSKI
SECRETARY

AJK:BER

ATTACHMENT

CC: S. B. MAPLE
BUILDING INSPECTION SUPERINTENDENT

BOARD OF ZONING APPEALS

OCTOBER 27, 1960

C. H. FUNK, CITY CLERK

ROBERT A. LAKIN, ACTING SECRETARY, BOARD OF ZONING APPEALS
BZA 15-60

ATTACHED IS ONE COPY OF RESOLUTION No. 15-60
SETTING FORTH THE ACTION TAKEN BY THE BOARD
OF ZONING APPEALS IN REGARD TO THE APPLICATION
FOR VARIANCE OF SETBACK REQUIREMENTS BY MARK F.
BRODBECK.

THE FINAL DATE ON WHICH THIS DECISION MAY BE
APPEALED TO THE CITY COMMISSION IS NOVEMBER 4,
1960.

ROBERT A. LAKIN
ACTING SECRETARY

RAL:BER

ATTACHMENT

cc: S. B. MAPLE

OCTOBER 25, 1960

MR. MARK F. BRODBECK
64 MISSION
WICHITA, KANSAS

DEAR MR. BRODBECK:

RE: BZA 15-60

THIS IS TO ADVISE YOU THAT AT ITS REGULAR MEETING OF OCTOBER 25, 1960, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA CONSIDERED YOUR REQUEST FOR VARIANCE OF THE SETBACK LINES TO THE NORTH AND WEST OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF BROADWAY AND KELLOGG. THE BOARD HAS APPROVED YOUR REQUEST.

SECTION 2.12.610 OF THE CODE OF THE CITY OF WICHITA PROVIDES 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 NOVEMBER 4, 1960.

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 NOVEMBER 4, 1960, THE DECISION OF THE BOARD WILL BE FINAL AND THE SUPERINTENDENT OF BUILDING INSPECTION WILL BE IN A POSITION TO ISSUE THE APPROPRIATE PERMIT.

VERY TRULY YOURS,

ROBERT A. LAKIN
ACTING SECRETARY

RAL:BER

cc: C. H. FUNK
CITY CLERK

BOARD OF ZONING APPEALS

OCTOBER 26, 1960

C. H. FUNK, CITY CLERK

ROBERT A. LAKIN, ACTING SECRETARY, BOARD OF ZONING APPEALS
BZA 15-60

ATTACHED IS A CARBON COPY OF A LETTER TO THE
APPLICANT IN SUBJECT CASE. ALSO ATTACHED IS
ONE COPY OF THE RESOLUTION RELATED TO THIS
CASE.

THE BOARD OF ZONING APPEALS APPROVED THE
APPLICATION AT ITS REGULAR MEETING OF OCTOBER
25, 1960. THE DECISION OF THE BOARD CAN BE
APPEALED TO THE CITY COMMISSION ON OR BEFORE
NOVEMBER 4, 1960.

ROBERT A. LAKIN
ACTING SECRETARY

RAL:BER

ATTACHMENTS

CERTIFIED MAIL

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

_____ OCTOBER 7 _____, 19 60

MR. MARK F. BRODBECK
64 MISSION
WICHITA, KANSAS

~~DEAR MR. BRODBECK~~ _____ :

YOUR APPLICATION FOR A ^(AN) ~~XXXX~~ VARIANCE _____ (APPEAL, VARIANCE,
EXCEPTION) UNDER PROVISIONS OF PARAGRAPH _____, SECTION 21-27, CODE OF
THE CITY OF WICHITA, AND RELATING TO PREMISES LOCATED AT: _____

_____ NORTHWEST CORNER OF BROADWAY AND KELLOGG _____

HAS BEEN GIVEN BOARD OF ZONING APPEALS CASE NO. 15-60 _____.

ALL INQUIRIES AND REFERENCES SHOULD ALWAYS BE MADE TO THAT CASE NUMBER
WHEN YOU SEEK INFORMATION FROM THE SECRETARY.

FURTHER, YOU ARE NOTIFIED THAT YOU MAY APPEAR BEFORE THE BOARD OF
ZONING APPEALS EITHER IN PERSON, OR BY AGENT OR ATTORNEY, FOR A HEARING
OF YOUR CASE ON TUESDAY, OCTOBER 25, 19 60, AT 1:30 P.M. IN ROOM 401,
CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS.

RESPECTFULLY,

SECRETARY, BOARD OF ZONING APPEALS

RECEIPT FOR CERTIFIED MAIL—20¢

No. 648240

SENT TO <i>Mark F. Brobeck</i>	POSTMARK OR DATE
STREET AND NO. <i>64 Mission</i>	
CITY AND STATE <i>Wichita Kansas</i>	
<small>If you want a return receipt, check which</small> <input checked="" type="checkbox"/> 10¢ shows to whom and when delivered	<small>If you want restricted delivery, check here</small> <input type="checkbox"/> 35¢ shows to whom, when, and address where delivered <input type="checkbox"/> 50¢ fee
FEES ADDITIONAL TO 20¢ FEE	

FD-38 (Rev. 7-15-57)

SEE OTHER SIDE

CITY OF WICHITA
BOARD OF ZONING APPEALS

ROOM 402 CITY BUILDING ANNEX
104 SOUTH MAIN
WICHITA, KANSAS

NOTICE TO ADJOINING PROPERTY OWNERS

OCTOBER 7, 1960

AN APPLICATION FOR A VARIANCE HAS BEEN FILED BY _____

MARK F. BRODBECK, 64 MISSION, WICHITA, KANSAS

AS PROVIDED BY SECTION _____ CODE OF THE CITY OF

WICHITA. THE APPLICANT DESIRES TO OMIT THE SIDE YARD SETBACK AT _____

THE NORTH PROPERTY LINE AND REAR YARD SETBACK AT THE WEST PROPERTY

LINE ON PROPERTY LOCATED

AT THE NORTHWEST CORNER OF BROADWAY AND KELLOGG,

LEGALLY DESCRIBED AS

LOT 113 EXCEPT NORTH 20 FEET, LOT 115, AND LOT 117,

EXCEPT THAT PART CONDEMNED FOR KELLOGG OF GREIFFENSTEIN

3RD ADDITION TO THE CITY OF WICHITA; AND WHICH IS

PRESENTLY ZONED "D" CENTRAL BUSINESS DISTRICT.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. 15-60. A HEARING

WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, OCTOBER 25,

1960, AT 1:30 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.


LELAND R. EDMONDS, SECRETARY

NOTICES MAILED OCTOBER 7, 1960

WILBUR E. WALKER
BERNIECE H. WALKER
145 NORTH BROADWAY

AMY DRYDEN
406 NORTH BLUFF

SYLVIA GORE
ANITA LEVINE
NATHAN LAKIN
4426 EAST CENTRAL

KATHRINE N. KOLSTAD
PEARL M. KOLSTAD
705 SOUTH BROADWAY

WILLIAM H. RITTGERS
842 SOUTH MADISON

WINSTON S. WHEELER
WALTER R. BURGESS, TRUSTEES
U/A WITH H. V. WHEELER
309 SOUTH MARKET

EARL P. MARTIN
GEORGIA O. MARTIN
1336 SPENCER DRIVE, LAWRENCE, KANSAS

W. P. INNES
821 UNION NATIONAL BUILDING

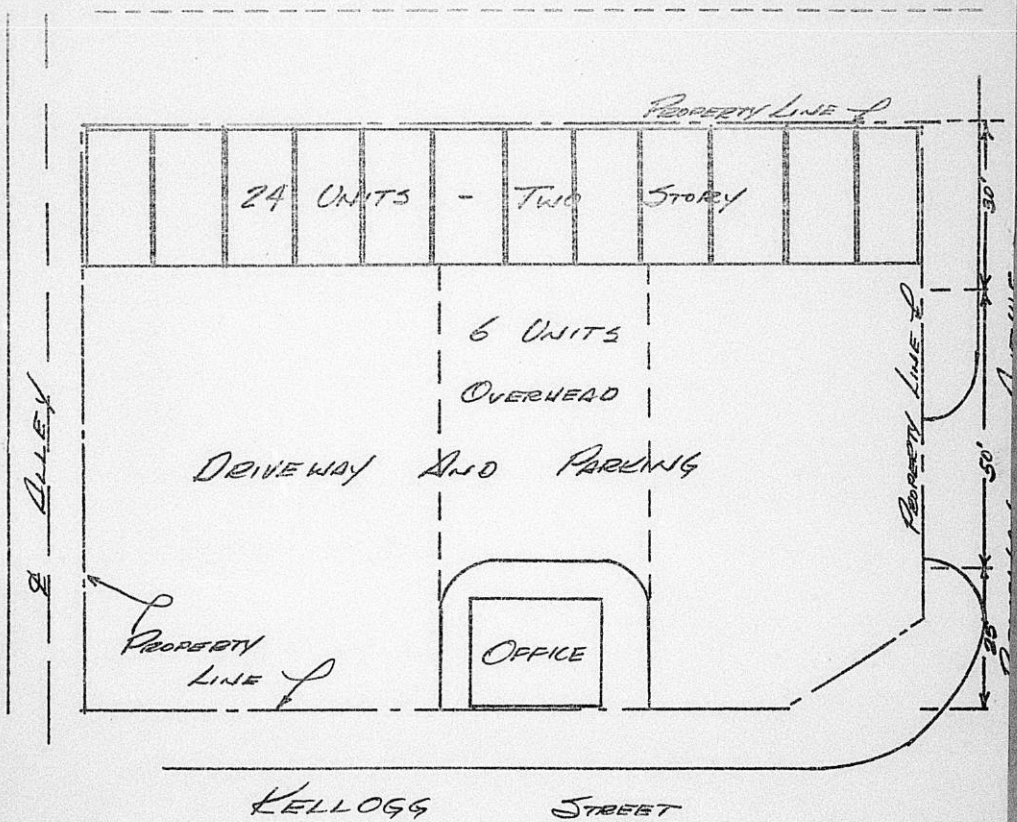
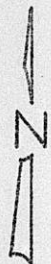
MARK F. BRODBECK
HELEN E. BRODBECK
611 SOUTH BROADWAY

STANDARD OIL COMPANY
715 EAST 10TH STREET

HERMAN P. ABEL
ELIZABETH M. ABEL
2125 SOUTH EMPORIA

LAURA BELL PERKINS
% LAURA B. CALDWELL
117 EAST DEWEY

SKELLY OIL COMPANY
P. O. Box 1650



BZA 15-60

October 3, 1960

The Board Of Zoning Appeals
City Of Wichita, Kansas

Re: Variance Request
Proposed Motel
Kellogg and Broadway
Wichita, Kansas

Gentlemen:

As indicated on the accompanying Application For Variance, the variance requested is the omission of the setbacks on the north and west property lines as required by the Zoning Ordinance for "Dwellings" constructed in the "D" Central Business District. (Sec. 21-16, part D-1 and 2.)

This variance would seem justified to the undersigned for the following reasons:

- A. In the "D" Central Business District, only the "Dwelling" occupancy is required to have the setbacks in question.
- B. Because this is the only occupancy requiring these setbacks, the value of the adjacent property would not be adversely affected by this variance.
- C. These setbacks would - (1) mean losing at least two motel rental units, (2) reduce the parking and drive areas, (3) require the payment of taxes on a strip of property that cannot be used to advantage, and (4) leave a five foot strip of property between the north wall of the proposed motel and the south wall of an existing building (on the adjacent property line) which would be difficult to maintain and of little value.
- D. Both the north wall and the west wall of the proposed motel building will be solid masonry walls without openings of any kind, regardless of the outcome of this request, and will be provided with a parapet. It would seem that to leave the five foot strip of property on the north could be a public liability rather than an asset, and that the rear ten foot setback would be unnecessary in this case because it would not be required for service to the building.

Sincerely,

Mark F. Brodbeck
Mark F. Brodbeck

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
<i>Bye</i>	<i>50 00</i>

Name *Mark R. Brodbeck*

Address _____

Type _____ Due Date **PAID HERE**

Comments: _____ **OCT - 5 1960**

City _____

Date *10-5-60* By: *JJH*

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

Case No. _____
Filed _____

APPLICATION FOR VARIANCE

- I. Name of Applicant Mark F. Brodbeck
Mailing Address 64 Mission Wichita, Kansas Phone MU 6-7473
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of Applicant to Property is that of Owner
(Owner, tenant, lessee, other.)
- II. The variance requested is (a) the omission of the side yard set-back at the north property line, and (b) the omission of the rear yard setback at the west property line,
for property located at the northwest corner of Broadway and Kellogg
and legally described as Lot(s) see below Block(s) _____
_____ Addition to the City of Wichita; and which is

presently zoned _____.
(Give metes and bounds description below if appropriate):

Lot 113 exc. N 20', Lot 115, and Lot 117 exc. that part condemned for Kellogg of Greiffenstein 3rd Addition to the City of Wichita; and which is presently zoned "D" Central Business District.

- III. The applicant herein, or his authorized agent, hereby acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - That he has been advised of the fee requirements established by Section 21-27 of the Code of the City of Wichita (Ordinance 24-606); and that the appropriate fee is herewith tendered;
 - 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;
 - That a statement is attached hereto justifying this request as noted in paragraph 2.C of the instructions and in Section 21-27-D.2 of the Code of the City of Wichita.

Mark F. Brodbeck
Applicant
Mark F. Brodbeck
Authorized Agent

OFFICE USE ONLY

Received in office of Secretary, Board of Zoning Appeals, _____
(a.m., p.m.) 10-4, 1960, together with appropriate fee
of \$30.00.

Lakin
Signed

1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver **ONLY** to
addressee

Show address where
delivered

(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

X *Mark Brodbeck*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

X *Helen Brodbeck*

DATE DELIVERED

ADDRESS WHERE DELIVERED (only if requested in item #1)

OCT 8 1968

C95-18-71548-4 GPO

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMAN OF
SILVER CREST DISTRICT
OCT 1 1960
D. C. S. A.

INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.

POST Form 3811 Jan. 1958

REGISTERED NO.	NAME OF SENDER
CERTIFIED NO.	STREET AND NO. OR P. O. BOX
INSURED NO.	CITY, ZONE AND STATE

RETURN TO

648 240
City Bldg Annex, 104 So. Main
Wichita, Kansas

65-16-71548-4

OWNERSHIP LIST

LOT	STREET	ADDITION	OWNER	ADDRESS
S 25' of 107	Broadway	Grieffenstein	Third Skelly Oil Co.	P.O. Box 1650 Tulsa 2, Okla.
E 90' of 109	"	"	"	"
109 exc E 90' & exc W 50'	"	"	Laura Bell Perkins % Laura B. Caldwell	117 E. Dewey
W 50' of 109	"	"	Herman P. Abel Elizabeth M. Abel	2125 S. Emporia
W 40' of 111	"	"	Meredith Lee Toland	None
W 40' of N20' of 113	"	"	"	"
S 15' of E 84' of 111	"	"	Standard Oil Co.	715 E. 10th St.
N 20' of E 84' of 113	"	"	"	"
N 35' of E 84' of 111	"	"	"	"
W 25.5' of E 109.5' of 111	"	"	"	"
W 25.5' of E 109.5' of N 20' of 113	"	"	"	"
S 30' of 113	"	"	Mark F. Brodbeck Helen E. Brodbeck	611 S. Broadway
115	"	"	"	"
117 exc part for Kellogg	"	"	"	"
106	Market	"	W. P. Innes	821 Union National Building
108	"	"	Earl P. Martin Georgia O. Martin	1336 Spencer Dr. Lawrence, Kansas
110	"	"	Winston S. Wheeler Walter R. Burges Tr. U/A with H. V. Wheeler	309 S. Market
112 exc triangle in SW corner being 30' on w & 10' on S.	"	"	"	"

PAGE-2


LOT	STREET	ADDITION	OWNER	ADDRESS
2	Market	Bellew	William H. Rittgers	842 S. Madison
4	"	"	"	"
6	"	"	"	"
2	Broadway	Lewis Young's	"	"
3	"	"	"	"
4	"	"	Katharine N. Kolstad Pearl M. Kolstad	705 S. Broadway
2	1	Orme and Phillips	Sylvia Gore Anita Levine Nathan Lakin	4426 E. Central

LEGAL	OWNER	ADDRESS
Beg 224' north & 45' east of SW corner SW $\frac{1}{4}$, north 75', east 140', south 75', west 140' to beg. Sec. 21-27-1E	Amy Dryden	406 N. Bluff
Beg 158' north and 43', east SW corner SW $\frac{1}{4}$, north 66', east 142', south 66', west to beg. Sec. 21-27-1E	Wilbur E. Walker Bernice H. Walker	145 N. Broadway
Beg 98' north & 43' east of SW corner SW $\frac{1}{4}$, " north 60', east 142', south 60', west to beg. Sec 21-27-1E exc C C A76055	"	"

We hereby certify the foregoing to be a true and correct List of Property Owners within a 200 foot radius of: Lot 113, except north 20 feet, all of Lot 115 and all of Lot 117 except part condemned for Kellogg, all on Broadway Avenue in Grieffensteins Third Addition, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, on this the 30 day of September A. D. 1960 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE CO INC

By


Vice President

Order No 77381
NF

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
110	Market	Greiffenstein 3rd Addition	Winston S. Wheeler and Walter R. Burge as trustees
112 exc. that part condemned for Kellogg	"	"	Lula Anna Thompson (Wheeler-Kealy-Hagny)
W 40' of 111	"	"	Meredith Lee Toland Cantrell (401 S. Estelle)
111 exc W 40 ft.	"	"	Standard Oil Company (601 S. Broadway)
N 20 ft. of 113 exc W 40 ft.	"	"	Standard Oil Company
W 40 ft of N 20' of lot 113	"	"	Meredith Lee Toland Cantrell 401 S. Estelle
113 exc. N 20'	"	"	Mark F. Brodbeck Helen E. Brodbeck (64 Mission)
115	"	"	Mark F. Brodbeck Helen F. Brodbeck
117 exc. that part condemned for Kellogg	"	"	Mark F. Brodbeck Helen F. Brodbeck

We hereby certify that the foregoing is a true and correct list of property owners abutting the Alley between Market Street and Broadway Ave., from the North line of Kellogg Street to the South line of Dewey Avenue, in the City of Wichita, Sedgwick County, Kansas, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, on this 13th day of May, 1960 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

J. K. ...
Vice-President

Order No. 72944

*

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