

Case No. BZA 35-86 - Dr. & Mrs. Karnie Binyon request an exception to permit the establishment of an off-street parking lot and circulation drive on property zoned the "A" Two-family Dwelling District & generally located north of Central between Dellrose & Pershing.

POSTED
2-21-86 H.O.V.

ACTION

B.Z.A. 35-86 Approved

9/23/86
DATE

200'4 Sec. 12-23-86

Slot 1-30

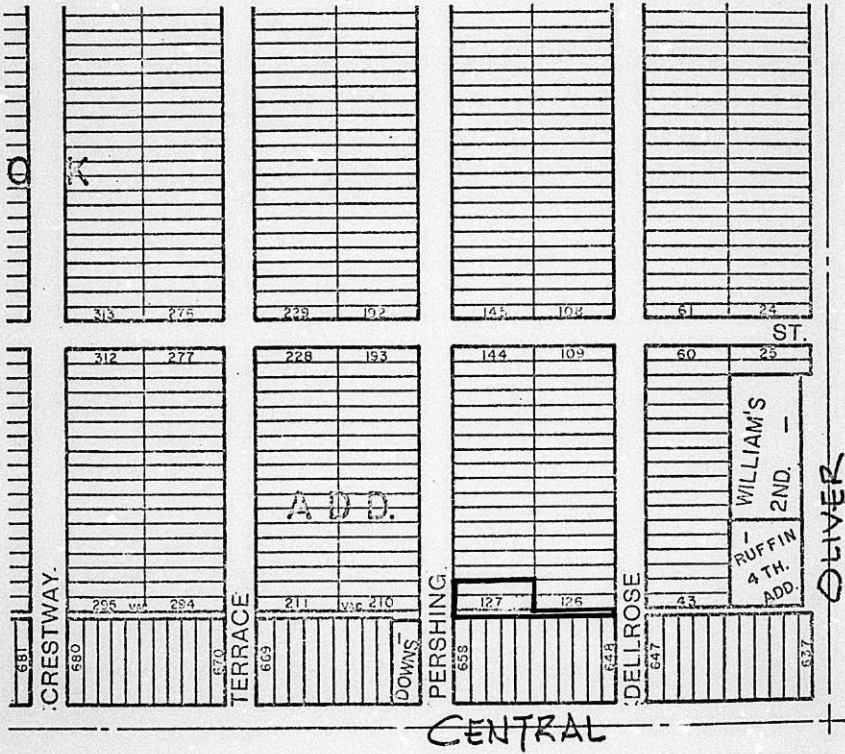
Record ✓

Map No. 5748 B

BZA 35-86
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "A" S "LC" W "A" N "A"
3. Land Use: East I-F South Comm
West I-F North I-F
4. Area (is) (~~is not~~) platted.



LOS ANGELES-CHICAGO-LORAIN, OH
KORNERSON, TEXAS-CAST BROS. CO.
U.S.A.

Speed
No. 2183C

HARTNESS, IN

November 19, 1986

Thomas G. Binyon
505 South Broadway, Suite 109
Wichita, Kansas 67202

RE: BZA 34-86 (Request for Variances)
BZA 35-86 (Request for Exception)

Dear Mr. Binyon:

I am enclosing herewith the Resolutions for BZA Cases 34-86 and 35-86 authorizing: (1) the reduction of the front yard setback from 25 feet to 8 feet adjacent to Pershing; (2) the elimination of the required screening fence adjacent to the north property line for the east half of the block; and (3) an exception for a parking lot in the "A" Two-family Dwelling District.

Please note that the release of these Resolutions was subject to the completion of Vacation Case (V-1421). I am advised that this vacation case for the vacation of the alley will not be completed until you have reconstructed the driveways or furnished a guarantee to complete same. I was advised by the contractor that he needs the release of the Resolutions in order to secure a permit for Phase II which will include the construction of the parking lot and the reconstruction of the alley approaches.

On this basis, I am releasing the Resolutions on your behalf with the assurance that you will proceed immediately to complete the work. I hope that this action will be of benefit to you in this construction project.

If you have any questions, please give me a call at 268-4421.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL/lw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION CASE NO. 35-86

WHEREAS, Dr. & Mrs. Kernie Binyon, P. O. Box 8125, Wichita, Kansas 67208, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the establishment of an off-street parking lot and circulation drive on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lots 127 and 128, Overlook Addition to Wichita, Sedgwick County, Kansas, together with the north half of the alley to be vacated between Dellrose and Pershing. Generally located north of Central between Dellrose and Pershing.

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 September 23, 1986, 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 lot and circulation drive on property zoned the "A" Two-family Dwelling 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 establishment of an off-street parking lot and circulation drive on property zoned the "A" Two-family Dwelling District and legally described as follows:

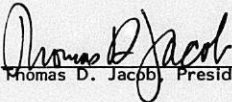
Lots 127 and 128, Overlook Addition to Wichita, Sedgwick County, Kansas, together with the north half of the alley to be vacated between Dellrose and Pershing. Generally located north of Central between Dellrose and Pershing.

subject to the following conditions:

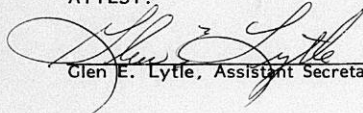
1. The parking spaces and all drives and circulation aisles shall be surfaced with asphalt or concrete and be maintained in good condition.
2. The spaces shall conform to an approved plan and shall be marked accordingly.
3. A 6 foot fence of masonry, wood or metal complying as a screening fence shall be erected along the north property line of Lot 128 and the east line of Lots 127 and 128. Such fence shall be reduced to 3 feet in height for the west 25 feet adjacent to Pershing.
4. A landscaped area not less than 8 feet in depth shall be provided in the area adjacent to Pershing except where the 24 feet driveway is located. A three-foot fence shall be installed along the west edge of the parking lot and east of the landscaped area.
5. Only such signs as are necessary for the operation of the parking lot shall be permitted and shall not exceed the size set forth in 28.04.139.C.1 of the Zoning Ordinance.
6. The parking area shall be used for passenger vehicles only and shall not include trucks or equipment of any business. The area shall not include the use of the property for any storage, work area, dismantling or servicing of any vehicles, equipment, materials or supplies.

7. Prior to occupancy of the property as a parking lot, and in no case later than 12 months from the approval by the Board, all conditions of this resolution and those of 28.04.145 of the Zoning Ordinance shall be complied with or the resolution shall become null and void.
8. Prior to the release of the resolution authorizing the construction of the parking lot, the applicant shall submit three copies of a new site plan showing the landscaping, fencing and surfacing as required by conditions numbered 1, 2 and 3 above.
9. The applicant shall complete the vacation of the alley (V-1421) prior to the release of this resolution.

ADOPTED AT WICHITA, KANSAS, this 23rd day of September, 1986.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

September 29, 1986

Thomas G. Binyon
505 South Broadway Suite 109
Wichita, Kansas 67202

Re: BZA 35-86 - Request for Exception (North of Central between
Dellrose and Pershing)

Dear Mr. Binyon:

At the regular meeting of the Board of Zoning Appeals on September 23, 1986, your request for variances was considered. It was the action of the Board to grant your request subject to the following conditions:

1. The parking spaces and all drives and circulation aisles shall be surfaced with asphalt or concrete and be maintained in good condition.
2. The spaces shall conform to an approved plan and shall be marked accordingly.
3. A 6 foot fence of masonry, wood or metal complying as a screening fence shall be erected along the north property line of Lot 128 and the east line of Lots 127 and 128. Such fence shall be reduced to 3 feet in height for the west 25 feet adjacent to Pershing.
4. A landscaped area not less than 8 feet in depth shall be provided in the area adjacent to Pershing except where the 24 feet driveway is located. A three-foot fence shall be installed along the west edge of the parking lot and east of the landscaped area.
5. Only such signs as are necessary for the operation of the parking lot shall be permitted and shall not exceed the size set forth in 28.04.139.C.1 of the Zoning Ordinance.
6. The parking area shall be used for passenger vehicles only and shall not include trucks or equipment of any business. The area shall not include the use of the property for any storage, work area, dismantling or servicing or any vehicles, equipment, materials or supplies.

Case No. BZA 35-86
September 29, 1986
Page 2

7. Prior to occupancy of the property as a parking lot, and in no case later than 12 months from the approval by the Board, all conditions of this resolution and those of 28.04.145 of the Zoning Ordinance shall be complied with or the resolution shall become null and void.
8. Prior to the release of the resolution authorizing the construction of the parking lot, the applicant shall submit three copies of a new site plan showing the landscaping, fencing and surfacing as required by conditions numbered 1, 2 and 3 above.
9. The applicant shall complete the vacation of the alley (V-1421) prior to the release of this resolution.

Release of the Resolution will be subject to the submission of a revised site plan and including a landscape plan as set forth in the conditions established by the Board and the completion of (V-1421).

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:lw

cc: Dr. & Mrs. Kerner Binyon, P. O. Box 8125, Wichita, KS 67208
Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 35-86

APPLICANT: Dr. & Mrs. Kernie Binyon, P. O. Box 8125, Wichita, KS

AGENT: Thomas G. Binyon, 505 S. Broadway, Suite 109, Wichita, KS

REQUEST: Exception pursuant to Section 28.04.145 Code of the City of Wichita to permit the establishment of an off-street parking lot and circulation driveway.

GENERAL LOCATION: On the east side of Pershing and north of Central.

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

LAND USE: Subject property is vacant. Property to the south is being redeveloped commercially. To the north, east and west are one-family dwellings.

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 for the establishment of an off-street parking lot and circulation driveway on property zoned the "A" Two-family Dwelling District. This is for two 25-foot lots that have frontage on Pershing and for the north half of the east-west alley that is being vacated between Pershing and Dellrose Streets. There is also a request to vary the front yard setback from 25 feet to 0 feet for off-street parking and circulation driveway purposes only.

These same requests were made in 1984, and were approved, however, since the improvements were not made within one year, the exception became null and void. The present request for an exception differs from the previous request inasmuch as the proposed redevelopment has changed and access to Pershing street is now requested. The previous development plan was designed to restrict the use of the alley area except for exiting to the east. The present use of the property as a parking lot will be primarily for employee parking and as a service drive for the new commercial development that will extend the entire length of the block. The main parking area for the development will be accessible only from Central Avenue.

It would appear that the proposed use of the property as a parking lot is an appropriate use and in compliance with the policy of providing off-street parking for uses adjacent to Central and Douglas by BZA exception. This is in lieu of extending commercial zoning into the residential areas which could result in development of individual parcels on the side streets.

RECOMMENDATION:

Should the Board determine that the proposed use of the property as an off-street parking lot is appropriate, then it is the recommendation of the Secretary that the exception be approved subject to the following conditions:

1. The parking spaces and all drives and circulation aisles shall be surfaced with asphalt or concrete and be maintained in good condition.
2. The spaces shall conform to the plan submitted with the application and shall be marked accordingly.

3. A 6 foot fence of masonry, wood or metal complying as a screening fence shall be erected along the north property line of Lot 128 and the east line of Lots 127 and 128. Such fence shall be reduced to 3 feet in height for the west 25 feet adjacent to Pershing.
4. Only such signs as are necessary for the operation of the parking lot shall be permitted and shall not exceed the size set forth in 28.04.139.C.1 of the Zoning Ordinance.
5. The parking area shall be used for passenger vehicles only and shall not include trucks or equipment of any business. The area shall not include the use of the property for any storage, work area, dismantling or servicing or any vehicles, equipment, materials or supplies.
6. Prior to occupancy of the property as a parking lot, and in no case later than 12 months from the approval by the Board, all conditions of this resolution and those of 28.04.145 of the Zoning Ordinance shall be complied with or the resolution shall become null and void.
7. The applicant shall complete the vacation of the alley (V-1421) prior to the release of this resolution.

BZA CASE NO. 35-86

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>21</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>23</u>	TOTAL NOTICES SENT <u>9-2-86</u>

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

August 29, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 35-86

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 Dr. & Mrs. Kernie Binyon, 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 and circulation drive on property zoned the "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 127 and 128, Overlook Addition to Wichita, Sedgwick County, Kansas, together with the north half of the alley to be vacated between Dellrose and Pershing. Generally located north of Central between Dellrose and Pershing.

This application has been assigned Case No. BZA 35-86. It will be considered by the Board of Zoning Appeals on September 23, 1986 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 exception, 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, 268-4516.

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

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 35-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Dr. & Mrs. Kernie W. Binyon
Mailing Address P.O. Box 8125, Wichita Phone 684-2819
67208
Name of Authorized Agent Thomas G. Binyon
Mailing Address 505 S. Broadway, Suite 109 Phone 267-4782
Wichita, Kansas 67202
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 "A",
located 518 N. Pershing and legally described as: Lots 127 & 128, Overlook Addition to Wichita Sedgwick County, Kansas, and the north 1/4 of the adjacent vacated alley, 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. 39-285); 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 Dr. Kernie W. Binyon
Dr. Kernie W. Binyon
Authorized Agent Thomas G. Binyon
Thomas G. Binyon

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 9:45 (a.m./p.m.), Aug. 22, 1966, together with appropriate fee of 300.00.

Signed L. Lytle

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29

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. (F.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
CITY 52A VEG	\$ 450.00
CITY 52A EXCEPT	300.00
	750.00
NAME	Business Properties
ADDRESS	205 S. Downy
FUND	117-40716-403
COMMENTS	
DATE	4/9 23, 1956
BY	A Lytle

*

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

Roll # 3