

Case No. BZA 15-81 - Jerry W. Cole -  
requests an exception to permit the  
establishment of an off-street park-  
ing lot on property zoned "RB" Four-  
family Dwelling District and located  
on the west side of Emporia approxi-

6-5-81  
6-9-81  
6-10-81  
6-11-81  
200  
'14 Sec  
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BZA  
15-81

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# ACTION

COMMITTEE APPROVED DATE 5-26-81

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

200' 4" Sec 6-5-81  
Checked 6-9-81  
Shot 6-10-81  
Recorded 6-11-81

Case No. EA 15-81 - Jerry W. Cole - requests an exception to permit the establishment of an off-street parking lot on property zoned "RB", Four-Family Dwelling District and located on the west side of Emporia approxi-

Map No. 554B  
 Sec. 16  
 Twp. 27  
 Range 7E

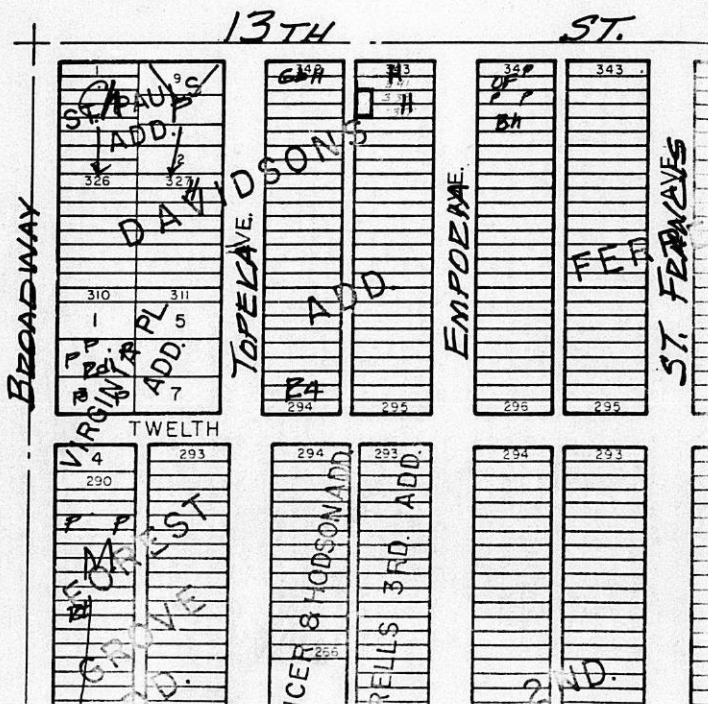
BZA- 15-81  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( 24 ft. by 50 ft. )
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East GEN PUS SINGLE FAM South MULTI FAM  
 West MULTI FAM North APARTMENTS
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use if for: MULTI FAM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



HASTINGS, MN  
 LOS ANGELES-CHICAGO-LOGAN, OH  
 MCGREGOR, TX-LOCUST GROVE, GA  
 U.S.A.

No. 2453C  
 Standard

June 1, 1981

Jerry W. Cole  
Box 3206  
Wichita, Kansas

Re: Case No. BZA 15-81  
Request for Exception

Dear Mr. Cole:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 26, 1981.

This Resolution reflects the official action of the Board to approve your 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

GEL:sad  
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. EZA 15-81

WHEREAS, Jerry W. Cole, Box 3208, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an off-street parking area on property zoned the "RB" Four-family Dwelling District and legally described as follows:

West 24 feet of Lots 337 and 339 on Emporia, C. L. Davidson's Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Emporia approximately 50 feet south of 13th Street (1351 North Emporia).

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 26, 1981, 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 the establishment of an off-street parking area on property zoned the "RB" Four-family Dwelling District subject to the conditions outlined in Section 28.04.145.C, 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 area on property zoned the "RB" Four-family Dwelling District and legally described as follows:

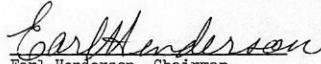
West 24 feet of Lots 337 and 339 on Emporia, C.L. Davidson's Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Emporia approximately 50 feet south of 13th Street (1351 North Emporia).

subject to the following conditions:

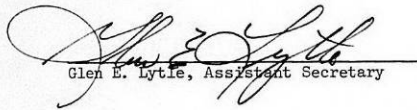
1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. 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.
5. All parking spaces abutting property lines or fences 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.

6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
7. A six foot high solid fence, constructed of redwood or cedar, shall be erected adjacent to the south property line and along the east line of the parking area which will be no closer than 24 foot east of the west property line.
8. The applicant shall attempt to secure a valid paving petition on the north 100 feet of the alley located between Topeka and Emporia.
9. All improvements as set forth herein shall be installed prior to the occupancy of the site as an off-street parking lot.

ADOPTED AT WICHITA, KANSAS, this 26th day of May, 1981.

  
Earl Henderson, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

May 28, 1981

Jerry W. Cole  
Box 3208  
Wichita, Kansas

Re: Case No. EZA 15-81  
Request for Exception

Dear Mr. Cole:

At the regular meeting of the Board of Zoning Appeals on May 26, 1981, your request for an exception was considered.

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

1. 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.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. 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.
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6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
7. A six foot high solid fence, constructed of redwood or cedar, shall be erected adjacent to the south property line and along the east line of the parking area which will be no closer than 24 foot east of the west property line.
8. The applicant shall attempt to secure a valid paving petition on the north 100 feet of the alley located between Topeka and Esperia.
9. All improvements as set forth herein shall be installed prior to the occupancy of the site as an off-street parking lot.

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.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

**THE CITY OF WICHITA**

OFFICE OF                      CITIZEN PARTICIPATION                      DATE    May 19, 1981

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT    BZA 15-81: West side of Emporia,  
                 approximately 50 feet south of  
                 13th Street (1351 North Emporia).

On Monday, May 18th, CPO Council "L" considered the captioned case, a request for an exception to permit the establishment of an off-street parking lot. The Council voted 7-0 to recommend approval of the requested exception.

Joan May Cole, 1351 North Emporia, appeared before the Council to respond to questions and describe the need for six parking spaces to serve the adjoining business at 1359 North Emporia. Neither adjoining property owners, nor area residents appeared before the Council to address the proposed variance. In making their recommendation to grant the exception, Council "L" noted that the residential nature of the area would not be harmed.

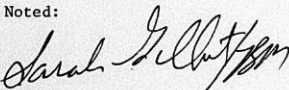
Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 15-81 is considered, May 26th.



Stan Scott  
Administrative Aide III

SS:ml

Noted:



Sarah Gilbert  
CP Coordinator

**RECEIVED**

MAY 21 1981

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

SECRETARY'S REPORT  
CASE NO. BZA 15-81

APPLICANT: Jerry W. Cole, Box 3208, Wichita,  
Kansas

AGENT: None

REQUEST: Exception pursuant to Section  
28.04.145, Code of the City of Wichita  
to permit the establishment of an off-  
street parking area in the "RB" Four-  
family Dwelling District.

GENERAL LOCATION: Subject property is located on the west  
side of Emporia approximately 50 feet  
south of 13th Street (1351 North Emporia).

ZONING: Subject property is zoned the "RB" Four-  
family Dwelling District as is the re-  
mainder of the property to the east. All  
other adjacent properties are zoned "LC"  
Light Commercial.

LAND USE: Subject property is occupied by the  
applicant's residence. Properties to  
the west and south are also residential.  
The property to the north is a former  
residence that has been converted to  
offices by the applicant.

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 exception to permit the establishment of an off-street parking area on the west 24 feet of the property adjacent to the alley. This is to provide a portion of the required parking for the conversion of the structure to the north as offices. It should be noted that the access to the parking will be from an unimproved alley that is narrow and will provide limited usage unless the alley is surfaced.

The general area is a mixture of commercial and residential with most of the commercial being converted residences that have provided a questionable amount of the required parking. The applicant is attempting to provide all the parking required for the conversion of the structure at 1359 North Emporia to offices.

The ordinance requires that a screening fence be provided when parking is provided in any residential zoning district. Also the applicant is required to maintain a minimum of 20 feet for a rear yard for the existing residence.

RECOMMENDATION:

Should the Board determine that the use would be appropriate at this location, then it is the recommendation of the Secretary that the exception be granted for an off-street parking lot subject to the following conditions:

1. 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.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. 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.
5. All parking spaces abutting property lines or fences 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.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
7. A six foot high solid fence, constructed of redwood or cedar, shall be erected adjacent to the south property line and along the east line of the parking area which will be no closer than 24 foot east of the west property line.
8. The applicant shall attempt to secure a valid paving petition on the north 100 feet of the alley located between Topeka and Emporia.
9. All improvements as set forth herein shall be installed prior to the occupancy of the site as an off-street parking lot.

BZA CASE NO. 1581

1 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

20 NOTICES SENT TO ADJOINING PROPERTY OWNERS

31 TOTAL NOTICES SENT 5-6-81

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

MAY 4, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 15-81

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Jerry W. Cole, Box 3208, Wichita, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of an off-street parking lot. A legal description of the applicant's property is as follows:

The west 24 feet of Lots 337 and 339 Emporia Avenue. C. L. Davidson's Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Emporia approximately 50 feet south of 13th Street (1351 North Emporia).

This application has been assigned Case No. BZA 15-81. It will be considered by the Board of Zoning Appeals on May 26, 1981 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, 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, 268-4381.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. 15-81

CITY OF WICHITA, KANSAS

FILED 4-27-81

APPLICATION FOR EXCEPTION

I. Name of Applicant Jerry W. Cole  
 Mailing Address Box 3208 Wichita 67201 Phone 262 3578  
 Name of Authorized Agent Jerry W. Cole  
 Mailing Address Box 3208 Wichita, 67201 Phone 262 3578  
 Relationship of applicant to property is that of Owner  
 (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 an off STREET Parking lot

on property zoned the "RB" Four-family Dwelling District  
 located on the west side of Emporia approximately 50 feet south of 13th St  
11351 N. Emporia, Wichita, KS  
 and legally described as: the West 24 ft Lots 337 and 339 Emporia Ave  
C. Davidson's addition to City of Wichita, Sedgewick  
County, Kansas

, 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. 36-596); 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 Sedgewick County to appeal the decision of the Board.

Applicant Jerry W. Cole

Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:30 (a.m. - p.m.), Apr. 27, 1981  
 together with appropriate fee of 200.00.

Signed [Signature]

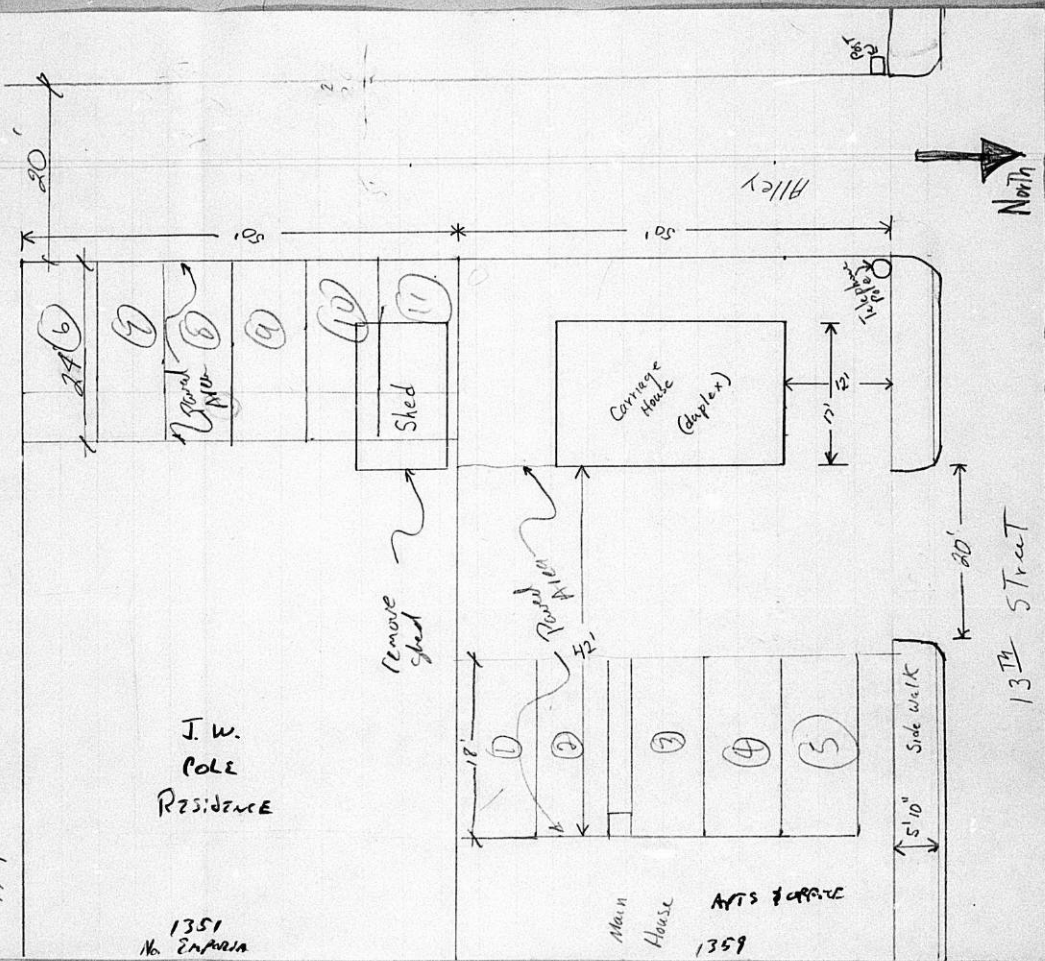
W.B. M. Kirby  
Trussing Engineer

J.W.  
POLE  
RESIDENCE

1351  
N. EMERALD

Main  
House

APTS PORCH  
1359



13<sup>TH</sup> STREET

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 343 and 341	Emporia	C. L. Davidsons Addition	✓ Jerry W. Cole Larry J. Armfield 1359 N. Emporia 67214
337 and 339	"	"	<i>Dub</i> ✓ Jerry W. Cole 1351 N. Emporia 67214
North ½ of lot 331 all of lots 335 and 333	"	"	✓ <del>Anna E. Fullerton, (dec.)</del> James B. Keef 1349 N. Emporia 67214
North ½ of lot 327 all of lot 329 and South ½ of lot 331	"	"	✓ Eugene Patrick Hale 1345 N. Emporia 67214
North 21 feet of lot 323, all of lot 325, South ½ of lot 327	"	"	✓ Roger Wayne Reno Judith Marie Reno 1339 N. Emporia 67214
Lot 323, except the North 21 feet	"	"	✓ <sup>Ex</sup> William Schaetzel <del>Address unknown</del> <i>505 N. Rock Rd. Apt. 612 67206</i>
Lot 321	"	"	✓ Gerald W. Gibson Frankie M. Gibson 1331 N. Emporia 67214
Lot 342 and 340	Topeka	"	✓ Harold C. Yeager 1356 N. Topeka 67214
Lots 338 and 336	"	"	✓ Robert G. Patterson Dora Ellen Patterson 1354 N. Topeka 67214
North 20 feet of lot 332 and all of lot 334	"	"	✓ Lilia Rodriguez Tocker 1111 N. St. Francis 67211

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
North 10 feet of lot 328, all of lot 330, and South 5 feet of 332	Topeka	C.L. Davidsons Addition	Lilia R. Tocker 1111 N. St. Francis 67211
South 15 feet of lot 328, and all of lot 326	"	"	Same as Above
lots 322 and 324	"	"	Ausie M. Kent David Willard Kent 1336 N. Topeka 67214
Lots 340 and 342, except the East 40 feet	Emporia	Ferrells Second Addition	J. B. Bright Elva M. Bright 651 North Dellrose 67208
East 40 feet of Lots 340, 344 and 342	"	"	<del>Russell T. Mason</del> <del>Address Unknown</del>
West 118 feet of the North 3 feet, and the East 22 feet of the North 2 feet of Lot 330, all of lots 332 and 334 on	Emporia	"	Clyde Duane Amerine Janet Dee Amerine 2122 Exchange 67213
Lot 328 and lot 330 except the west 118 feet of the north 3 feet and except the east 22 feet of the north 2 feet	"	"	Raymond J. Pando Nadine Pando 1342 N. Emporia 67214
Lots 324 and 326	"	"	Andrew Newman 1338 N. Emporia 67214
Lot 322	"	"	John A. Babich Helen A. Babich 1318 N. Emporia 67214

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 2 and 4	Topeka	Wells' Addition	✓ S. J. Glaves 120 Building Suite 600 67202 <del>Joyce A. Tate</del> ✓ <del>Address Unknown</del> <i>550 N. 10th</i> <del>Frankie Glaves (life estate)</del> <i>67203</i> <del>Address Unknown</del> reserved
Lots 6 and 8	Topeka	"	<i>Duff</i> S. J. Glaves 120 Building Suite 600 67202
Lots 2, 4, 6, and 8	Emporia	Subdivision of The Reserve in Wells' Addition and Reserves A and B in Eagle Addition	✓ Adeline Apartments, Inc. % K. L. Linneman (manager) 1405 N. Emporia 67214
Lots 1, 3, 5, 7	Emporia	Eagle Addition	Thomas J. Steven ✓ 2375 Cardinal Drive 67204 Rodney L. Steven ✓ 2333 McLean Blvd. NW 67204

We hereby certify the foregoing to be a true and correct  
list of the property owners within a 200 foot radius of:

Lot 337 and Lot 339 on Emporia  
C. L. Davidsons Addition  
to 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  
27th day of April, 1981 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

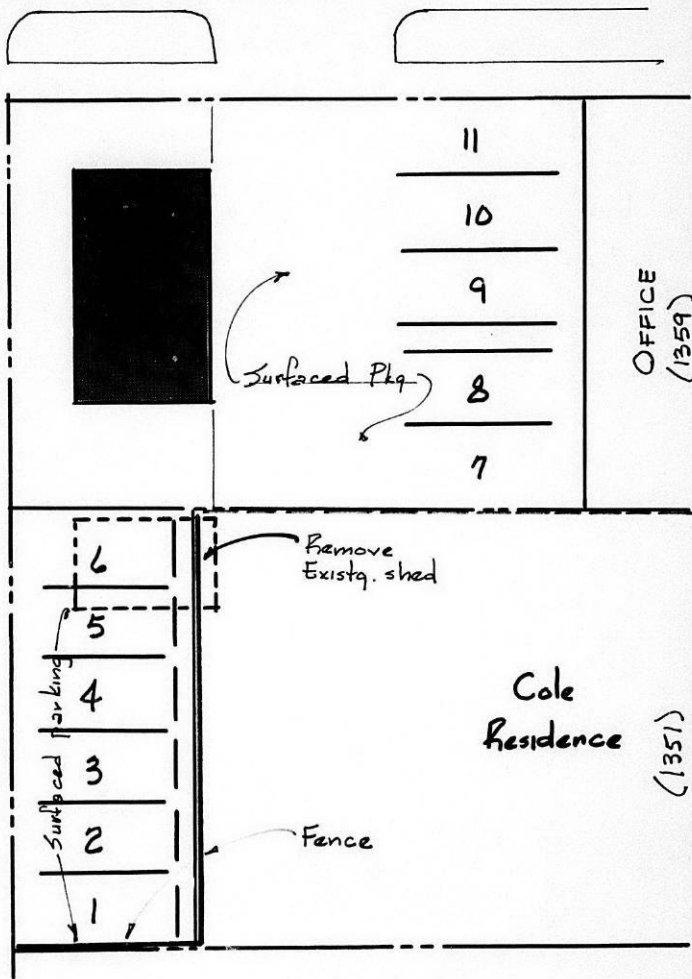
*Mary Hable*  
Vice President

Order No. 298182

AP

13<sup>TH</sup> ST.

20' Alley

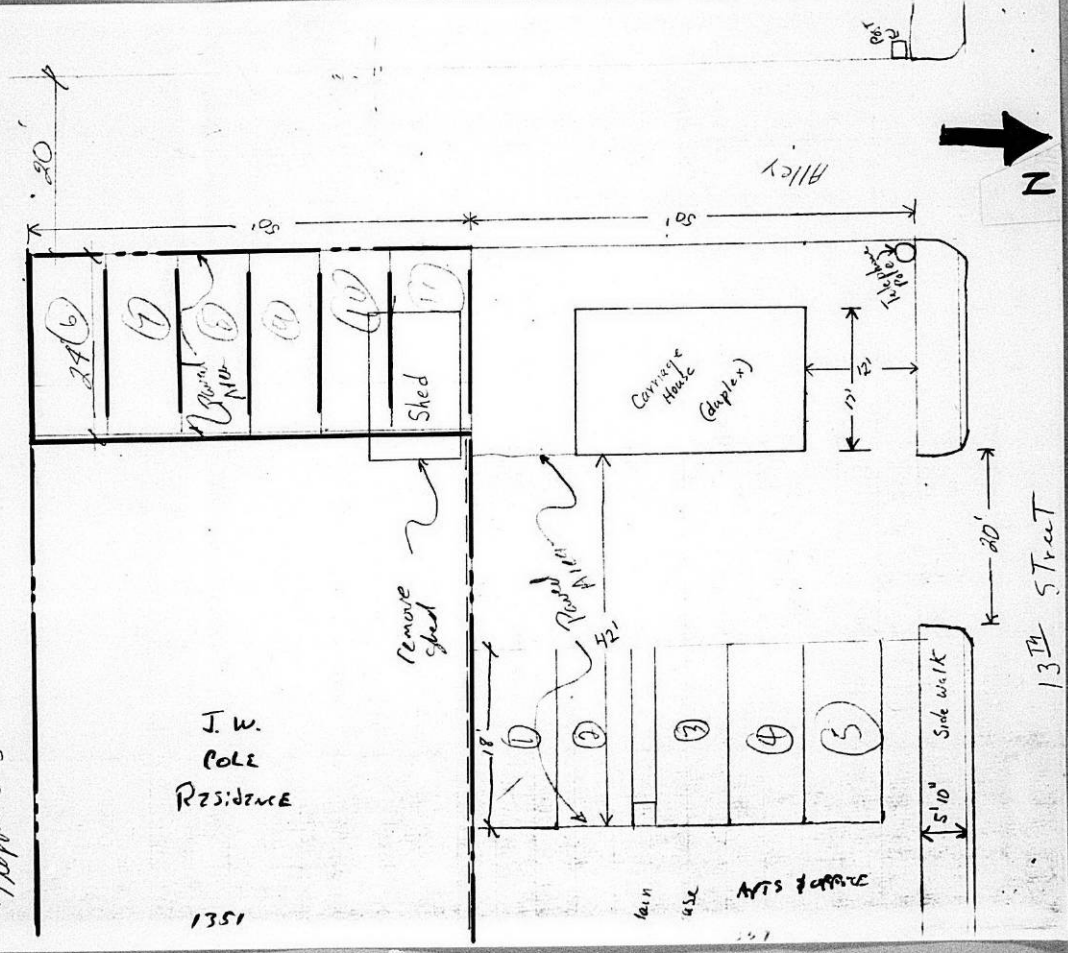


BZA 15-81

W.B. M. Kelly  
Trapper Engineer

J.W.  
COLE  
RESIDENCE

1351



13th STREET

Alley

COACH HOUSE  
(Complex)

Telephone

Remove shed

42'

5'10" Side Walk

ARTS & CRAFTS

20'

50'

50'

24' 6"

7'

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**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.
	Planning		

DESCRIPTION	AMOUNT
524 4.00	200.00

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

FUND \_\_\_\_\_ DUE DATE \_\_\_\_\_

COMMENTS \_\_\_\_\_

DATE \_\_\_\_\_ BY \_\_\_\_\_