

ROUTED  
4-5-77  
C.I.V.  
MAY 77  
5-10-77  
C

ACTION

BZA 15-77  
COMMITTEE Approved  
DATE 4-26-77  
M.A.P.C. \_\_\_\_\_  
B.C.C./B. C.C.C. \_\_\_\_\_

15-77 - G. L. Yates requests a variance to reduce the front yard setback from 20' to 0' for off-street parking purposes only on property generally located on the north side of Kel-



RESOLUTION NO. BZA 15-77

WHEREAS, G. L. Yates, 307 Insurance Building, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback adjacent to both Elpyco and Bleckley from 20 feet to 0 feet for off-street parking purposes only, on property zoned the "B" Multiple Family Dwelling District, and legally described as follows:

Lots 14, 15, 16, 17, 18, and 19, Block 5,  
Lincoln Terrace Addition, Sedgwick County,  
Kansas. Generally located on the north  
side of Kellogg between Elpyco and Bleck-  
ley.

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 26, 1977, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as development of the property occurred many years ago without off-street parking provision and there is no other space on the site to provide parking except in these front yard areas; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the on street parking situation will be improved; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will constitute unnecessary hardship as the surrounding properties with frontage on Kellogg are all zoned to permit parking to the property lines; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, and would in fact enhance the traffic situation in this immediate area by taking 17 cars off the street; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as subject property could likely obtain a zone change that would permit the parking area desired; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback adjacent to both Elpyco and Bleckley from 20 feet to 0 feet for off-street parking purposes only, on property zoned the "B" Multiple Family Dwelling District, and legally described as follows:

Lots 14, 15, 16, 17, 18, and 19, Block 5,  
Lincoln Terrace Addition, Sedgwick County,

Kansas. Generally located on the north side of Kellogg between Elpyco and Bleckley.

be approved, subject to the following conditions:

1. The off-street parking areas shall be no closer than 25 feet to the north property line.
2. The variance shall be for off-street parking purposes only and no permanent structures shall be erected thereon.
3. Screening shall be provided adjacent to the north side of the parking areas to shield the residential area to the north from car headlights.
4. The applicant shall make every effort to retain the existing trees on public property. In the event the location of driveway approaches make it necessary to remove any tree(s) from public property, the applicant shall replace the tree(s) with a tree(s) approved by the City Forrester.

ADOPTED AT WICHITA, KANSAS, this 26th day of April, 1977.

Ewald Behnke  
Ewald Behnke, Chairman

ATTEST:

Larry Dobson  
Larry Dobson, Assistant Secretary

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

Tenth Floor, City Hall  
455 North Main Street

May 18, 1977

Mr. Dean Felt  
1931 Gary Drive  
Wichita, Kansas 67219

Re: Request for Variance  
Case No. SEA 15-77

Dear Mr. Felt:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 26, 1977, in connection with your request for a variance to reduce the required front yard setback adjacent to both Elpyco and Bleckley from 20 feet to 0 feet for off-street parking purposes only on property zoned the "B" Multiple Family Dwelling District, and generally located on the north side of Kellogg between Elpyco and Bleckley.

This Resolution reflects the official action of the Board to grant the request and sets forth the conditions of approval. It is forwarded to you for your information and files.

If you have any questions regarding this matter, please call.

Yours very truly,

Larry Dobson  
Assistant Secretary

LD:bh  
Encl.

cc: G. L. Yates, 307 Insurance Bldg., 67202  
Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Central Inspection

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** April 21, 1977



**TO** Larry Dobson, MAPD

**FROM** Evelyn Pittman, CPO Administrative Aide

**SUBJECT** BZA 15-77



At a recent meeting CPO Council "C" considered the captioned subject. The Council voted to recommend denial of the application as it permit off-street parking adjoining a single family area.

Your consideration of this recommendation will be appreciated.

*Evelyn Pittman*  
Evelyn Pittman  
CPO Administrative Aide

EP:rh

NOTED:

*David Furnas*  
David Furnas  
CPO Coordinator

~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~

Tenth Floor, City Hall  
455 North Main Street

April 27, 1977

Mr. Dean Felt  
1931 Gary Drive  
Wichita, Kansas 67219

Re: Request for Variance  
Case No. BEA 15-77

Dear Mr. Felt:

At the regular meeting of the Board of Zoning Appeals on April 26, 1977, your request for a variance to reduce the required front yard setback adjacent to both Elpyco and Blackley from 20 feet to 0 feet for off-street parking purposes only on property zoned the "B" Multiple Family Dwelling District, and generally located on the north side of Kellogg between Elpyco and Blackley was considered.

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

1. The off-street parking areas shall be no closer than 25 feet to the north property line.
2. The variance shall be for off-street parking purposes only and no permanent structures shall be erected thereon.
3. Screening shall be provided adjacent to the north side of the parking area to shield the residential area to the north from car headlights.
4. The applicant shall make every effort to retain the existing trees on public property. In the event the location of driveway approaches make it necessary to remove any tree(s) from public property, the applicant shall replace the tree(s) with a tree(s) approved by the City Forester.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

Mr. Dean Felt  
April 27, 1977

If you have any questions, please call our office.

Very truly yours,

Larry Dobson  
Assistant Secretary

LD:bh

cc: G. L. Yates, 307 Insurance Building, 67202  
Harold L "HAL" Bassett, 350 W. Douglas, 67202  
Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Maintenance, Central Inspection

SECRETARY'S REPORT  
CASE NO. BZA 15-77

APPLICANT: G. L. Yates, 307 Insurance Building,  
Wichita, Kansas.

AGENT: Dean Felt, 1931 Gary Drive, Wichita,  
Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B,  
Code of the City of Wichita, to reduce  
the required front yard setback adjacent  
to both Elpyco and Bleckley from 20 feet  
to 0 feet for off-street parking purposes  
only.

GENERAL LOCATION: North side of Kellogg between Elpyco and  
Bleckley.

ZONING: Subject property is zoned the "B" Multiple  
Family Dwelling District. East is the "BB"  
Office District; north is the "A" Two Fam-  
ily Dwelling District; west and south is  
the "B" District and "LC" Light Commercial  
District.

LAND USE: Subject property is developed with six four-  
plexes. East is the Veteran's Hospital;  
north is a single family residential de-  
velopment; west is duplex and fourplex  
development; and south is office use.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to permit the utilization of the required 20 foot front yard setback areas adjacent to both Elpyco and Bleckley to provide off-street parking spaces for the 6 fourplexes located on subject property.

The development of subject property with fourplexes was prior to the off-street parking provisions of the ordinance and no off-street parking spaces were provided for these 24 dwelling units. Of course there is no parking permitted on Kellogg and parking is also prohibited on the east side of Bleckley. Therefore, all the parking for the residents of these units takes place on the west side of Bleckley and on Elpyco.

The site plan submitted with this application proposes a 5 space parking lot on the east side of subject property with a single access drive from Bleckley and a 12 space lot on the west side of subject property with two access driveways from Elpyco. The layout will provide a total of 17 parking spaces for the 24 units. The north side of the parking areas are approximately 28 feet from the north property line.

The applicant points out that the granting of this variance should greatly improve the on-street parking congestion and traffic movement on the residential streets. It should be noted that properties to the east, west, and south are all zoned so as to permit parking to their property lines and it is very likely that subject property could successfully be rezoned to either the "BB" Office District or "LC" Light Commercial District which would permit the requested parking.

UNIQUENESS:

It is the opinion of the Secretary that the variance requested arises from a condition unique to the property in question inasmuch as development of the property occurred many years ago without off-street parking provision and there is no other space on the site to provide parking except in these front yard areas.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of this variance would not adversely affect adjacent property owners inasmuch as the on street parking situation will be improved.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the surrounding properties with frontage on Kellogg are all zoned to permit parking to the property lines.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the public interest

SECRETARY'S REPORT  
BZA Case No. 15-77  
Page 3

and would in fact enhance the traffic situation in this immediate area by taking 17 cars off the street.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the requested variance would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as subject property could likely obtain a zone change that would permit the parking areas desired.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary to the granting of a variance can be found to exist and therefore recommends that the variance be approved subject to the following conditions:

1. The off-street parking areas shall be no closer than 25 feet to the north property line.
  2. The variance shall be for off-street parking purposes only and no permanent structures shall be erected thereon.
  3. Screening shall be provided adjacent to the north side of the parking areas to shield the residential area to the north from car headlights.
-

20 notices to agent, applicant and adjoining property owner  
10 notices to MAPC members  
1 notice to CPO - Dave Furnas  
32 total notices sent, March 31, 1977, BZA 15-77

BOARD OF ZONING APPEALS  
TENTH FLOOR - CITY HALL  
455 North Main Street, Wichita, Kansas 67202

March 31, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 15-77

An application has been filed by G. L. Yates, 307 Insurance Building, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback, adjacent to both Elpyco and Bleckley from 20 feet to 0 feet for off-street parking purposes only, on property zoned the "B" Multiple Family Dwelling District, and legally described as follows:

Lots 14, 15, 16, 17, 18 and 19, Block 5,  
Lincoln Terrace Addition, Sedgwick County,  
Kansas. Generally located on the north  
side of Kellogg between Elpyco and Bleckley.

This application has been assigned Case No. BZA 15-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 26, 1977, 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.

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

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant G. L. YATES

Mailing Address 307 INSURANCE BLDG. WICHITA KS. 67202 Phone 267 4284

Name of Authorized Agent Dean Felt - Felt Design Service

Mailing Address 1931 Gary Drive Wichita, Kansas 67219 Phone 744-2516

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

II. The variance requested is SET ASIDE ZONING ORDINANCE

PROHIBITING PARKING IN FRONT YARD  
SETBACKS. *To reduce front yard 20' setback to 0' for off street parking purposes only*

for property located ON KELLOGG BETWEEN BLECKLEY & ELYPCO  
476-482 484-490 492-498 ELYPCO  
493 1-4 495 1-4 497 1-4 BLECKLEY

and legally described as: LOTS 14, 15, 16, 17, 18, 19 Block  
No 5 of LINCOLN TERRACE ADDITION TO  
WICHITA, SEDGWICK COUNTY KANSAS.

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

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

G. L. Yates.  
Applicant  
Dean W. Felt.  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:00 (a.m. 3-78 p.m.), 19 77 together with appropriate fee of \$50.00.

T9-402  
Map 5847

*N. side of Kellogg between Elypc and Bleckley*

Larry Dobson  
Signed  
Subject to receiving abstract list

## FELT DESIGN SERVICE

1931 GARY DR. WICHITA, KANSAS 67219

316 / 744-2516



March 28, 1977

City of Wichita  
Board of Zoning Appeals  
455 N. Main  
Wichita, Kansas 67202

We request that the Board of Zoning Appeals review the below listed conditions in conjunction with our application for variance to set aside the front yard parking restrictions. As required by Title No. 28 (Zoning Ordinance)

1. This property was developed at a time when Kellogg was not U.S. Highway 54 and when parking was allowed on Kellogg in this area. At the time it was developed a great majority of the people probably rode public transit systems during World War II.
2. Granting of this variance will not adversely effect the rights of adjacent property owners, but will in fact greatly improve their neighborhood with less parking along the curbs of both Elpyco and Bleckley, which many of the adjacent property owners have brought to the attention of the owner.
3. The enforcement of the parking restrictions will continue to cause undue aggravation and stress to an already long overdue probable solution.
4. This approval should in no way effect the public's rights of health, safety, morals order, convenience, prosperity or general welfare, but should, in fact, improve them by allowing the adjacent neighbors to have full use of the curb space adjacent to their residence property.
5. We believe that the granting of this variance will not be in opposition to the intent of the Title 28 (Zoning Ordinance), but that it is along the lines to which it was written, to protect the property and civil rights of each property owner.

We further feel that this granting of this ordinance will increase the valuation of the adjacent property and allow a more free movement of traffic for all concerned.

We appreciate and thank you for the time and effort you will put forth on this request.

Respectfully yours,

Dean Felt  
Felt Design Service

CC: Branson & Associates, Inc.  
G. L. Yates

O W N E R S H I P   L I S T

Lot	Block	Addition	Property Owner
16	4	Lincoln Terrace Addition	✓ Alfred A. Caro 356 North Rock Road      67206
17	4	Same	✓ William Francis Brown and Margaret Pearson Brown 469 Elpyco      67218
18	4	Same	✓ Jon M. Callen and Kelly E. 8406 East Harry Apt. 6 17 67207
19	4	Same	✓ Alfred P. Nath and Edna Nath 455 Elpyco      67218
20	4	Same	✓ Harold L. Bassett and Charolette L. 2828 South Osage      67217
10	5	Same	✓ H. C. Stranahan and Vera M. 456 Elpyco      67218
11	5	Same	✓ George B. Mitchell and Mardena G. 462 Elpyco      67218
12	5	Same	✓ Robert W. Smith and Joan A. 468 Elpyco      67218
13	5	Same	✓ Ray L. Du Ross and Mattie E. 472 Elpyco      67218
14 15,16 17,18 19	5	Same	✓ G. L. Yates and Marian M. Yates 3816 East Lewis      67218
20	5	Same	✓ John F. Knipp and Patricia A. 483 South Bleckley      67218
21	5	Same	✓ Dr. Daniel M. Thompson and Serilda Jane Thompson 118 East 21st Street      67214
22	5	Same	✓ Wilmot D. Carr and Estelle H. 475 S. Bleckley      67218
23	5	Same	✓ Marjorie Eldora Trotter 469 South Bleckley      67218
1		Schmid Addition	✓ Nita S. Miller 4620 East Douglas      Suite A 67208
1		Doctor's Addition	✓ Kellogg Medical Building Inc. 5025 East Kellogg      67218
1		Fordyce Addition	✓ Tiller & Company, a Kansas Corp. 5101 East Kellogg      67218

Tract

Property Owner

The Southeast Quarter of the Southwest Quarter of Section 24-27-1E, also a portion of the Southwest Quarter of the Southwest Quarter of said Section 24, described as: Beginning at the Southeast corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 24; thence West along the South line of said Section 24, a distance of 156.91 feet; thence along a straight line in a NWly direction at an angle with the South line of said Section 24, of 74° 28' for a distance of 145.72 feet; thence to the right along a curve having a radius of 640 feet, for a distance of 136.09 feet; thence tangent to said curve for a distance of 377.46 feet; thence to the left with an angle of 2°38' for a distance of 177.81 feet; thence to the left along a curve having a radius of 475 feet, for a distance of 316.83 feet; thence tangent to last described curve for a distance of 147.83 feet; thence to the right with an angle of 44°15', for a distance of 110.31 feet more or less to the North line of said SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 24; thence East along the North line of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  492.7 feet to the Northeast corner of said SW $\frac{1}{4}$  SW $\frac{1}{4}$ ; thence South along the East line of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  to the place of beginning.

United States of America  
Washington, D. C.

*adm of Vel Affairs  
5200 Kellogg*

A tract in the East Half of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 25-27-1E, described as: Beg. 180 feet West and 40 feet South of the Northeast corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 25, on the South line of Kellogg Street; thence South 140 feet; thence West 120 feet; thence North 140 feet; thence East 120 feet to the place of beg., except the West 50 feet thereof.

Tiller & Company, A Kansas Corp.  
5101 East Kellogg 67218

A tract in the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 25-27-1E, beginning 495 feet West of the Northeast corner of said quarter section, thence West 138 feet, thence South 280 feet, thence East 138 feet, thence North 280 feet to point of beginning, except the North 40 feet for street purposes

Kean Tilford  
1545 Willow Road 67208

A tract in the NW $\frac{1}{4}$  of Section 25-27-1E described as: Beginning 30 feet West of the Northeast corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 25, thence South 150 feet, thence West 150 feet, thence North 150 feet, thence East 150 feet to beginning

J. Melvin Allen and Mary B. Allen  
5119 East Kellogg 67218

The Security Abstract & Title Company, Inc.,  
hereby certifies the foregoing to be a true and correct list of property  
owners of:

A 200 foot radius of: Lots 14, 15, 16,  
17, 18 and 19, Block 5, Lincoln Terrace  
Addition, Sedgwick County, Kansas

as shown by the records on file in the Office of the Register of Deeds  
of Sedgwick County, Kansas, on this 28th day of March, 1977 at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Mary Stabile*

Vice President

Order No. 248660  
wh

A & R Addn.

Alfred A. Caro

CD

FORM 223-021

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - SECOND 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		

DESCRIPTION	AMOUNT
BZA variance Application	4500.

Name E. J. Co. Coats

Address 435 N Broadway

Type TA 407103 Due Date

Comments:

Date 3-23-77 By [Signature]

\*

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