

CASE NO. BZA 54-85 - Ernst H. Reiger  
requests a variance to reduce the re-  
quired number of off-street parking  
spaces for alcoholic rehabilitation  
facilities on property zoned "C"  
Commercial District & generally located  
on the SW corner of ...

POSTED  
10-28-85

ACTION

B.Z.A. Approved 11/26/85  
DATE

15480

200'4 Sec 12-13-85

Shot 4/16/86

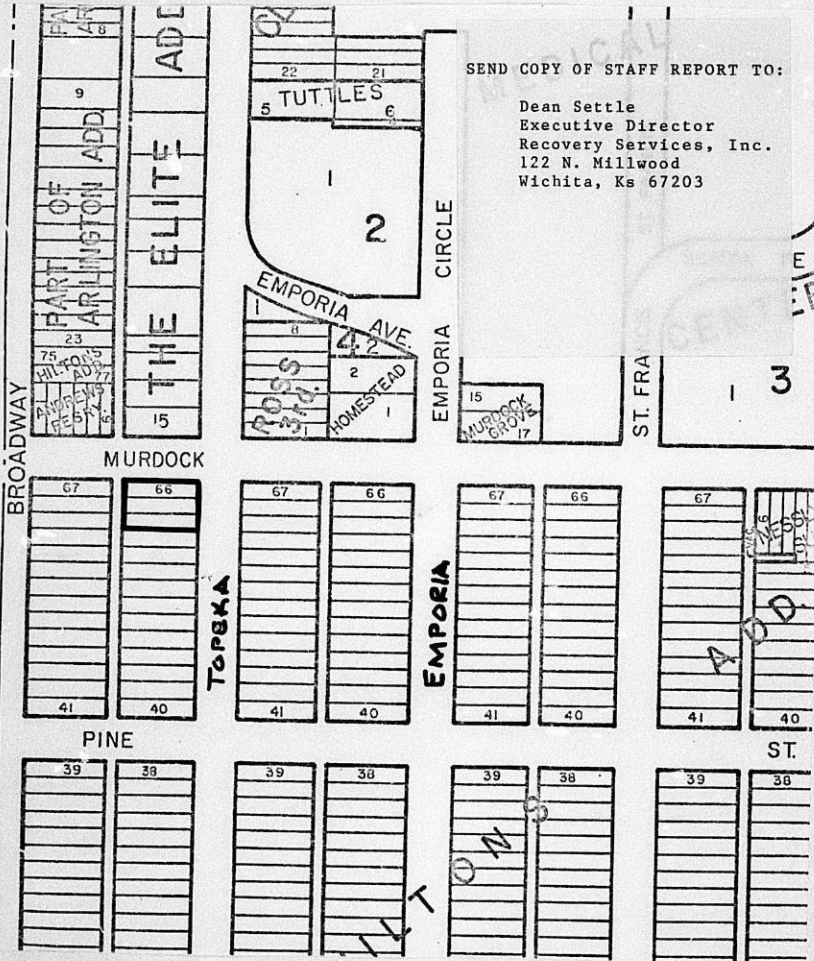
Record


Map No. 5548C

BZA 54-85  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E C S C W C N C
3. Land Use: East PMAY. South ROS.  
West COMM North COMM
4. Area (is) (is not) platted.



  
 No. 2153C  
 MANUFACTURED BY  
 LOS ANGELES-CHICAGO-OAKLAND  
 MCGRAW-HILL BOOK COMPANY  
 1221 AVENUE OF THE STARS  
 NEW YORK, N.Y. 10020  
 U.S.A.

December 3, 1985

Dave Dewey, Attorney  
P. O. Box 3446  
Wichita, Kansas 67201

Re: BZA 54-85 Request for Variance

Dear Mr. Dewey:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 26, 1985.

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 questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:lw  
Encl.

cc: Monty Robson, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk  
Ernest H. Rieger, 5922 Polo Dr., Wichita, KS 67209

RESOLUTION CASE NO. 54-85

WHEREAS, Ernest H. Rieger, 5922 Polo Drive, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required number of off-street parking spaces for alcoholic rehabilitation facilities (half-way homes) from 49 spaces to 9 spaces on property zoned the "C" Commercial District and legally described as follows:

Lots 62, 64 and 66 on Topeka Avenue, in J. P. Hilton's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Topeka and Murdock (735-737-739 North Topeka).

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 November 26, 1985 consider said application; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the facility will be housing lodgers that have voluntarily entered the program and will not be permitted to have vehicles during their six month maximum stay; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as facility will be providing adequate off-street parking for all employees and space for service and delivery vehicles; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the requirement for off-street parking based on the number of persons being lodged at the facility, when they are not permitted to have vehicles at this location, would create an undue expense to the operation of this program; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that reduction of the number of parking spaces, to a number that should adequately serve the use as halfway homes, should not create undue congestion on the public streets due to inadequate off-street parking; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the number of parking spaces required by the zoning ordinance does not make any distinction for the type of lodging facility to be provided, and the Board of Zoning Appeals can make that determination and grant a variance only for a specific occupancy; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces for alcoholic rehabilitation facilities (half-way homes) from 49 spaces to 9 spaces on

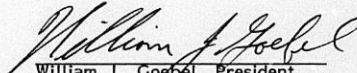
property zoned the "C" Commercial District and legally described as follows:

Lots 62, 64 and 66 on Topeka Avenue, in J. P. Hilton's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Topeka and Murdock (735-737-739 North Topeka).

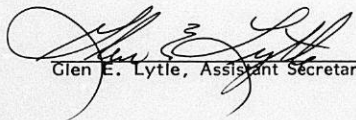
be approved subject to the following conditions:

1. The reduction of off-street parking spaces from 49 spaces to 9 spaces shall only apply to the use of the property as alcoholic rehabilitation homes with a maximum number of 48 clients.
2. All off-street parking spaces, circulation drives, etc., shall be marked and surfaced in conformance with a plan approved by the Traffic Engineer.
3. Any change of use of the property will null and void this variance.
4. All improvements on the property must be made within 30 days of approval by the Board.

ADOPTED AT WICHITA, KANSAS, this 26th day of November, 1985.

  
William J. Goebel, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE    November 22, 1985

TO      Glen Lytle, Special Assistant for Zoning

FROM    Stanley J. Scott, CP Coordinator

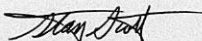
SUBJECT    BZA 54-85: Southeast corner of  
              Topeka and Murdock

On Tuesday, November 19, CPO Neighborhood Council "L" considered the captioned case, a request for a zoning variance to reduce the required number of off-street parking spaces for alcoholic rehabilitation facilities (halfway homes) from 49 spaces to 9 spaces on property zoned "C" Commercial District. After discussion, the Council voted 8-0 to recommend approval of the requested variance.

Ernest Reiger, applicant, was present to describe the request and respond to questions from the Council. Mr. Reiger explained that the 3 structures have been rehabilitated and converted into a halfway home for alcoholics.

No area residents or property owners were present. Staff reported that according to David Dewey, President of the Midtown Citizens Association, the organization supports the requested variance. Council members were also provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

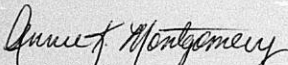
Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 54-85 is considered.



Stanley J. Scott  
CP Coordinator

SJS:dm

Noted:



Annie K. Montgomery  
CRS Director

**RECEIVED**

NOV 22 1985

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

RE: AGENDA ITEM NO 2

SECRETARY'S REPORT  
CASE NO. BZA 54-85

APPLICANT: Ernest H. Rieger, 5922 Polo Drive, Wichita, KS

AGENT: Dave Dewey, Attorney, P. O. Box 3446, Wichita, KS

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required off-street parking from 49 spaces to 9 spaces.

GENERAL LOCATION: On the southwest corner of Murdock and Topeka (735-737-739 North Topeka)

ZONING: Subject property is zoned the "C" Commercial District as are all the adjacent properties.

LAND USE: Subject property is being converted from a one-family and a two-family dwelling to half-way homes for alcoholics. Property to the west is a commercial building and a pharmacy to the east. To the north is commercial and to the south residential.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required number of off-street parking spaces from 49 to 9 spaces in order to convert a one-family dwelling and a two-family dwelling into half-way homes for alcoholics. The applicant is the owner of the property and the facilities will be leased to Recovery Services Council who operate the program.

It should be noted that the property is zoned the "C" Commercial District, and the proposed use is a permitted use in this district. The only condition of the zoning ordinance that the owner is unable to comply with is the number of off-street parking spaces. Central Inspection has determined that the number of off-street parking spaces for this facility is one space for each roomer on the premises. The applicant states that there will be up to 48 clients housed in these facilities, and the house facing Murdock will remain as a one-family dwelling. There will be a maximum of six employees at the facilities during the day and the R.S.C. indicates that six spaces would be adequate for their operation.

The Secretary has reviewed the site plan with the applicant and has shown that nine off-street parking spaces can be provided in the rear yard of 735 North Topeka that will be in conformance with the off-street parking standards. This will allow for two parking spaces for delivery and service in addition to the six employee spaces and the one for the remaining dwelling.

It should be noted that this program provides counseling and peer support for six months to those voluntarily entering the facility. As such, they are not permitted to have vehicles, and as such, the need for parking is practically nonexistent for the occupants. With adequate parking for staff and service vehicles, the affect on the adjacent property owners due to the parking reduction would be minimal. The properties are being upgraded and should be an improvement to the neighborhood.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the facility will be housing lodgers that have voluntarily entered the program and will not be permitted to have vehicles during their six month maximum stay.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the facility will be providing adequate off-street parking for all employees and space for service and delivery vehicles.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the requirement for off-street parking based the number of persons being lodged at the facility when they are not permitted to have vehicles at this location would create an undue expense to the operation of this program.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the number of parking spaces to a number that should adequately serve the use as halfway homes should not create undue congestion on the public streets due to inadequate off-street parking.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the number of parking spaces required by the zoning ordinance does not make any distinction for the type of lodging facility to be provided, and the Board of Zoning Appeals can make that determination and grant a variance only for a specified occupancy.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. The reduction of off-street parking spaces from 49 spaces to 9 spaces shall only apply to the use of the property as alcoholic rehabilitation homes with a maximum number of 48 clients.
2. All off-street parking spaces, circulation drives, etc., shall be marked and surfaced in conformance with a plan approved by the Traffic Engineer.
3. Any change of use of the property will null and void this variance.
4. All improvements on the property must be made within 30 days of approval by the Board.

BZA CASE NO. 54-85

|           |   |
|-----------|---|
| <u>1</u>  | NOTICES SENT TO APPLICANT/AGENT           |
| <u>15</u> | LEGAL ADVERTISEMENT SENT TO MAPC & BZA    |
| <u>1</u>  | NOTICES SENT TO CPO                       |
| <u>11</u> | NOTICES SENT TO ADJOINING PROPERTY OWNERS |
| <u>13</u> | TOTAL NOTICES SENT <u>11/5/85</u>         |

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

November 4, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 54-85

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Ernest H. Rieger, 5922 Polo Drive, Wichita, Kansas, requests a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required number of off-street parking spaces for alcoholic rehabilitation facilities (half-way homes) from 49 spaces to 9 spaces on property zoned the "C" Commercial District. A legal description of the applicant's property is as follows:

Lots 62, 64 and 66 on Topeka Avenue, in J. P. Hilton's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Topeka and Murdock (735-737-739 North Topeka).

This application has been assigned Case No. BZA 54-85. It will be considered by the Board of Zoning Appeals on November 26, 1985 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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

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

Glen E. Lytle  
Assistant Secretary

BZA 54-85 ENVELOPES

ERNEST H RIEGER  
KARIAN M A J RIEGER  
5922 POLO DR  
WICHITA KS 67208

ROXANNE R NICHOLS  
715 N TOPEKA  
WICHITA KS 67214

EVA JANE VAUGHN  
731 N TOPEKA  
WICHITA KS 67214

SISTERS OF THE SORROWFUL  
MOTHER ST FRANCIS HEALTH CORP.  
929 N ST FRANCIS  
WICHITA KS 67214

THOMAS W KNEIDEL  
ROSEMARY K KNEIDEL  
5923 POLO DR  
WICHITA KS 67208

DAVID JAMES BROWN  
HENRY J BIERMAN  
425 E MURDOCK  
WICHITA KS 67214

REX E BIENZ  
MARY L BIENZ  
858 ELPYCO  
WICHITA KS 67218

ED T PHANNENSTIEL  
ROSE M PHANNENSTIEL  
730 N BROADWAY  
WICHITA KS 67214

CONTRACT PURCHASER  
ISADOR R LAMBERT  
PHYLLIS LAMBERT  
730 N BROADWAY  
WICHITA KS 67214

RAYMOND B TROTTER  
GRACE I TROTTER  
730 N BROADWAY  
WICHITA KS 67214

GEORGE J FARHA  
818 N EMPORIA  
WICHITA KS 67214

ROBERT H MCCONACHIE  
BETTIE B MCCONACHIE  
6740 S BROADWAY  
WICHITA KS 67233

Wichita, October 3, 1985

Mr. Glen Lytle, Assistant Secretary  
Board of Zoning Appeals  
City Hall- Tent Floor  
455 North Main Street  
Wichita, Kansas 67202

Dear Mr. Lytle,

We are hand carrying two copies of a site plan showing offstreet parking spaces that we are able to provide at the property per instruction #4 and per your kind letter of October 2, 1985.

A statement in writing attempting to justify or justify the variance requested as required by Section 2.12.590.B of the code and outlining the manner in which it is believed that the application would meet the code requirements and the 5 conditions thereof, follows.

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner of the applicant.

Answer: The properties 735, 737 and 739 N. Topeka are to be occupancy rating upgraded from R3 to R1 for the purpose of their use by Recovery Services Council for two halfway houses for the extended treatment and rehabilitation of alcoholics who have undergone detoxification at the R.S.C. detoxification center at Millwood and who voluntarily enter into the rehabilitation program in which counseling and peer support is provided and 6 months are spent in the halfway houses without permission to come or leave. Any alcohol ingestion during this time results in automatic expulsion from the program. Greater than 60% rehabilitation rate has been accomplished by R.S.C.

The house at 735 N. Topeka will domicile up to but no more than 30 persons; 737, 739 N. Topeka -9 persons each.

No parking is required for any of the voluntarily domiciled persons. 6 slbts of parking are required for the 6 employees of R.S.C. who work the day shift and the 3 employees who work the night shift.

The condition unique to this property in question is that only the employees require parking and not the

domiciled persons. The second partially unique condition is that R.S.C. specifically does not want more parking spaces preferring instead to have the back yard for 737,739 used for a privacy fenced common area serving the domiciled residents. The 3rd partially unique condition is that there is no possible way to create one parking slot for each 250 square feet of floor space of the properties in question (8100 square feet), e.g. 32 spaces and once again it is emphasized that for the unique use of the properties such a number of spaces is neither necessary or desired by any of the prospective users of the property. And also, it seems self evident that the condition is not created by an action or actions of myself since I am both the applicant and the property owner. Finally, the condition is not ordinarily found in the same zone or district since the needs of a group like R.S.C. are in and of themselves quite unique in that in many respects they resemble a group home and in many respects they resemble extended sanitarium or hospital care. The inhabitants each remain only 6 months unlike usual group homes but longer than most hospital convalescences. In these respects they differ from other homes such as the Starkey homes or the Elks homes.

2. That the granting of the permit will not adversely affect the rights of adjacent property owners or residents.

Answer: It seems inconceivable to me that the adjacent property owners who have been significantly gratified by the rehabilitation of these properties which for the prior 10 years had been eye sores, unkempt and blights in the Mid Town area and which are now quite attractive, could in the least care about the number of parking slots present. Finally, the properties are on the corner of Mxdock and Topeka so that there are no adjacent property owners on 2 sides.

3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Answer: Recovery Services Council will be compelled to remain in their present quarters and to renegotiate a new lease at their present quarters which they consider totally unsatisfactory, in building code violation and significantly fire hazarded, so that they fear the possibility of loss of life by fire. Yet, they have been unable to find suitable quarters elsewhere within their budget. I have complied with Central Inspection's most stringent requirements for the occupancy upgrade including conduit wiring, 1 hour fire protection throughout, fire alarm system et al. I, the property owner would also have unnecessary hardship, since the alternate use of these houses would be single family and the great expense to upgrade the property to R1 would have been wasted.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare

Answer: It is my opinion that the variance desired will beneficially affect all of the above.

5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance).

Answer: It is my opinion that the variance desired is compatible with the general spirit and intent of Title 28 (Zoning Ordinance).

Sincerely,

*E. H. Rieger*  
/E.H.Rieger/

BOARD OF ZONING APPEALS

CASE NO. 54-85

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant Ernest W. Rieger  
 Mailing Address 5922 Polo Drive Phone 684-4984 (HOME)  
681-1342 (BUS.)  
 Name of Authorized Agent Atty. Dave Dewey, Atty.  
P.O. #3426 Phone 269-8400  
 Mailing Address #111 W.K. 67201 Phone 4/4  
 Relationship of applicant to property is that of Owner  
 (Owner, Tenant, Lessee, Other)

II. The variance requested is Decrease of required  
parking slots to 6 or 7 90° 14' incl  
from alley plus 5 or 6 sign code slots provided by  
extending the 90° slots to a total length of 44'  
 for property located \_\_\_\_\_  
735 737-739 N Topoka  
 and legally described as: lots 62, 64, 66, 79.  
Hilton addition

in the City of Wichita; and which is presently zoned "G"  
~~light~~ commercial

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
  - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 39-285); and that the appropriate fee is here-with tendered;
  - c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
  - d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Ernest W. Rieger  
 Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 2:00 (a.m./p.m.), Oct. 2, 1985, together with appropriate fee of 300.00.

Signed L. Lytle

October 8, 1985

Mr. Ernest H. Rieger  
5922 Polo Drive  
Wichita, Kansas 67208

RE: Property on southwest corner of Murdock and Topeka

Dear Mr. Rieger:

The response of the Board of Zoning Appeals to call a special meeting in order to accommodate your variance application was negative. Unfortunately the case will now be advertised to be heard at the next regularly scheduled meeting on November 26, 1985.

I know that your deadline to meet the tenants occupancy date is October 31, 1985, and as such the November meeting does not give you an answer. As such, I have held your check in the amount of \$300 in this office until you respond as to whether you wish to have this matter considered at the regular meeting.

Please advise as to your wishes on the processing of your application at the earliest convenience.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL/lw

cc: Monty Robson, Superintendent of Central Inspection  
Jim Jorgensen, Plans Examiner

October 2, 1985

Mr. Ernest H. Rieger  
5922 Polo Drive  
Wichita, Kansas 67208

Dear Mr. Rieger:

Attached hereto is a copy of a letter to the Board of Zoning Appeals transmitting your request for a special meeting to consider the application for a parking variance. As soon as I receive their response, I will advise you of their decision.

I am enclosing an additional application that is for your information. As you will note, incomplete applications can be returned to the applicant. I am not returning your application, but do request that you furnish the following at the earliest possible date.

1. Two copies of a site plan showing the off-street parking spaces that you intend to provide on the property. (Instruction #4)
2. A statement, in writing, justifying the five conditions required by Section 2.12.590.B of the code. (Instruction #3)

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL/lw  
Attachments (2)

October 2, 1985

Mr. William Goebel, President  
City of Wichita Board of Zoning Appeals  
310 South Summitlawn  
Wichita, Kansas 67209

RE: Request for special meeting

Dear Bill:

Attached hereto is a copy of a letter addressed to the Board of Zoning Appeals in regards to an application that was filed with this office eight days after the closing date for the regularly scheduled October meeting. Unless a special meeting is called by the Board, this case will be scheduled for the meeting of November 26, 1985.

In accordance with the bylaws, "The Board of Zoning Appeals shall meet on the fourth Tuesday of each calendar month, unless otherwise scheduled on an adopted meeting date schedule approved by a majority of the Board." In order to schedule a special meeting, it would be necessary to have concurrence of the majority of the Board.

I am requesting additional information from the applicant as the application is not complete, and the case will not be advertised for public hearing until the November meeting unless the majority of the Board advises me to set a special meeting for this one case.

Please advise me of your decision on this matter as soon as possible.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL/lw  
Attachment

cc: Board of Zoning Appeals  
Michael E. Lindebak, Acting Director of Planning  
E. H. Rieger, Agent, 5922 Polo Drive, Wichita, KS 67208

Wichita, September 30, 1985

Board of Zoning Appeals  
City Hall  
Wichita, Kansas 67202

Dear Sirs,

I, Ernest H. Rieger and my wife Karin do own properties located at 735, 737, 739 N. Topeka, legally described as lots 62,64,66 J.P.Hilton addition. The structures thereon have been or are in process of becoming converted to meet the requirements of an increased occupancy rating from R3 to R1. The reason for this is that I have contracted with Recovery Services Council Inc. to provide new quarters for their half way houses. They currently have two such houses and if my attempts are successful, they would continue to have two; one which would house up to 30, 20-30 age group voluntary participants who spend 6 months in the half way house following the acute detoxification process in order to become rehabilitated from alcohol addiction and which would be housed at 735 N.Topeka. The same would apply to the 737,739 address or house which would be used for up to 18 people. However, they are in the middle age range.

Recovery Services Council has stated that they need 6 slots of parking because they have at any one time no more than 6 employees ( 6 during the day time who leave at approximately 5PM and 3 from approximately 5PM through the night). They also state that they have no more than that at the present time and no need for a greater number.

I apologize to Mr. Lytle. to Mr. Goebel and to all the members of the BZA for what must seem to be incredible ignorance or stupidity on my part but I was unaware of the need to obtain a parking variance in order to reduce the number of parking slots to what can possibly be provided. Nevertheless, until such information was provided to me a few days ago by Central Inspection, such was indeed the state of my ignorance.

I have promised occupancy to Recovery Services Council by October 31, 1985 and can only keep that promise if in some manner I can comply with the requirements for the occupancy change. I can indeed comply with the structural, mechanical, electrical standards set by Central Inspection as well as the standards and code requirements set by the Fire Department.

The properties are currently zoned light commercial. If it is not possible to obtain a parking variance then I will not be able to receive the occupancy upgrade and it will not be possible for me to accomodate the need of Recovery Services Council. It will then be necessary that Recovery Services Council renegotiate their current leases and remain in their current quarters. Mr Ron Jordan and Mr. Dean Settle who run the R.S.C. program have repeatedly stated that this would constitute a great hardship.

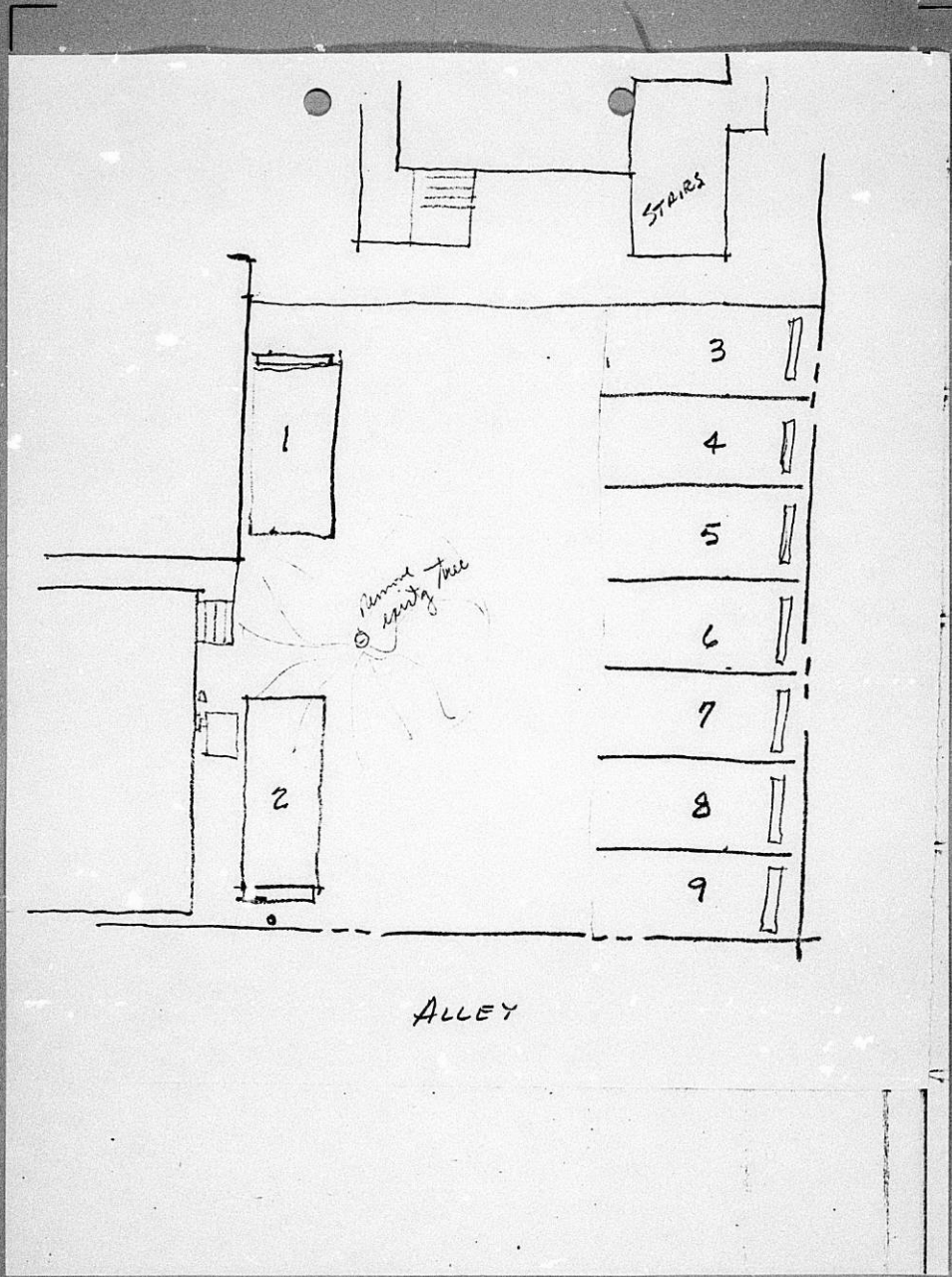
The maps from the architectural drawings show that the two properties contain 8100 square feet including basement space. It would be possible to provide 6 or perhaps 7 90° parking slots 4' inset from the 16' alley (see site plan). It would also be possible to extend at least 5 of these slots an additional 20' to the east so that the administrators and counselors could park one behind another and have as many as 12 actual parking slots although only 7, as I understand it, would actually comply with code requirements. It is for these reasons that a variance is requested and the Board and Mr. Lytle is requested to have an ad hoc meeting to consider this issue during the month of October and so soon as possible.

Finally, once again, I regret any inconvenience caused to Mr. Lytle and to the Board and I would be most appreciative of any efforts on their part to expedite a favorable solution and conclusion to the above situation.

Sincerely,

*E. H. Rieger*

/E. H. Rieger/



ALLEY

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
SEDGWICK COUNTY )

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

All of the owners within 200 feet of Lots 62, 64 and 66 on Topeka Avenue, in J.P. Hilton's Addition to Wichita Sedgwick County, Kansas



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

|   |                   |   |
|---|-------------------|---|
| Lots 62m 64 and 66 on Topeka Ave                                      | J.P. Hilton's Add | ✓ Ernest H. Rieger<br>Karian M. A. J. Rieger<br>5922 Polo Dr. 67208   |
| W 25' Lot 48, All Lot 50, and S $\frac{1}{2}$ Lot 52 on Topeka Avenue | "                 | ✓ Roxanne R. Nichols<br>715 N. Topeka 67214   |
| Lot 52 Exc S 15', all Lot 54 and 56 on Topeka Avenue                  | "                 | Aubrey C'Dell Jr., and Marie S. O'Dell Co-Trustees of the Aubrey O'Dell Jr. Trust dated 11-27-84<br>Address Unknown |
| Lots 58 and 60 on Topeka  | "                 | ✓ Eva Jane Vaughn<br>731 N. Topeka 67214  |
| N 20' Lot 47 all of Lots 49, 51, 53 and 55 on Topeka                  | "                 | ✓ Sisters of the Sorrowful Mother St. Francis Health Corporation<br>929 N. St. Francis 67214                        |

Fidelity  Title  
COMPANY, INC.

|  |                   |  |
|--|-------------------|--|
| Lots 57 and 59<br>and S 10' of 61<br>on Topeka Ave   | J.P. Hilton's Add | Thomas W. Kneidel<br>Rosemary K. Kneidel<br>✓ 5923 Polo Dr 67208   |
| N 20' Lot 61 All<br>of Lots 63, 65,<br>and 67 on Topeka Ave  | "                 | ✓ David James Brown<br>Henry J. Bierman<br>425 E. Murdock 67214  |
| N 5' Lot 47 all<br>49 on Broadway<br>Lot 51 and S 15'<br>of Lot 53 on Broadway   | "                 | ✓ Rex E. Bienz<br>Mary L. Bienz<br>858 Elpyco 67218  |
| N 15' Lot 53 and<br>all Lot 55 on Broadway   | "                 | ✓ Ed T. Phannenstiel<br>Rose M. Phannenstiel<br>730 N. Broadway 67214<br>Contract Purchaser<br>✓ Isador R. Lambert<br>Phyllis Lambert<br>730 N. Broadway 67214 |
| Lot 57 and S $\frac{1}{2}$ Lot<br>59 on Broadway<br>N $\frac{1}{2}$ Lot 59 All Lot<br>61 and S 2' of W 94'<br>Lot 63 on Broadway | "                 | Raymond B. Trotter<br>Grace I. Trotter<br>730 N. Broadway 67214  |
| N 71' of E 46' Lots<br>63, 65 and 67 on<br>Broadway<br>W 94' Lot 67 and<br>W 94' of N 27' of<br>Lot 65 on Broadway               | "                 | ✓ Raymond B. Trotter<br>730 N. Broadway 67214  |
| Lots 1, 2, 3, 4 &<br>S 5' Lot 5  | Ross Addition     | ✓ George J. Farha<br>818 N. Emporia 67214  |
| N 20' Lot 5  | "                 | ✓ Robert H. McConachie<br>Bettie B. "<br>6740 S. Broadway 67233  |
| Lots 1 & 2   | Homestead Add.    | Robert E. Thiele<br>Address unknown  |
| Lots 15 & 17<br>on Emporia Ave in<br>Murdock Grove Add.  |                   | Sisters of the Sorrowful Mother<br>St. Francis Health Corp.<br>929 N. St. Francis 67214  |



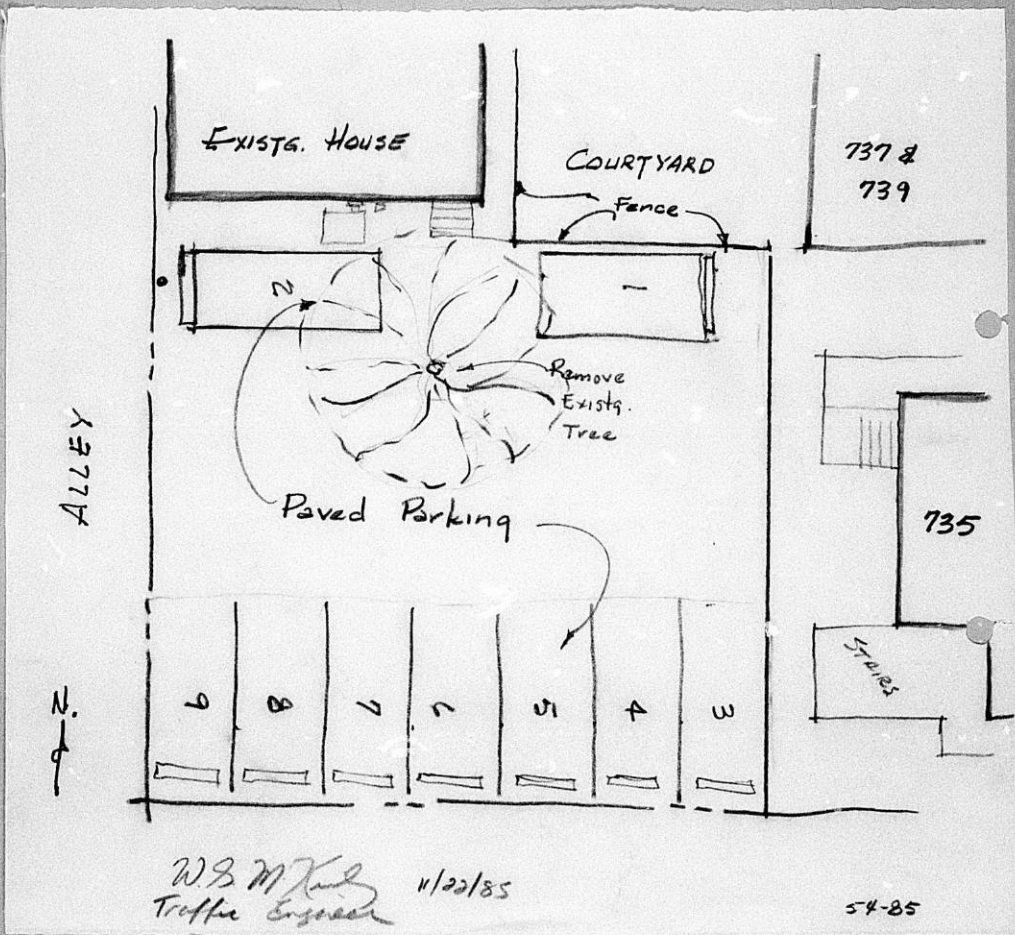
Dated this 27th day of September 1985 at  
7:00 A.M.

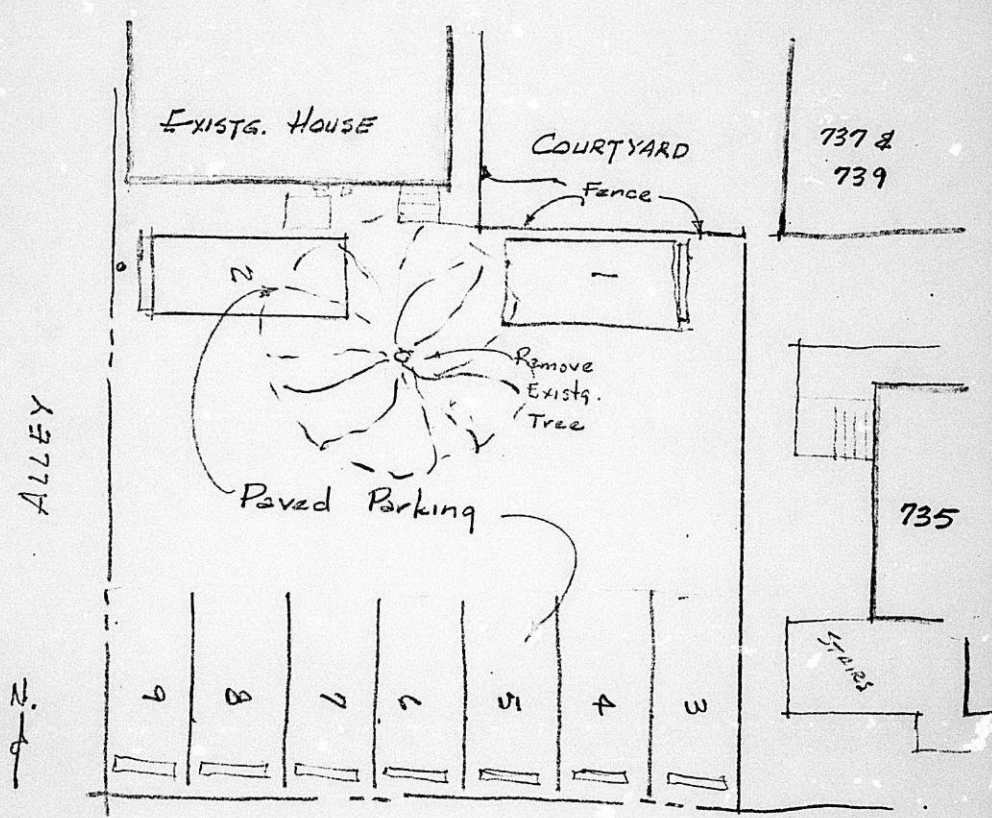
FIDELITY TITLE COMPANY INC.

By *C. E. Bud Biddle*  
Sr. VP

No. 68664

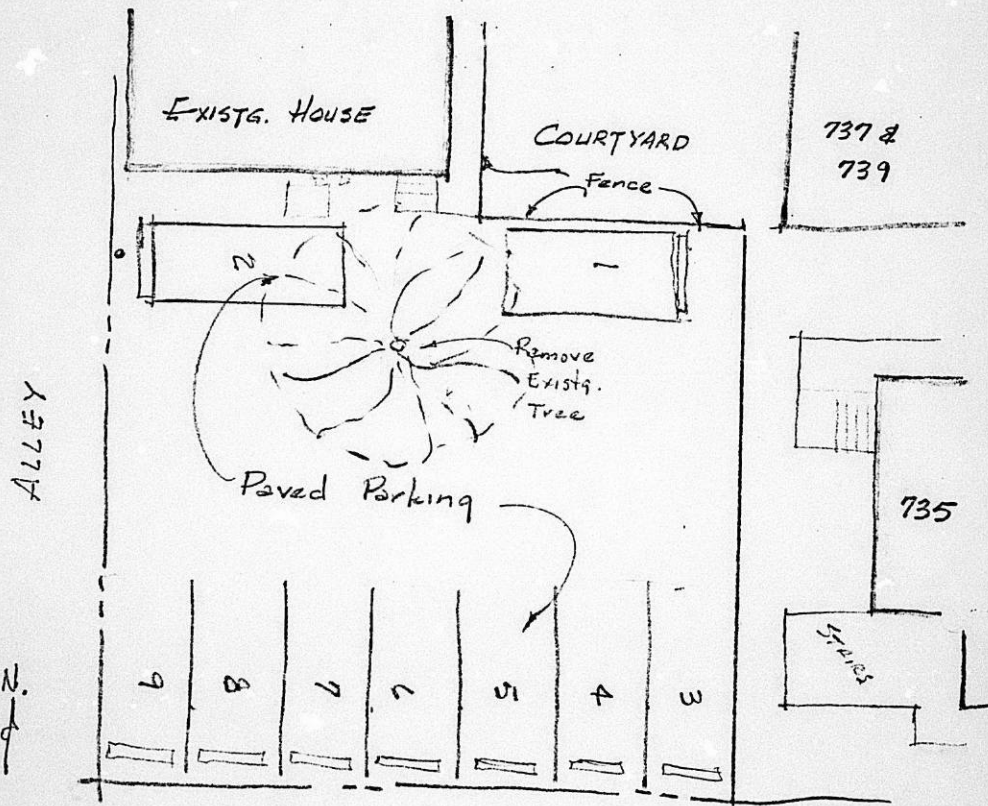
Fidelity  Title  
COMPANY, INC.





W.B. Miller  
Traffic Engineer  
11/20/85

54-85



W B M  
Traffic  
1/22/55

54-85

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 29-1021

PAYMENT NOTICE  
City of Wichita

| Bldg. | Use of Str.      | Code Bks   | Copies |
|-------|------------------|------------|--------|
| Elec  | Elev. Insp.      | Has Moving | Lic.   |
| Mech  | Boiler Insp.     | Pav. Cuts  | Cert.  |
| Pibg  | Exam Fees        | Sewer      | Elev.  |
| Signs | Plan Rev. (P.W.) | Cement     | M.S.P. |

Planning

| DESCRIPTION  | AMOUNT             |
|--------------|--------------------|
| CITY LED VAN | 360.00             |
| NAME         | TE K. H. [unclear] |
| ADDRESS      | 1100 P. [unclear]  |
| FUND         | DUE DATE           |
| 15-4070-103  |                    |
| COMMENTS     |                    |
| DATE         | BY                 |
| 01-27-1955   | [Signature]        |

\*

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

Roll # 2