

001484

B/C/B/C/C

92

8

... to permit ...
... of 17th Street

D-6

SECTION

Sya COMMITTEE _____ DATE 10-26-65

M.A.P.C. _____

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

26

18

November 8, 1965

Mr. Tommie Franklin
1322 North Volusia
Wichita, Kansas

Dear Mr. Franklin:

Re: BZA 38-65 - Request for
Exception

We have completed the preparation of the Resolution adopted by the Board of Zoning Appeals in connection with the above-numbered case, which was heard by the Board on October 26, 1965, which resolution has been signed by the Chairman and Secretary.

As indicated in our letter of October 28, 1965, we are now enclosing a copy of this resolution for your information. A copy has also been provided the Central Inspection Division for their files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Enclosure

cc: Glen Lytle, Superintendent
of Central Inspection

Ralph Eberly
City Clerk

RESOLUTION NO. BZA 38-65

WHEREAS, TOMMIE FRANKLIN, 1322 North Volutsia, Wichita, Kansas, requests an Exception to the zoning ordinance as provided in Section 28.04.140.B.2, Code of the City of Wichita, to permit the installation or construction of a parking lot for storage of trash trucks, on property zoned "AA" and legally described as:

Lots 88 and 90, on Madison Avenue, in Stout's Addition, in the City of Wichita, Sedgwick County, Kansas, generally located on the west side of Madison just north of 17th Street; and

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, in regular meeting, consider said application on October 26, 1965; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under provisions of Section 2.12.590.3, Code of the City of Wichita; and

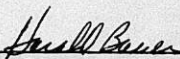
WHEREAS, the Board determined that the storage of trash trucks on the above location would not be desirable inasmuch as it would be almost impossible to screen off these trucks from adjacent residential areas and there is no way to guarantee that there will be no odors or blowing debris from the trucks parked on the property and further, the lot is located in a residential area where the use of property for the parking of trash trucks should not be encouraged, in view of the well maintained character of the residential area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the request for an Exception for property described legally as:


Lots 88 and 90, on Madison Avenue, in Stout's Addition, in the City of Wichita, Sedgwick County, Kansas, generally located on the west side of Madison just north of 17th Street,

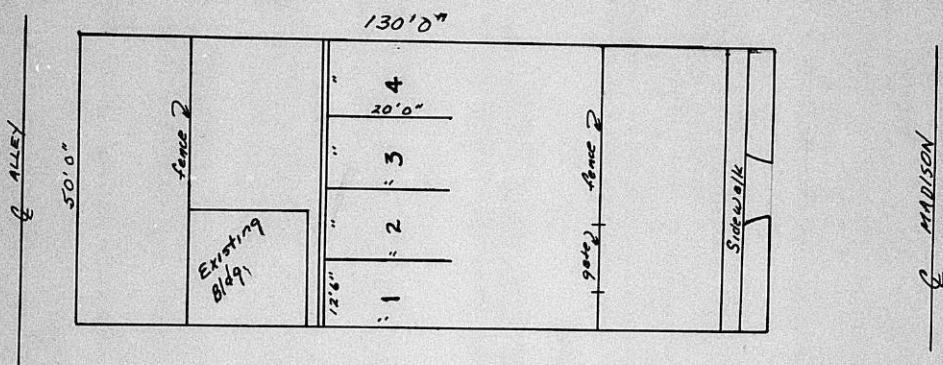
be denied.

ADOPTED AT WICHITA, KANSAS, this 26th day of October, 1965.


Hafold Bauer, Chairman

ATTEST:


Jack H. Galbraith, Secretary



Proposed Parking Lot - 1807 North Madison
 Applicant - Tommie Franklin



October 28, 1965

Mr. Tammie Franklin
1322 North Volusia
Wichita, Kansas

Dear Mr. Franklin:

Re: BZA 38-65 - Request for Exception

This is to advise you that at its regular meeting on October 26, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to allow the installation and construction of an off-street parking lot on property zoned "AA" Single Family, and generally located on the west side of Madison just north of 17th Street.

It was the action of the Board to deny this application. The Board took action further to recommend to the Superintendent of Central Inspection that he withhold further efforts to enforce the zoning ordinance in this case, until December 1, 1965, which should provide you sufficient time to either acquire or possibly rent some property which is zoned appropriately for this use.

A resolution effecting the action of the Board will be mailed to you as soon as it can be prepared and signed by the Secretary and Chairman of the Board of Zoning Appeals.

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

Very truly yours,

Jack H. Galbreith
Secretary

JHG:JWH:cher
cc: J.F. McCabe
1305 McCormick

Mrs. Otto R. Souders
3024 Alona

Chester I. Lewis
2202 East 17th

Mrs. Alma Tolbert
1821 North Madison

Mrs. Geo. Abraham
1822 North Madison

Glen Lytle, Superintendent
of Central Inspection

Mrs. E. A. Bailey
1842 North Madison

Joe Samaras
1022 South Washington

SECRETARY'S REPORT

CASE NO. BZA 38-65

APPLICANT: Tommie Franklin, 1322 North Volutsia

LOCATION: Generally located on the west side of Madison just north of 17th Street

REQUEST: Exception pursuant to Section 28.04.140.B of the Code of the City of Wichita to allow the installation and construction of an off-street parking lot on the property in question.

LAND USE: There is a small shed on the property in question. All surrounding property is developed for single family residential use except for an attorney's office at the northeast corner of Madison and 17th Street

ZONING: The property in question is zoned "AA" Single Family. East is "A" Two Family and "BB" Office District; south is "A" Two Family; west and north is "AA" Single Family.

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider the exception request under the provisions outlined under Section 28.04.140.B of the Code of the City of Wichita.

COMMENTS BY THE SECRETARY

The applicant is in the trash hauling business and would like to have the property in question approved as a parking lot so that he will have a place to park his trucks over night. The applicant is currently parking four trucks on this property in violation of the Zoning Ordinance. The Central Inspection Office has notified the applicant to cease using the property for a parking lot; however, they are holding their order in abeyance until a decision is made on this case.

The main problem with this application is it is located in a residential area where the use of the property for the parking of trash trucks should not be encouraged. It is almost impossible to screen off these trucks from the adjacent residential area and there is no way to guarantee that there will be no odors or blowing debris from the trucks parked on the property.

Although the applicant has indicated he is willing to make whatever improvements the Board might request it is still the Secretary's opinion that no matter whatever improvements are made,

CASE NO. BZA 38-65

it is very difficult to make a use such as this compatible with the adjacent residential area.

RECOMMENDATION

Due to the fact that the storage of trash trucks or any trucks for that matter on a parking lot is not a use which is compatible with a well-maintained residential area, it is the recommendation of the Secretary that this application not be approved.

There is a well used at the property in question. All surrounding property is developed for single family residential use except for an attorney's office at the northwest corner of Madison and 17th Street.

The property in question is owned by the Single Family Trust in the City of Washington, D.C. with 17th Street and the Single Family Trust.

JURISDICTION

The Board of zoning appeals has jurisdiction to consider the exception request under the provision outlined under Section 20-04.140.2 of the Code of the City of Washington.

COMMENTS ON THE APPLICATION

The applicant is in the truck leasing business and would like to have the property in question reserved as a parking lot so that he will have a place to park his trucks over night. The applicant is currently parking four trucks on this property in violation of the zoning ordinance. The Central Inspection Office has notified the applicant to leave using the property for a parking lot; however, they are waiting their order in obedience until a decision is made on this case.

The main problem with this application is it is located in a residential zone where the use of the property for the parking of trash trucks should not be encouraged. It is almost impossible to screen off these trucks from the adjacent residential area and there is no way to guarantee that there will be no noise or lighting disturbances from the trucks parked on the property.

Although the applicant has indicated he is willing to make sound investments in the area, the Board's concern is that the Secretary's decision that no other favorable improvements are made.

SECRETARY'S REPORT

CASE NO. BZA 38-65

APPLICANT: Tommie Franklin, 1322 North Volutsia

LOCATION: Generally located on the west side of Madison just north of 17th Street

REQUEST: Exception pursuant to Section 28.04.140.B of the Code of the City of Wichita to allow the installation and construction of an off-street parking lot on the property in question.

LAND USE: There is a small shed on the property in question. All surrounding property is developed for single family residential use except for an attorney's office at the northeast corner of Madison and 17th Street

ZONING: The property in question is zoned "AA" Single Family. East is "A" Two Family and "EB" Office District; south is "A" Two Family; west and north is "AA" Single Family.

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider the exception request under the provisions outlined under Section 28.04.140.B of the Code of the City of Wichita.

COMMENTS BY THE SECRETARY

The applicant is in the trash hauling business and would like to have the property in question approved as a parking lot so that he will have a place to park his trucks over night. The applicant is currently parking four trucks on this property in violation of the Zoning Ordinance. The Central Inspection Office has notified the applicant to cease using the property for a parking lot; however, they are holding their order in abeyance until a decision is made on this case.

The main problem with this application is it is located in a residential area where the use of the property for the parking of trash trucks should not be encouraged. It is almost impossible to screen off these trucks from the adjacent residential area and there is no way to guarantee that there will be no odors or blowing debris from the trucks parked on the property.

Although the applicant has indicated he is willing to make whatever improvements the Board might request it is still the Secretary's opinion that no matter whatever improvements are made,

Page 2 - Secretary's Report
Case No. BZA 38-65

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RECOMMENDATION

Due to the fact that the storage of trash trucks or any trucks for that matter on a parking lot is not a use which is compatible with a well-maintained residential area, it is the recommendation of the Secretary that this application not be approved.

35

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

October 1, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 38-65

An application has been filed by Tommie Franklin, 1322 North Volutsia, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception to permit the installation or construction of a parking lot for storage of trash trucks, on property zoned "AA" Single family residential, and legally described as follows:

Lots 88 and 90, on Madison Avenue, in Stout's Addition, in the City of Wichita, Sedgwick County, Kansas.

Generally located on the west side of Madison just north of 17th Street.

This application has been assigned Case No. BZA 38-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 26, 1965, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

18 notices sent 10-1-65
plus 8 P.C.

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

October 1, 1965.

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Jack H. Galbraith,
Secretary.

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

October 1, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 38-65

An application has been filed by Fommie Franklin, 1322 North Volusia, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception to permit the installation or construction of a parking lot for storage of trash trucks, on property zoned "AA" Single family residential, and legally described as follows:

Lots 88 and 90, on Madison Avenue, in Stout's Addition, in the City of Wichita, Sedgwick County, Kansas.

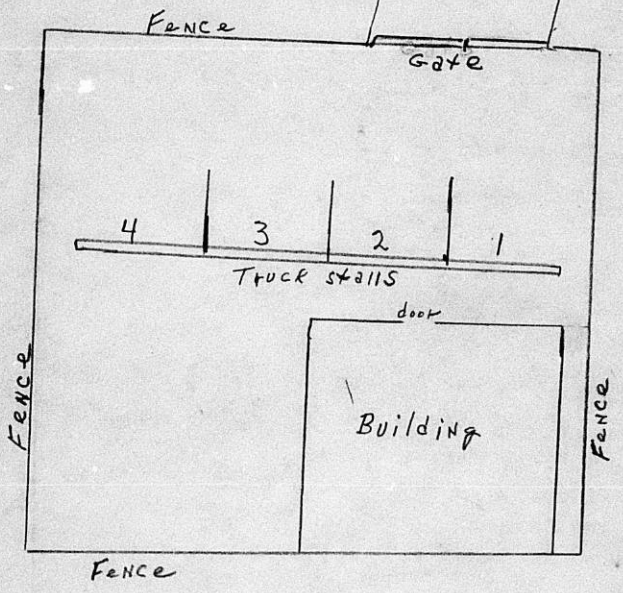
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Jack H. Galbraith
Secretary

Nat'l 1807 Street Madison

Sidewalk
Driveway
Sidewalk



Joseph Franklin
1322 No. Voltaire Sept. 28-1965

To whom this may concern
my reason for applying for this
type of zoning, is because I have
4 farm trucks to park.

I can't park these trucks on the
streets of Wichita. I have tried
to find the proper zoning but so far
I haven't been able to find any
thing, I am willing to make
what ever improvement that the
City of Wichita would Request.

OWNERSHIP LIST			
LOT	STREET	ADDITION	PROPERTY OWNER
71	Ash	Stouts	Samuel I. Smith Gladys A. Smith no address found
73	"	"	"
75	"	"	✓ W. D. Martin Carene Martin 1739 N. Erie
77	"	"	"
79	"	"	✓ Amortibanc Inv. Co. 309 E. 3rd. Street
81	"	"	"
83	"	"	no add. Clara E. Gill no address found
85	"	"	"
87	"	"	✓ Charles R. Fred Brown Lessie M. Brown 1806 N. Ash
89	"	"	"
91	"	"	✓ J. E. Lansdowne Sophie E. Lansdowne 1743 Park Place
93	"	"	"
72	Madison	"	✓ Lon Goosby Elnora Brooks 1846 N. Chautauqua
74	"	"	"
76	"	"	✓ John L. Tolbert Alma Tolbert 1821 N. Madison
78	"	"	"
80	"	"	✓ Jose Samorez 1022 S. Washington
82	"	"	"
84	"	"	✓ Otto R. Souders 3024 Aloma
86	"	"	"
88	"	"	✓ Cleo P. Smith 1931 N. Erie
90	"	"	"
92	"	"	✓ Clarence F. Parkhurst 1828 N. Volutsia

Resent 10-4
to 828 N.
Volutsia

continued page 2

94	Madison	Stouts	✓ Clarence F. Parkhurst 1828 N. Volutsia
71	"	"	✓ Ray Parrish Marie Parrish 2531 Gentry Dr.
73	"	"	"
75	"	"	✓ Jesse Edwards 3958 Arkansas
77	"	"	"
79	"	"	✓ Carmel E. Shockley Irene Earnestine Shockley Maize, Kansas
81	"	"	"
83	"	"	✓ J. F. Mc Cabe 1305 McCormick
85	"	"	"
87	"	"	✓ Luther L. Harris Chester I. Lewis 1232 Piatt
89	"	"	"
91	"	"	"
93	"	"	"
2	Ash	Logan	✓ S. M. Perry 3416 W. 53rd St. N.
4	"	"	"
1	Madison	"	✓ Earl R. Saunders Mona Saunders 2016 N. Minnesota
3	"	"	"
2	"	"	⊙ Jesse Edwards 3958 Arkansas
4	"	"	"

*ret.
10-21-65
no address
found*

We hereby certify the foregoing to be a true and correct list of property owners in a 200 foot radius of Lots 88 and 90, on Madison Avenue, in Stout's Addition, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this the 27th day of September 1965 A. D. at 7:00A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

J. R. ...
Vice President

Order No. 129163

Form 223.021

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.	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION AMOUNT

Name

Address

Type

Due Date

Comments:

Date

By

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

October 1, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

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Jack E. Galbraith
Secretary

THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS 67202

PREPARED TO WRITER
REASON CHECKED
Unclaimed
Unknown
Insufficient address
Moved. Left no address
No such post office in state
Should remain in the envelope

38-65
Carmel E. & Irene Earnestine Shuckley
Maize, Kansas



OCT 19 1965

THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS 67202



828 N. Volutisa

NO SUCH STREET NUMBER ~~1437~~

1437

Clarence F. Parkhurst
~~1828 N. Volutisa~~
Wichita, Kansas

IN
ER



Bob

