

BZA 54-64 - George & Lola Hibbs request variance for construction & use of parking area on E side of Rosenthal bet. 21st & 22nd Streets

Passed
1-8-65

C-4

ACTION

Lya COMMITTEE _____ DATE 1-26-65

M.A.P.C. _____

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



UNITED STATES FIDELITY AND GUARANTY COMPANY

701 COLORADO-DERBY BUILDING
202 WEST 1st STREET
WICHITA, KANSAS 67202
TELEPHONE: 316/AMHERST 4-4691

DAVID J. STONE
MANAGER

DANIEL D. TONTZ
CLAIM ATTORNEY

November 15, 1966

BZA-54-64

City of Wichita
City Engineering Department
City Annex Building
Wichita, Kansas

Attention: Dick Linn

Re: George L. Hibbs - License and Permit Bond
#65980-13-220-65

Dear Mr. Linn:

We are surety on the \$500 License and Permit Bond of George L. Hibbs covering his permit for the paving and fencing of property at 2218 Rosenthall in Wichita and we are advised that the work has not been completed.

Therefore, in order to effect cancellation of this bond this is our 60 day notice as surety to cancel this bond which is in accordance with the cancellation provision in the bond form.

When the liability has terminated, we assume that you will advise us. Thank you.

Yours truly,

Emil Brueggemann

Emil Brueggemann

EB/br

*Called Mr. Brueggemann
11-18-66 re info on
this bond
RHN
for cancellation*

June 27, 1966

Mr. George L. Hibbs
514 West 21st Street
Wichita, Kansas

Dear Mr. Hibbs:

Re: Case No. BEA 54-64

We have received notification from the Central Inspection Division that the paving and fencing have been inspected and approved as was required in conjunction with the variance granted to permit an off-street parking lot.

A bond was required in the amount of \$500 to guarantee the installation of the paving and fencing. Said bond is being held by the City Clerk and may be canceled upon request to the City Clerk.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:W:ber

cc: Cal Elder
Monarch Insurance Agency
First National Bank Building
Wichita, Kansas 67202

Board of Zoning Appeals

June 27, 1966

Ralph Eberly, City Clerk

Jack H. Galbraith, Secretary

Case No. BZA 54-64

The project of paving the lot and constructing the fence on Lots 211 and 213, Rosenthal Avenue, in Rosenthal's Subdivision of Meyers and Snyders Out-Lots, in conjunction with a variance granted to permit an off-street parking lot, has been completed and approved by the Central Inspection Division.

Therefore, the bond, which was submitted as required in condition #8 of the Resolution and which is being held in your office, may now be canceled upon request.

JHG:RW:ber

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION DIVISION

DATE June 21, 1966

TO Ron Williamson, Planning Department

FROM J. J. St. Clair, Inspector

SUBJECT BZA 54 - 64

The fence and the paving of the parking lot meet the BZA requirements.

JJS:ml



FIDELITY AND DEPOSIT CORPORATION
INSURANCE CO. OF NORTH AMERICA
HARTFORD FIRE INSURANCE GROUP
CONTINENTAL LIFE GROUP

BZA 54-64

BONDS & INSURANCE

UNITED STATES FIDELITY AND GUARANTY
FIREMANS FUND-AMERICAN GROUP
PHOENIX OF HARTFORD
HANOVER INSURANCE GROUP
GREAT AMERICAN OF NEW YORK
NAT'L ASSOCIATION OF INSURANCE AGENTS

CAL ELDER

24-HOUR TELEPHONE SERVICE
AMHERST 7-8121

MONARCH INSURANCE AGENCY
ESTABLISHED 1918

FIRST NATIONAL BANK BUILDING • WICHITA, KANSAS 67202 • AMHERST 7-8351

June 16, 1966

Dick Linn
City Engineering Department
City Annex Building
Wichita, Kansas

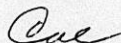
Re: George L. Hibbs
514 West 21st
Wichita, Kansas

Dear Dick:

We have furnished the City of Wichita a bond to permit Mr. Hibbs to pave and fence his own property. This bond was issued February 3, 1965 for \$500.00. Mr. Hibbs has advised us the bond is no longer needed, as he completed the work last year.

We would appreciate it if you would arrange authorization to release this bond so that it may be cancelled. Thank you very much.

Sincerely,



CAL ELDER
BONDS & INSURANCE, INC.

CE/lrs

cc: George L. Hibbs
514 West 21st
Wichita, Kansas

Emil Brueggemann
U S F & G
Wichita, Kansas

UNDERWRITERS FOR LAND DEVELOPMENT INSURANCE COMPANY / DENNING INSURANCE AGENCY
6115 EAST THIRTEENTH / PRAIRIE VILLAGE / WICHITA, KANSAS



February 9, 1965

Mr. and Mrs. George L. Hibbs
514 West 21st Street
Wichita, Kansas

Dear Mr. and Mrs. Hibbs:

Re: Case No. BZA 54-64

On January 29, 1965, we advised you that the Board of Zoning Appeals had approved your application for a variance to permit use of an area for parking in connection with your business, in an area located generally on the east side of Rosenthal in an area between 21st and 22nd Streets North.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before February 5, 1965. The City Clerk has advised that no appeal was filed, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

James W. Howe
Assistant Secretary

JWH:ber

Attachment

cc: George D. McCarthy, Attorney
800 Beacon Building

Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O . B Z A 5 4 - 6 4

WHEREAS, George L. and Lola Jane Hibbs, 514 West 21st Street, Wichita, Kansas, by George D. McCarthy, Attorney, 800 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, Kansas, request a Variance to allow the applicant to complete construction of the parking area and to permit him to use the same for the parking of his vehicles and the vehicles of his employees, on property zoned "B" Multiple Family, and legally described as:

Lots 211 and 213, Rosenthal Avenue, in Rosenthal's Subdivision of Meyers and Snyders Out Lots to Wichita, Sedgwick County, Kansas,

generally located on the east side of Rosenthal in an area between 21st and 22nd Streets; and

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, in regular meeting, consider said application on the 26th day of January, 1965; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for variance under provisions of Section 2.12.590.2, Code of the City of Wichita, Kansas; and

WHEREAS, the Board of Zoning Appeals has found that the variance requested arises from such condition which is unique and not ordinarily found in the same zoning district inasmuch as the size of the property does not lend itself to desirable single family homes and, further, in this area are numerous small businesses which do not provide off-street parking and, further, it is being used for storage of vehicles and employee parking of the transfer business located on 21st Street to the south; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance will not adversely affect adjacent property owners or residents inasmuch as to provide parking area for trucks associated with the transfer business and for employees of this business will alleviate the on-street parking in the general area and, further, the removal of the condemned frame house on the property and improvements already made and to be made on subject property will help upgrade the surrounding area; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owners represented in that if the applicants are not permitted to use subject property for parking they will be unable to continue the business at the present location inasmuch as this parking is vital to the operation of the business; and

WHEREAS, the Board of Zoning Appeals has found that the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare but will actually be of benefit generally to the public inasmuch as it will eliminate the necessity for his trucks and vans used in the transfer business to back onto 21st Street and, further, there will be access to and from the parking area from Rosenthal and thus relieve congestion on 21st Street.

WHEREAS, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita to be present before a variance can be granted, has been found to exist.

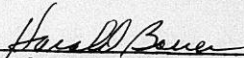
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the above variance relating to property zoned "B" Multiple Family, and legally described as:

Lots 211 and 213, Rosenthal Avenue, in Rosenthal's Subdivision of Meyers and Snyders Out Lots to Wichita, Sedgwick County, Kansas,

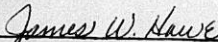
generally located on the east side of Rosenthal in an area between 21st and 22nd Streets, be approved, subject to the following:

1. The entire parking lot and all areas of ingress and egress shall be paved with asphalt, concrete or asphaltic concrete.
2. A 5-foot high solid wall, masonry, louvered redwood, or a chain link fence shall be erected adjacent to the north and south property lines.
3. The parking area shall be used for vehicles and in no case shall it be used for sales, repair work, dismantling or servicing of any vehicles, equipment, material or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
5. The parking areas shall have adequate guards to prevent extension or overhanging of vehicles beyond property lines or parking spaces.
6. If lights are provided, they shall not be permitted to reach a height of greater than 6 feet and shall be hooded so as to reflect the light downward.
7. The applicant shall submit a plot plan of the parking lot showing ingress and egress, the location of parking stalls and interior traffic circulation, etc., to the Traffic Engineer for his approval prior to the time that a permit is issued for the operation of this lot.
8. A corporate performance bond, or other similar security, in the amount of \$500 shall be submitted to the City Clerk to guarantee the construction of the fence and the paving of the parking lot.

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


Harold Bauer, Chairman

ATTEST:


James W. Howe
Assistant Secretary

January 29, 1965

Mr. and Mrs. George L. Hibbs
514 West 21st Street
Wichita, Kansas

Dear Mr. and Mrs. Hibbs:

Re: Case No. BZA 54-64

This is to advise you that at its regular meeting of January 22, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for a Variance to allow complete construction of the parking area and permission to use same for parking of vehicles and those of your employees on property generally located on the east side of Rosenthal in an area between 21st and 22nd Streets North.

It was the action of the Board of Zoning Appeals to approve this request, subject to the following:

1. The entire parking lot and all areas of ingress and egress shall be paved with asphalt, concrete or asphaltic concrete.
2. A 5-foot high solid wall, masonry, louvered redwood, or a chain link fence shall be erected adjacent to the north and south property lines.
3. The parking area shall be used for vehicles, and in no case shall it be used for sales, repair work, dismantling or servicing of any vehicles, equipment, material or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
5. The parking areas shall have adequate guards to prevent extension or overhanging of vehicles beyond property lines or parking spaces.
6. If lights are provided, they shall not be permitted to reach a height of greater than 6 feet and shall be hooded so as to reflect the light downward.

Page 2 - Mr. and Mrs. George L. Hibbs
January 29, 1965

7. The applicant shall submit a plot plan of the parking lot showing ingress and egress, the location of parking stalls and interior traffic circulation, etc., to the Traffic Engineer for his approval prior to the time that a permit is issued for the operation of this lot.
8. A corporate performance bond, or other similar security, in the amount of \$500 shall be submitted to the City Clerk to guarantee the construction of the fence and the paving of the parking lot.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before February 5, 1965.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before February 5, 1965, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

James W. Howe
Assistant Secretary

JWH:ber

cc: George D. McCarthy, Attorney
800 Beacon Building

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

P E T I T I O N

*Received
1-26-65
GMA*

We, the undersigned, being property owners within two hundred feet of Lots 211 and 213, Rosenthal Avenue in Rosenthal's Subdivision of Meyers and Snyders Out-Lots to Wichita, Sedgwick County, Kansas, hereby approve of the use variance for said Lots requested by George L. Hibbs and Lola Jane Hibbs in their application to the Board of Zoning Appeals, Case No. **BZA 54-64**

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
16	Rosenthal	Rosenthal's Subdiv. of Meyers & Snyders Out-Lots	<i>Ida Mae Timbers</i>) Ida Mae Timbers) 1210 N. Main)) <i>Dorothy Louise Cooper</i>) Dorothy Louise Cooper) 401 W. 29th St. No.)) <i>David J Cooper</i>) David J Cooper) 401 W. 29th St. No.
18	"	"	) <i>J. W. Boone</i>) James L. Sutterfield <i>owner</i>) <i>Madeline S. Boone</i>) 2219 Rosenthal)) <i>Richard W. Link by Lola M. Link</i>) Richard William Link) 22 17 Rosenthal) 21)) <i>L. Rodriguez</i>) Lucas Rodriguez) 2223 Rosenthal)) <i>Deceased</i>) Crus Rodriguez) 2223 Rosenthal
S 8 1/3' of 20	"	"	) ) <i>J. W. Boone</i>) James L. Sutterfield <i>owner</i>) <i>Madeline S. Boone</i>) 2219 Rosenthal)) <i>Richard W. Link by Lola M. Link</i>) Richard William Link) 22 17 Rosenthal) 21)) <i>L. Rodriguez</i>) Lucas Rodriguez) 2223 Rosenthal)) <i>Deceased</i>) Crus Rodriguez) 2223 Rosenthal
N 16 2/3' of 20	"	"	) ) <i>J. W. Boone</i>) James L. Sutterfield <i>owner</i>) <i>Madeline S. Boone</i>) 2219 Rosenthal)) <i>Richard W. Link by Lola M. Link</i>) Richard William Link) 22 17 Rosenthal) 21)) <i>L. Rodriguez</i>) Lucas Rodriguez) 2223 Rosenthal)) <i>Deceased</i>) Crus Rodriguez) 2223 Rosenthal
S 16 2/3' of 22	"	"	) ) <i>J. W. Boone</i>) James L. Sutterfield <i>owner</i>) <i>Madeline S. Boone</i>) 2219 Rosenthal)) <i>Richard W. Link by Lola M. Link</i>) Richard William Link) 22 17 Rosenthal) 21)) <i>L. Rodriguez</i>) Lucas Rodriguez) 2223 Rosenthal)) <i>Deceased</i>) Crus Rodriguez) 2223 Rosenthal
N 8 1/3' of 22	"	"	) ) <i>J. W. Boone</i>) James L. Sutterfield <i>owner</i>) <i>Madeline S. Boone</i>) 2219 Rosenthal)) <i>Richard W. Link by Lola M. Link</i>) Richard William Link) 22 17 Rosenthal) 21)) <i>L. Rodriguez</i>) Lucas Rodriguez) 2223 Rosenthal)) <i>Deceased</i>) Crus Rodriguez) 2223 Rosenthal
E 43' of 199	"	"	) ) <i>C. E. Harris</i>) C. E. Harris) 2215 Park Place)) <i>Mary Jane Harris</i>) Mary Jane Harris) 2215 Park Place
E 43' of 201	"	"	) ) <i>C. E. Harris</i>) C. E. Harris) 2215 Park Place)) <i>Mary Jane Harris</i>) Mary Jane Harris) 2215 Park Place
E 43' of 203	"	"	) ) <i>C. E. Harris</i>) C. E. Harris) 2215 Park Place)) <i>Mary Jane Harris</i>) Mary Jane Harris) 2215 Park Place

PETITION-PAGE TWO

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
E 38' of W 88' of 199	Rosenthal	Rosenthal's Subdiv.) of Meyers & Snyders) Out-Lots	<i>George L. Hibbs</i>) George L. Hibbs) 541 W. 21st St.
E 38' of W. 88' of 201	"	"	) <i>Lola J. Hibbs</i>) Lola Jane Hibbs) 541 W. 21st St.
E 38' of W 88' of 203	"	"))
W 50' of 199	"	"	) <i>Lee E. Neff</i>) Lee E. Neff) 2216 Rosenthal
W 50' of 201	"	")
W 50' of 203	"	"	) <i>Thelma E. Neff</i>) Thelma E. Neff) 2216 Rosenthal
205	"	")
207	"	")
209	"	")
211	"	"	) <i>George L. Hibbs</i>) George L. Hibbs) 541 W. 21st St.
213	"	"	) <i>Lola J. Hibbs</i>) Lola Jane Hibbs) 541 W. 21st. St.
215	"	"	) <i>Gladys Peterson</i>) Gladys Peterson) 2222-1/2 Rosenthal
217	"	")
219	"	"	) <i>Jose Castro</i>) Jose Castro) 2224 Rosenthal
S 8.3' of 221	"	"	) <i>Socoro Castro</i>) Socoro Castro) 2224 Rosenthal
N 16.7' of 221	"	"	) <i>Casimiro S. Palacios</i>) Casimiro G. Palacios) 2226 Rosenthal
S 16.69' of 223	"	"	) <i>Agnes Palacios</i>) Agnes Palacios) 2226 Rosenthal

PETITION-PAGE THREE

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
N 8.25 ' of 223	Rosenthal	Rosenthal's Subdiv.) of Meyers & Snyders) Out-Lots	) James Martinez) 2228 Rosenthal
225	"	"	) <i>Josephine Martinez</i>) Josephine Martinez) 2228 Rosenthal
227	"	"	) <i>William J. Reilly</i>) William J. Reilly) 2236 Rosenthal) <i>Lillian Reilly</i>) Lillian Reilly) 2236 Rosenthal
229	"	"	) ) Chester R. Roskam) 330 Morningside Drive) <i>Lucille I. Roskam</i>) Lucille I. Roskam <i>sold to party in lease</i>) 330 Morningside Drive
W 1/2 of 200	Jackson	"	) <i>R. P. Shelton</i>) R. P. Shelton) 508 W. 21st St.) <i>Mrs A.M. Shelton</i>) Mrs A.M. Shelton) 508 W. 21st St.
W 1/2 of 202	"	"	) <i>John R. Bouse</i>) John R. Bouse) 2111 Arkansas
E 1/2 of 200	"	"	) <i>Mattie M. Bouse</i>) Mattie M. Bouse) 2111 Arkansas
E 1/2 of 202	"	"	) ) <i>Mattie M. Bouse</i>) Mattie M. Bouse) 2111 Arkansas
204	"	"	) ) <i>Mattie M. Bouse</i>) Mattie M. Bouse) 2111 Arkansas
206	"	"	) ) <i>Mattie M. Bouse</i>) Mattie M. Bouse) 2111 Arkansas
208	"	"	) <i>Joe Lopez</i>) Homer A. Weddle) 1619 Westridge Drive) <i>2215 Jackson</i>) <i>Cormer Lopez</i>) Inez M. Weddle) 1619 Westridge Drive) <i>2215 Jackson</i>
210	"	"	) <i>Joe Lopez</i>) Homer A. Weddle) 1619 Westridge Drive) <i>2215 Jackson</i>) <i>Cormer Lopez</i>) Inez M. Weddle) 1619 Westridge Drive) <i>2215 Jackson</i>

PETITION-PAGE FOUR

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
212	Jackson	Rosenthal's Subdiv.) of Meyers & Snyders) Out-Lots)	Medah Turner <i>sold to Mr. Brook</i> 1657 Burns <i>address unknown</i>
214	"	"))
216	"	"))
218	"	")	<i>Essie H. Exum</i> Essie H. Exum 2231 Jackson
220	"	"))
222	"	"))
224	"	")	<i>Manuel Samoras</i> Manuel C. Samoras 2237 Jackson
226	"	")	<i>Savina Samoras</i> Savina Samoras 2237 Jackson
228	"	")	<i>Charles W. Mendoza</i> Charles W. Mendoza 2243 Jackson
230	"	")	<i>Mrs Charles Mendoza</i> Marie R. Mendoza 2243 Jackson
3	"	Judson Addition)	Goldie Marie Bodie Address unknown
5	"	")	Arriba Corporation
7	"	")	Address unknown
9	"	"))

SECRETARY'S REPORT

CASE NO. BZA 54-64

APPLICANT: George L. and Lola Jane Hibbs, 514 West 21st Street

AGENT: George D. McCarthy, Attorney, 800 Beacon Building

LOCATION: East side of Rosenthal between 21st and 22nd Streets

LAND USE: Subject property is occupied by a single family dwelling (Condemned house). North is single family; east and west is single family; south is Zephyr Transfer and Storage, service station and garages, and electric supply building.

ZONING: Subject property is zoned "B". To the north is "B" and "A"; east and west is "B" and south is "LC".

REQUEST: Variance to allow a 50 x 131 foot lot to be utilized for employee parking and storage of vehicles.

JURISDICTION:

The Board of Zoning appeals has authority to consider the variance request under the provisions of Section 2.12.590.2, Code of the City of Wichita. The Board may grant the variance request when all four of the following conditions are found to exist:

1. That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the enforcement provision of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

UNIQUENESS

From reviewing the plot plan submitted with the application, there appears to be nothing which is exceptionally unique about this property as far as the physical characteristics of the land are concerned. However, the use of this particular area is somewhat unique inasmuch as there is a mixture of small businesses which are not providing the required

amount of off-street parking. Consequently, there is a considerable amount of congestion in the area.

This particular request is made due to the fact that the applicant has been utilizing this lot for the storage of vehicles and for employee parking until he was issued a "cease and desist" order by the Central Inspection Division. Although this particular property is zoned "B" Multiple family and the storage of vehicles is a permitted use in the "B" Multiple family district, it is the opinion of the Central Inspection Division that this is not primarily a storage lot but also should be considered an off-street parking lot due to the fact that the employees of Zephyr Transfer and Storage are parking their vehicles on the property.

The Zephyr Transfer and Storage office is located just to the north of 21st Street on a rather small tract of land which does not provide any off-street parking.

It is indicated in the statement of justification that the applicant has 5 1-1/2 ton vans, two pick-up trucks and a stake truck which the applicant utilizes in his business. At the present time the moving vans must pull in beside the office building located on the north side of 21st Street and due to the fact that there is not adequate room for circulation, the trucks have to back out onto 21st and create considerable traffic congestion. At the time the Secretary viewed this property there were two moving vans parked on the residential street to the south of 21st and there was one van parked next adjacent to the office building.

According to the statement of justification, the applicant intends to fence this lot and will provide gates which can be locked at night so that he can store his moving vans and other trucks on the lot at night so that they can be protected. During the day time the lot would remain open for employees parking; however, there would not be a lot of circulation in and out of this lot because the only cars that would be parking there would be the employees' cars.

Unless the Board is to consider uniqueness as to the use of this particular property, there is nothing which appears to be specifically unique in this particular instance.

It should be pointed out that the proper method of providing the solution for this problem would be for the applicant to file for "C" Commercial zoning where the transfer business would be a permitted use. Actually, the applicant is requesting a use variance inasmuch as the interpretation of the Central Inspection Division is that the use of this particular property for employee parking and storage of vehicles is not a permitted use in the "B" multiple family district.

ADJACENT PROPERTY

According to the attorney for the applicant, the applicant has contacted the adjacent property owners and found that they have no objection to the utilization of this lot for storage and employee parking. As a matter of fact, the attorney pointed out that the adjacent property owners would like to see the applicant utilize this property for employee parking and storage of his vehicles since the existing situation of parking moving vans on residential streets and backing out on 21st Street creates a considerable amount of traffic congestion in the area. Consequently, it is the opinion of the Secretary that the granting of the variance should have no adverse affect on the adjacent property owner.

HARDSHIP

The Secretary agrees with the attorney for the applicant in that if this variance is not granted the applicant would be burdened with an unnecessary hardship and that he has already expended \$4,100 in order to acquire and to provide improvements on this property.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of this variance should in no way adversely affect the public interest.

GENERAL COMMENTS

There is a 9.8 foot dedicated alley adjacent to the east side of this property which is unpaved. However, it is open and is being used by the residents of the area. It is the opinion of the Traffic Engineer that the 9.8 foot alley to the east side of this property is not wide enough to provide adequate circulation for the movement of vehicles in and out of this parking lot. Actually, if the large moving vans were to utilize the alley for circulation to and from the parking lot they would have to drive on private property in order to get into the lot.

RECOMMENDATION OF THE SECRETARY

It is the opinion of the Secretary that three of the conditions necessary to the granting of a variance can be found to exist; however, it is very doubtful if uniqueness can be found. Therefore, it is recommended that this application be denied. However, in the event the Board should find uniqueness to exist and should desire to approve this request, it is recommended that the following conditions be made a part of the approval.

Page 4 - Secretary's Report
Case No. BZA 54-64

1. The entire parking lot and all areas of ingress and egress shall be paved with asphalt, concrete or asphaltic concrete.
2. A 5-foot high solid wall, masonry, louvered redwood, or a chain link fence shall be erected adjacent to the north and south property lines.
3. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, material or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
5. The parking areas shall have adequate guards to prevent extension or overhanging of vehicles beyond property lines or parking spaces.
6. If lights are provided, they shall not be permitted to reach a height of greater than 6 feet and shall be hooded so as to reflect the light downward.
7. The applicant shall submit a plot plan of the parking lot showing ingress and egress, the location of parking stalls and interior traffic circulation, etc., to the Traffic Engineer for his approval prior to the time that a permit is issued for the operation of this lot.
8. A corporate performance bond, or other similar security, in the amount of \$500 shall be submitted to the City Clerk to guarantee the construction of the fence and the paving of the parking lot.

SECRETARY'S REPORT

CASE NO. BZA 54-64

APPLICANT: George L. and Lola Jane Hibbs, 514 West 21st Street

ATTORNEY: George D. McCarthy, Attorney, 800 Beacon Building

ADDRESS: East side of Rosenthal between 21st and 22nd Streets

DESCRIPTION: Subject property is occupied by a single family dwelling (detached house). North is single family; east and west is single family; south is Zephyr Transfer and Storage, service station and garages, and electric supply building.

ZONING: Subject property is zoned "B". To the north is "B" and "A"; east and west is "B" and south is "LC".

VARIANCE: Variance to allow a 50 x 131 foot lot to be utilized for employee parking and storage of vehicles.

JURISDICTION:

The Board of Zoning Appeals has authority to consider the variance request under the provisions of Section 2.12.590.2, Code of the City of Wichita. The Board may grant the variance request when all four of the following conditions are found to exist:

1. That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

From reviewing the plot plan submitted with the application, there appears to be nothing which is exceptionally unique about this property as far as the physical characteristics of the land are concerned. However, the use of this particular area is somewhat unique inasmuch as there is a mixture of small businesses which are not providing the required

Page 2 - Secretary's Report
Case No. BZA 54-64

amount of off-street parking. Consequently, there is a considerable amount of congestion in the area.

This particular request is made due to the fact that the applicant has been utilizing this lot for the storage of vehicles and for employee parking until he was issued a "cease and desist" order by the Central Inspection Division. Although this particular property is zoned "B" Multiple family and the storage of vehicles is a permitted use in the "B" Multiple family district, it is the opinion of the Central Inspection Division that this is not primarily a storage lot but also should be considered an off-street parking lot due to the fact that the employees of Zephyr Transfer and Storage are parking their vehicles on the property.

The Zephyr Transfer and Storage office is located just to the north of 21st Street on a rather small tract of land which does not provide any off-street parking.

It is indicated in the statement of justification that the applicant has 5 1-1/2 ton vans, two pick-up trucks and a stake truck which the applicant utilizes in his business. At the present time the moving vans must pull in beside the office building located on the north side of 21st Street and due to the fact that there is not adequate room for circulation, the trucks have to back out onto 21st and create considerable traffic congestion. At the time the Secretary viewed this property there were two moving vans parked on the residential street to the south of 21st and there was one van parked next adjacent to the office building.

According to the statement of justification, the applicant intends to fence this lot and will provide gates which can be locked at night so that he can store his moving vans and other trucks on the lot at night so that they can be protected. During the day time the lot would remain open for employees parking; however, there would not be a lot of circulation in and out of this lot because the only cars that would be parking there would be the employees' cars.

Unless the Board is to consider uniqueness as to the use of this particular property, there is nothing which appears to be specifically unique in this particular instance.

It should be pointed out that the proper method of providing the solution for this problem would be for the applicant to file for "C" Commercial zoning where the transfer business would be a permitted use. Actually, the applicant is requesting a use variance inasmuch as the interpretation of the Central Inspection Division is that the use of this particular property for employee parking and storage of vehicles is not a permitted use in the "B" multiple family district.

Page 3 - Secretary's Report
Case No. BZA 54-64

ADJACENT PROPERTY

According to the attorney for the applicant, the applicant has contacted the adjacent property owners and found that they have no objection to the utilization of this lot for storage and employee parking. As a matter of fact, the attorney pointed out that the adjacent property owners would like to see the applicant utilize this property for employee parking and storage of his vehicles since the existing situation of parking moving vans on residential streets and backing out on 21st Street creates a considerable amount of traffic congestion in the area. Consequently, it is the opinion of the Secretary that the granting of the variance should have no adverse affect on the adjacent property owner.

HARDSHIP

The Secretary agrees with the attorney for the applicant in that if this variance is not granted the applicant would be burdened with an unnecessary hardship and that he has already expended \$4,100 in order to acquire and to provide improvements on this property.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of this variance should in no way adversely affect the public interest.

GENERAL COMMENTS

There is a 9.8 foot dedicated alley adjacent to the east side of this property which is unpaved. However, it is open and is being used by the residents of the area. It is the opinion of the Traffic Engineer that the 9.8 foot alley to the east side of this property is not wide enough to provide adequate circulation for the movement of vehicles in and out of this parking lot. Actually, if the large moving vans were to utilize the alley for circulation to and from the parking lot they would have to drive on private property in order to get into the lot.

RECOMMENDATION OF THE SECRETARY

It is the opinion of the Secretary that three of the conditions necessary to the granting of a variance can be found to exist; however, it is very doubtful if uniqueness can be found. Therefore, it is recommended that this application be denied. However, in the event the Board should find uniqueness to exist and should desire to approve this request, it is recommended that the following conditions be made a part of the approval.

Page 4 - Secretary's Report
Case No. BZA 54-64

1. The entire parking lot and all areas of ingress and egress shall be paved with asphalt, concrete or asphaltic concrete.
2. A 5-foot high solid wall, masonry, louvered redwood, or a chain link fence shall be erected adjacent to the north and south property lines.
3. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, material or supplies.
4. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
5. The parking areas shall have adequate guards to prevent extension or overhanging of vehicles beyond property lines or parking spaces.
6. If lights are provided, they shall not be permitted to reach a height of greater than 6 feet and shall be hooded so as to reflect the light downward.
7. The applicant shall submit a plot plan of the parking lot showing ingress and egress, the location of parking stalls and interior traffic circulation, etc., to the Traffic Engineer for his approval prior to the time that a permit is issued for the operation of this lot.
8. A corporate performance bond, or other similar security, in the amount of \$500 shall be submitted to the City Clerk to guarantee the construction of the fence and the paving of the parking lot.

CASE NO. BZA 54-64 - 21 NOTICES MAILED JANUARY 8, 1965 FOR MEETING ON
JANUARY 26, 1965

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

January 8, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 54-64

An application has been filed by George L. and Lola Jane Hibbs, 514 West 21st Street, Wichita, Kansas, by George D. McCarthy, Attorney, 800 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590. Code of the City of Wichita, requesting a Variance to allow the applicant to complete construction of the parking area and permit him to use the same for the parking of his vehicles and the vehicles of his employees, on property zoned "B" Multiple Family Dwelling, and legally described as follows:

Lots 211 and 213, Rosenthal Avenue, in Rosenthal's Subdivision of Meyers and Snyders Out-Lots in Wichita, Sedgwick County, Kansas. Generally located on the east side of Rosenthal between 21st and 22nd Streets.

This application has been assigned Case No. BZA 54-64, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 26, 1965, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

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

25

January 8, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 54-64

An application has been filed by George L. and Lola Jane Hibbs, 514 West 21st Street, Wichita, Kansas, by George D. McCarthy, Attorney, 800 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting a Variance to allow the applicant to complete construction of the parking area and permit him to use the same for the parking of his vehicles and the vehicles of his employees, on property zoned "B" Multiple Family Dwelling, and legally described as follows:

Lots 211 and 213, Rosenthal Avenue, in Rosenthal's Subdivision of Meyers and Snyders Out-Lots in Wichita, Sedgwick County, Kansas. Generally located on the east side of Rosenthal between 21st and 22nd Streets.

This application has been assigned Case No. BZA 54-64, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 26, 1965, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. Lga 5464

CITY OF WICHITA, KANSAS

FILED December 31, 1964

APPLICATION FOR VARIANCE

1. Name of Applicant George L. Hibbs and Lola Jane Hibbs
Mailing Address 514 West 21st Street, Wichita, Kansas Phone TE 8-4931
Name of Authorized Agent George D. McCarthy
Mailing Address 800 Beacon Building, Wichita, Kansas Phone AM 2-1861
Relationship of applicant to property is that of owners
(owner, tenant, lessee, other)

II. The variance requested is to allow the applicant to complete construction of the parking area and permit him to use the same for the parking of his vehicles and the vehicles of his employees,

for property located on Rosenthal Street, Wichita, Kansas

East of Rosenthal bet. 21st & 22nd Streets

and legally described as: Lots 211 and 213, Rosenthal Avenue, in Rosenthal's Subdivision of Meyers and Snyders Out-Lots to Wichita, Sedgwick County, Kansas.

in the City of Wichita; and which is presently zoned "B".

(Give metes and bounds description below if appropriate):

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 appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

GEORGE L. HIBBS

LOLA JANE HIBBS

Applicant

George D. McCarthy
Authorized Agent

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:10 (a.m. ~~(p.m.)~~), 12-31, 1964, together with appropriate fee of \$50.00.

Board of Zoning Appeals
Wichita, Kansas

Gentlemen:

In support of his application, the applicant submits the following information.

The applicant is engaged in a delivery business under the name of Zepher Transfer Company, 514 West 21st Street, Wichita, Kansas. He has operated this business at the above location for more than fifteen years and presently uses in the conduct of his business four 1-1/2 ton vans, one 1 ton stake truck, and two pickup trucks. These vehicles are for local delivery only and the applicant does not store or warehouse any goods or merchandise.

The applicant is the owner of the property commonly known as 514 West 21st Street, and also owns two 25-foot lots on Rosenthal Street. These properties are all located in the same block and the southernmost line of the two 25-foot lots is 200 feet north of 21st Street and 75 feet north of the rear property line of the property on which the applicant's office is located.

Until the past few months the applicant has parked his trucks in the driveway on the north side of his office building or on the rear portion of the property where his office is located. He also used the rear portion of the property adjacent to his office on 21st Street. His neighbor on the east recently completed building a new building utilizing the area formerly enjoyed by the applicant, which left the applicant with no place to park his trucks other than in the driveway by his office. The driveway does not contain sufficient area to afford parking for all the trucks.

After the loss of his parking area, the applicant purchased the two lots described in his Petition, razed an old house which had been condemned, removed a giant elm tree located within the sidewalk area, put in a new

Board of Zoning Appeals
Page Two

sidewalk and approach to the lots from Rosenthal, and filled and leveled the ground. For the purchase price of the two lots and the improvements, the applicant has spent in excess of \$4,100.00. The lots were purchased and the work was done in anticipation of his being able to use them for an off-street parking area for his employees' cars during the daytime and for parking of his trucks when the same were not in use. In addition to the above work, he planned to surface the two lots, completely fence them and add shrubbery to improve the appearance of the area.

On November 30, 1964, while he was still in the process of preparing the ground, he was served with an order by an inspector in the office of the Superintendent of Central Inspection of the City of Wichita. The order directed him to cease all activity.

The zoning on this particular block is as follows: The first 150 feet north of 21st Street is zoned Light Commercial, the next 200 feet is zoned "B", and the remainder of the block to the north is zoned "A". The property on which his office is located is zoned Light Commercial, and the property which he purchased is in the area zoned "B".

The situation is unique in that although the zoning ordinances of the City of Wichita provide that storage garages and parking lots for storage only may be established and operated in a "B" zone, it is the ruling of the Superintendent of Central Inspection that the vehicles used by the applicant in his business are not of the class anticipated by the zoning ordinance.

The granting of the permit for variance will not adversely affect the rights of adjacent property owners or residents but will be of benefit to them. Applicant's employees' cars will not be setting on the streets taking up much needed parking spaces throughout the day thereby leaving additional parking spaces for others. In addition, although part of it has already been

Board of Zoning Appeals
Page Three

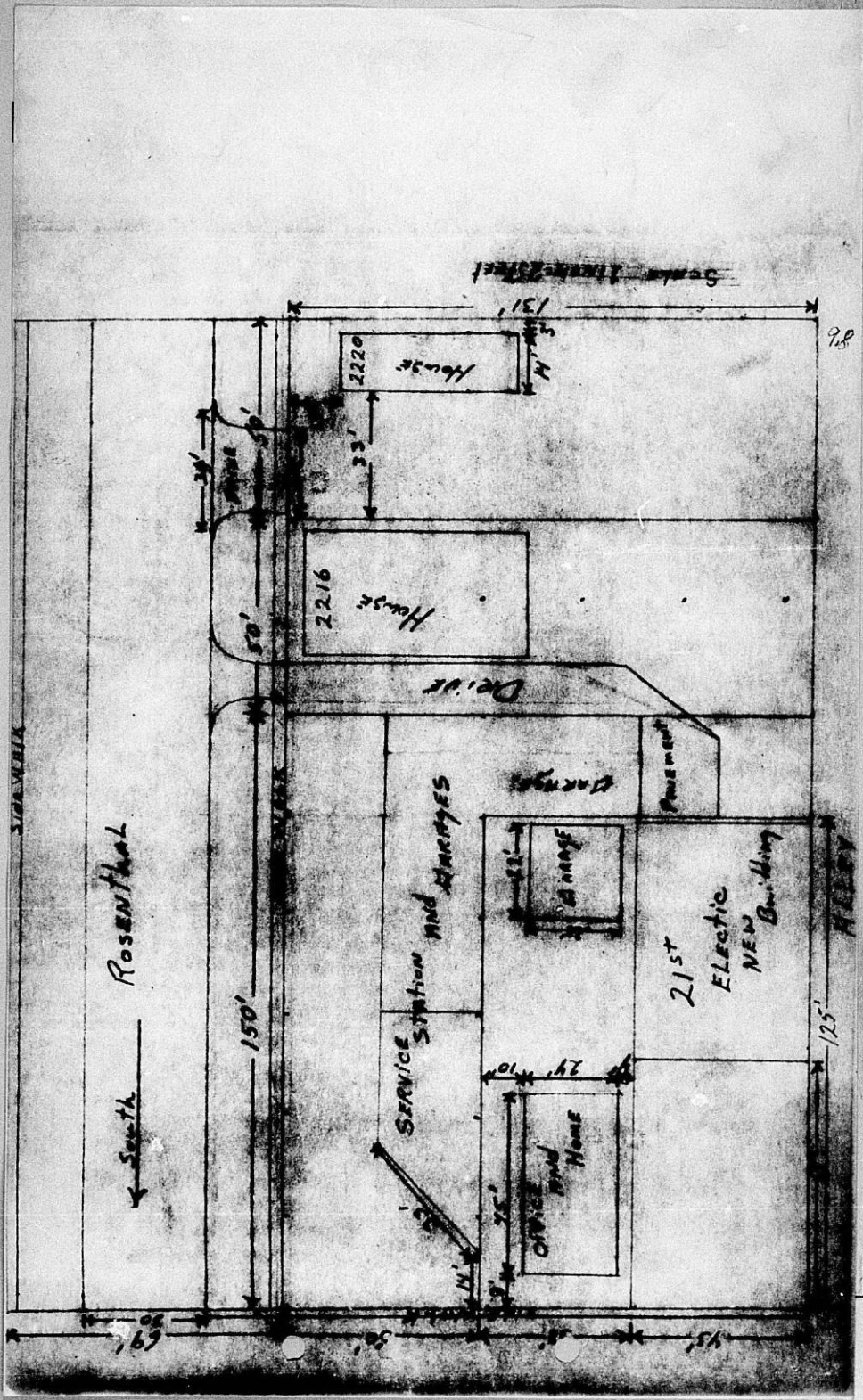
accomplished, the removal of the condemned frame house, the improvements made and the improvements anticipated will upgrade the entire area and will be much more pleasant to the adjacent property owners in an aesthetic sense. His use of the lot will not involve a constant stream of vehicles entering and leaving the parking area, but rather will consist of but few vehicles entering and leaving it.

The strict application of the enforcement provisions of the zoning ordinance would constitute an unnecessary hardship upon the property owner. He has lost the use of a parking area which is vital to the operation of his business and he will be unable to continue his business at his present location unless a variance is granted.

The variance desired is not against the public interest but rather in the public interest. Presently, he must back some of his trucks out of his driveway onto 21st Street which is often difficult because of the constant flow of traffic on 21st Street. The parking area will help alleviate the already overcrowded condition of 21st Street and other streets in the area. In addition, he can gain access to the parking area both from Rosenthal and the alley running north and south between Jackson and Rosenthal Street. Although the alley presently is used very little and is in very poor condition having never been paved, the applicant intends to improve the alley and maintain the same.

Respectfully submitted,


Attorney for Applicant



South Rosenthal

2220 House

2216 House

SERVICE Station and STAIRS

Garage

Garage

21st Electric NEW Building

Office and Home

DRIVE

ALLEY

South Line Street

89

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
16	Rosenthal	Rosenthal's Subdiv. of Meyers & Snyders Out-Lots	Ida Mae Timbers ✓ 1210 N. Main Dorothy Louise Cooper ✓ David Z. Cooper ✓ 401 W. 29th St. No.
18	"	"	James L. Sutterfield
S 8 1/3' of 20	"	"	<i>no address</i> "
N 16 2/3' of 20	"	"	Richard William Linn ✓ 2217 Rosenthal
S 16 2/3' of 22	"	"	"
N 3 1/3' of 22	"	"	Lucas Rodriguez ✓ Crus Rodriguez ✓ 2223 Rosenthal
E 43' of 199	"	"	C. E. Harris ✓ Mary Jane Harris ✓ 2215 Park Place <i>notice returned no other address found</i>
E 43' of 201	"	"	"
E 43' of 203	"	"	"
E 38' of W. 88' of 199	"	"	George L. Hibbs ✓ Lola Jane Hibbs 541 W. 21st St.
E 38' of W. 88' of 201	"	"	"
E 38' of W. 88' of 203	"	"	"
W 50' of 199	"	"	Lee E. Neff ✓ Thelma E. Neff ✓ 2216 Rosenthal
W 50' of 201	"	"	"
W 50' of 203	"	"	"
205	"	"	"
207	"	"	"
209	"	"	"
211	"	"	George L. Hibbs ✓ Lola Jane Hibbs ✓ 541 W. 21st St.
213	"	"	"

Continued page 2

Lot	Street	Addition	Property Owner
215	Rosenthal	Rosenthal's Subdiv. of Meyers & Snyder's Out-Lots	Gladys Peterson ✓ 2222½ Rosenthal
217	"	"	"
219	"	"	Jose Castro ✓ Socoro Castro 2224 Rosenthal
S 8.3' of 221	"	"	"
N 16.7' of 221	"	"	Casimiro G. Palacio ✓ Agnes Palacio 2226 Rosenthal
S 16.69' of 223	"	"	"
N 8.25' of 223	"	"	James Martinez ✓ Josephine Martinez 2228 Rosenthal
225	"	"	"
227	"	"	William J. Reilly ✓ Lillian Reilly 2236 Rosenthal
229	"	"	Chester R. Roskam ✓ Lucille I. Roskam 330 Morningside Drive
W½ of 200	Jackson	"	R. P. Shelton ✓ Alta M. Shelton 508 W. 21st St.
W½ of 202	"	"	"
E½ of 200	"	"	John R. Bouse ✓ Mattie M. Bouse 211 Arkansas
E½ of 202	"	"	"
204	"	"	"
206	"	"	"
208	"	"	Homer A. Weddle ✓ Inez M. Weddle 1619 Westridge Drive
210	"	"	"
212	"	"	Medah Turner ✓ 1657 Burns
214	"	"	"

Continued page 3

Lot	Street	Addition	Property Owner
216	Jackson	Rosenthal's Subdiv. of Meyer's & Snyder's Out-Lots	Essie H. Exum 2231 Jackson ✓
218	"	"	"
220	"	"	"
222	"	"	"
224	"	"	Manuel C. Samoras Savina Samoras ✓ 2237 Jackson
226	"	"	"
228	"	"	Charles W. Mendoza ✓ Marie R. Mendoza 2243 Jackson
230	"	"	"
3	"	Judson Addition	Goldie Marie Bodie <i>no address</i> Address unknown
5	"	"	Arriba Corporation <i>no address</i> Address unknown
7	"	"	"
9	"	"	"

We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 211 and 213, on Rosenthal Avenue, in Rosenthal's Subdivision of Meyers and Snyder's Out-Lots to Wichita, Sedgwick County, Kansas, as shown by the deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 16th day of December, 1964 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

J. M. Mann
Vice-President

Order No. 120354

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

January 8, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 54-64

An application has been filed by George L. and Lola Jane Hibbs, 514 West 21st Street, Wichita, Kansas, by George D. McCarthy, Attorney, 800 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting a Variance to allow the applicant to complete construction of the parking area and permit him to use the same for the parking of his vehicles and the vehicles of his employees, on property zoned "B" Multiple Family Dwelling, and legally described as follows:

Lots 211 and 213, Rosenthal Avenue, in Rosenthal's Subdivision of Meyers and Snyder's Out-Lots in Wichita, Sedgewick County, Kansas. Generally located on the east side of Rosenthal between 21st and 22nd Streets.

This application has been assigned Case No. BZA 54-64, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 25, 1965, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack E. Galbraith
Secretary

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

54-64

- Moved, left no address
 No such number
 Moved, not forwardable
 Addressee unknown



401
These people never lived at this address

~~C. E. and Mary Jane Harris
2215 Park Place
Wichita, KANSAS~~

RETURN
TO
WRITER



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
<i>App fee Variance "50"</i>	
Name <i>Hoe and Helen Hubbs</i>	
Address <i>514 West 21st St.</i>	
Type <i>R-712</i>	Due Date
Comments:	
Date <i>12-21-64</i>	By <i>Mike Arrington</i>