

Case No. BZA 15-79 R. W. Harmon & Sons request variance to vary or eliminate parking & storage area required to be surfaced with asphalt or other comp. surfacing on property zoned "R"

**ACTION**

*BZA 15-79*

COMMITTEE

M.A.P.C.

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

DATE

*5/22/79*

*105/60  
5-9-79*

*MAD. 200  
U.S.I. 200 V  
6-15-79*

*approved*

Map No. 5244  
 Sec. 1  
 Twp. 28  
 Range 1W

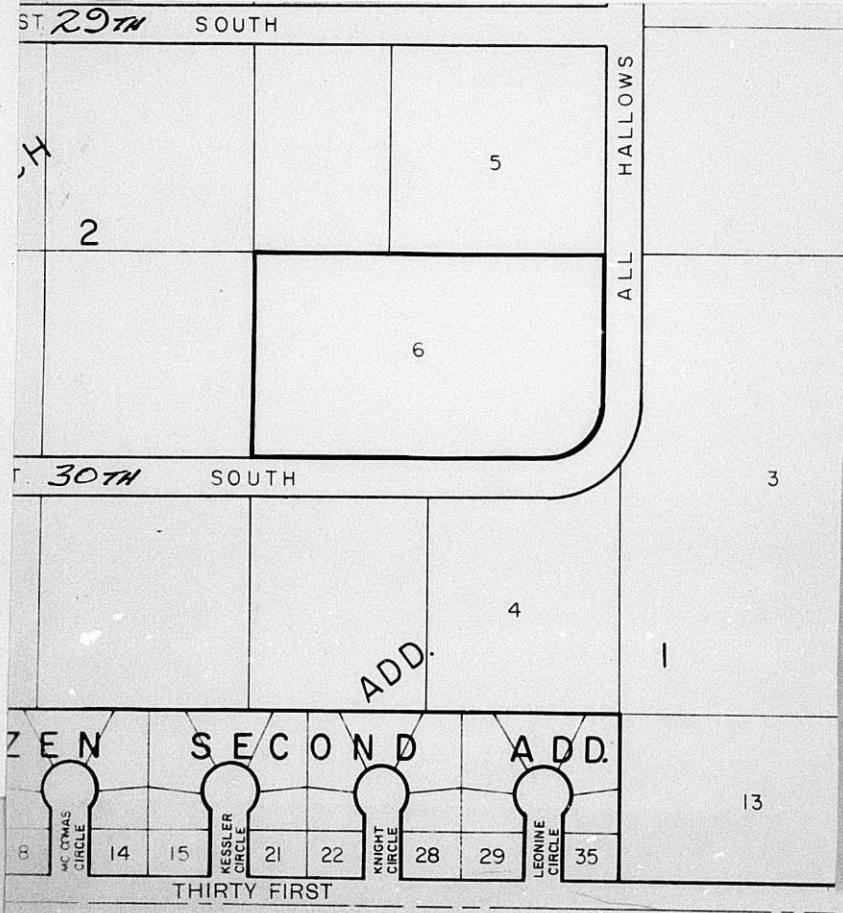
BZA- 15-79  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 5.27 ( 365 ft. by 630 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East UNDEVELOPED South UNDEVELOPED  
 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 \_\_\_\_\_



HASTINGS INV. CO. LOS ANGELES  
 No. 2-153C  
 Smead  
 LOCAL CH. MEMPHIS, TN, U.S.A.

VARIANCE

RESOLUTION NO. BZA 15-79

WHEREAS, R.W. Harmon & Sons, Inc.  
P.O. Box 8162  
W. Kans.

requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to ~~vary the surfacing requirement~~ of the parking and bus storage areas.

on property zoned the "E" light industrial and legally described as follows:

Lot 6, Block 2, Kessler-Koch Addition to  
Wichita, Sedgwick County, Kansas.

Generally located at the Northwest corner of  
30th Street South and All Hallows.

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, 1979, 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 the soil in this general area is extremely spongy and will require a considerable amount of compaction.

Variance Resolution  
Page Two

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 owner will treat the area with dust suppressant~~ as a regular maintenance program until the permanent surfacing is installed.

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 upon the property owner represented in the application inasmuch as ~~said business operates under a three year contract agreement constituting a hardship due to the excessive amount of parking needed for both employees and buses which would not necessarily be true for other businesses located in an industrial district.~~ 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 due to the fact that ~~the completion of the surfacing will be accomplished on all areas by 1982.~~

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 ~~the applicant has agreed to maintain the property under~~ a regular maintenance program to prevent dusting, free of weeds and other debris.

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 ~~temporarily vary the surfacing requirements for~~ the parking and storage areas for a bus maintenance facility

Variance Resolution  
Page Three

on property zoned the 'E' light Industrial  
and legally described as:

Lot 6, Block 2, Kessler-Koch Addition to  
Wichita, Sedgewick County, Kansas

Generally located at the northwest corner of 30<sup>th</sup> Street South and

be (approved ~~or denied~~) subject to the following conditions:

1. That the employee parking area adjacent to 30th Street South and the parking area and drive adjacent to All Hallows be surfaced prior to occupancy or within 120 days of completion of the installation of the public streets, whichever is the later.
2. That the bus storage area within the fence be completely surfaced by January 1, 1982.
3. That all areas be maintained with a dust suppressant on a periodic maintenance program until all permanent surfacing is completed.
4. The Superintendent of Central Inspection shall periodically monitor the conditions of the property, and shall notify the owner when there have been complaints of dust coming from the property. Should the owner fail to take steps to correct the problem, the Superintendent of Central Inspection shall report back to the Board the conditions of the property. Should the Board determine that the owner has failed to comply with the conditions of approval, the Board shall amend the resolution accordingly.

ADOPTED AT WICHITA, KANSAS, this 22<sup>nd</sup> day of  
May, 1979.

Mary Kopsitz, Chairman

ATTEST:

JHA  
Secretary  
Assistant Secretary



REAL ESTATE, INVESTMENTS, DEVELOPMENT, SYNDICATION

May 8, 1979

Mr. Jack Galbraith  
Board of Zoning Appeals  
Wichita Sedgwick County Metropolitan  
Area Planning Department  
455 North Main  
Wichita, Kansas 67202

Re: Application for Variance on Lot 6,  
Block 2, Kessler Koch Addition to  
Wichita, Sedgwick County, Kansas

Dear Jack:

This application for variance relates to Section 2. 12. 590. B, Code of the City of Wichita. It is requested that a variance to waive the concrete, asphalt or other comparable surfacing requirement for an off-street parking lot be approved for the above reference property which is zoned "E" Light Industrial District. It is believed that the variance requested is justified for the following reasons.

1. This request for variance is necessitated by the uniqueness of the soil conditions and the extensive amount of fill required. The soil at the existing ground line is soft and spongy. The property will require one to two foot of controled fill to meet grade.
2. The granting of the permit for this variance will not adversely affect the rights of adjacent property owners or residents.
3. The strict application of the provisions of Title 28 of which the variance is requested will constitute unnecessary hardship upon the applicant.
  - a. Should the hard surfacing as set out in the above referred to section of the

JOHN T. ARNOLD ASSOCIATES, INC.

REALTORS  
Sutton Place / 209 E. William / Wichita, Kansas 67202 / (316) 263-7242

May 8, 1979

zoning ordinance of the City of Wichita be enforced prior to the proper application of the controlled fill and adequate time for seasoning of the subsurface (which is to be applied prior to the use of the property), weather conditions and intended use, will most likely cause damage and deterioration to the blacktop hard surfacing and as a result require extensive continued maintenance as well as economic loss as it relates to the monies expended for initial application. (For additional information as it relates to this item, see statement by applicant set out below.)

4. It is the intent of the applicant to maintain a regular maintenance program of the parking and storage area and also treat same with a dust suppressant in order that the granting of the variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. Granting of the variance desired will not be opposed to the general spirit and intent of Title 28.

To further substantiate the applicant's request for variance, we have detailed the information as it relates to economics, construction, etc.

1. The hard surfacing requirement referred to in the first paragraph of this correspondence would be at a cost of \$119,000.
2. The applicants present contract to furnish school buses for U.S.D. 259 has approximately two years to run and expires in mid 1981. The applicant is desirous of being the successful bidder on a new contract; however, there is no guarantee since contracts are awarded by competitive bid with emphasis on economics.
3. Through competitive bids, should the applicant be denied the opportunity to continue his operation by U.S.D. 259, it is highly probable that a change in use would occur through forced disposition. In this case, the recovery of costs for hard surfacing would be minimal at best.

Mr. Jack Galbraith

-3-

May 8, 1979

4. It is highly unlikely that the present soil conditions even with controlled fill and adequate subbase material will provide a firm and lasting base for permanent surfacing without use, seasoning and application of additional subbase materials.

In consideration of limitations, soil conditions, contractual agreements and basic economics, the applicant respectfully requests that a three year deferral of permanent hard surfacing only be granted to the applicant in the bus storage and parking areas.

In addition to the above, the applicant respectfully requests that the Board of Zoning Appeals also render a positive response to this additional request for a one year delay of the hard surfacing in the area designated as employee's parking for the following reasons:

1. The same reasons as those set out in this correspondence for bus parking and storage area.
2. The permanent access to the applicant's property will be from 30th Street and All Hollows Street. The City of Wichita has informed the applicant that street construction may not be completed until late fall and the applicants required use is early to mid August. It is therefore assumed that ingress and egress to the property will be temporarily routed over and through the area designated employee's parking. Following use and anticipated deterioration of this area, it can reasonably be assumed that same will require reconstruction.

Sincerely,

JOHN T. ARNOLD ASSOCIATES, INC.  
Agent for R. W. Harmon & Sons, Inc.

By 

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

CASE NO. BZA 15-79

NOTICE TO ADJOINING PROPERTY OWNERS:

May 7, 1979

An application has been filed by R. W. Harmon and Sons, Inc., P. O. Box 8162, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the concrete, asphalt or other comparable surfacing requirement for an off-street parking lot on property zoned the "E" Light Industrial District and legally described as follows:

Lot 6, Block 2, Kessler-Koch Addition,  
Wichita, Sedgwick County, Kansas.  
Generally located at the northwest  
corner of 30th Street South and All  
Hallows.

This application has been assigned case No. BZA 15-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 22, 1979, 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 CFO Office, 268-4516.

Jack H. Galbraith  
Secretary

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

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Jack H. Galbraith  
Secretary

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Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202

CASE NO. BZA 15-79

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May 7, 1979

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Lot 6, Block 2, Kessler-Koch Addition,  
Wichita, Sedgwick County, Kansas.  
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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 CFO Office, 268-4516.

Jack H. Galbraith  
Secretary

May 25, 1979

John Arnold  
John T. Arnold Associates, Inc.  
Sutton Place  
Wichita, Kansas 67202

Re: Case No. 15-79  
Request for Variance

Dear Mr. Arnold:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 22, 1979, in connection with your request for a variance to vary the surfacing requirement of the parking and storage areas for a bus maintenance facility on property zoned the "S" Light Industrial and generally located on the northwest corner of 30th St. South and All Hallows, in an area east of West Street approximately one-third mile.

This Resolution reflects the official action of the Board to approve this request, and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GKL:bbs  
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisek, City Clerk  
R. W. Harmon & Sons, Inc., Box 8162, 67208  
Bill Korber, 330 Laura 67211

RESOLUTION NO. BZA 15-79

WHEREAS, R. W. Harmon & Sons, Inc., P. O.Box 8162, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to vary the surfacing requirement of the parking and bus storage areas on property zoned the "E" Light Industrial District and legally described as follows:

Lot 6, Block 2, Kessler-Koch Addition,  
Wichita, Sedgwick County, Kansas.  
Generally located at the northwest  
corner of 30th Street South and All  
Hallows.

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 22, 1979, 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 the soil in this general area is extremely spongy and will require a considerable amount of compaction.

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 owner will treat the area with dust suppressant on a regular maintenance program until the permanent surfacing is installed.

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 upon the property owners represented in the application inasmuch as said business operates under a three year contract agreement constituting a hardship due to the excessive amount of parking needed for both employees and buses which would not necessarily be true for other businesses locating in an industrial district.

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 due to the fact that the completion of the surfacing will be accomplished on all areas by 1982.

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 the applicant has agreed to maintain the property under a regular maintenance program to prevent dusting, free of weeds and other debris.

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 temporarily vary the surfacing requirements for the parking and storage areas for a bus maintenance facility on property zoned the "E" Light Industrial District and legally described as:

Lot 6, Block 2, Kessler-Koch Addition,  
Wichita, Sedgwick County, Kansas.  
Generally located at the northwest  
corner of 30th Street South and All  
Hallows

be approved subject to the following conditions:

1. That the employee parking area adjacent to 30th Street South and the parking area and drive adjacent to All Hallows be surfaced prior to occupancy or within 120 days of completion of the installation of the public streets, whichever is the later.
2. That the bus storage area within the fence be completely surfaced by January 1, 1982.
3. That all areas be maintained with a dust suppressant on a periodic maintenance program until all permanent surfacing is completed.
4. The Superintendent of Central Inspection shall periodically monitor the conditions of the property, and shall notify the owner when there has been complaints of dust coming from the property. Should the owner fail to take steps to correct the problem, the Superintendent of Central Inspection shall report back to the Board the conditions of the property. Should the Board determine that the owner has failed to comply with the conditions of approval, the Board shall amend the resolution accordingly.

ADOPTED AT WICHITA, KANSAS, this 22nd day of May, 1979.

ATTEST:

  
\_\_\_\_\_  
Jack H. Galbraith, Secretary

  
\_\_\_\_\_  
Mary L. Kopietz, Chairman

SECRETARY'S REPORT  
CASE NO. BZA 15-70

APPLICANT: R. W. Harmon & Sons, Inc., P. O. Box 8162,  
Wichita, Kansas

AGENT: John T. Arnold Associates, Inc., Sutton Place,  
Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code  
of the City of Wichita, to vary the surfacing  
requirement of the parking and storage areas  
for a bus maintenance facility.

GENERAL  
LOCATION: Northwest corner of 30th St. South and All  
Hallows, in an area east of West Street  
approximately one-third mile.

ZONING: Subject property is zoned "E" Light Industrial.  
All adjacent properties are also zoned "E"  
Light Industrial.

LAND USE: Property is presently being developed as a  
bus maintenance facility by the contract holder  
with U.S.D. #250, for busing students. This  
will also be the location for storage of the  
buses.

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 23 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 23 (zoning ordinance).

Case No. BZA 15-79  
BZA AGENDA  
5-22-79  
Page 2

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance from the surfacing requirement on a major portion of the parking lots and driveways on the property which by ordinance must be concrete, asphaltic concrete, asphalt or other comparable surface. The applicant intends to grade, compact and install a base for future asphalt surfacing, and maintain the base with a dust suppressant until such time as the entire area is compacted.

The application area is zoned "E" Light Industrial as is all the surrounding property. The site plan submitted with the application indicates that the bus maintenance building will be located near All Hallows with the main entrance to the facility being from the east. The employee parking lot will be oriented along the south side of the property adjacent to 30th Street South. The parking area for the buses will be fenced and be accessible only from the east adjacent to the maintenance facility. It is proposed by the applicant to surface the main entrance drive and parking area on the east portion of the property adjacent to All Hallows.

The applicant states that the soil is spongy and it will require one to two feet of fill over most of the lot to get proper grade for drainage. By the use of the lot, the applicant feels that the traffic will further compact the base for future installation of the asphalt surface.

It should be pointed out that the present location being used by this company is in an area adjacent to a nursery and the dust created by their operation has brought complaints from adjacent property owners. Although the proposed area is not fully developed, dusty conditions could create problems to neighboring properties. Any variance of the surfacing material should be subject to compliance with maintaining the base in good condition and free of all weeds, dust and other debris.

UNIQUENESS:

It is the opinion of the Secretary that this may be a unique situation inasmuch as the soil in this general area is extremely spongy and will require a considerable amount of compaction.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the variance should not adversely affect the rights of adjacent property owners or residents providing that the base is properly treated with a dust suppressant on a regular maintenance program until the permanent surfacing is installed.

HARDSHIP:

It is the opinion of the Secretary that it is somewhat difficult to determine that the strict application of the provisions of the zoning ordinance would constitute an unnecessary hardship upon the applicant, but if a hardship can be found to exist, it may be the fact that the condition of operating under a three year contract agreement constitutes a hardship because of the excessive amount of parking needed for both employees and buses which would not be true for other businesses locating in an industrial area.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the public interest inasmuch as the schedule for completion of the surfacing on all the area will occur by 1982.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance as recommended will not be opposed to the spirit and intent of the zoning ordinance inasmuch as the applicant has agreed to maintain a regular maintenance program to prevent dusting, free of weeds and other debris.

RECOMMENDATION:

If the Board determines that the above five conditions can be found to exist, it is the Secretary's recommendation that the variance be approved subject to the following conditions:

1. That the employee parking area adjacent to 30th Street South and the parking area and drive adjacent to All Hallows be surfaced prior to occupancy or within 120 days of completion of the installation of the public streets, whichever is the later.
2. That the bus storage area within the fence be completely surfaced by January 1, 1982.
3. That all areas be maintained with a dust suppressant on a periodic maintenance program until all permanent surfacing is completed.
4. The Superintendent of Central Inspection shall periodically monitor the conditions of the property, and shall notify the owner when there have been complaints of dust coming from the property. Should the owner fail to take steps to correct the problem, the Superintendent of Central Inspection shall report back to the Board the conditions of the property. Should the Board determine that the owner has failed to comply with the conditions of approval, the Board shall amend the resolution accordingly.

BZA CASE NO. 15-79

3 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

6 NOTICES SENT TO ADJOINING PROPERTY OWNERS

20 TOTAL NOTICES SENT 5-7-79

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

CASE NO. BZA 15-79

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May 7, 1979

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Lot 6, Block 2, Kessler-Koch Addition,  
Wichita, Sedgwick County, Kansas.  
Generally located at the northwest  
corner of 30th Street South and All  
Hallows.

This application has been assigned case No. BZA 15-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 22, 1979, 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. 15-79

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant R. W. Harmon & Sons Inc.

Mailing Address P. O. Box 8162 67208 Phone 832-0291

Name of Authorized Agent John T. Arnold Associates, Inc. *(Bill Kerber) 330 Laura*

Mailing Address Sutton Place Phone 263-7242

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

II. The variance requested is to vary or eliminate the parking and storage area required to be surfaced with asphalt or other comparable surfacing.

for property located N/W corner  
30th St. So. & All Hallows

and legally described as: Lot 6, Block 2, Kessler - Koch Addition

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

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.

Applicant \_\_\_\_\_

John T. Arnold  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:30 (a.m. - p.m.), 4/30 1979 together with appropriate fee of \$50.00.

Map 5244  
T9-402 *N/W corner 30th Street So. and All Hallows*

Larry Johnson  
Signed



April 26, 1979

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

Re: Application for Variance on Lot 6,  
Block 2, Kessler Koch Addition to  
Wichita, Sedgwick County, Kansas

Good morning Jack...

This application for variance is to vary or eliminate the parking and storage area required to be surfaced with asphalt or other comparable surfacing, which is otherwise required per Section 28.04.145.3.1 of the Zoning Ordinance of the City of Wichita. It is believed that the variance requested is justified for the following reasons:

1. The variance requested is necessitated by the unique physical and soil conditions existing on the property in question. The existing soil is spongy and will require compaction from one to two foot of fill. The applicant's intended use necessitates a firm soil base prior to the permanent surfacing of the storage and parking area.
2. The granting of the permit for this variance will not adversely affect the rights of adjacent property owners or residents.
3. The strict application of the provisions of Title 28 of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Mr. Jack Galbraith

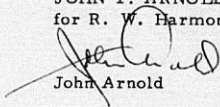
-2-

April 26, 1979

4. It is the intent of the applicant and his successors to maintain a regular maintenance program of the parking and storage area and also treat same with a dust suppressant in order that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. Granting the variance desired will not be opposed to the general spirit and intent of Title 28.

Sincerely,

JOHN T. ARNOLD ASSOCIATES, INC., Agent  
for R. W. Harmon & Sons, Inc.

  
John Arnold

JA:jmp

OWNERSHIP LIST

Lot	Addition	Property Owner
lots 2 and 3 Block 1	Kessler-Koch Addition	<del>Koch Industries Inc. 4111 East 37th St. North 67220</del>
lot 6, Block 1	Same	<del>Rare Properties Inc. Address Unknown</del>
lots 4 and 5 Block 1	Same	<del>Kessler Bros. Inc. 1905 Southwest Blvd. 67213</del>
lot 3, Block 2	Same	<del>Shelley Electric Inc. 3619 West 29th St. South 67217</del>
lot 4, Block 2	Same	<del>Sarajan Partnership 810 Sutton Place 67202</del>
lot 5, Block 2	Same	<del>Koch Industries Inc. 4111 East 37th St. North 67220</del>
lot 6, Block 2	Same	<del>R. W. Harmon &amp; Sons Inc. 250 West 53rd St. North 67204</del>
E½ lot 7, Block 2	Same	<del>Homer George Hutchison and Peggy D. Hutchison 2308 South Pershing 67218</del>
W½ lot 7, Block 2	Same	<del>S. W. Furgason and Neeta Ann 533 North Armour 67206</del>

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

A 200 foot radius of: Lot 6, Block 2,  
Kessler-Koch Addition, Wichita,  
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 26th day of April, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Mary Sable*

Vice President

Order No. 276142

**MICROFILMED**  
**FROM THE BEST**  
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FORM 29-021                      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.

Planning

DESCRIPTION	AMOUNT
374 Volume	\$50.00
Adm. Fee	

NAME Burkman Co.  
ADDRESS 330 Laura  
FUND 4271                      DUE DATE  
COMMENTS  
DATE 4/10/71                      BY ed

\*

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

Roll # 2