

BZA-41-75 - Joseph A. Budetti,
M.D., et al, requests variance
on fence requirements for add-
itional parking at 418 & 420
North Lorraine.

POSTED
8-15-75
C.I.V.
MADY
8-15-75

ACTION

BZA COMMITTEE _____ DATE **8-23-75**
M.A.P.C. _____
B.C.C./B. CO. C. _____

203,136
 Subd. = Base N, S, W
 E = C

*Shrub flowers
 along north*

LU
 Sub-2 single family; Parking lot
 E = Detached office; PARKING
 W = Single Fam
 S = " "
 N = " "

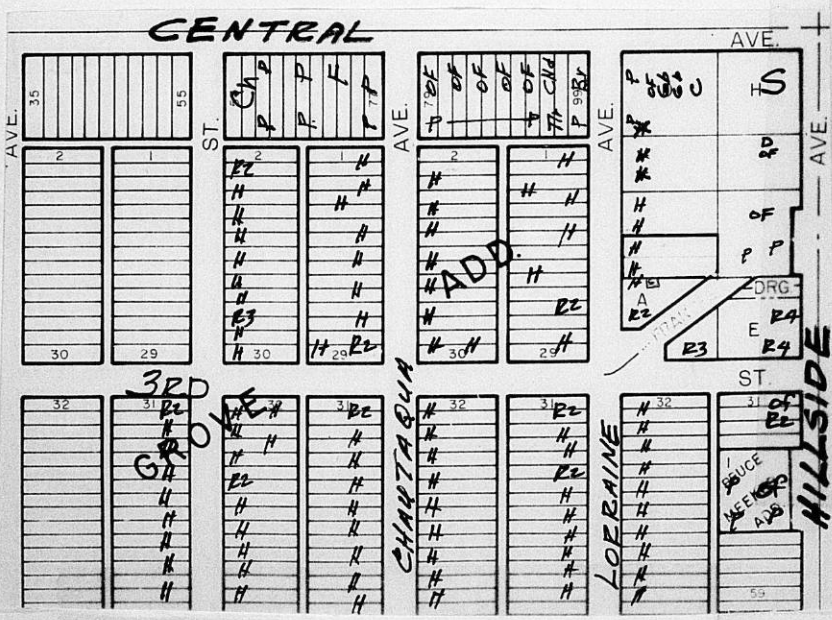
*Chain link fence about
 curbed parking about 5' from fence
 also fence on north
 no curb 3-4 feet from fence*

Map No. 5647 BZA- 41-75
 Sec. 22 SCZ- _____
 Twp. 27 CU- _____
 Range 7E Filed _____

AREA DATA:
 1. Acres: 0.3 (76 ft. by 180 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East OFFICE PARKING South TWO FAM
 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 _____

Shepard
 No. 2-153C
 HASTINGS - LOS ANGELES
 LOGAN - BIRMINGHAM, U.S.A.



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

September 2, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 41-75

An application has been filed by Joseph A. Budetti, M.D. and Richard J. Cummings, M.D., 427 N. Hillside, Wichita, Kansas pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the screening requirement on the north, south and west sides of a proposed off-street parking lot to be located on the east 80 feet of property zoned the "B" Multiple Family Dwelling District and legally described as follows:

The north 38 feet of the south 76 feet of Reserve B, Maple Grove Addition and the south 38 feet of Reserve B, in Maple Grove Addition to Wichita, Sedgwick County, Kansas, except that portion condemned by City of Wichita, Case 74743 for street purposes. Generally located on the east side of Lorraine in an area north of 3rd Street.

This application has been assigned Case No. BZA 41-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 23, 1975, 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

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

September 2, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 41-75

An application has been filed by Joseph A. Budetti, M.D. and Richard J. Cummings, M.D., 427 N. Hillside, Wichita, Kansas pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the screening requirement on the north, south and west sides of a proposed off-street parking lot to be located on the east 80 feet of property zoned the "B" Multiple Family Dwelling District and legally described as follows:

The north 38 feet of the south 76 feet of Reserve B, Maple Grove Addition and the south 38 feet of Reserve B, in Maple Grove Addition to Wichita, Sedgwick County, Kansas, except that portion condemned by City of Wichita, Case 74743 for street purposes. Generally located on the east side of Lorraine in an area north of 3rd Street.

This application has been assigned Case No. BZA 41-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday September 23 1975 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

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

September 2, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 41-75

An application has been filed by Joseph A. Budetti, M.D. and Richard J. Cummings, M.D., 427 N. Hillside, Wichita, Kansas pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the screening requirement on the north, south and west sides of a proposed off-street parking lot to be located on the east 80 feet of property zoned the "B" Multiple Family Dwelling District and legally described as follows:

The north 38 feet of the south 76 feet of Reserve B, Maple Grove Addition and the south 38 feet of Reserve B, in Maple Grove Addition to Wichita, Sedgwick County, Kansas, except that portion condemned by City of Wichita, Case 74743 for street purposes. Generally located on the east side of Lorraine in an area north of 3rd Street.

This application has been assigned Case No. BZA 41-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 23, 1975, 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

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

September 2, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

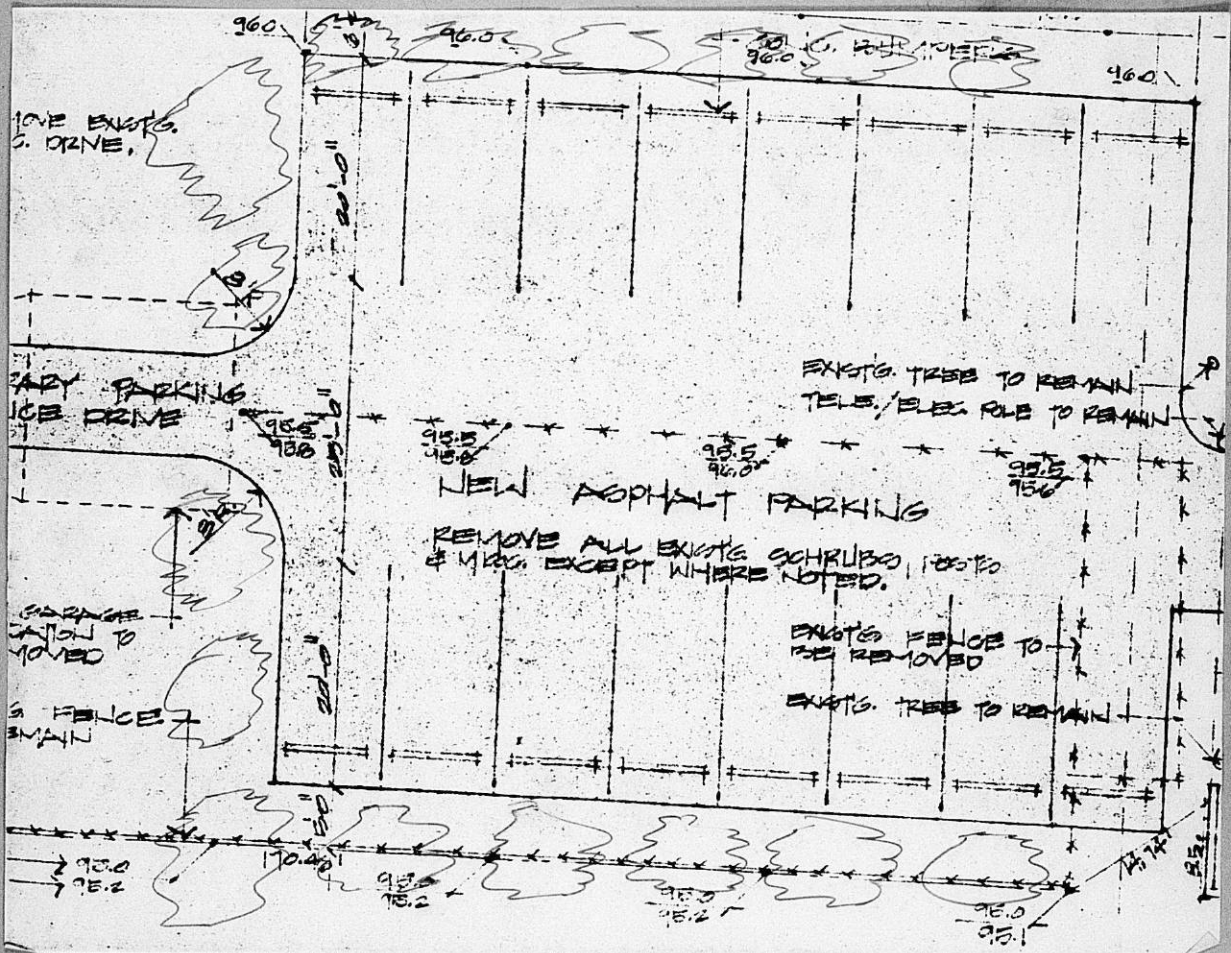
Case No. BZA 41-75

An application has been filed by Joseph A. Budetti, M.D. and Richard J. Cummings, M.D., 427 N. Hillside, Wichita, Kansas pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the screening requirement on the north, south and west sides of a proposed off-street parking lot to be located on the east 80 feet of property zoned the "B" Multiple Family Dwelling District and legally described as follows:

The north 38 feet of the south 76 feet of Reserve B, Maple Grove Addition and the south 38 feet of Reserve B, in Maple Grove Addition to Wichita, Sedgwick County, Kansas, except that portion condemned by City of Wichita, Case 74743 for street purposes. Generally located on the east side of Lorraine in an area north of 3rd Street.

This application has been assigned Case No. BZA 41-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday September 23, 1975, 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



EXISTING DRIVE

NEW DRIVE

GARAGE LOCATION MOVED

EXISTING FENCE REMAIN

EXISTING TREES TO REMAIN
TELE./ELEC. POLE TO REMAIN

NEW ASPHALT PARKING

REMOVE ALL EXISTING SCRUBS, POSTS & MISC. EXCEPT WHERE NOTED.

EXISTING FENCE TO BE REMOVED

EXISTING TREES TO REMAIN

96.0

96.0

96.0

96.0

95.5
95.8

95.5
95.8

95.5
96.0

95.5
95.6

95.0

95.0

95.2
95.2

95.2
95.2

95.0
95.1

95.0
95.2

95.1

95.1

LANDSCAPE PLAN
ASSOCIATED WITH
CASE NO. BZA 41-75

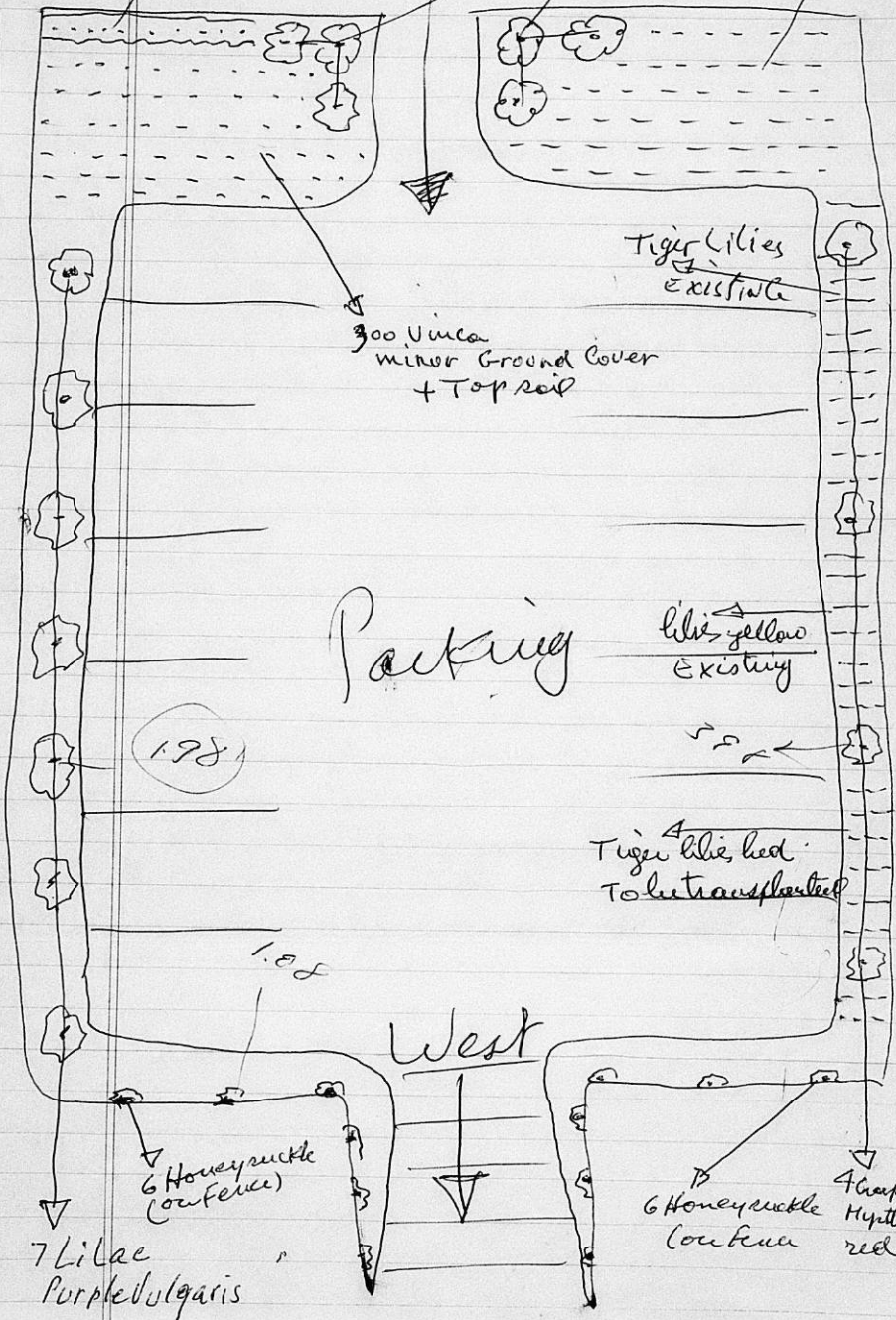
APPROVED BY: *[Signature]*
DATE: *7/27/76*

12 *Euonymus*
4 Hedges

East
A

300 *Vinca*
minor
(G.C.)
+ Top soil

6 *Euonymus*
manhattan
18-24" BB



Tiger Lilies
existing

300 *Vinca*
minor Ground Cover
+ Top soil

Parking

Lilies yellow
existing

Tiger lily bed
to be transplanted

West

6 Honey suckle
(con fence)

7 Lilac
Purple butgaris

6 Honey suckle
(con fence)

4 Honey
Hyatta
red

Planting
List

- 6 Eucalyptus Maculata 18 24" BP
500 Vinca minor (20-30 heads) 1 gal
12 Eucalyptus Maculata (ledge size)
7 Lilac Vulgaris purple
12 ~~Holly~~ Honeysuckle (Hall's) 1 gal
4 red Cape Myrtle 5 gal
Top soil

RESOLUTION NO. BZA 41-75

WHEREAS, Joseph A. Budetti, M.D., and Richard J. Cummings, M. D., 427 N. Hillside, Wichita, Kansas, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to waive the screening requirement on the north, south, and west sides of a proposed off-street parking lot to be located on the east 80 feet of property zoned the "B" Multiple Family Dwelling District and legally described as follows:

The north 38 feet of the south 76 feet or Reserve B, Maple Grove Addition and the south 38 feet of Reserve B, in Maple Grove Addition to Wichita Sedgwick County, Kansas, except that portion condemned by City of Wichita, Case 74743 for street purposes. Generally located on the east side of Lorraine in an area north of 3rd Street.

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, 1975, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as if the Doctors' offices and the parking lot were both located in the "B" zoning district, screening would not be required. It may also be considered unique that the parking lot itself was an incidental improvement, secondary to obtaining access from Lorraine, all of which was necessitated by the future closing of Hillside for reconstruction; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the property owner to the north has indicated agreement to the request, and other adjoining owners or residents will not be adversely affected inasmuch as this parking lot will be used very little after the Hillside project is completed; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as they would be required to screen a parking lot that would not be required if they gained approval of a zone change from "C" to "B" on the office property; and

WHEREAS, the Board of Zoning Appeals has found that the

variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the request is interiorly located; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the main use is one that is permitted in the "B" residential district; and

WHEREAS, each of the five conditions required by Section 2.12.290.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to waive the screening requirement on the north, south and west sides of a proposed off-street parking lot to be located on the east 80 feet of property zoned the "B" Multiple Family Dwelling District and legally described as follows:

The north 38 feet of the south 76 feet of Reserve B, Maple Grove Addition and the south 38 feet of Reserve B, in Maple Grove Addition to Wichita, Sedgwick County, Kansas, except that portion condemned by City of Wichita, Case 74743 for street purposes. Generally located on the east side of Lorraine in an area north of 3rd Street.


be approved subject to the following conditions:

1. The applicants shall erect a 4 to 5 foot high chain link fence along the north property line of subject property beginning at a point where the rear wall line of the northernmost house on subject property would intersect with the north property line, and extending eastward along the property line to the eastern edge of the pavement.
2. An approximate 5 foot landscaping area shall be provided adjacent to the north, south and west sides of the parking lot, except for the one point of ingress/egress. A detailed landscape plan of this area shall be submitted to the Secretary of the Board for approval prior to the Resolution of this action being forwarded to the Superintendent of Central Inspection.
3. This variance shall apply only so long as the main use

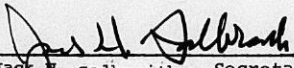
Variance Resolution No. BZA 41-75
Page Three

utilizing this parking lot is one permitted in the "B"
Multiple Family Dwelling District.

ADOPTED AT WICHITA, KANSAS, this 23rd day of September, 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Jack H. Galbraith, Secretary

April 6, 1976

Dr. Joseph Budetti
427 W. Hillside
Wichita, Kansas 67214

Subject: Case No. BZA 41-75
Request for Variance

Dear Dr. Budetti:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 23, 1975, in connection with your request for a variance to waive the screening requirements on the north, south and west sides of a proposed off-street parking lot to be located on the east 80 feet of property zoned the "B" Multiple Family Dwelling District and generally located on the east side of Lorraine in an area north of Third Street.

This Resolution reflects the official action of the Board to approve the request and sets out the conditions of approval. It is forwarded to you for your information and files.

Also enclosed is an approved copy of your revised landscape plan. Please be advised that you may proceed at once with your proposed landscaping. A copy of your landscape plan is also being forwarded to the Superintendent of Central Inspection for appropriate follow-up.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:LD:hb
Encl.

cc: Dr. Richard J. Cummings, 427 W. Hillside, 67214
John H. Gerety, Attorney, 1115 Bitting Bldg., 67202
Robert Feldner, Supt., Central Inspection
Donald Gistick, City Clerk
Joe Donnelly, Central Inspection

Diseases of
Ear, Nose and Throat

Surgery of
Head and Neck

Allergy of
Respiratory Tract

**WICHITA EAR, NOSE AND THROAT
ASSOCIATE, P.A.
427 NORTH HILLSIDE
WICHITA, KANSAS 67214
TELEPHONE (316) 686-6608**

JOSEPH A. BUDETTI, M.D.
President

RICHARD J. CUMMINGS, M.D., F.A.C.S.
Secretary-Treasurer

April 2, 1976


Mr. Larry Dobson
Tenth Floor, City Hall
455 North Main
Wichita, Kansas 67202

Dear Mr. Dobson:

Enclosed is our plan for the parking around our lot. As you know, there are multiple shrubs along the fence at the present time. We think this will add to the beauty, as well as act as a buffer.

We have contracted with Mr. Timsah to get with this immediately. If this is not satisfactory or if this does not comply, please let us know.

Sincerely,


Richard J. Cummings, M.D.

RJC/rky

enclosures



XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

Tenth Floor, City Hall
455 North Main
Wichita, Kansas 67202

March 3, 1976

Dr. Joseph A. Budetti
Dr. Richard Cummings
427 North Hillside
Wichita, Kansas 67214

Re: CaseNo. BZA 41-75
Request for Variance

Gentlemen:

Please be advised that we are in receipt of your landscape plan from Model Nursery.

The selection of Lombardy Poplar trees as a plant material is not considered to be an appropriate choice for the type of results desired. The Lombardy Poplar is a fast-growing cylindrical tree, with a relatively short life span. The root system of this tree remains in the top layers of the soil, making it most difficult for other nearby vegetation to survive. This would be particularly important along the north side of the parking lot where your neighbor was concerned about being able to maintain the plantings and garden features of her back yard.

It is suggested that low profile shrubs with a mature height not exceeding five to six feet be utilized in your landscape plan, especially along the north property line.

Due to the length of time already elapsed since the approval of your variance, it is requested that a revised landscape plan, excluding the Lombardy Poplar trees, be submitted for approval to this office by March 31, 1976, so that the conditions of this variance can be complied with and the case closed.

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

Sincerely,


Jack H. Galbraith
Chief Planner

JHG:LD:bh

cc: Mr. Tinsah, Model Nursery, 11716 E. Kellogg, 67209

Talked to Helen of
Doctors office. She
said she would check
on landscape plan

12/9/75


Talked to Mr. Jimsak ⁶⁸²⁻³²⁶¹ (Model
Nursery)

2/17/76

October 16, 1975

Dr. Joseph Budetti
427 W. Hillside
Wichita, Kansas 67214

Subject: Case No. BZA 41-75
Request for Variance

Dear Dr. Budetti:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 23, 1975, in connection with your request for a variance to waive the screening requirements on the north, south and west sides of a proposed off-street parking lot to be located on the east 80 feet of property zoned the "B" Multiple Family Dwelling District and generally located on the east side of Lorraine in an area north of 3rd Street.

This Resolution reflects the official action of the Board to approve the request and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:bh

cc: Dr. Richard J. Cummings, 427 W. Hillside, 67214
John H. Gerety, Attorney, 1115 Bitting Bldg., 67202
Robert Feldner, Supt., Central Inspection
Donald Giesick, City Clerk
Joe Donnelly, Central Inspection

September 25, 1975

Dr. Joseph Budetti
427 N. Hillside
Wichita, Kansas 67214

Dear Dr. Budetti:

Subject: Case No. BEA 41-75
Request for Variance

At the regular meeting of the Board of Zoning Appeals on September 23, 1975, your request for a variance to waive the screening requirements on the north, south and west sides of a proposed off-street parking lot to be located on the east 80 feet of property zoned the "B" Multiple Family Dwelling District and generally located on the east side of Lorraine in an area north of 3rd street was considered.

It was the action of the Board to approve this request subject to the following conditions:

1. The applicants shall erect a 4 to 5 foot high chain link fence along the north property line of subject property beginning at a point where the rear wall line of the northernmost house on subject property would intersect with the north property line, and extending eastward along the property line to the eastern edge of the pavement.
2. An approximate 5 foot landscaping area shall be provided adjacent to the north, south and west sides of the parking lot, except for the one point of ingress/egress. A detailed landscape plan of this area shall be submitted to the Secretary of the Board for approval prior to the Resolution of this action being forwarded to the Superintendent of Central Inspection.

Page 2 - Dr. Joseph Budetti
Case No. EEA 41-75
September 25, 1975

3. This variance shall apply only so long as the main use utilizing this parking lot is one permitted in the "B" Multiple Family Dwelling District.

In reference to condition #2 above, the landscape plan should indicate the type and location of landscape materials proposed. A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as your landscape plan has been approved.

If you have any questions, please call our office.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:el

cc: Dr. Richard J. Cummings, 427 N. Hillside, 67214
John H. Gerety, Attny, 1115 Bitting Bldg., 67202
Robert Feldner, Superintendent Central Inspection
Donald C. Gisick, City Clerk
Joe Donnelly, Central Inspection

LAW OFFICES
JOHN H. GERETY
SIDNEY L. FOULSTON, JR.
1118 BITTING BUILDING
WICHITA, KANSAS 67202

SIDNEY L. FOULSTON (1893-1962)
ENOS E. HOOK (1890-1967)
JOHN H. GERETY
SIDNEY L. FOULSTON, JR.

PHONE NO. 267-1243

September 8, 1975

Mr. Jack H. Galbraith
Secretary - Board of Zoning Appeals
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

Re: Case No. BZA 41-75

Dear Mr. Galbraith:

Confirming our conversation of this date please be advised that the undersigned is the attorney for Bessie P. Foster, whose residence is 422 North Lorraine, and whose property abuts the property owned by Dr. Budetti and Dr. Cummings, on which they are requesting a variance. Mrs. Foster has requested me to advise you and the Board of Zoning Appeals that the only objection she has is to a board fence.

The reason for the objection is this; Mrs. Foster's home faces the west and she, being an elderly lady and attempting to stay away from the sun in the afternoon and evening, enjoys the use of her back porch and back yard. She would be most agreeable to have a chain-link fence substituted for a board fence.

In a conversation with Dr. Budetti I was informed, and he agreed, this date, that if the variance is granted he will replace the present fence that is on Mrs. Foster's property with a chain-link fence.

Mrs. Foster wishes and requests favorable consideration by the Board in granting the variance to Dr. Budetti and Dr. Cummings.

Very truly yours

John H. Gerety
JOHN H. GERETY

JHG:wp

cc: Mrs. Bessie P. Foster
Dr. Joseph Budetti



SECRETARY'S REPORT
CASE NO. BZA 41-75

APPLICANT: Joseph A. Budetti, M.D., and Richard J. Cummings, M.D.,
427 N. Hillside, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City
of Wichita, to waive the screening requirement on the north, south
and west sides of a parking lot.

GENERAL LOCATION: East side of Lorraine in an area north of 3rd
Street.

ZONING: Subject property is zoned the "B" Multiple Family Dwelling
District as are properties to the north, south and west. East is
the "C" Commercial District.

LAND USE: Subject property is developed with 2 single family homes
and a parking lot. East is a doctor's office and associated park-
ing. North, south, and west are single family residences.

JURISDICTION:

The Board has jurisdiction to consider the variance request
under the provisions outlined in Section 2.12.590.B, Code of
the City of Wichita. The Board may grant the request when all
five of the following conditions are found to exist:

1. That the variance requested arises from such condition which
is unique to the property in question and which is not
ordinarily found in the same zone or district; and is not
created by an action or actions of the property owner or
the applicant.
2. That the granting of the permit for the variance will not ad-
versely affect the rights of adjacent property owners or
residents.
3. That the strict application of the provisions of Title 28 of
which variance is requested will constitute unnecessary hard-
ship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the pub-
lic health, safety, morals, order, convenience, prosperity
or general welfare; and
5. That granting the variance desired will not be opposed to
the general spirit and intent of Title 28 (zoning ordinance.)

Secretary's Report
Case No. BZA 41-75
Page Two

COMMENTS BY THE SECRETARY

The applicants are requesting a variance of the screening provisions associated with parking lots permitted in the "B" Multiple Family Dwelling District. The ordinance requires a 6 to 8 foot screening wall on any side that adjoins residentially zoned property.

Subject property fronts on Lorraine and contains two single family residences. The back, or east, half of the property has been paved for off-street parking in connection with the applicants' offices, which are located on the abutting property to the east. The parking lot is adjacent to single family residences on the north, south and west, necessitating the screening requirement along these sides of the parking lot.

The applicants state that their main parking is located on the same property as their office building with access from Hillside. They originally purchased subject property for the purpose of providing access to their offices from Lorraine during the time that Hillside will be under reconstruction, and have gained approval to utilize a common driveway which runs between the two houses to provide this access. The applicants state that the additional parking is incidental to gaining access to their main parking lot during the construction period. They stress that the main parking lot is adequate for most of the parking needs and will bear most of the traffic, and that the auxiliary parking will probably be utilized only slightly and will be used even less when the Hillside construction is completed and the original driveway is reopened.

The applicants have left approximately five feet on both the north and south sides of the paving to be maintained as landscaping. They state that their neighbors are in agreement with the requested variance. We have received a letter from the attorney representing the property owner to the north saying that his client is agreeable to the granting of the variance provided the applicants erect a chain link fence along the common property line, which the applicants reportedly are willing to do. A chain link fence presently exists along the south property line.

It should be noted that the curb opening on Lorraine and the driveway between the two houses are very narrow and under normal circumstances would not be approved for an access drive to a parking lot.

Secretary's Report
Case No. BZA 41-75
Page Three

After the driveway on Hillside is reopened the applicants propose to post signs at the Lorraine entrance to indicate that the driveway is not to be used as a through drive, and patients will be directed to use the Hillside driveway. The Lorraine driveway will not be permanently closed because the occupants of the two residences will continue to utilize it for access to the parking lot which also serves as their off-street parking.

The applicants have proposed, if successful in gaining this variance, to plant shrubs and trees in a planting strip around the parking lot to conform with the surrounding residential area.

The Doctors' office building is located on property zoned the "C" Commercial District and as mentioned previously, subject property is zoned the "B" Multiple Family Dwelling District. The zoning ordinance provides that when off-street parking is provided in the same zoning district as the use for which the parking is provided then the parking shall be considered as an accessory use. However, parking not located in the same zoning district as the main use must be located in a zoning district which permits off-street parking lots as a main use or be located in accordance with provisions relating to off-street parking exceptions. Either of the latter two methods require screening where adjacent to a residential district, and the accessory use parking may require screening as provided in the Screening and Landscaping section of the ordinance. However, in subject instance, if the Doctors' office were located on property zoned the "B" Multiple Family District, which first permits this use, then subject parking lot would be considered an accessory use and would not be required to provide screening.

UNIQUENESS

It is the opinion of the Secretary that uniqueness may exist in this instance inasmuch as if the Doctors' offices and the parking lot were both located in the "B" zoning district, screening would not be required. It may also be considered unique that the parking lot itself was an incidental improvement, secondary to obtaining access from Lorraine, all of which was necessitated by the future closing of Hillside for reconstruction.

ADJACENT PROPERTY

It is the opinion of the Secretary that it is difficult to determine whether the granting of this variance will have an

Secretary's Report
Case No. EZA 41-75
Page Four

adverse effect on adjacent property owners or residents. However, the property owner to the north has indicated agreement to the request, and other adjoining owners or residents may not be adversely affected inasmuch as this parking lot will be used very little after the Hillside project is completed.

HARDSHIP

It is the opinion of the Secretary that an undue hardship may be placed upon the applicants if the zoning ordinance is strictly enforced in that they would be required to screen a parking lot that would not be required if they gained approval of a zone change from "C" to "B" on the office property.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of this variance would not adversely affect the public interest inasmuch as the request is interiorly located.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance may not be opposed to the spirit and intent of the zoning ordinance inasmuch as the main use is one that is permitted in the "B" residential district.

RECOMMENDATION

It is the opinion of the Secretary that the five conditions necessary to the granting of this variance may be found to exist and recommends that the variance be granted subject to the following conditions:

1. The applicants shall erect a 4 to 5 foot high chain link fence along the north property line of subject property beginning at a point where the rear wall line of the northernmost house on subject property would intersect with the north property line, and extending eastward along the property line to the eastern edge of the pavement.
2. An approximate 5 foot landscaping area shall be provided adjacent to the north, south and west sides of the parking lot, except for the one point of ingress/egress.

Secretary's Report
Case No. BZA 41-75
Page Five

A Detailed Landscape plan of this area shall be submitted to the Secretary of the Board for approval prior to the Resolution of this action being forwarded to the Superintendent of Central Inspection.

3. This variance shall apply only so long as the main use, utilizing this parking lot is one permitted in the "B" Multiple Family Dwelling District.

BZA 41-75

14 notices mailed to adjacent property owners 9/2/75 for the BZA meeting for
9-23-75
plus 10 notices to MAPC Board Members.

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

September 2, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 41-75

An application has been filed by Joseph A. Budetti, M.D. and Richard J. Cummings, M.D., 427 N. Hillside, Wichita, Kansas pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the screening requirement on the north, south and west sides of a proposed off-street parking lot to be located on the east 80 feet of property zoned the "B" Multiple Family Dwelling District and legally described as follows:

The north 38 feet of the south 76 feet of Reserve B, Maple Grove Addition and the south 38 feet of Reserve B, in Maple Grove Addition to Wichita, Sedgwick County, Kansas, except that portion condemned by City of Wichita, Case 74743 for street purposes. Generally located on the east side of Lorraine in an area north of 3rd Street.

This application has been assigned Case No. BZA 41-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 23, 1975, 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

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

September 2, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 41-75

An application has been filed by Joseph A. Budetti, M.D. and Richard J. Cummings, M.D., 427 N. Hillside, Wichita, Kansas pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the screening requirement on the north, south and west sides of a proposed off-street parking lot to be located on the east 80 feet of property zoned the "B" Multiple Family Dwelling District and legally described as follows:

The north 38 feet of the south 76 feet of Reserve B, Maple Grove Addition and the south 38 feet of Reserve B, in Maple Grove Addition to Wichita, Sedgwick County, Kansas, except that portion condemned by City of Wichita, Case 74743 for street purposes. Generally located on the east side of Lorraine in an area north of 3rd Street.

This application has been assigned Case No. BZA 41-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 23, 1975, 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

August 12, 1975

Joseph A. Budetti M.D.
427 N Hillside
Wichita, Kansas 67214

Re: BZA - 41-75 - Variance

Dear Dr. Budetti:

Enclosed is a receipt for your check in the amount of \$50.00 for a variance on the fence requirements for additional parking for property generally located at 418 and 420 North Lorraine, Wichita, Kansas.

This matter has been scheduled to appear on the Board of Zoning Appeals agenda on September 23 1975.

If you have any questions, please contact our office

Sincerely,

Larry Dobson
Assistant Secretary

LD:el

Attachment

IMPORTANT MESSAGE

FOR Lynn (Gerald)
DATE _____ TIME 10:10 ^{A.M.} ~~P.M.~~

WHILE YOU WERE AWAY

MR. Mr Cummings
OF _____
PHONE No. 686-6608

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE Letter to:
Mr Bugette & Cummings
Parkway Apt - 427 W
Hillside
SIGNED Will be filing applications

July 21, 1975

Joseph A. Budetti, M.D.
427 North Hillside
Wichita, Kansas 67214

Subject: Proposed BZA Variance of
Screening Requirement

Dear Dr. Budetti:

In reference to our telephone conversation on this date I am enclosing the following information:

1. Instruction Sheet and Application for Variance.
2. A list of the five conditions that the Board of Zoning Appeals must find to exist before they may grant a variance.
3. A list of Meeting and Closing Dates of the Board of Zoning Appeals.

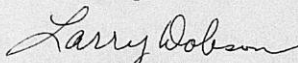
Please read carefully the six items as listed on the Instructions to Applicant sheet. Each of these items constitute a part of the application, and the omission of any one of them will result in an incomplete application which cannot be accepted.

Please note that the next closing date is July 29, 1975 for the August 26, 1975 meeting. This means that a completed application would have to be submitted to this office by 5:00 p.m. on July 29th to be on the Board of Zoning Appeals agenda for the August 26, 1975 meeting.

Dr. Joseph A. Budetti
July 21, 1975

After you have had an opportunity to review the enclosed information and prior to your filing an application for a variance, you may want to contact me about any questions that you have.

Sincerely,



Larry Dobson
Assistant Secretary

LD:js

cc: Paul Graves, Traffic Engineer

Attachments

BOARD OF ZONING APPEALS

CASE NO. BZA 41-75

CITY OF WICHITA, KANSAS

FILED 8-11-75

APPLICATION FOR VARIANCE

I. Name of Applicant Joseph A. Budetti, M.D.
 Richard J. Cummings, M.D.

Mailing Address 427 N. Hillside, Wichita, Ks. 67214 Phone 686-6608

Name of Authorized Agent see above - same

Mailing Address _____ Phone _____

Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is Proposed BZA variance of screen requirement

for property located 418 and 420 N. Lorraine

and legally described as: 418 N. Lorraine- S38' of Res. B. Maple Grove Addn.,
Then N 8.5'; then in SW Dir. to a point 12.04 ft W. of the SE corner. then E 12.04'

420 N. Lorraine; The north 58 Feet of the S 76 Feet of Reserve B., Moser Avenue,
now Lorraine, in Maple Grove Addition to Wichita, Sedgwick County, Ks.

in the City of Wichita; and which is presently zoned B-Multiple Family

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 he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Richard J. Cummings
Applicant

Partner
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 1:00 (a.m. - (p.m.)), 8/11 19 75 together with appropriate fee of \$50.00.

Larry Sobron
Signed

Diseases of
Ear, Nose and Throat

Surgery of
Head and Neck

Allergy of
Respiratory Tract

**WICHITA EAR, NOSE AND THROAT
ASSOCIATE, P.A.
427 NORTH HILLSIDE
WICHITA, KANSAS 67214
TELEPHONE (316) 686-6608**

JOSEPH A. BUDETTI, M.D.
President

RICHARD J. CUMMINGS, M.D., F.A.C.S.
Secretary-Treasurer

July 30, 1975

Office of Central Inspection
City Hall
455 N. Main
Wichita, Kansas 67202

Dear Sirs:

Enclosed is the application for variance on the fence requirements for the additional parking planned for our property on 418 and 420 N. Lorraine. We feel that the necessity for variance is both unnecessary and unfair for the reasons listed below:

1. The parking lot is not the primary project. We were forced to purchase this property to the west of our office building in order to obtain street traffic during the three or more months when our main access and exit on Hillside will be cut off by the construction work on the roadway. Our primary purpose is to make a driveway down the middle of the back yards of these properties in order to utilize the joint driveway between the two houses. The enlargement of the driveway to produce additional parking spaces is incidental to the gaining of access to Lorraine in order that we may stay in business during this time.
2. Because this is a joint driveway between the two houses and is straddled by the garage, it will be necessary to remove the garage in order to obtain the access. We do not plan in any way to change the residential nature of the properties, except to utilize the driveway and we plan to leave a sizable portion of their back yard for their residential use and use only a portion of the lot for the additional parking. Because of this we wish to retain the flower garden and the back yard landscaping of the houses and the requirement of a six foot wooden fence would upset both the appearance and the function of this residential back yard atmosphere.
3. Our next door neighbors are in perfect agreement with our plans to preserve the landscape back yard feature since it would help them to maintain excellent flower garden appearance. Again the setting up of a solid six foot wooden fence would destroy their garden effect and would require interference with their present fence, plus their plantings which line the border of the properties.

Office of Central Inspection

Page 2

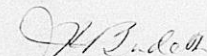
July 30, 1975

4. In order to accomplish the objectives in 2 and 3 we are deliberately planning a six foot border of landscape ground on either side of the parking area which we will landscape in conformity with our neighbors plantings and maintain their garden features which they hope to preserve.
5. The requirement for permanent closing of the driveway after the Hillside project is completed would work an undue hardship on the tenants at 418 and 420 since they would no longer have any garage or parking space for off street parking. To block them off from access to the parking area would violate the residential requirements of the houses and the neighborhood as well.

There will be no need to actually close off the driveway since we can post signs indicating that this is not a through drive and patients are to continue using the Hillside exit and entrance. The Lorraine exit is too constricted for routine use and I'm sure that the driveway off Hillside which is built to conform with the city codes for such parking areas.

To repeat, the requirement for a six foot solid fence would be contrary to the desires of our neighbors and the residential nature of our properties and the neighbor's properties which are involved. Since this is both a temporary measure and only a partial utilization of a small area of the back yard property and does not wholly conform to the concept of any large parking lot. We urgently request the Office of Central Inspection to reconsider the restriction which it has placed on the plan and to issue the necessary variance. It must be remembered that our main parking lot is adequate and is adjacent to our office building and will bear most of the traffic. This auxiliary area will probably be utilized only slightly and will be used even less when the Hillside construction is completed and our original driveway is reopened.

Sincerely,



Joseph A. Budetti, M.D.

JAB/ry

cc Larry Dobson
Charles Almack

Diseases of
Ear, Nose and Throat

Surgery of
Head and Neck

Allergy of
Respiratory Tract

**WICHITA EAR, NOSE AND THROAT
ASSOCIATE, P.A.
427 NORTH HILLSIDE
WICHITA, KANSAS 67214
TELEPHONE (316) 686-6608**

JOSEPH A. BUDETTI, M.D.
President

RICHARD J. CUMMINGS, M.D., F.A.C.S.
Secretary-Treasurer

Enclosed are copies of the new asphalt or cement parking lot. The red markings represent trees and shrubbery to serve in place of a solid six foot fence.

ck enclosed

OWNERSHIP LIST

Reserve	Property Owner
Beginning at the Southeast corner, Reserve A, Maple Grove Addition, West 100 feet, North 25.8 feet, thence Northeasterly to a point on the East line said Reserve A, 97.3 feet North of the Southeast corner; thence South to beg.	✓ La Verne R. Smith & Norma J. Address Unknown
All of Reserve A on Lorraine in Maple Grove Addition lying North of the following desc. line: Beginning at a point on the West line of Reserve "A" 50 feet North of the Southwest corner of said Reserve A, thence East parallel with the South line of said Reserve A 30.68 feet, thence Northeast to a point 12.04 feet West of the Northeast corner of said Reserve A, Sedgwick County, Kansas	✓ Lickteig-Pearce, Inc. 402 N. Bluff 67208
The North 38 feet of the South 76 feet of Reserve B, Maple Grove Addition	D Richard J. Cummings Joseph A. Budetti 427 N. Hillside 67214
The North 38 feet of Reserve B, Maple Grove Addition	✓ Leo E. Worrell and Allene 424 N. Lorraine 67214
The South 38 feet of the North 76 feet of Reserve B, Maple Grove Addition	✓ James Foster & Bessie P. 422 N. Lorraine 67214
The North 50 feet of Reserve C in Maple Grove Addition, the East 44.5 feet of Reserve D in Maple Grove Addition and the South 10 feet of the West 93.5 feet of Reserve D in said Maple Grove Addition, together with an easement on the South 10 feet of the East 89 feet of Reserve D, except the East 44.5 feet thereof	✓ Shirley Ann Cheek, Eldon Lee Self Thel Dee Self 628 South Brookside 67218
The South 50 feet of Reserve C, Maple Grove Addition	✓ Robert L. Weiss 133 New York, Apt. 3 67214
The South 50 feet of the North 140 feet of the West 93.5 feet, Reserve D, Maple Grove Addition	✓ Walter D. Farris & Mildred F. Address Unknown
The East 89 feet except the East 44.5 feet of Reserve D, Maple Grove Addition, subject to easement over the South 10 feet	✓ F. Farris Address Unknown
The North 90 feet of the West 93½ feet of Reserve D, Maple Grove Addition	λ Stella Unger, deceased

Tract

Property Owner

Reserve F, except the North 30 feet of Reserve F, on Hillside Avenue, Maple Grove Addition, subject to that portion deeded to the City of Wichita described as: Beg. at a point 36½ feet South of the Northeast corner of said Lot F; thence along a straight line in a Southwesterly direction to a point 8½ feet North of the Southwest corner of said Lot F; thence South to said Southwest corner; thence East 75½ feet along the South line of said Lot F; thence in a Northeasterly direction to a point 54.3 feet North of the Southeast corner of said Lot F; thence North to place of beg.

✓ Margaret C. Weir, Harold G. O'Donnell and Harriett E. O'Donnell
Address Unknown

The North 30 feet of Reserve F
All of Reserve G, Maple Grove Addition

✓ Laura B. Cowles and Dorothy B. Maxwell
3333 East Central 67208

Reserve H, except the East 20 feet deeded to the City of Wichita, Maple Grove Addition

✓ Continental Oil Co.
8001 East Pawnee 67207

Part of Reserve E, Maple Grove Addition, described as beginning at a point on the East line said Reserve, 40 feet South of the Northeast corner said Reserve, West on line parallel with the North line a distance of 132 feet, thence Southwesterly to a point on the West line, 97.3 feet North of the Southwest corner said Reserve, thence South 97.3 feet to the Southwest corner said Reserve, thence East 150 feet to the Southeast corner said Reserve, thence North on the East line said Reserve to point of beginning

✓ Lloyd L. Peterson & Fern
202 N. Edgemoor 67208

Lot 99, on Central, Maple Grove Addition

✓ H. Stan Chilton
1401-A South Hydraulic 67211

Lots on Moser now
1 & 3, Lorraine, Maple Grove Addition

Same

Lots
5, 7 & 9 Same Same

✓ Marjorie L. Anderson, Peggy Hatfield, Dorothy Blair
435 N. Lorraine 67214

Lots 11,
13, 15, 17 Same Same

✓ Shelby S. Whitehead
425 N. Lorraine 67214

Lots
19 & 21 Same Same

✓ Lizzie Dyer & Edwin Wilson
415 N. Lorraine 67214

Lots 23
& 25 Same Same

✓ Lickteig-Pearce Inc.
402 N. Bluff 67208

Lots 27
& 29 Same Same

✓ Karl G. Garff & Rosie C.
1607 East Orme 67211
✓ *lit. 7-8-75. Re-mailed to Karl GRAPP
1607 E. ORME, 67211*

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

A 200 foot radius of: The North 38 feet of the
South 76 feet of Reserve B, Maple Grove Addition
and the South 38 feet of Reserve B, in Maple Grove
Addition to Wichita, Sedgwick County, Kansas,
except that portion condemned by City of Wichita,
Case 74743 for street purposes

as shown by the records on file in the Office of the Register of
Deeds of Sedgwick County, Kansas, on the 28th day of July, 1975
at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Vice President

Order No. 227520
wh

BZA-41-75

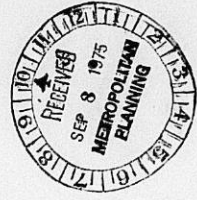
WICHITA - SEDGWICK COUNTY

W S C

METROPOLITAN AREA PLANNING COMMISSION

262-0611 - AREA CODE 316
CITY BUILDING ANNEX
301 EAST WASHINGTON
WICHITA, KANSAS 67202

FIRST CLASS



Karl G. & Rosie C. Griff
1607 E. Orme
Wichita, Kansas 67211

*Return to sender
wrong address*



*Important!
Notice of Hearing
Enclosed*

*Karl Griff soon
check U.S. Postal St
1607 E. Orme
Wichita, Kansas
9/18/75*

X

QZA 41-75

WICHITA - SEDGWICK COUNTY
W.S.C.
METROPOLITAN AREA PLANNING
COMMISSION
283 0611
CITY BUILDING ANEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

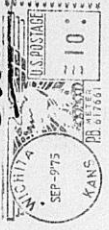
FIRST CLASS

Important!
Notice of Recalling
Enclosed

Karl G. Graff & Rosie C.
1607 E. Orme
Wichita, Kansas 67211

*Return to Sender
wrong address*

Edie



*NOT DELIVERABLE AT ADDRESSED
NO FORWARDING ORDER ON FILE
WASHINGTON*

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

September 2, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 41-75

An application has been filed by Joseph A. Budetti, M.D. and Richard J. Cummings, M.D., 427 N. Hillside, Wichita, Kansas pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the screening requirement on the north, south and west sides of a proposed off-street parking lot to be located on the east 80 feet of property zoned the "B" Multiple Family Dwelling District and legally described as follows:

The north 38 feet of the south 76 feet of Reserve B, Maple Grove Addition and the south 38 feet of Reserve B, in Maple Grove Addition to Wichita, Sedgwick County, Kansas, except that portion condemned by City of Wichita. Case 74743 for street purposes. Generally located on the east side of Lorraine in an area north of 3rd Street.

This application has been assigned Case No. BZA 41-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 23, 1975, 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

Form 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

Name

Address

Type

Due Date 6-11-75

Comments:

Date 6-11-75

BY