

BZA 32-72 Chip Stevens Construction requests exception to permit off-street parking in an area on the WS of Oliver North of Pawnee

POSTED
11-21-72
MAY 11
@ I.L.V.
8-7-72

ACTION

DATE 12-19-72
BZA COMMITTEE Approved subject to conditions

~~M.A.P.G.~~ _____

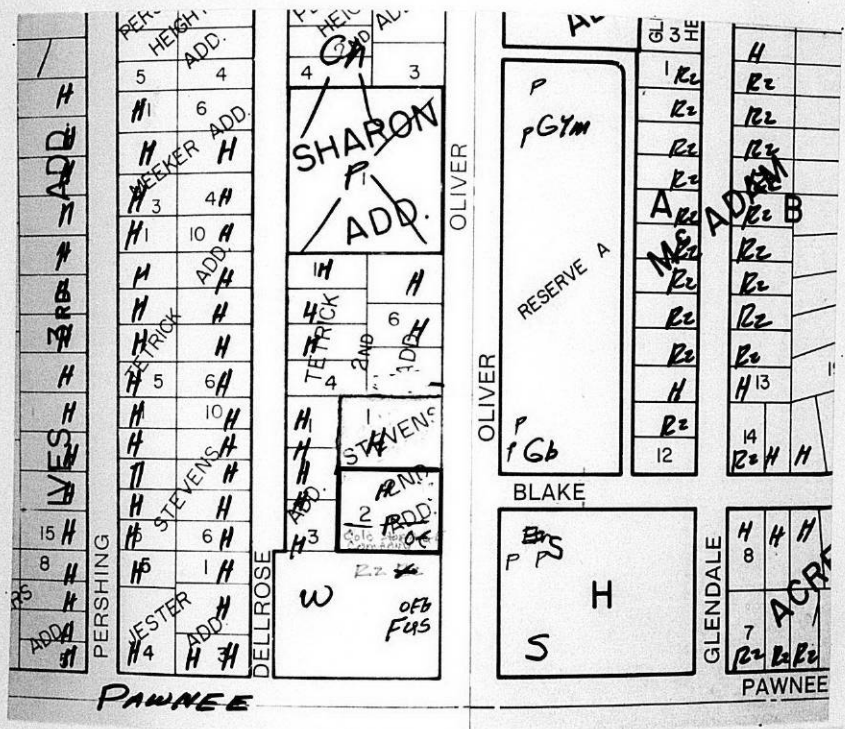
~~B.C.C./B. CO. C.~~ _____

Map No. 5745
 Sec. 35
 Twp. 27
 Range 1E

BZA- 32-72
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.54 (140 ft. by 170 ft.)
 2. Adjoining Zoning: E LC S LC W AA A LC N AA
 3. Land Use: East Tavern Bar South Two Fam & Office Bldg.
 West SINGLE FAM North COLD STORAGE
 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 _____



January 29, 1973

Chip Stevens Construction Company
2307 S. Oliver
Wichita, Kansas 67218

Subject: Case No. BZA 32-72 - Request for Exception

Dear Sirs:

The copy of Resolution No. BZA 32-72 forwarded to you by our letter of January 10, 1973, was in error. Enclosed is a corrected copy of the Resolution for your files. We would appreciate it if you would return the copy forwarded to you last week to us at your earliest convenience.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:rw

cc: Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

January 29, 1973

Mr. Paul M. Buchanan
830 First National Bank Building
Wichita, Kansas 67202

Subject: Case No. BZA 32-72 - Request for Exception

Dear Mr. Buchanan:

The copy of Resolution No. BZA 32-72 forwarded to you by our letter of January 10, 1973, was in error. Enclosed is a corrected copy of the Resolution for your files. We would appreciate it if you would return the copy forwarded to you last week to us at your earliest convenience.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:rw

RESOLUTION NO. BZA 32-72

WHEREAS, Chip Stevens Construction Company, 2307 S. Oliver, Wichita, Kansas, 67218, requests an exception to permit the installation or construction of an off-street parking lot on property zoned the "A" Two Family Dwelling District and the "AA" One Family Dwelling District, and the "LC" Light Commercial District, and legally described as follows:

Lot 2, Stevens Second Addition, Wichita, Sedgwick County, Kansas. Generally located in an area on the West side of Oliver North of Pawnee.

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 December 19, 1972, 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 the "A" Two Family Dwelling District and the "AA" One Family Dwelling District, and the "LC" Light Commercial District, 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 the "A" Two Family Dwelling District, and the "AA" One Family Dwelling District, and the "LC" Light Commercial District, and legally described as follows:

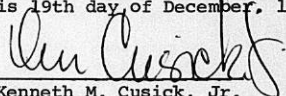
Lot 2, Stevens Second Addition, Wichita, Sedgwick County, Kansas. Generally located in an area on the West side of Oliver North of Pawnee.

subject to the following conditions:

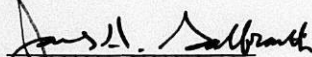
1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
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. The parking area shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces, and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to direct or deflect light away from adjacent residential properties.
7. The existing 8 foot screening fence along the west property line shall be retained and maintained in good condition by the applicant to eliminate the passage of light from vehicles and to prevent the blowing of debris onto the adjacent residential properties.
8. The required frontyard setback on Oliver, except for the points of ingress and egress, shall remain unpaved and shall be landscaped with trees, shrubs, and grass, and shall be maintained compatible with the residential area to the north.

ADOPTED AT WICHITA, KANSAS, this 19th day of December, 1972.


Kenneth M. Cusick, Jr.
Chairman

ATTEST:


Jack H. Galbraith
Secretary

January 10, 1973

Mr. Paul M. Buchanan
830 First National Bank Building
Wichita, Kansas 67202

Subject: Case No. BZA 32-72 - Request for Exception

Dear Mr. Buchanan:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 19, 1972, in connection with your request for an exception to permit the installation or construction of an off-street parking lot, on property zoned "AA" One Family Dwelling District, "A" Two Family Dwelling District and the "IC" Light Commercial District, and generally located on the West side of Oliver and North of Pawnee.

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 any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rv
enclosure

cc: Chip Stevens Construction Company, 2307 S. Oliver 67218
Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 32-72

WHEREAS, Chip Stevens Construction Company, 2307 S. Oliver, Wichita, Kansas, 67218, requests an exception to permit the installation or construction of an off-street parking lot, on property zoned the "A" Two Family Dwelling and the "AA" One Family Dwelling District, and legally described as follows:

Lot 2, Stevens Second Addition, Wichita, Sedgwick County, Kansas. Generally located in an area on the West side of Oliver North of Pawnee.

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 December 19, 1972, 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 the "A" Two Family Dwelling District and the "AA" One Family Dwelling District, subject to the conditions outlined in Section 28.04.183.2, 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 the "A" Two Family Dwelling District and the "AA" One Family Dwelling District, and legally described as follows:

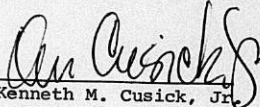
Lot 2, Stevens Second Addition, Wichita, Sedgwick County, Kansas. Generally located in an area on the West side of Oliver North of Pawnee.

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. The parking area shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces, and the parking area shall have adequate markings for channelization and movement of vehicles.

6. If lighting facilities are provided, they shall be so arranged as to direct or reflect light away from adjacent residential properties.
7. The existing 8 foot screening fence along the west property line shall be retained and maintained in good condition by the applicant to eliminate the passage of light from vehicles and to prevent the blowing of debris onto the adjacent residential properties.
8. The required frontyard setback on Oliver, except for the points of ingress and egress shall remain unpaved and shall be landscaped with trees, shrubs, and grass, and shall be maintained compatible with the residential area to the north.

ADOPTED AT WICHITA, KANSAS, this 19th day of December, 1972.


Kenneth M. Cusick, Jr.
Chairman

ATTEST:

Jack H. Galbraith
Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
AMHERST 2-8211 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

December 20, 1972

Mr. Paul M. Buchanan
830 First National Bank Building
Wichita, Kansas 67202

Subject: Case No. BZA 32-72 - Request for Exception

At the regular meeting of the Board of Zoning Appeals on December 19, 1972, your request for an exception to permit the installation or construction of an off-street parking lot, on property zoned "AA" One Family Dwelling District, "A" Two Family Dwelling District and the "LC" Light Commercial District, and generally located on the West side of Oliver and North of Pawnee was considered.

It was the action of the Board to approve this request to permit the installation or construction of 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.

Mr. Paul M. Buchanan
Page 2

5. The parking area shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces, and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to direct or deflect light away from adjacent residential properties.
7. The existing 8 foot screening fence along the west property line shall be retained and maintained in good condition by the applicant to eliminate the passage of light from vehicles and to prevent the blowing of debris onto the adjacent residential properties.
8. The required frontyard setback on Oliver, except for the points of ingress and egress, shall remain unpaved and shall be landscaped with trees, shrubs, and grass, and shall be maintained compatible with the residential area to the north.

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:rw

cc: Chip Stevens Construction Company, 2307 South Oliver, 67218
Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. EZA 32-72

APPLICANT: Chip Stevens Construction Company. 2307 South Oliver, Wichita, Kansas. 67218.

AGENT: Paul M. Buchanan, 830 First National Bank Building, Wichita Kansas, 67202.

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: The west side of Oliver north of Pawnee.

LAND USE: Subject property is developed for both residential and commercial purposes. The property to the west and the north is residential. while that to the south and the east is commercial.

ZONING: Subject property is zoned the "AA" One Family Dwelling District, the "A" Two Family Dwelling District and the "IC" Light Commercial District, as is the property to the west. The property to the north is zoned the "AA" One Family Dwelling District, while "LC" Light Commercial zoning exists to the east and south.

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 in the process of expanding an existing office building on the subject property. In order to comply with the off-street parking requirements of the Zoning Ordinance, additional parking must be provided. The applicant owns both the subject property and the residential property which adjoins it to the north (Lots 1 and 2). Although the building itself will be located on property which is zoned "LC", the area presently used for off-street parking purposes is zoned "AA" and "A". The applicant points out in his statement of justification that he is not applying for a zone change because, with the exception of that area between Oliver and Dellrose at Pawnee (zoned "A" and "LC"), the majority of the block is zoned "AA".

A plot plan has been approved by the Division of Traffic Engineering which provides for 27 parking places and indicates the required 25 foot frontyard setback. An 8 foot fence presently exists along the west property line, screening the parking from the adjacent residential property. Inasmuch as the subject property and the residential property which adjoins it on the north are both under the ownership of the applicant, in the opinion of the Secretary a screening fence adjacent to the north property line is not necessary at this time since parking might be further extended to the north in the future.

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 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. The parking area shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to direct or deflect light away from adjacent residential properties.

BZA 32-72
Secretary's Report
Page 3

7. The existing 8 foot screening fence along the west property line shall be retained and maintained in good condition by the applicant to eliminate the passage of light from vehicles and to prevent the blowing of debris onto the adjacent residential properties.
8. The required frontyard setback on Oliver, except for the points of ingress and egress shall remain unpaved and shall be landscaped with trees, shrubs, and grass, and shall be maintained compatible with the residential area to the north.

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

December 4, 1972

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 32-72

An application has been filed by Chip Stevens Construction Company, 2307 South Oliver, Wichita, Kansas 67218, 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 "A" Two Family Dwelling District and "AA" One Family Dwelling District, and "LC" Light Commercial and legally described as follows:

Lot 2, Stevens Second Addition, Wichita, Sedgwick County, Kansas. Generally located in an area on the West side of Oliver North of Pawnee.

This application has been assigned Case No. BZA 32-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 19, 1972, 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

*31 notices sent to Property owners + MAPC members
12/4/72*

Dec 19, 1972
may 15743
35
27

BOARD OF ZONING APPEALS

CASE NO. 32-72

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant ✓ CHIP STEVENS CONSTRUCTION COMPANY
 Mailing Address 2307 South Oliver
Wichita, Kansas 67218 Phone 682-4581
 Name of Authorized Agent ✓ PAUL M. BUCHANAN
 Mailing Address 830 First National Bank Building
Wichita, Kansas 67202 Phone 263-9111
 Relationship of applicant to property is that of owner
 (Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section
Z.12.590.C, Code of the City of Wichita, Kansas
 (Zoning Ordinance); to permit the installation or construction
 of an off-street parking lot
 _____ on property zoned
A & AA, located 2300 Block South Oliver
 _____ and legally described as: _____

*Use legal from
ownership
list*

Lot 1 and Two (2)
Steven's Second 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.

CHIP STEVENS CONSTRUCTION COMPANY
 Applicant _____
 Authorized Agent Paul M. Buchanan

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:30 ~~4:00~~ p.m., 11/14/, 1972, together with appropriate fee of \$50.00.

Signed James H. Allbrook

APPLICANT: Chip Stevens Construction Company

Applicant is applying for an exception from the Zoning Ordinances on Lots One (1) and Two (2), Stevens Second Addition to Wichita, Sedgwick County, Kansas, for the allowance of off-street parking on property presently zoned A and AA for the reason that the Applicant at this time is building new construction on property which is zone LC and needs additional parking to comply with the Zoning Ordinances with respect to the amount of parking furnished such buildings together with the new construction.

At this time there is off-street parking located on such A and AA zoning which has been done without any permission being given by the Board of Zoning Appeals.

Applicant is not applying for a zoning change at this time because there is additional property located on the West side of Oliver which remains in AA zoning. The allowance of off-street parking on the AA and A zoned areas will not distract from the present condition of the neighborhood.

At this time Applicant has no plans to expand its construction beyond the present light commercially zoned areas and the only necessity that exists at this time is for parking to go along with the building being constructed.

OWNERSHIP LIST

Lot	Addition	Property Owner
1	Tetrick 2nd Addition	✓ Elmer E. Hunt and Charlotte A. Hunt 4118 West 17th Wichita, Kansas 67212
2	Same	✓ Nancy Sue Price 2302 South Dellrose Wichita, Ks. 67218
3	Same	✓ E. Howard Tetrick and Viola R. Tetrick 2251 South Oliver Wichita, Kansas 67218
4	Same	✓ Annabelle Libby 2314 South Dellrose Wichita, Kansas 67218
5	Same	D E. Howard Tetrick and Viola R. Tetrick 2251 South Oliver Wichita, Kansas 67218
6	Same	Same
6	Tetrick Addition	✓ Manuel C. Patterson and Ena F. Patterson 2315 South Dellrose Wichita, Kansas 67218
7	Same	✓ John Beeton and Marjorie M. Beeton 2307 South Dellrose Wichita, Kansas 67218
6	Stevens Addition	✓ Ygnaccio Cortez and Enid Irene Cortez 2341 South Dellrose Wichita Kansas 67218
7	Same	✓ John R. Middleton and Beverly J. Middleton 974 Acadia Wichita, Kansas 67212
8	Same	✓ Robert Randall Westlake Vera Dewene Westlake 2331 South Dellrose Wichita, Kansas 67218
9	Same	✓ William J. Rohr and Karen L. Rohr 2337 South Dellrose 67218



Lot	Addition	Property Owner
10	Stevens Addition	✓ Donald Byron McGinness Ann McGinness 2323 South Dellrose Wichita, Kansas 67218
N 65'	Replat of Lots 11 and 12	✓ David M. Paugh and Linda Darlene Paugh 2326 South Dellrose Wichita, Kansas 67218
Lot 1	Stevens Addition	
S 23.33'		
Lot 1	Same	✓ Frank J. Abernathy and Sarah Alice Abernathy 2332 South Dellrose Wichita, Kansas 67218
N 41.67'		
Lot 2	Same	Same
S 46.66'		
Lot 2	Same	✓ James A. Watts and Twila June Watts 2338 South Dellrose Wichita, Kansas 67218
N 18.34'		
Lot 3	Same	Same
S 70'		
Lot 3	Same	✓ Oscar Harold Forsyth and Phyllis M. Forsyth 2342 South Dellrose Wichita, Kansas 67218
1	Jester Addition	✓ Merle W. Evand 2347 South Dellrose Wichita, Kansas 67218
2	Same	✓ Lynford L. Barnes and Neva A. Barnes 4600 East Pawnee Wichita, Kansas 67218
4	Chuzy Addition	✓ Carl Chuzy and Tola 204 South Parkwood Lane Wichita, Kansas 67218 Dora Chuzy Address Unknown
5	Same	Same
S 95'	McAdam Acres	Alta E. Fisher, Executrix Estate Carl Fisher Address Unknown
Res A		

Not available

Lot Addition

Block H McAdam Acres

Property Owner

✓ Frederick Aurbach and
Gertrude Aurbach
413 Courtleigh Drive
Wichita, Kansas 67218

1 Stevens 2nd Addition

○ Chipp and Stevens
Construction Co., Inc.
Address Unknown

2 Same

Same

Beginning at Southeast corner of the
Southeast Quarter of Section 35-27-1E
thence North 133 feet, West 330 feet,
South 133 feet, East 330 feet to beg.
except CCA 43699

✓ James T. Klepper
2601 North Broadway
Wichita, Kansas
67214

Beginning 688 feet North of the Southeast
corner of the Southeast Quarter of
Section 35-27-1E, thence North 86', West
279.23 ft, South 86 feet East 279.23 feet
to beginning, except West 94.34 feet and
except portion condemned for Oliver

✓ James C. Garvey
2241 South Oliver
Wichita, Kansas 67218

Beginning 133 feet North of the Southeast
corner of the Southeast Quarter of Section
35-27-1E, thence North 132 feet, West 330
feet, South 132 feet, East 330 feet to beg.

✓ Wilfred D. Mardis and
Elsie Mae Mardis
2321 South Oliver
Wichita, Kansas 67218

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

*use for
legal*

A 200 foot radius of: [Lot ~~1~~ 2,
Stevens Second Addition, Wichita,
Sedgwick County, Kansas]

as shown by the records on file in the Office of the Register of
Deeds of Sedgwick County, Kansas, on this 14th day of November,
1972 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By



Assistant Vice President

Order No. 196497
wh

FORM 222-021

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
BZA Exception	750.00

Name Rand Beckman

Address 830 First National Bank

Type AA407103 Due Date 11/14/72

Comments: BZA Exception

Date 11/14/72 By JWS

*

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