

Case No. BZA 58-77 - Wichita Mr. Burger, Inc., requests variance to waive the required screening adjacent to the north and east property lines on property generally located on the east side of Rock Road in an area south

POSTED
1-16-78
C.I.V.
5-9-78
MAY 11
(3-178)
12

ACTION
DATE
1-24-78
2-28-78
4-25-78
BZA 58-78 COMMITTEE
~~Approved~~
Approved
addendum to
B.O.C./B. CO. C.

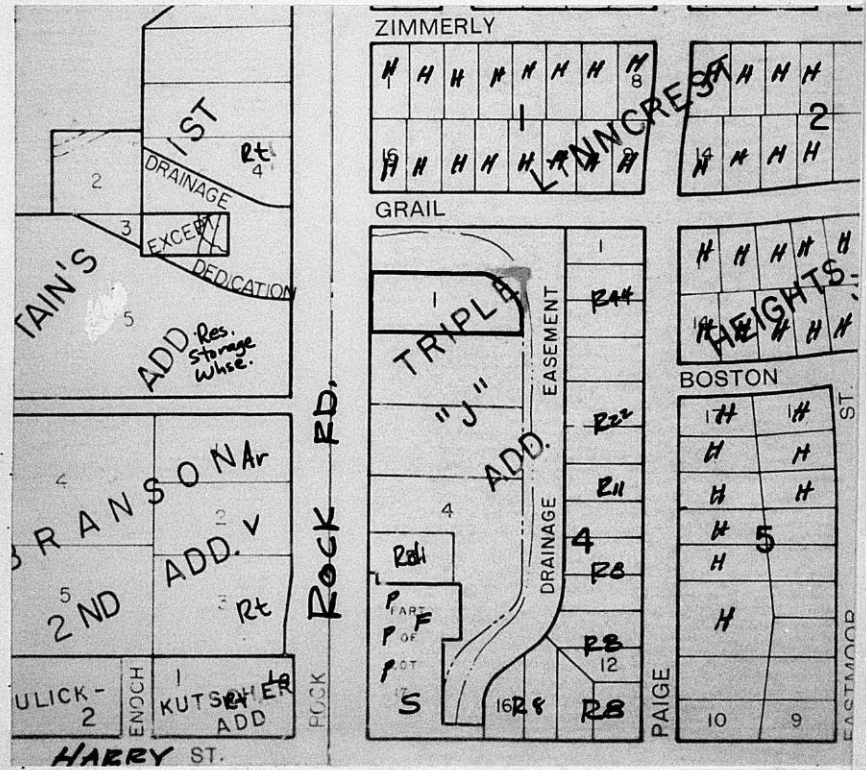
File + Land
See BZA 58-78
OK

Map No. 6046
 Sec. 29
 Twp. 27
 Range 2E

BZA- 58-77
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.64 (100 ft. by 280 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East MULTI FAM South Vacant
 West Storage Warehouses North Single Family
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: _____
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



HASTINGS, MN - LOS ANGELES
 LOGAN OH - McPHERSON, TX U. S. A.
 No. 2-153C.
Smead®

316-682-3261

316-682-6262

MODEL NURSERY, INC.

11716 E. KELLOGG
WICHITA, KANSAS 67207

DR. A. J. TIMSAH, PRESIDENT
HORTICULTURIST

10-14-86

CUSTOM LANDSCAPING

DESIGN & PLANTING

LWSIPR Plant

IMPORTANT MESSAGE

FOR Allen
DATE 5/28 TIME 3:10 A.M.
P.M.

WHILE YOU WERE AWAY

OF Dan Dunn
Linda Andeal
PHONE No. 683-7511

TELEPHONED	PLEASE CALL
CALLED TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RETURNED YOUR CALL

MESSAGE Re: BZA 58:77

Want further waiver of the screening. Want no fence and hedge instead of trees.

SIGNED _____ (1)

FORM 000-017

L.O.

WICHITA-SEDGWIC' COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

May 14, 1980

TO Robert Feldner, Superintendent of Central Inspection

FROM Jack H. Galbraith, Chief Planner

SUBJECT BZA 58-77 landscaping required as a condition's of approval of variance for "Mr. Burger"

In 1978, the Board of Zoning Appeals considered a request for variance of screening requirements for a new "Mr. Burger" wanting to locate on the east side of Rock Road south of Grail Street (1140 South Rock Road). There was considerable opposition from adjacent residences to the north of Grail as their homes faced directly south into the side of the lot that Mr. Burger wanted to develop on.

Last week, I received a complaint from one of the property owners to the north that 7 of 9 trees were dead. This is the second time that the trees have died and the person calling me was of the opinion that the trees after planting are never cared for or watered. Specifically the condition of the approved resolution reads as follows:

"The applicants shall, with the approval of the Public Works Maintenance Division and the Park Forestry Division, landscape that portion of the drainage channel immediately adjacent to the west 110 feet of the north property line of subject property. Said landscaping to consist of a minimum of 12 evergreen trees; a combination of Scotch Pines and Canart Junipers or other appropriate types approved by the Park Forester. The size of the plantings shall be the largest that, in the opinion of the Park Forester, could reasonably be expected to survive under the existing conditions, but shall be no smaller than 5 to 6 foot tall specimens."

The approved landscape plan submitted at that time by a Mr. Kenneth Horvath indicated 12 5-6' evergreen trees - Canart Juniper. After advising Mr. Horvath in 1978 that the trees had died, we were advised by a Mr. Russ McKinney, Franchise Operation Manager of Mr. Burger, Inc., that they had contacted a local nursery and the trees were to be replanted. Apparently only 9 of the required 12 were replanted and now 7 of those are dead. We have also been advised that the building is no longer occupied.

This is provided for your information so that your office can contact the owners of Lot 1 Triple J Addition as well as Mr. McKinney of "Mr. Burger" and see that the condition's of approval of the resolution are complied with.

If you or your staff need any additional information, please contact either me or Glen Lytle.

Jack H. Galbraith
Chief Planner

JHG:sad

Encl. Ltr. dated November 3, 1978 from Mr. Russ McKinney to the City

cc: Joe Donnelly
Russ McKinney

BCC: James Grey, 8006 Grail, 67207

IMPORTANT MESSAGE

FOR Jack
DATE 5-7 TIME 4:13 ^{A.M.} _{P.M.}

WHILE YOU WERE AWAY

OF Jim Troy
PHONE No. 682-7057

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

MESSAGE BZA 58-77

SIGNED B



MR. BURGER, INC.
P.O. BOX 8248
5625 FULTON
AMARILLO, TEXAS 79109
(806) 355-9936



November 3, 1978

Larry Dobson, Assistant Secretary
The City of Wichita
Board of Zoning Appeals
City Hall - Tenth Floor
455 North Main Street
Wichita, Kansas 67202

Dear Mr. Dobson:

Regarding your letter dated October 25, 1978, Case No. BZA 5877, Maintenance of Landscaping, we removed the evergreen trees because they were dead.

We have contacted a nursery, and intend to replace the trees. The nursery advised us to wait a while, as this is not the best time to plant the new trees.

We did, however, want to assure you that the trees will be replaced.

Sincerely,

Russ McKinney
Franchise Operations Manager
MR. BURGER, INC.

RM:csp

October 25, 1978

Mr. Kenneth Horvath
7810 Magill
Wichita, Kansas 67208

Re: Case No. BZA 5877
Maintenance of Landscaping

Dear Mr. Horvath:

I recently observed that evergreen trees originally planted adjacent to the north property line of Wichita Mr. Burger property, located at 1140 S. Rock Road, have been removed.

As you are aware, the planting and maintenance of these trees was a condition required by the Board of Zoning Appeals in its granting of a variance of screening for this property. Please be advised that the trees should be replaced immediately.

Other staff members inform me that they believe the trees have been gone for several weeks. I would be interested in knowing what problems you are encountering in getting the trees established.

Sincerely,


Larry Dobson
Assistant Secretary

LD:bbc

cc: Robert Feldner, Superintendent of Central Inspection

AMENDMENT TO
RESOLUTION NO. BZA 58-77

WHEREAS, Wichita Mr. Burger, Inc., 6710 Magill, Wichita, Kansas, requests a rehearing of Case No. BZA 58-77, to consider the reduction of the height of a wooden fence from eight foot, as required by Condition No. 1 of approved Resolution No. BZA 58-77, to six foot on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Triple J Addition, Sedgwick County, Kansas. Generally located on the east side of Rock Road in an area south of Grail Street (1140 S. Rock Road).

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 April 25, 1978, consider said request; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a rehearing under the provisions of Article VIII, subparagraphs A and B of the Rules and Regulations of the Board of Zoning Appeals; and

WHEREAS, the Board of Zoning Appeals has determined that new evidence has been submitted which could not reasonably have been presented at the February 28, 1978 meeting; and

WHEREAS, the Board of Zoning Appeals has found this new evidence to be sufficient support of the applicant's request to reduce the height of the fence required by Condition No. 1 of the approved Resolution BZA 58-77.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request to reduce the height of a wooden fence from eight foot to six foot on a portion of the following described property:

Lot 1, Triple J Addition, Sedgwick County, Kansas. Generally located on the east side of Rock Road in an area south of Grail Street (1140 S. Rock Road).

be approved, and that Condition No. 1 of Resolution No. BZA 58-77 be amended to read as follows:

1. This variance shall apply only to the west 110 feet of the north property line. The remainder of the screening requirement shall be complied with by the construction of a six to eight foot high solid wood fence erected along the inside of the 15 foot access easement beginning at a point 110 feet east of the west property line and continuing east and curving to the south to the south property line.

ADOPTED AT WICHITA, KANSAS, this 25th day of April, 1978.


James Richardson, Chairman

ATTEST:


Harry Dobson, Assistant Secretary

5-3-78

May 3, 1978

Mr. Kenneth Horvath
7610 Magill
Wichita, Kansas 67208

Re: Case No. BIA 58-77 - (Rehearing)
Reduction of the height of a
required fence from eight foot
to six foot

Dear Mr. Horvath:

Enclosed is a signed copy of an amendment to Resolution No. BIA 58-77, adopted by the Board of Zoning Appeals on April 25, 1978, in connection with your request for a rehearing of the above captioned case to consider the reduction of the height of a required fence from eight foot to six foot on property zoned the "LC" and generally located on the east side of Rock Road in an area south of Grail (1140 South Rock Road).

This amendment to Resolution No. BIA 58-77 reflects the official action of the Board to approve your request and sets out the amended wording to condition No. 1 of the Resolution. It is forwarded to you for your information and should be permanently attached to your copy of Resolution No. BIA 58-77.

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

Yours very truly,

Larry Dobson
Assistant Secretary

LD:bh
cc: Jim Thompson, 7701 E. Kellogg, Suite 815, 67218
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE April 19, 1978

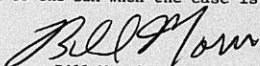
TO Larry Dobson, Junior Planner, Current Plans, MAPD

FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 58-77 (East Side of Rock Road
in an Area South of Grail Street)

On April 17, 1978, CPO Council "H" considered the captioned case. The Council voted 5-0 to recommend approval of the request with the following stipulation: that the applicant be required to employ a lighting engineer to ensure that outside lights do not violate City Code or offend adjoining residents.


Please provide this recommendation to the BZA when the case is considered.



Bill Morris
CPO Administrative Aide

EM:rh

NOTED:


David Furnas
CPO Coordinator

April 26, 1978

Mr. Kenneth Horvath
7610 Magill
Wichita, Kansas 67208

Re: Case No. BZA 58-77 (Rehearing)
Reduction of the height of
a required fence from eight
foot to six foot

Dear Mr. Horvath:

At the regular meeting of the Board of Zoning Appeals on Tuesday, April 25, 1978, your request for a rehearing of the above captioned case to consider the reduction of the height of a required fence from eight foot to six foot on property zoned the "LC" and generally located on the east side of Rock Road in an area south of Grail (1140 S. Rock Road) was considered.

It was the action of the Board to grant your request and reword Condition #1 of the approved BZA Resolution No. BZA 58-77 to read as follows:

1. This variance shall apply only to the west 110 feet of the north property line. The remainder of the screening requirement shall be complied with by the construction of a six to eight foot high solid wood fence erected along the inside of the 15 foot access easement beginning at a point 110 feet east of the west property line and continuing east and curving to the south to the south property line.

The remaining four conditions listed in the Resolution are unchanged. An amendment to the Resolution is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

You should proceed at once to have the fence erected as described above. If you have any further questions, please do not hesitate to call.

Yours very truly,

Larry Dobson
Assistant Secretary

LD:bh

Mr. Kenneth Horvath
April 26, 1978

cc: Jim Thompson, 7701 E. Kellogg, Suite 815, 67218
Mrs. Manning Swanson, 8022 Grail, 67207
Leland Hufford, 2540 Exchange, 67217
Frank Kessler, 1905 Southwest Blvd., 67213
Marvin Bastian, 229 S. Market, 67202
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator

SECRETARY'S REPORT
CASE NO. BZA 58-77
(REHEARING)

APPLICANT: Wichita Mr. Burger, Inc., 6710 Magill,
Wichita, Kansas.

AGENT: Kenneth Horvath, 7610 Magill, Wichita, Kansas.

REQUEST: Rehearing to consider the reduction of the
height of a required fence from eight foot to
six foot.

GENERAL LOCATION: East side of Rock Road in an area south of Grail
(1140 South Rock Road).

ZONING: Subject property is zoned the "LC" Light Com-
mercial District as are the properties to the
south and west. North and east are zoned the
"B" Multiple Family Dwelling District.

LAND USE: Subject property is developed as a fast food
restaurant. South is vacant undeveloped land.
West is a residential storage warehouse develop-
ment. North and east is a storm water drain-
age channel.

JURISDICTION:

The Board has jurisdiction to hold a rehearing on a case pursuant to Article VIII, Subparagraphs A and B of the Rules and Regulations of the Board of Zoning Appeals, which provides that new evidence must be submitted which could not reasonably have been presented at the previous hearing.

The Secretary of the Board has determined that new evidence has been submitted to justify the requested rehearing and proper notification procedures have been followed for the Board's consideration of this request.

COMMENTS BY THE SECRETARY:

At its meeting of February 28, 1978, the Board of Zoning Appeals approved a variance to the screening requirement adjacent to a portion of the north property line. The approval of this variance was made subject to five conditions, one of which (condition #1) required the erection of an eight foot high solid wood fence erected along the inside of the 15 foot access easement, beginning at a point 110 feet east of the west property line and continuing east and curving to the south to the south property line.

The applicant has requested a rehearing of this case to consider reducing the height of the fence from eight foot to six foot, based on the submission of new information which was not available at the time of the February meeting. He has contacted several fence companies who have advised him that an

SECRETARY'S REPORT
CASE NO. BZA 58-77 (Rehearing)
Page 2

eight foot wooden fence is both structurally and economically unfeasible to erect and maintain. Also, the owners of the property south of subject property have indicated they will be erecting the minimum six foot high screening fence to comply with the screening requirements for development of this commercial property. Letters submitted by the applicant, a fence company and agent for the property owner to the south are all attached to this report for the Board's information.

Under the definition of screening in the Zoning Ordinance the height of fencing is established at not less than six feet nor more than eight feet, which is normally the wording used by the Board. However, in this particular instance, the owners of apartments to the east requested that the fence be eight foot to afford maximum screening effect to their three-story apartment units.

It is the Secretary's opinion that in the final analysis of this case, the variance applied to only the west 110 feet of the north property line. A six foot high solid wood fence on the 15 foot easement line satisfies the screening requirement on the remainder of the property, and in view of the added expense and maintenance problems in the erection of an eight foot fence it seems unreasonable to specifically require the higher fence.

RECOMMENDATION:

It is the recommendation of the Secretary that Condition #1 of Resolution BZA 58-77 be amended, to provide for the construction of a six to eight foot high solid wood fence instead of specifically requiring an eight foot high wood fence. The remainder of the condition would be unchanged.

Polson

THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public Works **DATE** March 30, 1978
Maint.

TO Jack Galbraith, Chief Planner, MAPD

FROM Max Greene, Sr. Engineer

SUBJECT - Triple 'J' Addition
BZA 58-77 (variance to waive
required screening)

Reference is made to Resolution No. BZA 58-77 for subject Addition. Please be advised the Flood Control Office has been furnished a Site Plan for Lot 1, Triple 'J' Addition on March 29th which shows the screening plan as stipulated under conditions, Item No. 2. The plan is satisfactory and is approved.

I trust this information is sufficient for your purpose; however, if further information or discussion is desired, please advise.

Max Greene

Max Greene,
Sr. Engineer
Flood Control Maintenance

MG/glm

cc: G. H. Wilton
Triple 'J' Addn. Plat File



13 notices sent to agent, applicant and adjoining property owners

10 notices sent to MAPC members

1 notice sent to CPO

24 total notices sent on BZA 58-77, 3-30-78

BOARD OF ZONING APPEALS
TENTH FLOOR - CITY HALL
455 North Main, Wichita, Kansas 67202
March 30, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 58-77

At the Board of Zoning Appeals meeting of February 28, 1978, Wichita Mr. Burger, Inc., 6710 Magill, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, was granted a variance to the screening requirement for a portion of the north property line on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Triple J Addition, Sedgwick County, Kansas. Generally located on the east side of Rock Road in an area south of Grail Street (1140 S. Rock Road).

The approval of said variance was subject to five conditions, one of which (Condition #1) required the erection of an eight foot high solid wood fence on a portion of the above described property. Pursuant to Article VIII, subparagraphs A and B of the Rules and Regulations of the Board of Zoning Appeals, Wichita Mr. Burger, Inc. has requested a rehearing of Case No. BZA 58-77 to consider the reduction of the height of the fence from eight foot to six foot, based on the submission of information which was not available at the February 28, 1978 meeting.

This rehearing will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 25, 1978, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

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

Jack H. Galbraith
Secretary

6710 Magill Lane
Wichita, Kansas 67206
March 27, 1978

Mr. Jack Galbraith, Secretary
Board of Zoning Appeals
Wichita -- Sedgwick County
City Hall -- Tenth Floor
455 N. Main Street
Wichita, Kansas 67202

Dear Mr. Galbraith:

Regarding the letter of March 22, 1978 from Larry Dobson, reference case No. BZA 58-77, request for variance.

I have information at this time that was not available to me at the February 28 meeting. This information has a direct bearing on my being able to meet the conditions stated in the first paragraph, second sentence of approved conditions. As stated in the attached letter by one of the three fence companies I contacted, the required eight foot high fence is both structural and economically not feasible. It would create far more problems in maintenance than any good it would accomplish. Furthermore, unofficially, central inspection has stated that the only practical solution is a six foot high fence and they concur with the fence company.

The agent representing the property owner to the south has also informed me that they have no intention of providing an eight foot fence. They plan to screen their food service restaurant with a six foot high fence per city code. Therefore, it seems unreasonable to require me to screen an area of less than 100 feet with eight foot high fence when the adjoining 500 feet facing the apartments to the east will be screened with six foot high fencing. A letter from the property owner's agent stating the above will be provided shortly.

Therefore, I am requesting reconsideration of the required condition that I provide an eight foot high fence in order to obtain a variance on the north and west 110 front feet of required screening. I have no objection to any of the other requirements placed upon us.

Sincerely,

Kenneth J. Horvath

Kenneth J. Horvath

Enc.



2311 N. Arkansas, Wichita, Kansas 67204, Ph. 832-0188

March 23, 1978

Mr. Ken Horvath
Mr. Burger
6710 Magill Lane
Wichita, Kansas 67206

Dear Mr. Horvath:

In regards to our company erecting an eight foot wood screen fence required at your place of business, it is our opinion that a six foot solid cedar fence would be adequate.

It has been our experience that an eight foot fence is impossible to maintain or guarantee, do to the Kansas winds which create serious problems on stress and strain on a structure of that size, plus the cost would be prohibitive to the customer.

If we can be of further service, please do not hesitate to call us at anytime.

Very truly yours,

BOLAN FENCE COMPANY


Bill R. Bolan

BRB/tb

Dobson

LAW OFFICES
EVERETT C. FETTIS
120 SOUTH MARKET
SUITE 504
WICHITA, KANSAS 67202
316-267-7251

MICHAEL G. QUINN
KEITH M. CURFMAN
OF COUNSEL

EVERETT C. FETTIS
DAVID R. McCLURE

March 23, 1978



Mr. Larry Dobson
Planning Commission
City Building
Wichita, Kansas 67202

Re: Case No. BZA 58-77
Request for Variance

Dear Mr. Dobson:

Mr. Horvath has spoken to me regarding your letter of March 1, 1978, regarding his request for variance as referred to above. I understand that there is a problem with trying to put up an eight foot screening fence and that apparently it is thought that a six foot fence is more appropriate.

I have been asked to advise you that on behalf of the owners of the balance of that area to the south, that my clients have no intention of building an eight foot fence, and that six feet will be the limit.

Very truly yours,

Everett C. Fettis
Everett C. Fettis

ECF/row

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
22A	\$500

Name _____

Address _____

Type _____ Due Date _____

Comments: _____

Date 3-27-77 By [Signature]

RESOLUTION NO. BZA 58-77

WHEREAS, Wichita Mr. Burger, Inc., 6710 Magill, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to waive the required screening adjacent to the north and east property lines on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Triple J Addition, Sedgwick County, Kansas. Generally located on the east side of Rock Road in an area south of Grail Street, (1140 S. Rock Road).

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 not have a voting quorum to take action on this application at its meeting of January 24, 1978, the case was deferred to the next regular meeting; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of February 28, 1978, 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 residentially zoned property adjacent to subject property is an 80 foot drainage channel; also, a 15 foot access easement on subject property precludes the placement of screening along the property line, as would be the normal situation; 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 adjacent property is a drainage channel. A compromise from a total waiver of screening will protect other area residents; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application inasmuch as solid screening along the inside of the access easement would eliminate a large percentage of the applicant's off-street parking; 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 requested variance is adjacent to a drainage channel; 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 a combination of fencing and landscaping can be used to offer protection to the residential neighborhood; 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 waive the required screening adjacent to the north and east property lines on property zoned the "LC" Light Commercial District and legally described as:

Lot 1, Triple J Addition, Sedgwick County, Kansas. Generally located on the east side of Rock Road in an area south of Grail Street, (1140 S. Rock Road).

be approved subject to the following conditions:

*Amended
see amending
Resolution 2d*

1. This variance shall apply only to the west 110 feet of the north property line. The remainder of the screening requirement shall be complied with by the construction of an eight foot high solid wood fence erected along the inside of the 15 foot access easement beginning at a point 110 feet east of the west property line and continuing east and curving to the south to the south property line.
2. The applicants shall, with the approval of the Public Works Maintenance Division and the Park Forestry Division, landscape that portion of the drainage channel immediately adjacent to the west 110 feet of the north property line of subject property. Said landscaping to consist of a minimum of 12 evergreen trees; a combination of Scotch Pines and Canart Junipers or other appropriate types approved by the Park Forester. The size of the plantings shall be the largest that, in the opinion of the Park Forester, could reasonably be expected to survive under the existing conditions, but shall be no smaller than 5 to 6 foot tall specimens. ✓
3. Maintenance of the landscaping shall be the responsibility of the owners of the property and/or the lessee. Any dead or otherwise destroyed trees shall be replaced in the first planting season after notice with like size and type of tree.
4. The applicants shall submit to the Secretary of the Board a detailed landscape plan, approved by the Park Forestry Division and the Public Works Maintenance Division, showing the specific size, type and location of the approved landscaped area described in #2 above.
5. Planting of the landscaping and erection of the fence shall be accomplished prior to the issuance of an occupancy permit on subject property. If, however, weather or availability of plant materials make it impossible to plant prior to the desired occupancy of the site, the applicants may submit a satisfactory guarantee to the Office of Central Inspection, guaranteeing planting as approved no later than the spring planting season of 1978.

ADOPTED AT WICHITA, KANSAS, this 28th day of February, 1978.

ATTEST

Larry Dobson
Larry Dobson, Assistant Secretary

James Richardson
James Richardson, Chairman

March 22, 1978

Mr. Kenneth Horvath
6710 Magill
Wichita, Kansas 67208

Re: Case No. BZA 58-77
Request for Variance

Dear Mr. Horvath:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 28, 1978, in connection with your request for a variance to waive the required screening adjacent to the north and east property lines on property zoned the "LC" Light Commercial District, and generally located on the east side of Rock Road in an area south of Grail (1140 S. Rock Road).

This Resolution reflects the official action of the Board to grant your request. It is forwarded to you for your information and files.

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

Very truly yours,

Larry Dobson
Assistant Secretary

cc: Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk
H. S. Mitchell, Flood Control, Department of Public Works
John Firsching, Forester, Park Department

THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public Works DATE Feb. 17, 1978
Maintenance

TO Jack Galbraith, Chief Planner, MAPD

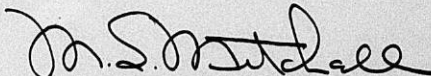
FROM M. S. Mitchell

SUBJECT - Proposed Screening Plan for Lot 1,
Triple 'J' Addition

We have been handed a plan for subject lot showing a wood screening fence along the outside (private) edge of the 15' access easement from the south property line to a point approximately 115' east of the west property line. From that point to a point 20' east of the west property line, 10 parking spaces would be placed on the 15' access easement with a proposed landscape screening to be planted on the drainage dedication. We can operate with the proposed landscape screening so long as it meets the following conditions:

- 1) Specific location of the landscape screening should be approved in the field by this office working with the Park Forester who should approve the type and size plantings appropriate for the location.
- 2) We will assume no responsibility for the survival or maintenance of the landscape screening.

I trust this information is sufficient for your purpose; however, if further discussion is desired, please advise.



M. S. Mitchell,
Ass't. Superintendent of
Public Works Maintenance

MSM/glm

cc: G. H. Wilton,
Triple 'J' Addn. Plat File
Central Inspection/John Riddel



Tenth Floor, City Hall
455 N. Main Street

March 1, 1978

Mr. Kenneth Horvath
6710 Magill
Wichita, Kansas 67206

Re: Case No. BZA 58-77
Request for Variance

Dear Mr. Horvath:

At the regular meeting of the Board of Zoning Appeals on February 28, 1978, your request for a variance to waive the required screening adjacent to the north and east property lines on property zoned the "LC" Light Commercial District, and generally located on the east side of Rock Road in an area south of Grail (1140 S. Rock Road) was considered.

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

1. This variance shall apply only to the west 110 feet of the north property line. The remainder of the screening requirement shall be complied with by the construction of an eight foot high solid wood fence erected along the inside of the 15 foot access easement beginning at a point 110 feet east of the west property line and continuing east and curving to the south to the south property line.
2. The applicants shall, with the approval of the Public Works Maintenance Division and the Park Forestry Division, landscape that portion of the drainage channel immediately adjacent to the west 110 feet of the north property line of subject property. Said landscaping to consist of a minimum of 12 evergreen trees; a combination of Scotch Pines and Canart Junipers or other appropriate types approved by the Park Forester. The size of the plantings shall be the largest that, in the opinion of the Park Forester, could reasonably be expected to survive under the existing conditions, but shall be no smaller than 5 to 6 foot tall specimens.

Mr. Kenneth Horvath
Page 2
3-1-78

3. Maintenance of the landscaping shall be the responsibility of the owners of the property and/or the lessee. Any dead or otherwise destroyed trees shall be replaced in the first planting season after notice, with like size and type of tree.
4. The applicants shall submit to the Secretary of the Board a detailed landscape plan, approved by the Park Forestry Division and the Public Works Maintenance Division, showing the specific size, type and location of the approved landscaped area described in #2 above.
5. Planting of the landscaping and erection of the fence shall be accomplished prior to the issuance of an occupancy permit on subject property. If, however, weather or availability of plant materials make it impossible to plant prior to the desired occupancy of the site, the applicants may submit a satisfactory guarantee to the Office of Central Inspection, guaranteeing planting as approved no later than the spring planting season of 1978.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:bh

cc: Jim Thompson, 7701 E. Kellogg, Suite 815, 67218
Mrs. Manning Swanson, 8022 Grail, 67207
James Frey, 8006 Grail, 67207
Leland Hufford, 2540 Exchange, 67217
Frank Kessler, 1905 Southwest Blvd., 67213
Marvin Bastian, 229 S. Market, 67202
Everett Fettis, Attorney, One Twenty Bldg., 67202
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick City Clerk
M. S. Mitchell, Flood-Control, -Department of Public Works
John Firsching, Forester, Park Department

BZA 58-77 - Variance to waive screening

Suggested Conditions of Approval:

- return*
1. This variance shall apply only to the west 110 feet of the north property line. The remainder of the screening requirement shall be complied with by the construction of a ~~8~~ 8 foot high solid wood fence erected along the inside of the 15 foot access easement beginning at a point 110 feet east of the west property line and continuing east and curving to the south to the south property line.
 2. The applicants shall, with the approval of the Public Works Maintenance Division and the Park Forestry Division, landscape that portion of the drainage channel immediately adjacent to the west 110 feet of the north property line of subject property. Said landscaping to consist of a minimum of 12 evergreen trees; a combination of Scotch Pines and Canart Junipers or other appropriate types approved by the Park Forester. The size of the plantings shall be the largest that, in the opinion of the Park Forester, could reasonably be expected to survive under the existing conditions, but shall be no smaller than 5 to 6 foot tall specimens.
 3. Maintenance of the landscaping shall be the responsibility of the ~~applicants~~ ^{owner of the property on the west}. Any dead or otherwise destroyed trees shall be replaced, ^{in the 1st planting season after notice,} with like size and type of tree.
 4. The applicants shall submit to the Secretary of the Board a detailed landscape plan, approved by the Park Forestry Division and the Public Works Maintenance Division, showing the specific size, type and location of the approved landscaped area described in #2 above.
 5. Planting of the landscaping and erection of the fence shall be accomplished prior to the issuance of an occupancy permit on subject property. If, however, weather or availability of plant materials make it impossible to plant prior to the desired occupancy of the site, the applicants may submit a satisfactory guarantee to the Office of Central Inspection, guaranteeing planting as approved no later than the spring planting season of 1978.



FIDELITY MANAGEMENT CORP.

*Subsidiary of Fidelity Investment Company
Kansas' Largest Mortgage Banker*

Reply to:

HOME OFFICE
229 SOUTH MARKET
WICHITA, KANSAS 67202
(316) 265-2261

BRANCH OFFICE
3100 GAGE BLVD.
TOPEKA, KANSAS 66614
(913) 273-2850

February 27, 1978

Board of Zoning Appeals
City of Wichita
City Hall, 455 No. Main
Wichita, KS 67202

Board of Zoning Appeals:

Fidelity Management Corporation is charged with the responsibility to manage, maintain, and lease the Danish Village Apartments for the owners. It is our responsibility to protect the owner's investment and produce a fair return of money on their large investment.

To accomplish this, the property must be attractive, free of trash and debris. It must create an atmosphere of comfortable, quiet, and peaceful enjoyment of carefree apartment living in a good residential environment. Danish Village residents have enjoyed this atmosphere since its conception some ten years ago.

Danish Village has maintained an occupancy factor of 98% due to the nonexistence of commercial enterprise within its surroundings.

By the very nature of commercial business, they depend on a high rate of traffic in order to succeed.

It is my belief and my experience that if the screening as required is not enforced and installed that the atmosphere that has existed at Danish Village Apartments will be destroyed, the quality of residents will deteriorate and that the owners will experience at least a 10% loss of occupancy; therefore, a loss of 10% income per month. This calculates to \$1,300 per month or \$15,600 per year.


We sincerely request the commission not let this happen to a business that has, for ten years, contributed to housing needs of Wichita.

Board of Zoning Appeals
City of Wichita
February 27, 1978
Page two

In conclusion, I sincerely believe that a complete screening is an absolute necessity on the property in question in order to maintain the adjacent residential and apartment properties as peaceful, quiet, and free of the noise, traffic and debris that will surely exist if no screening is provided.

How would you like your environment changed overnight?!

FIDELITY MANAGEMENT CORPORATION


Lee Hufford, Vice President

m1

WICHITA-SEDGWICK COUNTY

DATE
February 3, 1978

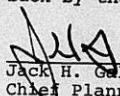
METROPOLITAN AREA PLANNING DEPARTMENT

TO File

FROM Jack H. Galbraith, Chief Planner

SUBJECT Request to Initiate Zone Change
Case No. BZA 58-77 - Variance to
waive the required screening adja-
cent to the north and east property
lines on property generally located
on the east side of Rock Road in an
area south of Grail Street (1140 S.
Rock Road)

At the Planning Commission meeting of February 2, 1978, I brought to their attention, the Board of Zoning Appeals suggestion that they consider initiating a zone change to correct the zoning on the small triangular area from "LC" to "B". The Planning Commission felt that they should not give any direction at this time until the Board resolved the associated BZA case. Therefore, they deferred consideration of this matter until it is brought back by the Staff.



Jack H. Galbraith
Chief Planner

JHG:bh

January 26, 1978

Metropolitan Area Planning Commission

Jack H. Galbraith, Chief Planner

Request to Initiate Zone Change.

At the Board of Zoning Appeals meeting of January 24, 1978, neighborhood protestors to a requested variance of screening provisions urged the Board to request that the Planning Commission initiate a change of zoning from the "LC" Light Commercial District to the "B" Multiple Family Dwelling District for a small triangular shaped parcel which is part of a drainage dedication at the southeast corner of Rock Road and Grail. This small parcel of "LC" zoning was created when, during the replatting of adjacent property to the west, additional land was dedicated for drainage purposes from the northeast corner of what is now Lot 1, Triple 'J' Addition. The property, as part of a platted lot, had been zoned the "LC" district and when it became public property as part of a drainage dedication the zoning remained "LC" although the remainder of the drainage dedication in this area is zoned the "B" Multiple Family District.

The problem created by this existing situation is illustrated by the above mentioned case before the Board of Zoning Appeals. Commercial development is required to provide screening along side and rear lot lines when developed adjacent to a residential zoning district. In this case the developer would have a screening requirement along that part of the north and east property lines adjacent to the "B" zoning district, but would have no such requirement where adjacent to this small parcel of "LC" zoning.

The Board of Zoning Appeals has asked that this matter be brought to your attention and requests that you consider instructing the Planning Department to initiate a zoning change to bring this small parcel into zoning conformity with the rest of the drainage dedication in the area.

Consideration of this matter is scheduled for your agenda of February 2, 1978.

Jack H. Galbraith
Chief Planner

JHG:LD:el

January 26, 1978

Mr. Kenneth Horvath
7610 Magill
Wichita, Kansas 67206

Re: Case No. BZA 58-77
Request for Variance

Dear Mr. Horvath:

At the regular meeting of the Board of Zoning Appeals on January 24, 1978, your request for a variance to waive the required screening adjacent to the north and east property lines on property zoned the "LC" Light Commercial District, and generally located on the east side of Rock Road in an area south of Grail (1140 S. Rock Road) was considered.

The Board was unable to take any action on this matter inasmuch as there were only three Board members present and one of the members declared a conflict of interest which necessitated his abstention from voting on the case. Therefore, the three votes necessary to dispose of the case could not be achieved and the matter is automatically deferred until the next scheduled meeting, which is February 28, 1978, beginning at 1:30 p.m.

We are discussing this problem with the various City departments involved, to see if there are any realistic alternatives to either a complete waiver of screening or placing the screening at the 15 foot easement line. We will call you in the near future to arrange a meeting for you to come in and discuss any such alternatives.

Sincerely yours,

Larry Dobson
Assistant Secretary

LD:bh

cc: Mr. and Mrs. Manning Swanson, 8022 Grail, 67207
James Frey, 8006 Grail, 67207
Leonardo Traverzo Rancos, 8010 Grail, 67207
Frank Kessler, 1905 Southwest Blvd., 67213
Leland Hufford, 2540 Exchange, 67217
Don Gisick, City Clerk
Joe Donnelly, Housing & Zoning Administrator
Robert Feldner, Supt., Central Inspection

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE January 23, 1978



TO Larry Dobson, Junior Planner, Current Plans, MAPD

FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 58-77 (East Side of Rock Road,
South of Grail)

On January 19, 1978, CPO Council "H" considered the captioned case. After hearing presentations by the applicant in the case and neighborhood residents, the Council voted 4-2 to recommend denial of the variance.

The Council discussed the option of "controlled planting" to fulfill the screening requirement. However, based on recent experience with enforcement of screening in other areas of the City, the Council rejected this option.

Please provide this information to the BZA when the case is considered.

A handwritten signature in cursive script that reads "Bill Morris".

Bill Morris
CPO Administrative Aide

BM:rh

NOTED:

A handwritten signature in cursive script that reads "David Furnas".

David Furnas
CPO Coordinator



SECRETARY'S REPORT
CASE NO. BZA 58-77

APPLICANT: Wichita Mr. Burger, Inc., 6710 Magill, Wichita, Kansas.

AGENT: Kenneth Horvath, 7610 Magill, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to waive the required screening adjacent to the north and east property lines.

GENERAL LOCATION: East side of Rock Road in an area south of Grail (1140 S. Rock Road).

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

LAND USE: Subject property is being developed as a fast food restaurant. South is vacant undeveloped land. West is a residential storage warehouse development. North and east is a storm water drainage channel.

JURISDICTION:

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

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

COMMENTS BY THE SECRETARY:

The applicants are requesting a variance to waive the screening requirement adjacent to the north and east property lines, which is the boundary between the "LC" Light Commercial District and the "B" Multiple Family Dwelling District, in connection with the construction of a fast food restaurant.

Section 23.04.160.K of the City Code requires that property developed for commercial use, when such use is established adjacent to any residential zoning district, shall provide screening along all side or rear lot lines adjacent to the residential zoning district. The adjacent "B" zoned property is a drainage channel easement which adjoins the east and north property lines of subject property. The plat of Triple J Addition shows that there is also an access easement located on the north and east 15 feet of subject property.

The plans review process on this project noted that there was a conflict between the screening requirement and Public Works need to keep their access easement clear of obstructions for maintenance of the drainage channel. Inasmuch as Public Works does not want a fence erected in their easement and the adjacent residential property is an approximately 30 foot wide drainage channel, the applicants have requested a waiver of the screening requirement. Beyond the drainage channel to the north is Grail Street and then a row of single family homes which front on Grail. To the east, beyond the drainage channel, is an apartment complex.

The site plan submitted for plans review shows that a row of 90 degree parking is located adjacent to the north property line. Public Works has no particular problem with paved parking on their access easements in that they can arrange with the property owner in advance to have the easement cleared of vehicles when they need to work on the drainage channel.

Screening by definition may be provided by fencing, evergreen vegetation or earth berms, but any of the methods if done to satisfactorily meet the intent of screening would not be acceptable to Public Works if accomplished on their easement. If screening were to be provided behind the 15 foot easement the applicants would lose one-half of their off-street parking.

In reviewing this request with representatives of the Maintenance Division of the Department of Public Works, they advised that "controlled planting" would be permissible in the drainage dedication area provided that the placement of plant materials and the type was first approved by the City Forester and Public Works Maintenance. Although there appears to be an adequate space buffer between subject property and the residences to the north and east (140') the Board may want to consider, in lieu

of the required fence, requiring the applicant to plant and maintain trees in the drainage dedication area.

UNIQUENESS:

It is the opinion of the Secretary that the variance requested arises from a condition unique to subject property inasmuch as the residentially zoned property adjacent to subject property is an 80 foot drainage easement. Also, a 15 foot access easement on subject property precludes the applicants from placing screening along the property line as would be the normal situation.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested would not adversely affect the rights of adjacent property owners inasmuch as the adjacent property is a drainage easement. Other area residents may be separated adequately by distance so as to not be adversely affected, particularly if some plant materials are provided in the drainage dedication area.

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 screening would have to be provided behind the easement, 15 feet from the property line, which would eliminate one-half of the off-street parking spaces.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested may not adversely affect the public interest and may, in fact, be in the best interest of the public inasmuch as full access is needed to maintain the drainage easement.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance desired may not be opposed to the general spirit and intent of the Zoning Ordinance if the above four conditions can be found to exist.

RECOMMENDATION:

It is the opinion of the Secretary that the above five conditions may be found to exist in view of the facts set forth concerning the drainage channel and the access easement located on subject property. Should the Board agree with the variance request, consideration should be given to requiring some plantings to be provided and maintained by the applicants in the adjacent drainage dedication.

13 notices sent to adjoining property owners
10 notices to MAPC members
1 notice to CPO
24 total notices sent on BZA 58-77

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

December 29, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 58-77

An application has been filed by Wichita Mr. Burger, Inc., 6710 Magill, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the required screening adjacent to the north and east property lines on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Triple J Addition, Sedgwick County, Kansas.
Generally located on the east side of Rock Road in
an area south of Grail Street (1140 S. Rock Road.)

This application has been assigned Case No. BZA 58-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 24, 1978, at 1.30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

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

Jack Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 58-77

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant WICHITA MR. BARBER, INC.
~~MR. BARBER OF WICHITA, INC.~~

Mailing Address 6710 MAGILL, WICHITA, KS. 67206 Phone 685-4070

Name of Authorized Agent KENNETH HORVATH

Mailing Address SAME AS ABOVE Phone _____

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

II. The variance requested is FROM ZONING ORDINANCE 28.04.160K1
to waive required screening adjacent to N & E property lines

"SCREENING" ITEM # 8 IN PLANS APPROVAL GRANTED

11/18/77

for property located 1140 S. ROCK ROAD, WICHITA

and legally described as: LOT 1, TRIPLE J. ADDITION,
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. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

WICHITA MR. BARBER, INC.
Applicant

Kenn J. Horvath
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:15 (a.m. P.M.), 12-27 1977 together with appropriate fee of \$50.00.

6046
E. side of Rock Road
in an area south of Grad St.
T9-402

[Signature]
Signed

December 27, 1977

City of Wichita Board of
Zoning Appeals
City Hall
455 North Main
Wichita, Kansas

VARIANCE REQUEST

Applicant respectfully requests a variance from zoning ordinance 28.04.160 K 1 which would require it to provide screening at the north and east property lines for the following reasons:

1. Screening required by the ordinance would hinder maintenance of the draining dedication which exists on both sides of the property lines in question. Flood control is not in favor of said screening because of this very reason.
2. The draining dedication itself serves as sufficient buffer between the LC and residential zoning areas and were it not for the fact the draining dedication is zoned residential no variance would be required.
3. Other LC users abutting the drainage dedication are not conforming to the ordinance.

Respectfully submitted,

Kenneth Horvath
KENNETH HORVATH

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstracter 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 Lot 1, Triple J. Addition, 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 & BLOCKS</u>	<u>ADDITIONS</u>	<u>OWNERS</u>
1, 2, 3	Triple J. Addition	George Middleton % Andeel & Co. 5900 East Central Wichita, Kansas 67208
10, Block 1	Lynncrest Heights	Gerald E. & Marilyn R. Boyce 8026 Grail Wichita, Kansas 67207
11, Block 1	Lynncrest Heights	Manning L., Jr. & Dixie S. Swanson 8022 Grail Wichita, Kansas 67207
12, Block 1	Lynncrest Heights	Leonard E. & Twila L. Hoock 8018 Grail Wichita, Kansas 67207

Fidelity  Title
 COMPANY, INC.



-2-

<u>LOTS & BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
13, Block 1	Lynncrest Heights	✓ William E. & Alice B. Knorp 8014 Grail Wichita, Kansas 67207
14, Block 1	Lynncrest Heights	✓ Leonardo & Angelita Traverzo Rancos 8010 Grail Wichita, Kansas 67207
15, Block 1	Lynncrest Heights	✓ James R. & Kathryn A. Frey 8006 Grail Wichita, Kansas 67207
16, Block 1	Lynncrest Heights	✓ Darrell D. & Patsy D. Wilbanks 8002 Grail Wichita, Kansas 67207
 1, 2, 3, 4, 5, 6, Block 4	Lynncrest Heights	✓ J. Marvin Bastian 229 South Market Wichita, Kansas 67202
4 & 5	Captain's Second	✓ Keith L. & Lois I. Anderson 6002 Grace Lane Wichita, Kansas 67208
1	Branson Second	✓ James Joseph & Sherryl Frances Hying 1205 South Rock Road Wichita, Kansas 67207

Dated this 14th day of December, 1977 at 7:00 o'clock A.M.

FIDELITY TITLE COMPANY, INC.

By Anita Gray
Asst. Sec. ag

Tracer # 40038

FORM 21 021

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev.	Cement	M.S.P.

DESCRIPTION	AMOUNT
BZA application	\$ 55 ⁰⁰

NAME KENNETH J. H. KVATH

ADDRESS 6710 HAGILL, 67206

FUND NH-467103 DUE DATE 12-27-77

COMMENTS

DATE 12-27-77 BY E. Fabin

*

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