

Case No. BZA 53-77 FRAN-MAR, INC.
INV. request exception to permit
the establishment of an off-street
parking lot on property generally
located on the west side of Chau-
tauqua in an area north of 21st
Street

POSTED
1-10-78

4:30
12-27-77

ACTION

1200- MAR
3-9-78
2 #

DAI.
1-24-78

BZA 53-77 COMMITTEE

M.A.P.C. _____

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

Map No. 5650
 Sec. 3
 Twp. 27
 Range 1E

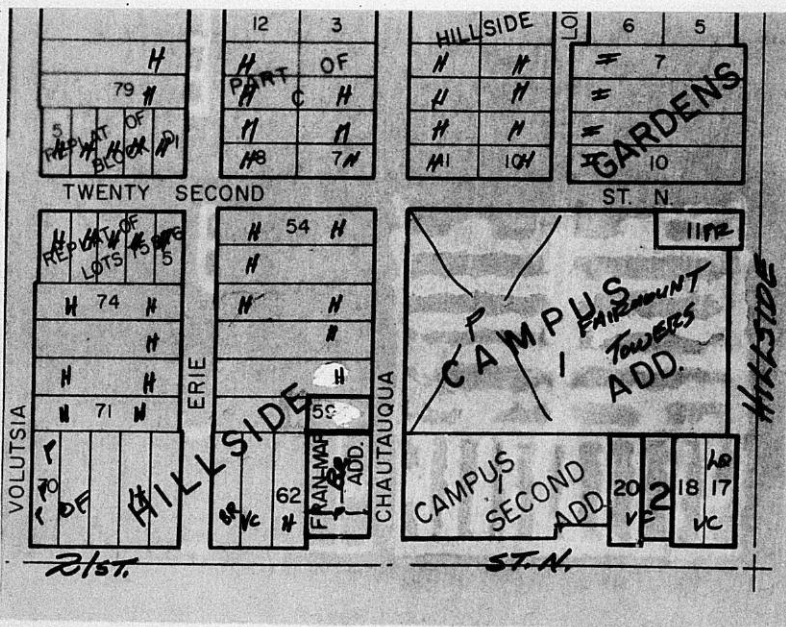
BZA- 53-77
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.15 (60 ft. by 112 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East PARKING LOT South BAR
 West UNDEVELOPED North SINGLE FAMI
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: UNDEVELOPED
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



Smith
 No. 2-153C
 HASTINGS, MINN. LOS ANGELES
 LOGAN, OH. - McCREGOR, TX. U. S. A.

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE November 8, 1978



TO John Dekker, Director of Law

FROM Sam L. Mobley, Building Code Administrator

SUBJECT BZA 53-77
Request for Exception

It is requested that immediate injunctive action be taken against the property owners of subject BZA for the rank violations listed below. The City Commission in their meeting October 24, 1978, made it clear that if it took legal action to obtain compliance, use the injunction.

The property has been continuously occupied since the variance was granted January 24, 1978. Both the owner and tenant refuse to comply. The owner of this property is Fran-Mar Investment, Incorporated, 720 S. Seneca, 67213.

This company has failed to:

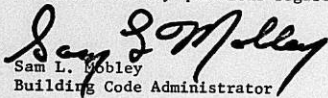
1. Pave the off-street parking with concrete, asphaltic concrete or asphalt.
2. Install adequate guards to prevent the extension of the overhang of vehicles beyond property lines or parking spaces.
3. Mark the parking area for channelization and movement of vehicles.
4. Prohibit parking in the required 25 foot frontyard setback area.
5. Construct a five to six foot high solid fence of staggered or louvered redwood or rough sawed cedar along the entire west boundary of subject property and along the north property line except for the east 25 feet, and a three to four foot high fence of the same material along the frontyard setback line except for the point of ingress and egress.
6. Locate adequate barriers to prevent the utilization of the landscaped frontyard setback area for parking.

Page: 2

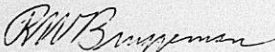
Re: BZA 53-77 Request for Exception
November 8, 1978

The property is legally described as: The east 112 feet of Lot 59, Hillside Gardens, Wichita, Segwick County, Kansas. Generally located on the West side of Chautauqua in an area north of 21st Street.

If there are any questions regarding this matter, please call the undersigned.


Sam L. Sobley
Building Code Administrator

APPROVED:


R. W. Bruggeman
Director of Public Works

SLM:JJST.:kda

cc: Jack Galbraith
Metropolitan Planning Department

Robert B. Feldner
Superintendent of Central Inspection

October 26, 1978

Robert B. Feldner, Superintendent of Central Inspection
Larry Dobson, Assistant Secretary, Board of Zoning Appeals
Non-Compliance with Board of Zoning Appeals Conditions

On a recent field check, taken on October 19, 1978, the following items were observed to be in apparent violation of BZA conditions of approval:

1. Case No. BZA 20-77, Mt. Olivet Methodist Church, 3515 S. Elizabeth; conditions numbered (2), (4) and (5) of the approved resolution have not been complied with. These conditions deal with landscaping and fencing of a parking area.
2. Case No. BZA 53-77, Fran-Mar Investments, Inc., 420 S. Seneca; this exception was approved as an off-street parking lot on the west side of Chautauqua and north of 21st Street. The lot is graveled, but has not been paved as required by condition number (4). A screening fence has been constructed, but it is not in compliance with the fencing requirement detailed in condition number (8).

Please take whatever action is necessary to bring the above items of non-compliance into compliance with the official resolutions of the Board of Zoning Appeals.

If you have any questions or need additional information, please advise.

Larry Dobson, Assistant Secretary

LD;bbc

cc: Joe Donnelly, Housing and Zoning Administrator
Sam Nobley, Building Code Administrator

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

Tenth Floor, City Hall
455 N. Main Street

March 29, 1978

Mr. and Mrs. Chester Selmon
2225 North Erie
Wichita, Kansas 67214

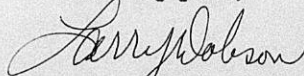
Re: Request for Rehearing
Case No. BZA 53-77

Dear Mr. and Mrs. Selmon:

At the regular meeting of the Board of Zoning Appeals on March 28, 1978, a request for a rehearing of a previously approved exception, which permitted the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District, and generally located on the west side of Chautauqua in an area north of 21st Street, was considered.

It was the action of the Board to not re-open the case inasmuch as no new evidence was provided which could not reasonably have been presented at the original hearing of this case on January 24, 1978.

Sincerely yours,



Larry Dobson
Assistant Secretary

LD:bbh

cc: Floyd Schroeder, 3949 West Douglas, 67213
Fran-Mar Investments, Inc., 420 S. Seneca, 67213
Fred Lewis, CPO Area "J" Chairperson, 2359 Jeanette, 67204
David Furnas, CPO Coordinator
Reverend B. Norwood, 2252 N. Erie, 67214

Date _____

Wichita Sedgwick County
Board Of Zoning Appeals
City Hall-Tenth Floor
455 N. Main Street
Wichita, Kansas 67202

Request For Rehearing;
CASE NO. EZA 53-77

Dear Gentlemen:

We the citizens and taxpayers of Wichita and our community would like to request a rehearing regarding the rezoning case no. EZA 53-77. We the residence of the proposed rezoned area feel that we should not allow the city to permit only a fence and/or parking lot separate what has been a beautiful neighborhood from what could be a crime producing establishment. Yes, we have had a taste of parking lots full of alcoholic beverage drinkers, and we have not liked that taste. We have smelled pollutant smoke from many different kinds of cigarettes when we attempt to get fresh air from the opening of our windows, and we have not liked the smell of those odors. Sexual promiscuity, profanity, fighting, theft, and traffic violations can be common place with regard to the present existing business establishments now operating in our community. The debris lefted behind by many of the patrons of these business establishments clutter our lawns, cut our car and truck tires, and degrade our properties.

We realize that the citizens of our community have lower incomes than many other areas of the city but we are citizens. We realize that the citizens of our community have less influence than many other citizens in other parts of the city but we are citizens.

No one should have to put up with the potential problems that can arise from the passing of provisions that effect the fiber of neighborhood solidarity. We do not want our children exposed to unhealthy community conditions, and we the adults do not want to be exposed to unhealthy community conditions that threaten our lives, health, property, and persutes of happiness. At the earliest convenience, we would like to speak out against the proposed rezoning of our neighborhood and community.

Cordially yours,

Rev. B. Norwood-
Neighborhood Representative

Chester Selmon
Chester Selmon-
Neighborhood Representative

Rev. B. Newwood 2252 N. Erie
Rudolph R. Pitter 2223 N. Chautauque
B. P. Pitter 2268 N. Erie
Johnnie M. Childers 2225 N. Chautauque
Nancy H. Childers 2225 N. Chautauque
Mrs. Judge C. Moore 2231 N. Chautauque
Janice M. Hutton 2262 N. Erie
Quamith Reed 2231 N. Erie
Earl Willis 2221 No. Chautauque
Ruthie Sobron 2225 North Erie

Rev. B. Nowood 2252 N. Erie
Rudy R. Patter 2293 N. Chautauque
B. P. Patter 2268 N. Erie
John M. Childers 2225 N. Chautauque
Mary H. Childers 2225 N. Chautauque
Mrs. Gladys C. Moore 2231 N. Chautauque
Janice M. Hutton 2262 N. Erie
Quinn B. Reed 2231 N. Erie
Earl Willis 2221 N. Chautauque
Peter Salmon 2225 North Erie

Rev. B. Newwood 2252 N Erie
Rudolph R. Putter 2223 N Chautauque
G. S. [unclear] 2268 N. Erie
Johnnie M. Childers 2225 N. Chautauque
Maryann K. Childers 2225 N. Chautauque
Mrs. Gladys C. Moore 2231 N. Chautauque
Jessie M. Hutton 2262 N Erie
Quinn B. [unclear] 2231 N. Erie
Earl Willis 2221 No. Chautauque
Master Salmon 2225 North Erie

The Planning Department

March 21, 1978

Board of Zoning Appeals

Larry Dobson, Assistant Secretary

Off-Street Parking Exception -
Case No. BZA 53-77 - Neighbor-
hood Request for Rehearing

The above-captioned case, an exception application for an off-street parking lot in the "AA" Single Family Dwelling District was approved by the Board of Zoning Appeals at its regular meeting of January 24, 1978. No one appeared at the meeting to speak in opposition to this case and there was no CPO recommendation to report to the Board.

On January 25, 1978, the day following the BZA meeting, we were notified by the City Manager's Office that an area resident, Reverend Norwood, had attended the previous day's City Commission meeting thinking he was attending the Board of Zoning Appeals meeting. Reverend Norwood came to the Planning Department that same morning and I reviewed the facts of the case with him and explained the Board's action had been to approve the case subject to specific conditions which were also explained to him. Reverend Norwood's residence is located at 2252 North Erie, which is one street west of the application area and three lots to the north. His primary concern, as I interpreted it to be from his comments, was the late night activities of patrons of a tavern located at the northeast corner of Erie and 21st Street. I explained that the case before the Board was dealing with an off-street parking request for a tavern at the northwest corner of Chautauqua and 21st Street and indicated where required screening of the site would be placed. It was my impression that Reverend Norwood was satisfied with the explanation and did not want to pursue efforts to have the case reheard. However, Reverend Norwood apparently contacted CPO Council J concerning the situation and requested the Council's assistance in securing a rehearing of the case before the Board of Zoning Appeals. CPO Aide Dennis Bishop forwarded this request for rehearing to our office for handling. As determined by the Rules and Regulations of the Board of Zoning Appeals, the Secretary of the Board is authorized to determine if a rehearing shall be allowed. Said determination is to be based on the submission of new evidence which could not reasonably have been presented at the previous meeting. We have determined that Reverend Norwood received proper notification of the BZA meeting, denoting the correct time and location of the meeting, and although it is unfortunate that Reverend Norwood attended the wrong meeting, the Secretary is of the opinion that this alone would not justify a rehearing of the case. It was explained to Mr. Bishop that the Secretary's determination could be appealed to the Board of Zoning Appeals. A letter from CPO J Chairperson Fred Lewis, on behalf of Reverend Norwood received on March 7, 1978, has requested an appeal of this determination.

This appeal is being placed on the Board's agenda for its March 28, 1978 meeting, at which time the Board may hear from the appellants

BOARD OF ZONING APPEALS - March 21, 1978
Page 2

and then determine whether sufficient new evidence is available, which could not reasonably have been presented at the January 24, 1978 meeting, to warrant a rehearing of the case. If a rehearing is ordered, then the case would be scheduled for a rehearing date, readvertised and notices sent to the applicant and area property owners notifying them of the date and place of the meeting.

A copy of the January 24, 1978 BZA minutes pertaining to this case is attached for the Board's information.

Larry Dobson, Assistant Secretary

LD:bh

cc: Tom Powell, Legal Counsel

Attach.

BOARD OF ZONING APPEALS

March 8, 1978

Mr. Floyd Schroeder
3949 W. Douglas
Wichita, Kansas 67213

Re: Case No. BZA 53-77; Parking Lot Exception;
Neighborhood Request for Rehearing

Dear Mr. Schroeder:

This is to advise you and your clients that an attempt is being made, through CPO Area Council "J" to have the above captioned case reheard by the Board of Zoning Appeals. To briefly explain the situation, an area property owner who wanted to protest the case attended the City Commission Meeting by mistake and therefore, did not have the opportunity to express his views at the BZA meeting. As Secretary of the Board, I have determined that inasmuch as the attendance at the wrong meeting was not a result of improper notice this would not justify a rehearing of the case. However, the Rules and Regulations of the Board specifies that my determination may be appealed to the Board.

Mr. Fred Lewis, Chairperson of CPO Area "J", on behalf of Reverend B. Norwood, has appealed my determination to the Board and the matter will be placed on the Board's agenda for its March 28, 1978 meeting. The meeting will be held in the Board Room, First Floor, City Hall, beginning at 1:30 p.m. It should be noted that this is an appeal of my determination and not a rehearing of the case. However, if the Board should determine that the evidence is sufficient to warrant a rehearing, then the case would be scheduled for a rehearing date.

This information is provided to you in the event you may want to attend the March 28th meeting. If you have any questions concerning this matter, please call either myself or Larry Dobson at 268-4421.

Sincerely,

Jack H. Galbraith
Secretary

JHG:LD:bh

Mr. Floyd Schroeder
Page 2, 3-8-78

cc: Fran-Mar Investments, Inc., 420 S. Seneca, 67213

10th Floor, City Hall
455 North Main Street

March 8, 1978

Mr. Fred Lewis
CPO Area "J" Chairperson
2359 Jeanette
Wichita, Kansas 67204

Re: Request for Hearing; Case No. BZA 53-77

Dear Mr. Lewis:

I am in receipt of your letter, on behalf of Reverend Norwood, requesting a hearing before the Board of Zoning Appeals on the above captioned case.

On February 10, 1978, I responded to a memorandum from Dennis Bishop of the CPO Office that I did not believe new evidence had been submitted which could not reasonably have been presented at the previous meeting. Although it was unfortunate that Reverend Norwood attended the wrong meeting, it was not a result of improper notice and therefore would not, in my opinion, justify a rehearing of the case. I advised Mr. Bishop of the right to appeal my determination to the Board of Zoning Appeals, and it is assumed that your letter is initiating such an appeal.

I will place this appeal on the Board's agenda for the meeting of Tuesday, March 28, 1978. The meeting will be held in the Board Room, First Floor, City Hall, 455 North Main, beginning at 1:30 p.m. It should be understood by all interested parties that this is not a rehearing of the case, but rather an appeal of my determination that a rehearing is not justified by the evidence submitted. However, if the Board should determine that the evidence is sufficient to warrant a rehearing, then the case would be scheduled for a rehearing date, readvertised, and notices sent to the applicant and area property owners notifying them of the date and place of the meeting.

Mr. Fred Lewis
Page 2, 3-3-78

If you, or anyone receiving a copy of this letter, have questions concerning the above described procedure, please call either myself or Larry Dobson at 268-4421.

Sincerely,

Jack H. Galbraith
Secretary

JHG:LD:bh

cc: Reverend B. Norwood, 2252 N. Erie, 67210
David Furnas, CPO Coordinator
Dennis Bishop, CPO Aide

26

March 6, 1978

Jack Galbraith, Chief Planner
Metropolitan Area Planning Department
City Hall - Tenth Floor
455 N. Main
Wichita, Kansas 67202

Dear Mr. Galbraith:

On March 1, 1978, Area Council "J" Members were informed by Reverend B. Norwood that in order to receive a proper hearing from the Board of Zoning Appeals concerning BZA 53-77, he would have to notify you in writing that he would like to have this item appear on the next Board of Zoning Appeals agenda scheduled on March 28, 1978.

This letter is to confirm that Reverend Norwood does wish to have this item appear on the March 28, 1978, hearing agenda.

Sincerely,

Fred Lewis
Fred Lewis
CPO Area "J" Chairperson

FL/B/sm



February 10, 1978

Dennis Bishop, CPO Administrative Aide

Jack H. Galbraith, Chief Planner

Case No. BZA 53-77 - Request for Rehearing

I am in receipt of your request, on behalf of CPO Council "J", for a rehearing of BZA Case No. 53-77.

This case, an exception for an off-street parking lot in the "AA" Single Family Dwelling District, was approved by the Board of Zoning Appeals at their regularly scheduled meeting of January 24, 1978. The day following the meeting, I received a call from Assistant City Manager Robert Finch, saying that Reverend Norwood was in his office and that he had attended the previous day's City Commission meeting thinking he was attending the Board of Zoning Appeals meeting. Reverend Norwood came down to our office and Larry Dobson of my staff reviewed at length the aspects of the case and the Board's action. It was Mr. Dobson's impression that Reverend Norwood was satisfied with the explanation, and did not wish to pursue efforts to have the case reheard. In view of your memorandum, this apparently is not the case.

As Secretary to the Board of Zoning Appeals, I am authorized to determine if a rehearing shall be allowed. This determination shall be based upon the submission of new evidence which could not reasonably have been presented at the previous hearing. We have determined that Reverend Norwood received proper notification of the BZA meeting, denoting the correct time and location of said meeting. Although it is unfortunate that Reverend Norwood attended the wrong meeting, it is not felt that this alone would justify a rehearing of the case. It should be noted that Reverend Norwood's residence is located on the street west of the application area and three lots to the north. His primary concern, as interpreted by Mr. Dobson, were the late night activities of patrons of a tavern located at the northeast corner of Erie and 21st Street. Subject case was to provide additional off-street parking for a tavern at the northwest corner of Chautauqua and 21st Street.

You have the right to appeal my determination to the Board of Zoning Appeals. If this should be your desire, you will need to notify me in writing of your intent by Friday, February 17, 1978, in order to have the appeal heard by the Board at its next meeting of February 28, 1978. If the Board

Dennis Bishop, CPO Administrative Aide
February 10, 1978
Page 2

should determine that the evidence is sufficient to warrant a rehearing, then the case would be readvertised and notices sent for a meeting of March 28, 1978.

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

Jack H. Galbraith
Chief Planner

JHG:LD:bh
cc: David Furnas, CPO Coordinator

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE February 8, 1978

Dobson



TO Larry Dobson, Secretariat, Board of Zoning Appeals

FROM Dennis Bishop, CPO Administrative Aide

SUBJECT BZA 53-77 (West Side of Chautauqua,
North of 21st Street)

Reverend B. Norwood, an interested citizen, did attempt to attend the BZA hearing, but inadvertently attended the wrong meeting, and only discovered his mistake too late to be able to offer his information concerning BZA 53-77.

Reverend Norwood contacted CPO Area Council J concerning his situation and requested the Council's assistance.

Upon direction of Chairperson Fred Lewis, I am requesting for Area Council J that the Board of Zoning Appeals rehear the BZA 53-77 to allow Reverend Norwood to present information which he feels was not adequately presented during the hearing, but which he feels will influence the final decision of the Board concerning this case.

Dennis L. Bishop

Dennis Bishop
CPO Administrative Aide

DB:sm

Noted:

David Furnas
David Furnas
Citizen Participation Coordinator



THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE January 27, 1978

Jo Dobson
take time to be safe

RECEIVED
JAN 30 1978
METROPOLITAN
PLANNING

TO E. H. Denton, City Manager
FROM Dennis L. Bishop, CPO Administrative Aide

SUBJECT BZA 53-77 (West Side of Chautauqua,
North of 21st Street)

On January 19, 1978, the CPO Area Council "J" considered the captioned zoning exception.

The Council recommended that the request be denied.

The Chairperson had met with residents in the area who were concerned not only with the proposed zoning exception, but also with the activities promoted by the applicant's business, notably empty beer cans and the lack of proper toilet facilities.

The Council recommended not only disapproval of the exception, but wanted the City Commission to note that there is a strong neighborhood feeling that the subject property constitutes a nuisance and would pursue additional means of alleviating the nuisance. It was suggested that this might be attained through the initiation of an intensive code enforcement program similar to the one presently being conducted by the Central Inspection Division in Jones Park.

It would be appreciated if you would provide the City Commission with this information at your earliest convenience.

Dennis L. Bishop
Dennis L. Bishop
CPO Administrative Aide

DLB:rh

cc: Jack Galbraith, Secretariat, Board of Zoning Appeals ✓
Robert Feldner, Superintendent, Central Inspection

NOTED:

David Furnas
David Furnas
CPO Coordinator

Furnas advised that Council directed that BCC be advised. Did not want BZA advised. His staff understands that BCC does not consider BZA cases, however, they want the neighborhood taxen problem brought to the attention of the BCC.
JLD

RESOLUTION NO. BZA 53-77

WHEREAS, Fran-Mar Investments, Inc., 420 S. Seneca, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The east 112 feet of Lot 59, Hillside Gardens, Wichita, Sedgwick County, Kansas. Generally located on the west side of Chautauqua in an area north of 21st 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 January 24, 1978, 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 on property zoned the "AA" Single 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 on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The east 112 feet of Lot 59, Hillside Gardens, Wichita, Sedgwick County, Kansas. Generally located on the west side of Chautauqua in an area north of 21st Street.

subject to the following conditions:

1. The parking areas 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 shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good conditions and free of all weeds, dust, trash, and other debris.
5. The parking area shall have adequate guards to prevent the 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.

RESOLUTION No. BZA 53-77

Page 2

7. There shall be no parking in the required 25 foot front yard setback area. This area shall remain unpaved and shall be landscaped and maintained with grass and trees or shrubs.
8. A five to six foot high solid fence constructed of staggered or louvered redwood or rough sawed cedar shall be constructed along the entire west boundary of subject property and along the north property line except for the east 25 feet (front yard setback area); and a three to four foot high fence of the same material shall be constructed along the front yard setback line except for the point of ingress and egress.
9. Adequate barriers shall be located to prevent the utilization of the landscaped front yard setback area for parking.

ADOPTED AT WICHITA, KANSAS, this 24th day of January, 1978.


James Richardson, Chairman

ATTEST:


Larry Dobsch, Assistant Secretary

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Tenth Floor, City Hall
455 North Main Street

January 31, 1978

Mr. Floyd Schroeder
3949 West Douglas
Wichita, Kansas 67213

Re: Case No. BZA 53-77
Request for Exception

Dear Mr. Schroeder:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 24, 1978, in connection with your request for an exception to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District, and generally located on the west side of Chautauqua in an area north of 21st Street.

This Resolution reflects the official action of the Board to grant your 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,

Larry Dobson
Assistant Secretary

LD:bh

cc Fran-Mar Inv., Inc., 420 S. Seneca, 67213
Don Gisick, City Clerk
Joe Donnelly, Housing and Zoning Administrator
Robert Feldner, Supt., Central Inspection

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

January 25, 1978

Tenth Floor, City Hall
455 N. Main Street

Mr. Floyd Schroeder
3949 West Douglas
Wichita, Kansas 67213

Re: Case No. BZA 53-77
Request for Exception

Dear Mr. Schroeder:

At the regular meeting of the Board of Zoning Appeals on January 24, 1977, your request for an exception to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District, and generally located on the west side of Chautauqua in an area north of 21st Street was considered.

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

1. The parking areas 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 shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good conditions and free of all weeds, dust, trash, and other debris.
5. The parking area shall have adequate guards to prevent the 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.

Mr. Floyd Schroeder
January 25, 1978

7. There shall be no parking in the required 25 foot front yard setback area. This area shall remain unpaved and shall be landscaped and maintained with grass and trees or shrubs.
8. A five to six foot high solid fence constructed of staggered or louvered redwood or rough sawed cedar shall be constructed along the entire west boundary of subject property and along the north property line except for the east 25 feet (front yard setback area); and a three to four foot high fence of the same material shall be constructed along the front yard setback line except for the point of ingress and egress.
9. Adequate barriers shall be located to prevent the utilization of the landscaped front yard setback area for parking.

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,

Larry Dobson
Assistant Secretary

LD:bh

cc: Fran-Mar Investments, Inc., 420 S. Seneca, 67213
Don Gisick, City Clerk
Joe Donnelly, Housing & Zoning Administrator
Robert Feldner, Supt., Central Inspection

Rev B Hornsby, 225 27th Erie, 67219

SECRETARY'S REPORT
CASE NO. BZA 53-77

APPLICANT: Fran-Mar Investments, Inc., 420 South Seneca,
Wichita, Kansas.

AGENT: Floyd Schroeder, 3949 W. Douglas, Wichita,
Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code
of the City of Wichita to permit the establish-
ment of an off-street parking lot on property
zoned the "AA" Single Family Dwelling District.

GENERAL LOCATION: West side of Chautauqua in an area north of
21st Street.

LAND USE: Subject property is vacant. North is a single
family residence. East is the Fairmount
Towers parking lot. South is a tavern. West
is vacant.

ZONING: Subject property is zoned the "AA" Single
Family Dwelling District as are properties
to the north and west. South is the LC"
Light Commercial District and east is the
"B" Multiple Family Dwelling District.

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 applicants are requesting an exception to permit the establishment of an off-street parking lot on subject property for the purpose of providing additional parking to serve the needs of an existing tavern located on property adjacent to the south.

Subject property is the east 112 feet of a through lot having frontage on both Chautauqua and Erie. The 112 feet corresponds to the width of the lot to the south which fronts on 21st Street. The property is graveled and is apparently being used for off-street parking at the present time.

Property across Chautauqua to the east is utilized as off-street parking for the Fairmount Towers housing complex and extends to the property line along Chautauqua by authority of the Board of Zoning Appeals which, in 1966, granted a variance to permit full utilization of the front yard setback for parking purposes.

SECRETARY'S REPORT
Case No. BZA 53-77
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The parking plan submitted by the applicant and approved by the Traffic Engineer's Office indicates two rows of 90 degree parking from a single driveway to Chatauga. There would be no circulation from the lot to the south through subject property.

It is the opinion of the Secretary that as an extension of present parking facilities and in view of the existing land use in the area this is a logical and proper request and that with proper screening for adjacent residential properties, would not adversely affect the general area.

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 areas 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 shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good conditions and free of all weeds, dust, trash, and other debris.
5. The parking area shall have adequate guards to prevent the 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. There shall be no parking in the required 25 foot front yard setback area. This area shall remain unpaved and shall be landscaped and maintained with grass and trees or shrubs.
3. A five to six foot high solid fence constructed of staggered or louvered redwood or rough sawed cedar shall be constructed along the entire west boundary of subject property and along the north property line except for the east

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Case No. BZA 53-77
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25 feet (front yard setback area); and a three to four foot high fence of the same material shall be constructed along the front yard setback line except for the point of ingress and egress.

9. Adequate barriers shall be located to prevent the utilization of the landscaped front yard setback area for parking.
-

14 notices to adjoining property owners
10 notices to MAPC
1 notice to CPO
25 total notices on BZA 53-77, 12-29-77

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

December 29, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 53-77

An application has been filed by the Fran-Mar Investments, Inc., 420 South Seneca, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The east 112 feet of Lot 59, Hillside Gardens, Wichita, Sedgwick County, Kansas. Generally located on the west side of Chautauqua in an area north of 21st Street.

This application has been assigned Case No. BZA 53-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 24, 1978, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Fran-Mar Investments, Inc. M.M. Hammer, Sec.

Mailing Address 420 S. Seneca (112) Phone 263-6181

Name of Authorized Agent Floyd Schroeder, Real Estate, Broker

Mailing Address 3949 W. Douglas (1087) Phone 942-1771

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 off street parking

_____ on property zoned

AA, located 2217 N. Chautauqua

_____ and legally described as: The east 112
feet of Lot 59, Hillside Gardens, Wichita, Sedgwick County, Kansas.

_____, in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant M.M. Hammer

Authorized Agent Floyd Schroeder

Map 5650

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 4:55 (a.m. ~~(p.m.)~~), 12-15, 19 77, together with appropriate fee of \$50.00

*W side of Chautauqua
in an area N of 21st.*

Signed Larry Dobson

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC. hereby certifies the following to be a true and correct list of the property owners as shown by the last deeds of record in the Office of the Register of Deeds, Sedgwick County, Kansas, of:

The East 112 feet of Lot 59, Hillside Gardens, Wichita Sedgwick County, Kansas,

together with all real estate lying within a 200-foot radius thereof.

DESCRIPTION	OWNERS AND ADDRESSES
<u>HILLSIDE GARDENS</u>	
East 112 feet of Lot 59	<input checked="" type="checkbox"/> Fran-Mar Investments <input checked="" type="checkbox"/> P.O. Box 1995 <input checked="" type="checkbox"/> Wichita, Kansas 67203
West 193 feet of Lot 59, except the West 30 feet for street.	do
East 140 feet of Lot 55	<input checked="" type="checkbox"/> Kansas State Board of Regents, <input checked="" type="checkbox"/> Wichita State University <input checked="" type="checkbox"/> 1845 Fairmount <input checked="" type="checkbox"/> Wichita, Kansas 67208
East 140 feet of Lot 56	<input checked="" type="checkbox"/> Marion Dean Childers <input checked="" type="checkbox"/> Johnese M. Childers <input checked="" type="checkbox"/> 2225 North Chautauqua <input checked="" type="checkbox"/> Wichita, Kansas 67219
West 165 feet of Lot 56, except the West 30 feet for street	<input checked="" type="checkbox"/> Bernice Norwood <input checked="" type="checkbox"/> 2252 North Erie <input checked="" type="checkbox"/> Wichita, Kansas 67219
The West 165 feet of Lot 57	<input checked="" type="checkbox"/> First Federal Savings and Loan Assoc. <input checked="" type="checkbox"/> 123 South Market <input checked="" type="checkbox"/> Wichita, Kansas 67202
West 165 feet of Lot 57 and 58 except for the West 30 feet for street	<input checked="" type="checkbox"/> N. B. Farha <input checked="" type="checkbox"/> 1409 Wassall <input checked="" type="checkbox"/> Wichita, Kansas 67216
	<input checked="" type="checkbox"/> Ray R. Farha <input checked="" type="checkbox"/> 2021 South Oliver <input checked="" type="checkbox"/> Wichita, Kansas 67218
Lot 58 except the West 165 feet	<input checked="" type="checkbox"/> Earl Willis <input checked="" type="checkbox"/> 606 North Terrace <input checked="" type="checkbox"/> Wichita, Kansas 67208
Lot 71 except the West 137.32 feet	<input checked="" type="checkbox"/> Chester Selmon <input checked="" type="checkbox"/> Sylvia Selmon <input checked="" type="checkbox"/> 2225 North Erie <input checked="" type="checkbox"/> Wichita, Kansas 67219
East half of Lot 72, except the East 30 feet for street	<input checked="" type="checkbox"/> Mid-West Realty <input checked="" type="checkbox"/> 745 North West <input checked="" type="checkbox"/> Wichita, Kansas 67203
East half of Lot 73, except the East 30 feet for street	<input checked="" type="checkbox"/> Juanita E. Reed <input checked="" type="checkbox"/> 2237 N. Erie Avenue <input checked="" type="checkbox"/> Wichita, Kansas 67203

DESCRIPTION OWNERS AND ADDRESSES

HILLSIDE GARDENS, con't

Lot 62 Dorothy Hougham
 ✓ 1702 North Belmont
 Wichita, Kansas 67208

Lot 63 Enterprise, Inc.
 ✓ Sutton Place Building
 Wichita, Kansas 67202

Lot 64 Graham Investment Company
 ✓ 151 North Main
 Wichita, Kansas 67202

Lot 65 City of Wichita
 X 455 North Main
 Wichita, Kansas 67202

FRAN MAR ADDITION

Lot 1 Fran-Mar Investments, Inc.
 D P.O. Box 1995
 Wichita, Kansas 67203

CAMPUS

Lot 1 Kansas State Board of Regents,
 D Wichita State University
 1845 Fairmount
 Wichita, Kansas 67203

CAMPUS 2ND

Lot 1 do

Dated at Wichita, Kansas this
 14th day of December, 1977, at
 7:00 A. M.

REALTY TITLE CO., INC.

By Linda Ayala
 Linda Ayala, Vice-President



H151277

12/15/77

This additional parking
is to handle the overflow
from the College Inn.

Lloyd Johnson

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.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
Exception	

Name

Address

Type

Due Date

Comments:

Date

By

*

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