

Case No. BZA 57-82 - Loal J. Wilson -  
requests a variance to reduce the  
off-street parking spaces from 16  
spaces to 10 spaces on property  
zoned the "LC" Light Commercial  
and generally located at the north-

*POSTED*  
*1-15-83*

**ACTION**

BZA 57-82 APPROVED

1-25-83  
DATE

*646B*

*200'4 Sec 3-1-83*  
*Shot 3-3-83*  
*Checked 3-4*  
*Recorded 3-14*

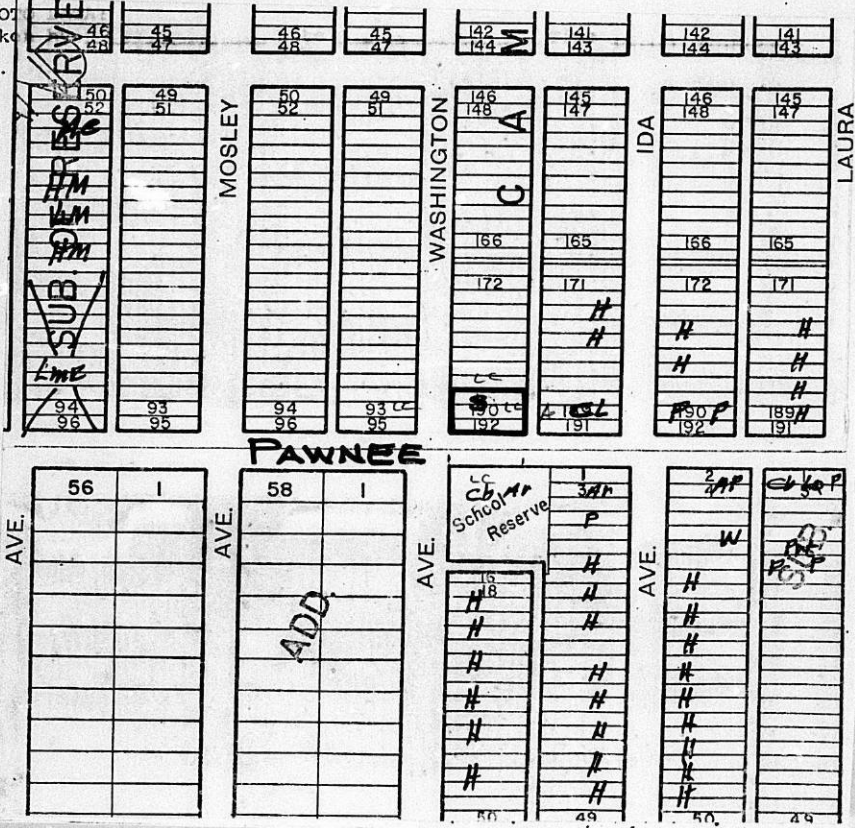
Map No. 5545  
 Sec. 33  
 Twp. 27  
 Range 1E

BZA- 57-82  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

- Acres: 0.24 ( 75 ft. by 140 ft.)
- Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
- Land Use: East \_\_\_\_\_ South CLUB  
 West \_\_\_\_\_ North UNDEVELOPED
- Sketch Plan Land Use is for: \_\_\_\_\_
- Present Land Use if for: SERVICE STAT.
- Area (is) (is not) platted.

PHOTO  
 Taken



**Shield**  
 No. 2-153C  
 HASTINGS, MN  
 LOS ANGELES, CALIF., AUSTIN, TEXAS, CHICAGO, ILL., DENVER, COLO., HOUSTON, TEXAS, MEMPHIS, TENN., MIAMI, FLA., NEW YORK, N.Y., PHOENIX, ARIZ., PORTLAND, ORE., RICHMOND, VA., SAN ANTONIO, TEXAS, TAMPA, FLA., WASHINGTON, D.C., WICHITA, KAN., WISCONSIN, WYOMING, U.S.A.

February 7, 1983

Loal J. Wilson  
2356 South Washington  
Wichita, Ks. 67211

Re: Case No. EZA 57-82  
Request for Variance

Dear Mr. Wilson:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on January 25, 1983.

These Resolutions reflect the official action of the Board to approve the requests and set out the conditions of approval. These are 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

OKL:sad  
Enclosures

cc: Robert Feldner, Superintendent of Central Inspection (2)  
Don Giszick, City Clerk

RESOLUTION NO. BZA 57-82

WHEREAS, Loal J. Wilson, 2356 South Washington, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 16 to 10 on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 188, 190, 192 on Washington, Campbell's Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Pawnee & Washington (2356 South Washington).

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 25, 1983, 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 property is located on a former service station site and in adding to the existing building, it is impractical to comply with the required number of spaces and provide access to the overhead doors to the service area, and provided further the use is a special use and will probably not require the amount of parking other commercial uses demand; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the proposed addition will allow the applicant to eliminate most outside service and storage of vehicles on the property which should only be an asset to the adjoining property owners; 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 applicant would be unable to utilize the existing building in the expansion of the business in an economically practical manner, which is primarily caused by the location of the building in relation to the property lines; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the proposed addition will comply with the required building setbacks and not interfere with any recorded easements; 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 applicant will be providing adequate parking for the intended use of the property and at any future time the use is changed, adequate parking can be provided for a new use in conformance to the standards; 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.

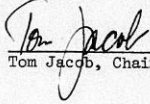
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 16 to 10 on property zoned the "LC" Light Commercial District and legally described as:

Lots 188, 190, 192 on Washington, Campbell's Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Pawnee & Washington (2356 South Washington).

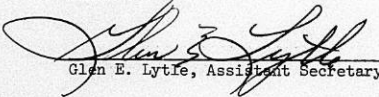
be approved subject to the following conditions:

1. The applicant shall submit a site plan, providing not less than ten off-street parking spaces in compliance with the off-street parking standards, for approval by the Traffic Engineer prior to the release of the Resolution.
2. All parking spaces shall be marked in accordance to an approved parking plan and surfaced in accordance with Section 28.04.143 of the Zoning Ordinance.
3. Parking barriers shall be provided adjacent to public right-of-way to prevent the overhanging of vehicles.
4. The applicant shall remove all existing curb cuts in accordance with the plan approved by the Traffic Engineer.
5. The variance shall only be for the use of the property as a radiator shop and at any time the use is changed, the sixteen parking spaces shall be required to be provided.

ADOPTED AT WICHITA, KANSAS, this 25th day of January, 1983.

  
\_\_\_\_\_  
Tom Jacob, Chairman

ATTEST:

  
\_\_\_\_\_  
Glen E. Lytle, Assistant Secretary

January 26, 1983

Loal J. Wilson  
2356 South Washington  
Wichita, Ks. 67211

Re: Case No. BZA 57-82  
Request for variance

Dear Mr. Wilson:

At the regular meeting of the Board of Zoning Appeals on January 25, 1983, your request for a variance was considered.

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

1. The applicant shall submit a site plan, providing not less than ten off-street parking spaces in compliance with the off-street parking standards, for approval by the Traffic Engineer prior to the release of the Resolution.
2. All parking spaces shall be marked in accordance to an approved parking plan and surfaced in accordance with Section 28.04.143 of the Zoning Ordinance.
3. Parking barriers shall be provided adjacent to public right-of-way to prevent the overhanging of vehicles.
4. The applicant shall remove all existing curb cuts in accordance with the plan approved by the Traffic Engineer.
5. The variance shall only be for the use of the property as a radiator shop and at any time the use is changed, the sixteen parking spaces shall be required to be provided.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as you have complied with condition number one above.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
cc: Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** January 24, 1983

**TO** Glen Lytle, Special Assistant for Zoning

**FROM** Shirley Mast, Administrative Aide III

**SUBJECT** BZA 57-82 Northeast Corner of  
Pawnee and Washington

Due to inclement weather, CPO Council "E" cancelled their second January Meeting at which the captioned BZA Case was scheduled to be considered. Therefore, no recommendation will be submitted to the Board of Zoning Appeals for their January 25th meeting.

*Shirley Mast*  
Shirley Mast  
Administrative Aide III

SECRETARY'S REPORT  
CASE NO. BEA 57-82

APPLICANT: Loal J. Wilson, 2356 South Washington, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required off-street parking spaces from 16 spaces to 10 spaces.

GENERAL LOCATION: On the northeast corner of Pawnee and Washington.

ZONING: Subject property is zoned the "LC" Light Commercial District as are the properties to the north, west and south. Property to the east is zoned the "A" Two-family Dwelling District.

LAND USE: Subject property is occupied by the applicant as a radiator repair shop. Properties to the north, west and south are developed commercially. A church is to the east.

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 and 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 of the number of required off-street parking spaces in order to permit the expansion of the existing building. Although the applicant can provide the required number of spaces on the property based on the total square footage of the structure, the location of the spaces do not work well with the applicant's business.

The applicant purchased a former service station and established a radiator shop in the existing building. He now proposes to add approximately 2800 square feet for work space inside the building. This requires 16 total off-street parking spaces.

The property is located on a corner and the driveway approaches were originally installed to conform to the pump island location for the service station. In discussing the proposed site plan with the Traffic Engineer, he has suggested that the applicant alter the parking spaces to conform to the off-street parking standards which will cause the removal and relocation of the driveway approaches on the property.

One layout will provide twelve spaces in conformance with the standards plus an additional five spaces that would be double stacked not in conformance to the standards. Another plan would provide twelve spaces, and be easily converted to the required 16 spaces should the building be changed to another commercial use.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is located on a former service station site and in adding to the existing building, it is impractical to comply with the required number of spaces and provide access to the overhead doors to the service area, and provided further the use is a special use and will probably not require the amount of parking other commercial uses demand.

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 proposed addition will allow the applicant to eliminate most outside service and storage of vehicles on the property which should only be an asset to the adjoining property owners.

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 applicant would be unable to utilize the existing building in the expansion of the business in an economically practical manner, which is primarily caused by the location of the building in relation to the property lines.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the proposed addition will comply with the required building setbacks and not interfere with any recorded easements.

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 applicant will be providing adequate parking for the intended use of the property and at any future time the use is changed, adequate parking can be provided for a new use in conformance to the standards.

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 applicant shall submit a site plan, providing not less than ten off-street parking spaces in compliance with the off-street parking standards, for approval by the Traffic Engineer prior to the release of the Resolution.
2. All parking spaces shall be marked in accordance to an approved parking plan and surfaced in accordance with Section 28.04.143 of the Zoning Ordinance.
3. Parking barriers shall be provided adjacent to public right-of-way to prevent the overhanging of vehicles.
4. The applicant shall remove all existing curb cuts in accordance with the plan approved by the Traffic Engineer.
5. The variance shall only be for the use of the property as a radiator shop and at any time the use is changed, the sixteen parking spaces shall be required to be provided.

BZA CASE NO. 57-82

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

20 NOTICES SENT TO ADJOINING PROPERTY OWNERS

32 TOTAL NOTICES SENT 1-5-83

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

December 5, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 57-02

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 Loal J. Wilson, 2356 South Washington, Wichita, Kansas, requesting 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 off-street parking spaces from 16 spaces to 10 spaces on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lots 188, 190, 192 on Washington, Campbell's  
Addition to Wichita, Sedgwick County, Kansas.  
Generally located at the northeast corner of  
Pawnee and Washington (2356 South Washington).

This application has been assigned Case No. BZA 57-02. It will be considered by the Board of Zoning Appeals on January 25, 1983 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 CFO 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.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. 57-82

CITY OF WICHITA, KANSAS

FILED 12-27-82

APPLICATION FOR VARIANCE

I. Name of Applicant  Loal J. Wilson

Mailing Address 2356 So. Washington Phone 267-0328

Name of Authorized Agent Same

Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_

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

II. The variance requested is to reduce the required off-  
street parking spaces from 16 spaces to 10 spaces

at the northeast corner of Pawnee & Washington  
for property located at (2356 So. Washington)

and legally described as: Lots 188, 190, 192 on Washington,  
Campbell, s Addition to Wichita, Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned LC

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. 36-596); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Loal J. Wilson  
Loal J. Wilson

Authorized Agent Same

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:30 ~~4:30~~ p.m.), DEC: 27, 1982 together with appropriate fee of 150.00

Signed L. Lytle

WILLIAM L. KORBER L.S.  
JOHN E. LUNDBLAD L.S.  
N. BRENT WOOTEN, P.E.

**BAUGHMAN COMPANY, P.A.**  
SURVEYING & ENGINEERING  
316.262-7271 • 330 LAURA • WICHITA, KANSAS 67211

State of Kansas )  
County of Sedgwick)

SS

December 2, 1982

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 2nd day of December, 1982 survey Lots 188, 190, and 192 on Washington, Campbell's Addition to Wichita, Sedgwick County, Kansas.

The accompanying plat is a true and correct exhibit of said survey.

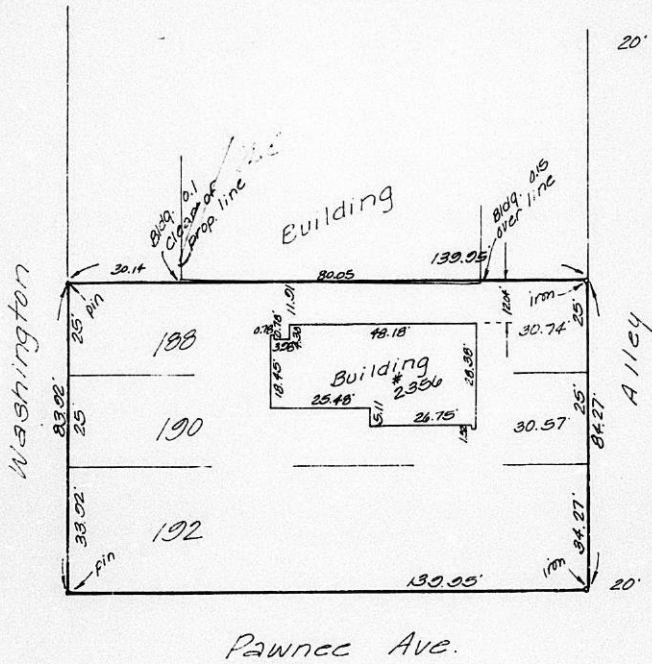
*William L. Korber*  
Surveyor



WILLIAM L. KORBER, L.S.  
JOHN E. LUNDBLADE, L.S.  
N. BRENT WOOTEN, P.E.



**BAUGHMAN COMPANY, P.A.**  
SURVEYING & ENGINEERING  
316 262-7271 • 330 LAURA • WICHITA, KANSAS 67211



12/6/82

#### VARIANCES

The Board may authorize in specific cases a variance from the specific terms of Title 28 which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of Title 28 will, in an individual case, result in unnecessary hardship, and provided that the spirit of Title 28 shall be observed, public safety and welfare secured and substantial justice done. Such variance shall not permit any use not permitted by Title 28 (zoning ordinance) in such zoning district. A request for a variance may be granted upon a finding by the Board that all of the following conditions as set forth in Section 2.12.590.B have been met:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
  2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
  3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
  4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
  5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance).
- 
1. The variance requested arises from the unique operation of the business; ie: automobile repair, and the location of the existing structure. Adequate parking is provided by the inclusion of interior work areas and controlled exterior vehicle storage.
  2. The granting of requested variance will not adversely affect the rights of adjacent property owners or residents.
  3. The reduction of square footage of the proposed addition, to satisfy the parking requirements of Title 28, would not create more parking, but would cause unnecessary hardship to the owner in restricting the orderly flow of work through the structure.
  4. Due to the location of the existing structure and the proposed addition, it does not appear that the granting of the variance would be opposed to the general spirit and intent of Title 28.
  - 5.

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:

Record Owners within 200 feet of:  
 Lots 188, 190 and 192, CAMPBELLS  
 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.)

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lot 1, Block 1,	PURCELL'S 3RD	✓ Argie P. and Ermal M. Jordan & Ginger P. Blair 2403 S. Washington Wichita, Kansas 67216
Lot 2, Block 1,	PURCELL'S 3RD	✓ Pearl I. Christensen 2409 S. Washington Wichita, Kansas 67216
Lot 3, Block 3,	PURCELL'S 3RD	✓ Billie J. & Gwendolyn Callaway 2415 S. Washington Wichita, Kansas 67216
Lots 77 and 79 on Washington Avenue,	ROCK ISLAND THIRD	✓ Luther J. & Alzane F. Gantz 2337 S. Washington Wichita, Kansas 67211



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lots 81 and 83 on Washington Avenue,	ROCK ISLAND THIRD	Evelyn Mildred & Kenric L. Morsbach ✓ 2343 S. Washington Wichita, Kansas 67211
Lots 85, 87, 89, 91, 93 and 95 on Washington Avenue,	ROCK ISLAND THIRD	✓ Phil G. Ruffin 944 E. Pawnee Wichita, Kansas 67217
Lots 78 and 80 on Mosley Avenue,	ROCK ISLAND THIRD	✓ Finney Properties 2500 E. Central Wichita, Kansas 67214
Lots 82 and 84 on Mosley Avenue,	ROCK ISLAND	✓ Laura L. Swofford, Marilyn G. North and Lorine E. Jones, %2334 Victoria Wichita, Kansas 67211
Lots 86 and 88 on Mosley Avenue,	ROCK ISLAND THIRD	✓ L. R. & Goldie Burnell 1256 S. Hydraulic Wichita, Kansas 67211
Lots 90 and 92 on Mosley Avenue,	ROCK ISLAND THIRD	✓ Joe Cowan 2352 S. Mosley Wichita, Kansas 67211
Lots 94 and 96 on Mosley Avenue,	ROCK ISLAND THIRD	✓ Jack L. Van Dyke 2356 S. Mosley Wichita, Kansas 67211
School Reserve on Washington Avenue,	WABASH AVENUE SUBDIVISION IN BEALS'	James H., Jr. & Marcia Maybrier ✓ 211 W. Harry Wichita, Kansas 67213
Lots 16 and 18 on Washington Avenue,	WABASH AVENUE SUBDIVISION IN BEALS'	✓ C. D. & Fay Davidson 4050 Ellis Wichita, Kansas 67216
Lots 1, 3 and 5, Wabash Avenue now Ida,	WABASH AVENUE SUBDIVISION IN BEALS'	✓ Helen M. Garnett, Trust %Floyd Campbell 1141 East Kellogg Wichita, Kansas 67211 <i>Returned</i>
Lots 7 and 9 on Ida Avenue,	WABASH AVENUE SUBDIVISION IN BEALS'	✓ Estell & Iris V. Bedwell 3993 10th St., #1407 Riverside, CA 92501
Lots 11, 13 and 15 on Ida Avenue,	WABASH AVENUE SUBDIVISION IN BEALS'	✓ Melvin L. & Rachel Marie Brooks 1723 Fairhaven Wichita, Kansas 67216
Lots 177 and 179 on Ohio now Laura Avenue,	CAMPBELL'S	✓ Lou Ann Kirk 2341 S. Laura Wichita, Kansas 67211



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lots 181 and 183 on Ohio now Laura Avenue,	CAMPBELL'S	✓ Louie E. & Frieda L. Sparman 2347 Laura Wichita, Kansas 67211
Lots 185 and 187 on Ohio now Laura Avenue,	CAMPBELL'S	✓ Jack A. & Rosetta M. Shumard 2351 Laura Wichita, Kansas 67211
Lots 189 and 191 on Ohio now Laura Avenue,	CAMPBELL'S	✓ Charley A. & Leota A. McDavitt <u>ADDRESS UNKNOWN</u>
Lots 178, 180, 182, 184 and 186 on Washington Avenue,	CAMPBELL'S	✓ Trinity Baptist Church of Wichita Inc. 1016 East Pawnee Wichita, Kansas 67211

Dated in Wichita, Kansas this 17th day of December, 1982  
at 7:00 A.M.



FIDELITY TITLE COMPANY, INC.

By *Medina K. Sattler*  
Assistant Secretary

Tracer No. 58729

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

FORWARDING  
ORDER EXPIRES  
RETURN TO SENDER



RECEIVED

JAN 11 1983

METROPOLITAN PLANNING  
ROUTE  City

*b2A  
57-52*

Helen M. Garnett, Trust  
Floyd Campbell  
1111 East Kellogg  
Wichita, Ks. 67211

*1118e*





\*

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

Roll # 2