

B2A  
29-80

# ACTION

COMMITTEE Special Com. DATE 7-22-80  
for appl. request

M.A.P.C. B2A Strickland 8-26-80  
Agenda, withdrawn by applicant

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

Case No. 29-80 - James Sampley requests an exception to permit the establishment of an off-street parking lot on property zoned "AA" One-family Dwelling District and located on the

Map No. 6047  
 Sec. 20  
 Twp. 27  
 Range 2E

BZA # 30-80  
 SCZ- 29-80  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: \_\_\_\_\_ ( 125 ft. by 142 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East UNDEVELOPED South PARKING LOT  
 West SINGLE FAM North SINGLE FAM  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: SINGLE FAM  
 6. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



08-  
 08-80

August 28, 1980

James N. Sampley  
420 Bonnie Brae  
Wichita, Kansas 67207

Re: BZA Case No.'s 29-80 & 30-80  
Exception and Variance  
On the southeast corner of  
Bonnie Brae and Peach Tree

Dear Mr. Sampley:

At the regular meeting of the Board of Zoning Appeals on August 26, 1980, the above-captioned cases were considered. After considerable discussion and after your withdrawal of the two cases, the action of the Board of Zoning Appeals was to strike these matters from the agenda.

If you have any questions concerning these cases or if I can be of assistance in providing you information concerning the filing of a vacation application, please contact our office.

Sincerely yours,

Jack H. Galbraith  
Secretary

JHG:sad

cc: Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk  
William Korber, 330 Laura, Wichita, Kansas 67211

**THE CITY OF WICHITA**

OFFICE OF CITIZEN PARTICIPATION

DATE July 22, 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 29-80 and 30-80: Southeast  
Corner of Bonnie Brae and  
Peachtree

CPO Council "H" considered the captioned cases on July 21. The Council was aware that the cases have been deferred from the original July 22 hearing date. However, due to the intense neighborhood interest, Council "H" chose to proceed with a recommendation.

The applicant was present to describe the circumstances of his request. Approximately 38 residents of the Bonnie Brae Neighborhood were present in opposition.

Council "H" voted 7-0 to recommend denial of the requested variance (BZA 30-80) and exception (BZA 29-80). As an alternative, the Council recommended (7-0) that the applicant be granted a variance to reduce or modify the parking requirement to allow the continued operation of Mr. Sampley's furniture store at its present location.

The members of Council "H" concurred with the neighborhood residents who fear that approval of Mr. Sampley's expansion onto the vacant lot at Bonnie Brae and Peachtree will set a precedent for future commercial encroachment into the neighborhood. Conversely, the Council recognized Mr. Sampley's predicament and felt that a reduction of his parking requirement is reasonable.

*Bill Morris*

Bill Morris  
CPO Administrative Aide

BM:ml

Noted

*Sarah Gilbert*  
Sarah Gilbert  
Assistant CP Coordinator

**RECEIVED**

JUL 22 1980

METROPOLITAN PLANNING  
ROUTE  Lytle  
 \_\_\_\_\_

# THE CITY OF WICHITA




BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4421

July 14, 1980

TO WHOM IT MAY CONCERN AND ALL PERSONS INTERESTED:

Notice is hereby given that the public hearing for BZA cases 29-80 and 30-80 will be deferred one month to the regular meeting of The Board of Zoning Appeals on August 26, 1980, at the request of the applicant James N. Sampley, 420 Bonnie Brae, Wichita, Kansas.

The Board of Zoning Appeals meeting of August 26, 1980 will begin at 1:30 p.m., and be held in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

  
Jack H. Galbraith  
Secretary

JHG:sad

Sandy  
Called 3:00 pm 7-11-80  
Refer memo -

B2A 29-80 & 30-80

SECRETARY'S REPORT  
CASE NO. BZA 29-80

APPLICANT: James N. Sampley, 420 Bonnie Brae, Wichita, Kansas.

AGENT: William L. Korber, 330 Laura, Wichita, Kansas.

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

GENERAL LOCATION: On the southeast corner of Peach Tree Lane and Bonnie Brae.

ZONING: Subject property is zoned "AA" One-family Dwelling District as are the properties to the east, north and west. The property to the south is "LC" Light Commercial.

LAND USE: Subject property is vacant. Properties to the east, north and west are developed as single-family dwellings. The property to the south is a furniture store.

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 installation of an off-street parking lot on property zoned the "AA" Single-family Dwelling District. This lot would be used in conjunction with an existing Furniture Store located immediately to the south in the "LC" Light Commercial District.

When the furniture store was built in 1962, the requirement for off-street parking was the same as at the present. One parking space for each 250 square feet of floor area in the building for a commercial use. The permit was issued for the building with the majority of the required off-street parking to the south on the property of a Texaco service station. The service station property is for sale and the apparent lease has expired, thus leaving the applicant's building in violation of the conditions of the original permit. The development of this lot for parking would bring the building into compliance with the off-street parking regulations.

Page 2  
BZA 29-80  
BZA AGENDA  
7-22-80

It should be noted that Bonnie Brae has been closed to traffic at the request of the neighborhood to the north. The barrier is located in Bonnie Brae at the south line of the application area. It should also be noted that the parking lot will have ingress and egress only from the adjacent property to the south of the barrier in the "LC" Light Commercial District. The parking lot layout indicates that a 4 foot fence will be installed at the 25 foot setback line along Peach Tree Lane, and at a point ten foot from the property line along Bonnie Brae. A variance of the setback for off-street parking has been filed as a companion case (BZA 30-80). Any approval of the parking lot as submitted will be subject to the variance of the setback adjacent to Bonnie Brae, otherwise a new plan should be submitted.

It is the opinion of the Secretary that the exception request for an off-street parking lot is a logical and appropriate use of the property providing adequate screening and landscaping are provided to protect the residential neighborhood to the north. Without access to Bonnie Brae north of the barrier or to Peach Tree Lane, it would appear that the parking lot would not introduce traffic in the residential area as all use of the property would have to come from the south.

RECOMMENDATION:

Should the Board determine that an off-street parking lot be appropriate as requested, then it is the opinion of the Secretary that the exception 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 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.

Page 3  
BZA 29-80  
BZA AGENDA  
7-22-80

7. A six foot high solid fence, constructed of redwood or cedar, shall be erected along the east property line, and shall be reduced to a height of 3 feet at a point beginning 25 feet south of the street right-of-way line of Peach Tree Lane and thence extended to the north property line.
8. A four foot high solid fence, constructed of redwood or cedar, shall be erected at the 25 foot setback line adjacent to Peach Tree Lane and at the established setback line along Bonnie Brae as set forth in BZA Resolution 30-80.
9. The applicant shall submit two copies of a landscape plan for the areas north and west of the fence required by condition number 8. The plan shall indicate the location, type and specification of the proposed plant materials to be used in the landscaped area. The plan shall contain provisions for maintenance needs including water supply. The plan shall be approved prior to the release of the resolution.
10. The owner shall dedicate complete access control to the City of Wichita for the entire frontage of Lot 1, Block 8, Bonnie Brae Addition adjacent to Bonnie Brae and Peach Tree Lane prior to the release of this resolution.
11. All improvements as set forth herein shall be installed prior to the occupancy of the site as an off-street parking lot.

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

July 2, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE No. BZA 29-80

An application has been filed by James N. Sampley, 420 Bonnie Brae, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of an off-street parking lot on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Block 8, Bonnie Brae Addition to  
Wichita, Kansas. Generally located on  
the southeast corner of Bonnie Brae and  
Peachtree.

This application has been assigned case No. BZA 29-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 22, 1980, 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. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

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

BZA CASE NO. 29-80

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

14 NOTICES SENT TO ADJOINING PROPERTY OWNERS

27 TOTAL NOTICES SENT 7-2-80

BOARD OF ZONING APPEALS

CASE NO. 29-80

CITY OF WICHITA, KANSAS

FILED 6-23-80

APPLICATION FOR EXCEPTION

I. Name of Applicant James N. Sampley

Mailing Address 420 Bonnie Brae Phone 683-5641

Name of Authorized Agent William L. Korber

Mailing Address 330 Laura, Wichita, KS. Phone 262-7271

Relationship of applicant to property is that of Lessee  
(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 off street parking lot

"AA" on property zoned  
"AA", located S.E. Corner Bonnie Brae and Peachtree  
and legally described as: Lot 1, Block 8,  
Bonnie Brae An Addition to Wichita, 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. 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 James N. Sampley

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

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 1:30 (a.m. - p.m.), JUNE 23, 1980, together with appropriate fee of ~~200.00~~

200.00  
Signed [Signature]

OWNERSHIP LIST

Lot	Addition	Property Owner
lot 7, Blk 7	Bonnie Brae Addition	? Charles B. Myers and Hazel G. Myers Address Unknown
lot 8, Blk 7	Same	✓ Paul L. Cook & Dorothy 405 Bonnie Brae 67207
lot 1, Blk 8	Same	✓ The Union National Bank of Wichita, Kansas, Trustee 150 North Main 67202
lot 2, Blk 8	Same	✓ Vicki Fairchild 8407 Peach Tree Lane 67207
lot 3, Blk 8	Same	✓ Douglas J. Moshier and Carolyn S. Moshier 8415 Peach Tree Lane 67207
lot 2, Blk 9	Same	✓ Nolan H. Jackson & Sylvia L. 308 Bonnie Brae 67207
lot 3, Blk 9	Same	✓ Marvin Edward Elliott and Mildred May Elliott 8404 Peach Tree Lane 67207
lot 4, Blk 9	Same	✓ Leo J. Johnson and Carolyn K. Johnson 8418 Peach Tree Lane 67207
lot 10, Blk 10	Same	✓ Kenneth G. Fuson & Betty L. 8320 Peach Tree Lane 67207
lot 11, Blk 10	Same	✓ Max H. Decker and A. Darlene Decker 315 Bonnie Brae 67207
lot 12, Blk 10	Same	✓ Donald F. Scherer and Mary Jane Scherer 8327 Willowbrook Road 67207
lot 13, Blk 10	Same	✓ Howard A. McFarland and Vera V. McFarland 8321 Willowbrook Road 67207
lot 1	Dry Addition	? J. R. Dry, Verda S. Dry, J. R. Dry, Jr. Address Unknown

Lot	Addition	Property Owner
lot 1	Ruth Addition	? United Life & Accident Insurance Company Address Unknown
lot 2 except east 174.4 ft & north 100 ft	Ruth Addition	- Texaco Inc. 8301 Oak Knoll 67207

Beginning as a point established as follows:  
 From the SE corner of lot 2, in Ruth Addition to Wichita, measure west along the south line of said lot 174.4 feet; thence north parallel to the east line of said lot 150 feet; thence NEly along a line which would intersect the north line of said lot at a point 164.4 feet west of the NE corner of said lot to a point which is 92 feet south of the north line of said lot for the point of beginning; thence from said point of beginning NEly to a point on the north line of Lot 2 which is 164.4 feet west of the NE corner of said lot; thence east 9 feet; thence south parallel to the east line of said lot a distance of 92 feet; thence westerly 19 feet, more or less to the point of beg., all in lot 2, Ruth Addition excepting and reserving unto grantors a perpetual easement and right of way over, on and above the North 15 feet of above described property for road purposes for the purpose of ingress and egress

- C. L. FINLEY & JANE FINLEY  
 7700 East 13th St. No. 71  
 67206

That part of lot 2, Ruth Addition to the City of Wichita, described as beginning 174.4 feet west and 150 feet north of the SE corner of said lot 2; thence west parallel to the south line of said lot to the East line of Bonnie Brae Street; thence NEly along the east line of said Bonnie Brae Street to the NW corner of said Lot 2; thence east along the north line of said lot to a point 164.4 feet west of the NE corner of said lot; thence south to the point of beginning, excepting and reserving unto the grantors herein, a perpetual easement and right of way over, on and above the north 15 feet of above described property for road purposes for the purpose of ingress and egress in and to Lot 2, Ruth Addition

*D.C.*  
 C. L. Finley & Jane  
 7700 East 13th St.-No. 71  
 67206

Lot	Addition	Property Owner
lot 3 except north 100 ft and except west 155.7 feet	Ruth Addition	✓ Gary K. Edminster <del>8402 East Kellogg 67207</del> <i>Returned 7-7-80</i> <i>Resent to: 5908 S. 107 East</i> <i>Barby 67037</i>
North 100 ft lot 3 except west 155 ft	Same	? <del>Ralph E. Jett</del> Address Unknown

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

A 200 foot radius of: Lot 1, Block 8,  
Bonnie Brae 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 23rd day of June, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

*Mary Gable*  
Vice President

Order No. 288919  
wh

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 2-21 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
City 320 E-107	\$ 2000

---

NAME: Camden Farm Co.  
 ADDRESS: 400 S. 10th St  
 FUND: 110-10-1000-40071 DUE DATE: 11-15-1980  
 COMMENTS:  
 DATE: June 23 1980 BY: [Signature]

WICHITA - SEDGWICK COUNTY  
**W S C**  
 29830

BOARD OF ZONING APPEALS  
 CITY HALL - TENTH FLOOR  
 455 NORTH MAIN STREET  
 WICHITA, KANSAS 67202

LEFT  
 BRSS  
 TO SENDER

WICHITA, KS  
 JUL 3  
 1980

MOVED, LEFT NO ADDRESS

EDM-02 130213N1 07/02/80  
 RETURN TO SENDER  
 NOT DELIVERABLE AS ADDRESSED  
 UNABLE TO FORWARD

15  
 1980

Gary K. Edminster  
 8402 East Kellogg  
 Wichita, Kansas 67207

resent to  
 5908 S. 107 East  
 Derby, Ks. 7-7-80