

BZA 19-70 - Phil Ruffin, c/o Town
& Country Markets requests an
EXCEPTION to permit off-street
parking on north side of Harry
bet. Seneca and Dodge

BZA 7-28-70 Approve

POSTED

6-19-70

MAFV

C.I.V.

8-18-70

BZA 7-28-70 Approve

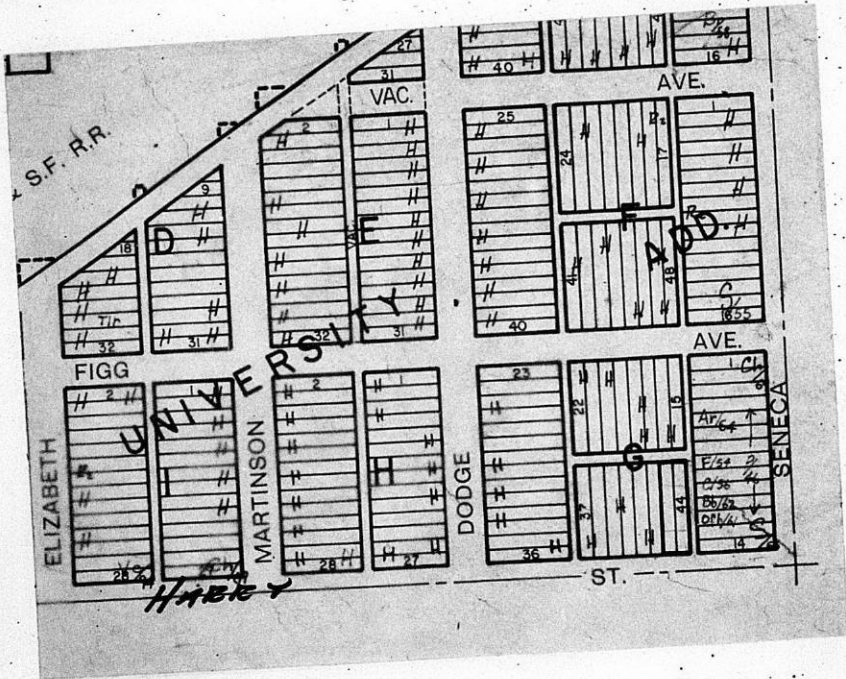
BZA 19-70 - Phil Ruffin, c/o Town
& County Markets requests an
EXCEPTION to permit off-street
parking on north side of Harry
bet. Seneca and Dodge

Map No. 5346
 Sec. 30
 Twp. 27
 Range 1E

EZA 19-70
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
 1. Acres: 0.14 (50 ft. by 163 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East FOOD STORE GRAIN STORE PLANTY SHOP South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: VACANT
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



RESOLUTION NO. BZA 19-70

WHEREAS, Phil Ruffin, c/o Town & Country Markets, 127 South Seneca, Wichita, Kansas, by James Guy, 725 Sutton Place, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of an off-street parking lot, on property zoned "RB" Four Family, and legally described as follows:

Lots 43 and 44, Block G, East University Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Harry Street in an area between Seneca and Dodge Streets.

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 July 28, 1970, 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 installation or construction of an off-street parking lot, on property zoned "RB" Four Family, subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the installation or construction of an off-street parking lot, on property zoned "RB" Four Family, and legally described as follows:

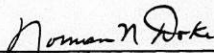
Lots 43 and 44, Block G, East University Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Harry Street in an area between Seneca and Dodge Streets.

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 driveway 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. In the event the alley is to be utilized for vehicular circulation from the parking lot, the applicant shall pave or guarantee the pavement of the north-south alley adjacent to the property to City specifications.
6. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. The parking area shall have adequate markings for channelization and movement of vehicles.
7. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
8. A solid fence 5 to 8 feet in height constructed of masonry, architectural tile, louvered or staggered redwood or rough sawed cedar shall be erected along the north property line and along the west property line to within 20 feet of the front property line thence reduced to 3 feet in height and extended to the alley right-of-way except for the point of ingress and egress.
9. The existing asphalt shall be removed from the required 20 foot front yard setback area and said front yard area shall be planted and maintained with shrubs and grass.
10. The applicant shall dedicate by separate instrument the east 6 feet of the application area for alley purposes.
11. Prior to the time the permit is issued for occupancy of the off-street parking lot, the applicants shall submit a revised off-street parking lot plan to the Traffic Engineer which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and the relocated driveway, width of driveway, proper setback from street right-of-way, etc. for his approval. Two copies of the revised, approved plan shall be submitted to the Secretary of the Board.
12. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot. All conditions of approval by the Board shall be complied with within 6 months or the application shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of July, 1970.



NORMAN N. DOKE, Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

WILLIAM L. KORBER

OFFICE OF
BAUGHMAN CO.
SURVEYORS

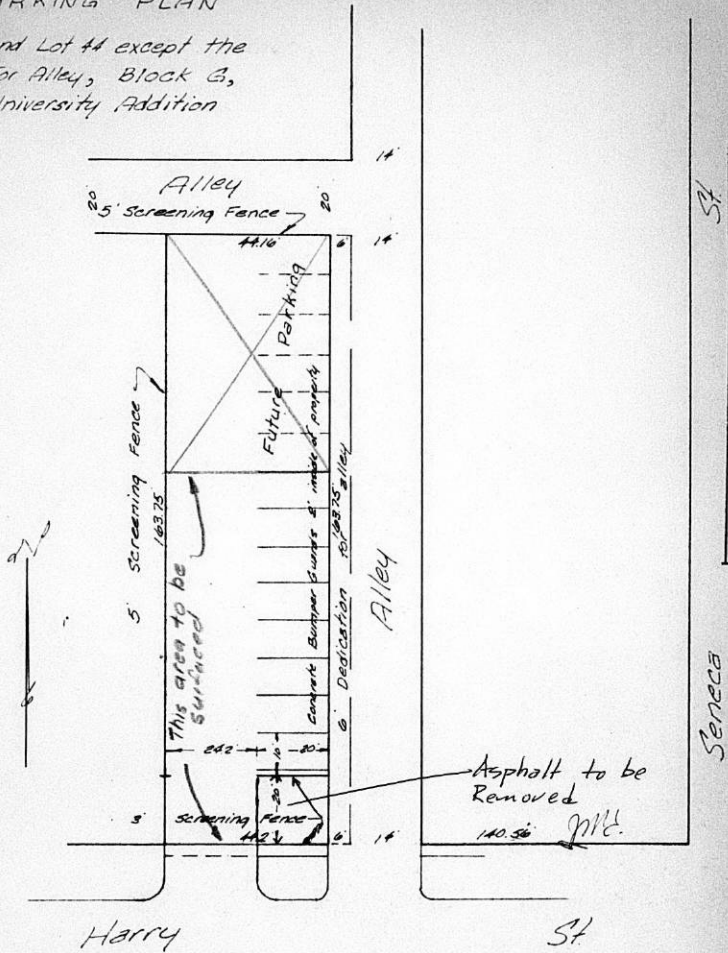
RONALD G. WAYMIRE

Case # *B2A*
19-70.

2522 EAST KELLOGG
WICHITA, KANSAS 67211
MURRAY 3-7431

PARKING PLAN

Lot 43 and Lot 44 except the
East 6' for Alley, Block G,
East University Addition



TRAFFIC ENGINEERING DIVISION APPROVED
W. B. [Signature]
 Date *8-6-50*

152A 19-70

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, _____

Phil G. Ruffin and Lynne Ruffin, his wife

being the owners of the following described real estate in Sedgwick County, Kansas, to wit:

The East six (6) feet of Lot 44, Block G, East University Addition, Wichita, Sedgwick County, Kansas.

do _____ hereby dedicate the above described real estate to the public for _____ purposes.

Executed this 17th day of August 19 70.

Phil G. Ruffin

Lynne Ruffin

STATE OF KANSAS)
SEDGWICK COUNTY)^{ss}

BE IT REMEMBERED, that on this 17th day of August, 1970, came Phil G. Ruffin and Lynn Ruffin



_____ personally known to be the same person^s who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,
this _____,

City Clerk

Sherry Sutton
Notary Public

My Commission Expires: Jan. 19, 1974

August 11, 1970

Mr. James Guy
725 Sutton Place
Wichita, Kansas 67202

Subject: Case No. BZA 19-70
Request for Exception

Dear Mr. Guy:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 28, 1970, in connection with your request for an exception to permit the installation or construction of an off-street parking lot on property zoned "RB" Four Family and generally located on the north side of Harry Street in an area between Seneca and Dodge Streets.

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 any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

cc Phil Ruffin, c/o Town & Country Markets, 127 South Seneca
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, _____

being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

The east 6 feet of Lot ~~4-3-3~~ 44, Block G, East University Addition, Wichita, Sedgwick County, Kansas.

do _____ hereby dedicate the above described real estate to the public for Alley _____ purposes.

Executed this _____ day of _____ 19 ____.

STATE OF KANSAS)
SEDGWICK COUNTY)ss

BE IT REMEMBERED, that on this _____ day of _____, came _____

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas. and approved by said Board of Commissioners of the City of Wichita, Kansas,
this _____,

City Clerk

Notary Public

My Commission Expires: _____

July 29, 1970

Mr. James Guy
725 Sutton Place
Wichita, Kansas 67202

Subject: Case No. BZA 19-70
Request for Exception

Dear Mr. Guy:

At the regular meeting of the Board of Zoning Appeals on Tuesday, July 28, 1970, your request for an exception to permit the installation or construction of an off-street parking lot on property zoned "RB" Four Family and generally located on the north side of Harry Street in an area between Seneca and Dodge Streets, was considered.

It was the action of the Board to approve this request subject to Conditions No. 1-4, 6-10 and 13 of the Secretary's Report. Conditions No. 5 and 11 in the Secretary's Report were re-worded by the Board to read as follows:

In the event the alley is to be utilized for vehicular circulation from the parking lot, the applicant shall pave or guarantee the pavement of the north-south alley adjacent to the property to City specifications.

Condition No. 12 was also re-worded by the Board to add the following:

Two copies of the revised, approved plan shall be submitted to the Secretary of the Board.

James Guy
July 28, 1970

We are enclosing a sample dedication form to be executed and returned to this Department in triplicate.

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.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

cc Phil Ruffin, c/o Town & Country Markets, 1527 South Seneca
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 19-70

APPLICANT: Phil Ruffin, c/o Town & Country Markets, 1527 South Seneca, Wichita, Kansas

AGENT: *James Shry*
Coombs and Brick, 725 Sutton Place, Wichita, Kansas

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

GENERAL LOCATION: On the north side of Harry Street in an area between Seneca and Dodge Streets.

LAND USE: Subject property is vacant; north, west and south are single family residences; to the east is a private club and general commercial

ZONING: Subject property is zoned "RB" Four Family as are those properties to the north, west and south; east is "LC" Light Commercial

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 providing the conditions set out in Section 28.04.145, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting approval of the exception to permit the use of subject property for an off-street parking lot. It should be noted that prior to the filing of this application the land was being illegally used as an off-street parking lot by members of a private club located to the east and the applicant was advised by Central Inspection of the violation.

It should be pointed out that although the plot plan submitted with the application observes the 20 foot front yard setback this 20 foot area has been asphalted in violation of City Ordinance. It should also be pointed out that the alley is substandard in width and, therefore, it will be necessary that the applicant dedicate an additional 6 feet in order to provide for a standard 20 foot alley.

In discussions with the Traffic Engineers Office it has been determined that it will be necessary that the point of ingress and egress be moved to the west 24 feet of the application area with the parking spaces being adjacent to the new alley right-of-way line. It was also pointed out that if the alley is to be used for ingress and egress to the parking lot the alley will have to be paved to City specifications, in the event such paving is deemed feasible by the Office of the City Engineer as the result of a field survey. It is, however, the opinion of the Secretary that this is a logical and proper application and that through revision of the plan, paving of the alley, proper screening for adjacent residences and removal of the existing asphalt from the front yard setback area, the parking lot would be compatible with the general area.

RECOMMENDATION:

It is the recommendation of the Secretary that the application to permit the installation or construction of an off-street parking lot be approved 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 driveway 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. Direct vehicular access from the parking area to the north-south alley between Seneca and Dodge shall not be permitted unless said alley is paved to City specifications. Without such paving, permanent physical barriers such as concrete rail or curb, fencing or chain shall be provided adjacent to the east line of the property.

6. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. The parking area shall have adequate markings for channelization and movement of vehicles.
7. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
8. A solid fence 5 to 8 feet in height constructed of masonry, architectural tile, louvered or staggered redwood or rough sawed cedar shall be erected along the north property line and along the west property line to within 20 feet of the front property line thence reduced to 3 feet in height and extended to the alley right-of-way except for the point of ingress and egress.
9. The existing asphalt shall be removed from the required 20 foot front yard setback area and said front yard area shall be planted and maintained with shrubs and grass.
10. The applicant shall dedicate by separate instrument the east 6 feet of the application area for alley purposes.
11. The applicant shall pave or guarantee the paving of the north-south alley adjacent to subject property in the event that such paving is deemed feasible by the Office of the City Engineer.
12. Prior to the time the permit is issued for occupancy of the off-street parking lot, the applicants shall submit a revised off-street parking lot plan to the Traffic Engineer which plan shall include location of all off-street parking spaces, the width and dimensions of parking spaces, markings for channelization and the relocated driveway, width of driveway, proper setback from street right-of-way, etc. for his approval.
13. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot. All conditions of approval by the Board shall be complied with within 6 months or the application shall be null and void.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

July 8, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 19-70

An application has been filed by Phil Ruffin, c/o Town & Country Markets, 1527 South Seneca, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of an off-street parking lot, on property zoned "RB"-Four Family, and legally described as follows:

Lots 43 and 44, Block G, East University Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Harry Street in an area between Seneca and Dodge Streets.

This application has been assigned Case No. BZA 19-70, and will be considered by the Board of Zoning Appeals at its regular meeting on Tuesday, July 28, 1970, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

19 Notices Mailed 7-8-70

WILLIAM L. KORBER

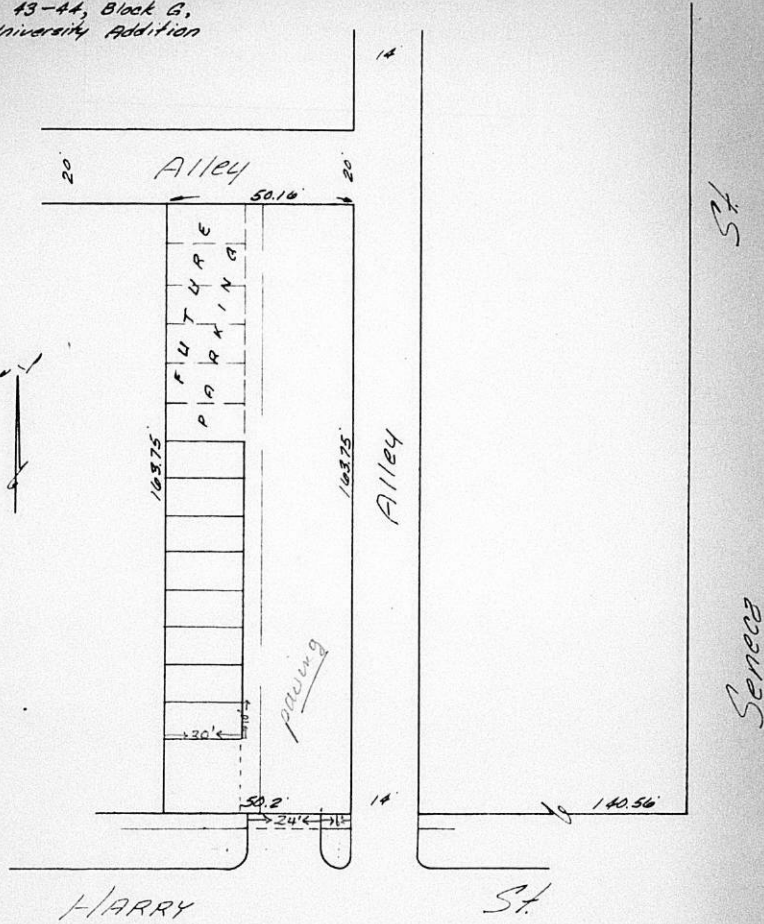
OFFICE OF
BAUGHMAN CO.
Surveyors

RONALD G. WAY

2522 EAST KELLOGG
WICHITA, KANSAS 67211
MURRAY 3-7431

PARKING PLAN

*Lots 43-44, Block G,
East University Addition*



TRAFFIC ENGINEERING DIVISION APPROVED

Donald E. Jow
Date Aspx TC 8-15-70

- (A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".
- (B) Stall lines shall be painted and 4" or greater in width.
- (C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

map 5346

BOARD OF ZONING APPEALS

CASE NO. 19-70

CITY OF WICHITA, KANSAS

FILED 6-15-70

APPLICATION FOR EXCEPTION

I. Name of Applicant Phil Ruffin
 c/o Town & Country Markets
 Mailing Address 1527 South Seneca 67213 Phone AM 5-0747
 Name of Authorized Agent COOMBS AND BRICK
 Mailing Address 725 Sutton Place 67202 Phone EO 3-2261
 Relationship of applicant to property is that of Owner
 (Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section
28.04.145, Code of the City of Wichita, Kansas
 (Zoning Ordinance); to permit the installation or construction
 of offstreet parking lot
 _____ on property zoned
RB, located between 1110 West Harry and 1122 West
Harry and legally described as:
Lot 43 and 44, Block G, East University Addition

 _____, in the City of Wichita.

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

Applicant Phil Ruffin
 Authorized Agent Coombs & Brick
By: James M. Day

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 6:30 (a.m. - p.m.), June 15, 1970, together with appropriate fee of \$50.00.

T9-403

Signed Jack H. Galbraith
 (ls)

WILLIAM L. KORBER

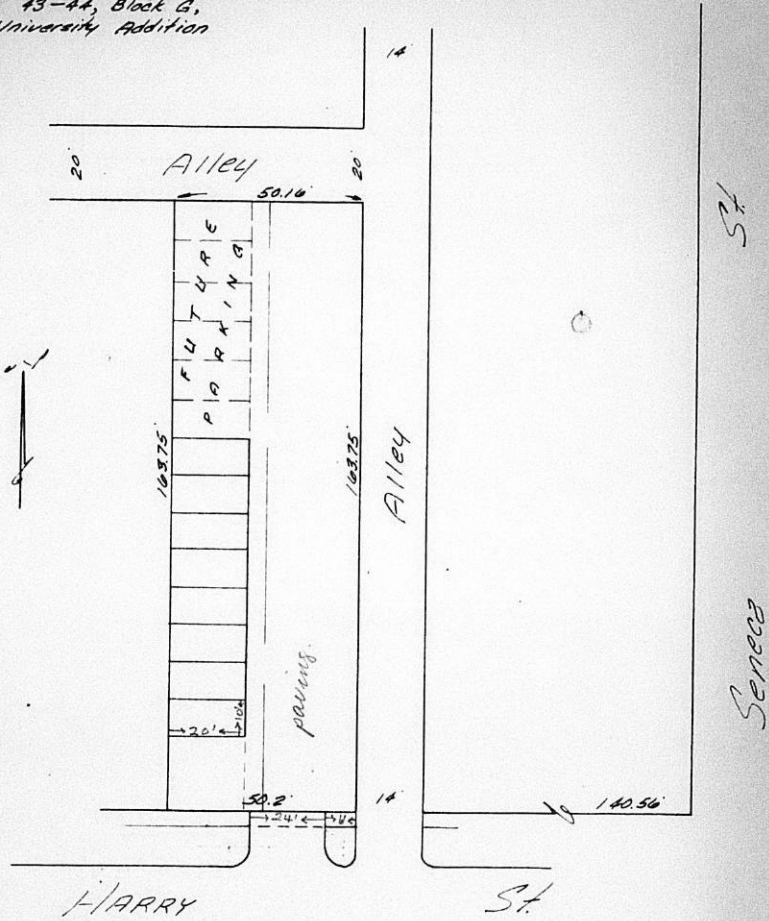
OFFICE OF
BAUGHMAN CO.
Surveyors

RONALD G. WAYMIRE

2522 EAST KELLOGG
WICHITA, KANSAS 67211
MURRAY 3-7431

PARKING PLAN

*Lots 43-44, Block G,
East University Addition*



TRAFFIC ENGINEERING DIVISION APPROVED

Date ASPECT 6-15-70

- (A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".
- (B) Stall lines shall be painted and 4" or greater in width.
- (C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
1, 2, 3, 4, 5 & 6	G	East University Addition	✓George M. Bell and Carol J. Bell, 1745 N. Colorado Wichita, Kansas, 67212
7, 8, 9, 10 & N 65' of lots 11, 12, 13 & 14	"	"	✓Phil G. Ruffin 1350 Minisa Dr. Wichita, Kansas, 67213
E 75' of 11, 12, 13 & 14	"	"	✓Rolland R. Watson and Wanda Fern Watson, 1018 Mary's Dr. Wichita, Kansas, 67213
15 & 16,	"	"	✓Kenneth E. Guy 336 N. Fountain Wichita, Kansas, 67208
S 50' of 17 & 18	"	"	✓Abraham L. Perryman 5118 Kensington Wichita, Kansas, 67208
17 & 18 exc S 50'	"	"	✓Martha L. Perryman & Abraham L. Perryman, 5118 Kensington Wichita, Kansas, 67208
19 & 20	"	"	✓J. H. Condit and Lucille Condit, 1227 Figg Ave. Wichita, Kansas, 67213
21 & 22	"	"	✓Walter R. Shrout 1231 Figg Ave. Wichita, Kansas, 67213
26	"	"	✓Edward J. Much and Ruth K. Much, 1316 W. 2nd St. Wichita, Kansas, 67203
27 & 28	"	"	✓M. J. Anderson 1516 S. Dodge Wichita, Kansas
29 & 30	"	"	✓Merlin J. Anderson & Florence Anderson, 1516 S. Dodge Wichita, Kansas, 67213
31 & 32	"	"	act. 7-9-70 *AC-MALL ✓Sam B. Odenbaugh & Ilma I. Odenbaugh, 1516 W. 2nd St. Wichita, Kansas, 67203
33 & 34	"	"	✓Verdie V. Erickson 1540 S Dodge Wichita, Kansas, 67213

Continued page 2

Lot	Block		Addition	Property Owner
35 & 36	G		East University Addition	Charles L. Stein, June Wolf & Dorothy Slonecker Addresses unknown <i>1875 Univ. Ave</i>
39 & 41	"		"	<i>none found</i> Donald R. Fullerton & Malinda L. Fullerton Addresses unknown
41 & 42	"		"	<i>none found</i> Joseph A. Wilson & Goldie L. Wilson, Address unknown
43 & 44	"		"	<i>none found</i> Phil G. Ruffin, 1350 Minisa Wichita, Kansas, 67213
1, 3, 5 7, 9 & 11	A	Seneca St	Princess Add	<i>none found</i> Lenard H. Watson Address unknown
2 & 4	"	Dodge Ave	"	✓ Dale W. Cooper & Agnes L. Cooper, 1125 W. Harry Wichita, Kansas, 67213
1 & 3	"	Wheeler	"	✓ Oscar D. Smith and Lora W. Smith, 1137 W. Harry Wichita, Kansas, 67213
5 & 7	"	"	"	<i>none found</i> Dale W. Cooper & Agnes L. Cooper, 1125 W. Harry Wichita, Kansas, 67213
9 & 11	"	"	"	✓ Mac Findley & Nellie M. Findley, 1121 W. Harry Wichita, Kansas, 67213
13 & 15	"	"	"	<i>none found</i> Emma Lebsach Address unknown

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 43 & 44, Block G, in East University Addition to Wichita, Sedgwick County, Kansas, as shown by the last deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 22nd day of May, 1970 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Stable
Vice-President *Act Secy*

Order No. 171177

FORM 273-02

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT

Name _____

Address _____

Type _____ Due Date _____

Comments: _____

Date _____ By _____