

Case No. BZA 65-79 - Robert G. Langenwarter & T. A. Wells requests an exception to permit the establishment of off-street parking lot on property zoned "AA" located east side of Vassar

*11-27-79*  
*11-27-79*

ACTION

*Approved with conditions 4-1*

DATE

*11-27-79*

COMMITTEE

M.A.P.C.

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

*BZA  
65-79*

*Reviewed 11-14-79  
Staff 11-12-80  
200 H.S. 10-31-80  
11-17-80*

Map No. 5747  
 Sec. 23  
 Twp. 27  
 Range 1E

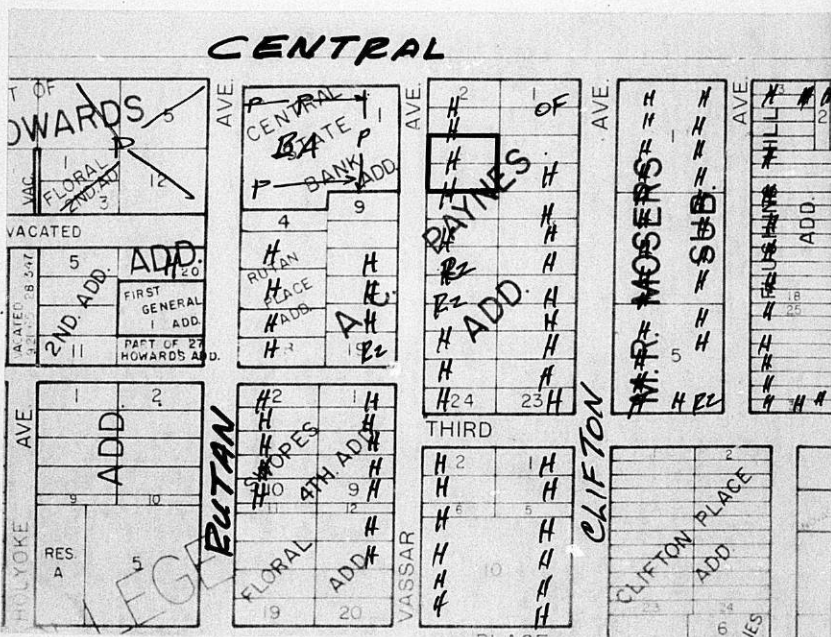
BZA- 65-79  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.32 ( 100 ft. by 140 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East SINGLE FAM South SINGLE FAM  
 West BANK & PARKING LOT North SINGLE FAM
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use if for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



9:00 am. 10-17-80

Killing of S. and Assoc.

3 substitutes for Red Cedar. -  
all will get to 15 to 20'

1. Blue Haven
2. Kennart
3. Keteleer's Jamyan

*Little*  
*JB*

February 9, 1981

Mr. Mark E. Singer  
451 North Clifton  
Wichita, Kansas 67208

Dear Mr. Singer:

Re: 3433 East Central (Bank parking lot)

Upon receiving your complaint last fall regarding the unshielded light at subject location, this office immediately notified the bank officer of the violation. This communication was in writing and included a sketch of how a metal visor could be added to the back side of the light fixture so as to deflect or direct light away from any adjacent dwelling district.

It is my understanding that the visors were ordered and received but were too small to accomplish the objective so new and larger visors were ordered and they will be installed not later than Friday, February 13, 1981.

In addition to the foregoing, Mr. Fran Lovell, Vice President of Central Bank and Trust, has assured me the lights will be operated only when necessary for the safe operation of the bank and with the longer day-light hours they will be used very infrequently.

If you have any further questions, please call the undersigned at 268-4461.

Sincerely,

Sam L. Mobley  
Building Code Administrator

SLM:eh

cc Mr. Fran Lovell, Vice President of Central Bank and Trust

**RECEIVED**

FEB 11 1981

METROPOLITAN PLANNING

ROUTE

451 N. Clifton  
Wichita, Kansas 67208

February 3, 1981

Mr. Robert Felder, Superintendent  
Central Inspections Department  
City Hall  
455 N. Main  
Wichita, Kansas 67202

Dear Mr. Felder:

I am writing both on behalf of myself and my wife and on behalf of our neighbors, Hunt and Winnie Kingsbury, 447 N. Clifton. We both live on the west side of Clifton immediately east of a parking lot which was installed pursuant to a BZA parking exception.

Last fall, in late October or early November, the owner of the parking lot installed lights along the east and south sides of the BZA parking exception. These lights illuminate both our backyard and that of the Kingsburys. They particularly disturb the Kingsburys' bedroom, which is in the back of their house. These lights disturb the use of both backyards and disrupt the residential character of our properties.

Both the ordinance authorizing the BZA parking exception, and the parking exception resolution as adopted by the BZA, provide that any lighting should not project into adjacent residential areas. This requirement is obviously being violated.

The day after the lights were installed, and during the weeks thereafter, I complained to the Central Inspections Department concerning this violation. I spoke to both Sam Mobly and Jack Kirkby. I was told both the contractor on the site and the owner were informed of the violation.

Today, about three months later, there has been no improvement in this situation, and they have continued to use the lights.

We would like to know whether the owner of the parking lot was told in writing to correct this violation, and whether there has ever been any follow-up to see that they complied. Was a citation ever issued concerning this violation? If not, why not?

Both the Kingsburys and the Singers feel the lights in the parking lot should not be operated unless they comply with the ordinance and the resolution. If the owner continues to refuse to operate the parking lot according to the rules, the

BZA should revoke the parking exception.

Please advise what you are doing and what we must do to correct this violation.

Very truly yours,

By *Mark E. Singer*

Mark E. Singer

*Fleeson, Hoang, Coulson & Kitch*

MES/dh

cc: Mr. & Mrs. Kingsbury  
Fred Linde, Grievance Officer

October 22, 1980

Mr. Dan Kilby  
Schaefer & Assoc., P.A.  
220 South Hillside  
Wichita, Kansas 67211

Re: Case No. BZA 65-79

Dear Mr. Kilby:

As per our telephone conversation this date, your request to substitute "Kennart Juniper" for "Red Cedar" is hereby approved. I will note this change on the landscape plan in the file and by copy of this letter to Central Inspection notify them of this change.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection

August 28, 1980

Kenneth P. Stewart  
1030 First National Bank Bldg.  
Wichita, Kansas

Re: Case No. BEA 65-79  
Exception for Off-street Parking

Dear Mr. Stewart:

Attached hereto is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 27, 1979, in connection with the request for an exception to permit an off-street parking lot on property zoned "AA" One-family Dwelling District and generally located on the east side of Vassar south of Central.

This resolution reflects the official action of the Board to approve the request, and sets out the conditions of approval. One of the conditions of approval is a landscape plan that this office has approved and has been forwarded this date to Central Inspection for their file.

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

Sincerely,

Jack H. Galbraith  
Secretary

JHG:sad

cc: Robert Langenwalter, 3433 E. Central, Wichita 67208  
Robert Schaefer, AIA, President, Schaefer & Assoc., 220 South  
Hillside, Wichita 67211  
Robert Feldner, Superintendent of Central Inspection  
Don Gisick, City Clerk

RESOLUTION NO. BZA 65-79

WHEREAS, Robert G. Langenwalter & T. A. Wells, 3433 East Central, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an off-street parking lot on property zoned "AA" Single Family and legally described as follows:

Lots 6 and 8, Block 2, A. C. Payne's Addition, Sedgwick County, Kansas. Generally located on east side of Vassar Avenue south of Central.

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 27, 1979, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has authority to permit the establishment of an off-street parking lot on property zoned "AA" Single Family subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved for the establishment of an off-street parking lot on property zoned the "AA" Single-family dwelling district and legally described as follows:

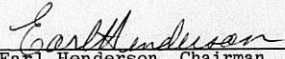
Lots 6 and 8, Block 2, A. C. Payne's Addition, Sedgwick County, Kansas. Generally located on east side of Vassar Avenue south of Central.

subject to the following conditions:

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash, and debris.
5. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
7. There shall be no parking in the required 25 foot front yard setback area adjacent to Vassar. This area shall remain unpaved, except for points of ingress and egress and shall be landscaped with trees, and/or shrubs and grass and shall be maintained compatible with the residential area.

8. An eight foot high solid fence, constructed of redwood or cedar, shall be erected along the east property line and along the south property line to within 25' of the street right-of-way for Vassar; thence reduced to three feet in height and extended to the property line.
9. The applicant shall submit two revised copies of the site plan which indicate the required fencing along the east and south property lines.
10. The applicant shall submit two copies of a landscape and screening plan, prepared by a registered landscape architect, for the application area as well as the approved "BB" Office area to the north, to the Secretary of the Board for approval. The plan shall indicate the design and material of the fence and the location of the existing plant materials to be retained; and the location, type and specifications of proposed plant materials in all other proposed planting areas. The landscaping area, adjacent to the fence on the east side of the application area, shall be a minimum of 8' in width. The planting materials for that area shall be of a coniferous type that will provide a visual screen at maturity of the lot as viewed from the east. The plan shall contain provisions for maintenance needs including water supply.
11. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

ADOPTED AT WICHITA, KANSAS, this 27th day of November, 1979.

  
Earl Henderson, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

SCHAEFER ASSOCIATES P.A.

TO JACK GALBRAITH  
METRO. PLANNING COMM.  
CITY BUILDING

DATE Aug. 19, 1980  
PROJECT CENTRAL BANK  
PROJECT NO. 1809.02

- ENCLOSURE
- SEPARATE COVER
- COPIES TRANSMITTED

**SSA**

ITEM REVISED SHEETS P1 & P2 FOR APPROVAL

- APPROVED
- APPROVED AS NOTED
- RETURNED FOR REVISIONS
- REJECTED
- FOR CONSULTANT APPROVAL
- FOR YOUR INFORMATION AND FILE

**RECEIVED**

AUG 20 1980

METROPOLITAN PLANNING

ROUTE  12

REMARKS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE Scott W. Stafford

**ADMINISTRATION**

TRANSMITTAL

8-7-80

Talked w/ Robt Shafer and  
Bob Langenwelter right after  
subdivision meeting. Shafer said  
he would revise plan to show new  
property lines, show sprinkler heads  
and will provide trees on setback  
area adjacent to Vassar.

Told him we would act on  
Landscape plan as soon as  
revised copies were furnished.

Lytle

Thirteen  
August  
1980



SCHAEFER & ASSOCIATES P.A.

ARCHITECTURE PLANNING  
ENGINEERING INTERIORS  
LANDSCAPE ARCHITECTURE

Mr. Glen Lytle  
Metropolitan Planning  
City Building  
455 North Main  
Wichita, Kansas 67203

Reference Central Bank & Trust Parking Lot  
Wichita, Kansas (#01809.02)

Dear Glen:

Enclosed are two prints each of Central Bank and Trust:  
1) Parking lot layout  
2) Landscape plan

Please review and reply if you have questions. The Owner expects to start the lot construction in early September.

Sincerely,

Robert J. Schaefer, AIA  
President

rs

cc Robert G. Langenwalter  
Ray Lowen

RECEIVED

AUG 18 1980

METROPOLITAN PLANNING

ROUTE  Lytle

8-18-80  
Called Scott Stafford of  
S&A. Informed him of  
the need to revise the plan to reflect  
actual dimensions of property after replat. -  
Also the retaining wall along the north property  
line should be located in back of the new  
property line. Will hold for revised plan.  
Lytle

220 SOUTH HILLSIDE  
WICHITA, KANSAS 67211  
316-884-0171

7-7-53

Called Sec. Stafford and informed him  
landscape plan would not be approved  
until parking layout reflected necessary  
R.O.W. needed for Central. Informed  
him that parking could occupy the  
frontyard setback adjacent to Vassar on  
the north 100 feet of property once the 'BB'  
zoning becomes effective. Indicated to him  
that it would be desirable to have something  
other than just grass in setback along Vassar,  
and a need for water supply to maintain  
the landscaping.

Lytte

SCHAEFER & ASSOCIATES P.A.

TO JACK GALBRAITH  
METRO. PLAN. COM.  
CITY BLDG.  
455 N. MAIN

DATE JULY 3, 1980  
PROJECT CENTRAL BANK PARKING  
PROJECT NO. 01809.02

- ENCLOSURE
- SEPARATE COVER
- COPIES TRANSMITTED

**SSA**

ITEM 2 COPIES SHEETS P1 & P2

- APPROVED
- APPROVED AS NOTED
- RETURNED FOR REVISIONS
- REJECTED
- FOR ~~CONSULTANT~~ APPROVAL
- FOR YOUR INFORMATION AND FILE

**RECEIVED**  
 JUL 7 1980  
 METROPOLITAN PLANNING  
 ROUTE 15

REMARKS

THE ENCLOSED SETS OF PLANS ARE FOR  
YOUR REVIEW & APPROVAL.

SIGNATURE

*Scott W. Stafford*

**ADMINISTRATION**

TRANSMITTAL

August 4, 1980

Mr. Jack Galbraith  
Metropolitan Area Planning  
Department  
455 North Main  
Wichita, Kansas 67202

RECEIVED

AUG 5 1980

METROPOLITAN PLANNING

ROUTE

Re: Central Bank & Trust

Dear Jack:

This morning I reviewed the following documents:

1. Central Bank & Trust's proposed plan for replatting.
2. Central Bank & Trust's proposed landscaping plan.
3. A draft resolution of the BZA.

I would like to make the following comments:

- a. I noted that Central Bank & Trust is replatting all four lots on the east side of Vassar south of Central, and they are dedicating a 5' right-of-way along the east side of Vassar on the west property line of all four lots. I note that replatting and right-of-way dedications are often made conditions for a zone change. Just for the record, I note that Central Bank & Trust has voluntarily replatted and dedicated right-of-way on the third and fourth lots south of Central. This voluntary action obviously should not be used at a later date as an argument in support of a zone change on the third and fourth lots south of Central on the east side of Vassar.

Mr. Jack Galbraith  
August 4, 1980  
Page 2

- b. Central Bank & Trust's proposed plans, which I reviewed, apparently do not indicate that re-grading of the four lots has caused the eastern most portion of the area covered by the BZA exception to be slightly lower in elevation than the western most portion of the residential lots adjoining to the east. Therefore, we request that the top of the "8' fence", which is to be constructed along this property line, be situated 8' above the original elevation. That is, we request that this fence extend 8' above the elevation of the western portion of the two residential lots adjacent on the east.
- c. The draft BZA resolution, which I reviewed, does not contain a provision which I recall was made at the BZA hearing. As I recall, in discussing the plantings to be installed along the east side of the BZA area, one or more of the board members stated that the plantings should be of a fast-growing type of coniferous tree, and that their initial height should be maximized, so as to minimize the amount of time necessary for growth of the plantings into a solid screening barrier. Central Bank & Trust's proposed landscaping plan provides for red cedar trees 5' to 6' tall. We have some red cedar trees, and we do not find them particularly fast growing. Nor do we feel the 5' to 6' initial height is sufficient. Therefore, we request that the proposed landscaping plan not be approved until larger and faster growing trees are substituted for these red cedars.
- d. The draft BZA resolution states, that if lighting facilities are provided they shall be so arranged as to deflect or direct light away from any adjacent dwelling district, that water should be provided for the plantings, and that trees and/or shrubs and grass shall be planted in the set-back area along the west side of the BZA application area. Central Bank & Trust's proposed landscaping plans do not provide for water, do not provide for lights and provide only for grass in the set-back area. We request that they be required to provide for water and for trees and/or shrubs in the set-back area. In addition, if they are going to have lighting facilities, we request that the bank's plans so provide, so that the type, location and so forth of the lighting facilities can be approved.

*Singer called on  
9-11-80 and advised  
that parking area had  
been regraded and  
there was no  
difference in elevation  
on the east.*

Mr. Jack Galbraith  
August 4, 1980  
Page 3

After reviewing the bank's proposals, I am left with the impression that they are trying to do the absolute minimum to comply with the requirements of the draft BZA resolution. No additional effort is made to lessen the detrimental impact this development is having on the adjoining residential area. The bank proposes the minimum, and sometimes not even that, in terms of the plantings, width of plantings and the fence. The bank presented many proposals on how it might develop its area, and most of them provided for more substantial landscaping than its current plan provides.

The bank has been complaining that it needs parking, yet its current plan does not provide for as much parking as it could. So far as I can tell, it has not adopted any of the modifications which we suggested in the alternate plan which we presented to the BZA. These modifications would provide for both more parking for the bank, and wider and better screening to protect the adjoining residential neighborhood. We therefore request that the bank be asked to consider these modifications, both for its own benefit and for the benefit of the neighborhood.

Perhaps the bank's past omissions have been due to its lack of understanding of the concerns of the neighborhood. We would like once again, through you, to offer to cooperate with the bank in formulating its plans. If it so desires, we will be back in Wichita after August 11.

Thank you so much for your cooperation in this matter.

Very truly yours,

*Mark E. Singer*

Mark E. Singer for  
Mark and Nancy Singer  
451 North Clifton  
Wichita, Kansas 67208

November 29, 1979

Mr. Kenneth P. Stewart  
1030 First National Bank Bldg.  
Wichita, Kansas

Re: Case No. BZA 65-79  
Request for Exception

Dear Mr. Stewart:

At the regular meeting of the Board of Zoning Appeals on Tuesday, November 27, 1979, the request for an exception to permit the establishment of an off-street parking lot on property zoned "AA" Single family, and generally located on the east side of Vassar in an area south of Central was considered.

The action of the Board was to approve the request for an exception for an off-street parking lot subject to the following conditions:

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash, and debris.
5. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.

All parking areas shall have adequate markings for channelization and movement of vehicles.

6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
7. There shall be no parking in the required 25' front yard setback area adjacent to Vassar. This area shall remain unpaved, except for points of ingress and egress and shall be landscaped with trees, and/or shrubs and grass and shall be maintained compatible with the residential area.
8. An eight' high solid fence, constructed of redwood or cedar, shall be erected along the east property line and along the south property line to within 25' of the street right-of-way for Vassar; thence reduced to three feet in height and extended to the property line.
9. The applicant shall submit two revised copies of the site plan which indicate the required fencing along the east and south property lines.
10. The applicant shall submit two copies of a landscape and screening plan, prepared by a registered landscape architect, for the application area as well as the approved "BB" Office area to the north, to the Secretary of the Board for approval. The plan shall indicate the design and material of the fence and the location of the existing plant materials to be retained; and the location, type and specifications of proposed plant materials in all other proposed planting areas. The landscaping area, adjacent to the fence on the east side of the application area, shall be a minimum of 8' in width. The planting materials for that area shall be of a coniferous type that will provide a visual screen at maturity of the lot as viewed from the east. The plan shall contain provisions for maintenance needs including water supply.
11. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.

Regarding items 9 and 10 above, it is necessary that these plans be submitted and approved by the Secretary prior to the preparation of the resolution. Every effort should be made to propose and plant large coniferous materials in the 8' planting area so as to be seen above the fence and that will provide visual screening above the fence as quickly as possible. Dimensions on spacing of materials and planting areas shall be provided on the plans.

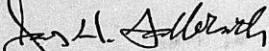
If it would be possible to work out some type of an agreement to supplement the plantings on the application area with plantings on the east side of the fence, for a faster and more effective screen, we would evaluate the landscape plan with that in mind. If such would be possible, we would want to review any easements

Page 3

or agreements that could be worked out. Our thoughts are that probably a more effective screen could be provided if plants were provided on both sides of the fence. Certainly, the maintenance and replanting on the east side of the fence would be the responsibility of those owners to the east.

If you have any questions on the conditions of approval or the preparation of the required plans, please call.

Sincerely,



Jack H. Galbraith  
Chief Planner

JHG:sad

CC: Robert G. Langenwalter, 3433 East Central, Wichita, Ks. 67208  
T. A. Wells, 3433 East Central, Wichita, Ks. 67208  
Dick Huffman, 339 N. Rutan, Wichita, Ks. 67208  
Frank Priest, 229 N. Terrace Dr., Wichita, Ks. 67208  
Thomas Gavin, 412 N. Vassar, Wichita, Ks. 67208  
Pat Coulter, 413 N. Vassar, Wichita, Ks. 67208  
Linda Lindsly, 255 N. Rutan, Wichita, Ks. 67208  
Robert Donley, 520 N. Broadview, Wichita, Ks. 67208  
Ramona Becker, 303 N. Rutan, Wichita, Ks. 67208  
Mark Singer, 451 N. Clifton, Wichita, Ks. 67208  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

## Residents Lose Zone Fight Over Bank Parking

By JACK McNEELY  
Staff Writer

"We oppose this parking exception," Mark Singer thundered Tuesday at five city officials, "but if you're going to do it . . ."

He stabbed a finger into the control panel at a City Hall lecturn, then pointed at a large display screen, where a proposed site plan for a parking lot flashed into view. ". . . that's not the way to do it."

Singer paused as if to let the drama of the moment sink in on the five members of the Board of Zoning Appeals. Then he carried on with arguments against a long-contested proposal by officials of Central Bank and Trust Co. to knock down houses for expansion of the bank parking lot.

Singer lost. So did more than 200 College Hill residents who for nine months have opposed Central Bank's plans to knock down six houses and expand the bank parking lot.

The Board of Zoning Appeals voted 4-1 in favor of a so-called "use exception" to allow parking on two residentially zoned lots on the east side of Vassar south of Central.

**THE ACTION BRINGS** to four the number of lots on the east side of Vassar where Central Bank officials will be allowed to remove houses to make way for asphalt.

Bank chairman Robert Langenwaller has said the bank is woefully overcrowded and must expand its main offices on the south side of Hillside between Vassar and Rutan, two blocks east of Hillside.

(See ZONING, 3C, Col. 1)

### Residents Lose Battle

## Zoning Appeals Board OKs Bank's Parking

★ From Page 1C

The bank wants to double its 12,000 square feet of office space, but if it adds office space it must, under city ordinance, add parking spaces.

Langenwaller and bank vice chairman Ted Wells requested a zoning change to allow parking on five residential lots they own on the east side of Vassar and on another residential lot on the west side of Vassar just south of the current bank parking lot. The six houses that stand on the lots were to be torn down for parking, with the new office space to be built on the west side of Vassar east of the bank's current building.

**MONTHS OF NEIGHBORHOOD** rallies, hearings before city boards, and meetings between protesting residents and bank representatives culminated in Tuesday's vote.

"We'll be sitting in our house looking right across the street at a parking lot, and that has got to ruin the residential value of our house," said Pat Coulter, whose home at 413 N. Vassar is on the west side of the street, two lots south of the current bank parking lot.

BZA Chairman Earl Henderson, a Realtor, told Coulter that in five years he would be able to sell his property to the bank for much more than he paid for it.

Henderson later apologized for the remark as Singer questioned whether Coulter's house would be valuable as a future commercial site if Central Bank is the only potential buyer.

Henderson and other BZA members debated seven College Hill residents who spoke against the request for

more bank parking during a three-hour hearing. Developer Dick Huffman, 339 N. Rutan, was the only area resident to speak for the zoning change; he got no questioning from the BZA.

Henderson, real estate broker Mary Kopietz, architect Ted Jacob and Bill Goebel, chairman of the Metropolitan Area Planning Commission and owner of Star Lumber and Supply Co., voted to allow the expansion of bank parking. Real estate saleswoman Angela Squires voted against.

**THE USE EXCEPTION** allows parking on the two lots without changing their residential zoning. Coupled with two other lots for which the City Commission approved zoning changes to allow parking, the two use-exception lots give the bank four 50-foot-wide lots on the east side of Vassar for additional parking.

Singer challenged the bank representatives' plan for trees and shrubs that are to separate the rear of the new parking area from the rear of residential lots on Clifton, including Singer's home at 451 N. Clifton.

He presented his own landscaping plan, which he said would provide a better buffer for the neighborhood without sacrifice from the bank.

The BZA specified only that Langenwaller and Wells will provide an 8-foot-high fence and an 8-foot-wide landscaping strip to buffer the parking lot from the neighborhood. Details on the number and kind of plantings were left to negotiation between Jack Galbraith, the city's chief planner, and representatives of Langenwaller and Wells.

**RECEIVED**

NOV 26 1979

METROPOLITAN PLANNING

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

DATE November 21 1979

\_\_\_\_\_  
 \_\_\_\_\_

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

**FROM** Shirley Mast, CPO Administrative Aide

**SUBJECT** BZA 65-79 (East side of Vassar Avenue,  
South of Central)

At their meeting of November 19, 1979, CPO Council "G" considered the captioned case. Fran Lovell, Central State Bank and Trust representative, explained the exception request, presented site plans, and answered questions directed by the Council and several adjoining property owners.

The property owners voiced concern about adequate screening, the required fencing, the height of fence to be erected, and landscaping that will be compatible with the residential area. They indicated they were against a "patchwork quilt of different fences" being erected, i.e., the bank using existing fence along some property lines and erecting new fence along other property lines.

After Council comments and discussion, CPO Council "G" voted 5-3 to recommend approval of the exception request with the stipulation that the required fencing be eight (8) feet high from present elevation and consistent in style and material for the entire 200 feet length, with adequate landscaping that is compatible with the residential area.

Please provide the Council's recommendation to the BZA when this case is considered at the November 27 meeting.

  
Shirley Mast  
CPO Administrative Aide

SM:lw

NOTED:

  
Sarah Gilbert  
Assistant CP Coordinator

SECRETARY'S REPORT  
CASE NO. BZA 65-79

APPLICANT: Robert G. Langenwalter and T.A. Wells,  
3433 East Central, Wichita, Kansas

AGENT: Kenneth P. Stewart, 1030 First National  
Bank Building, Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.C,  
Code of the City of Wichita to permit  
the establishment of an off-street park-  
ing lot

GENERAL LOCATION: East side of Vassar in an area south of  
Central

ZONING: Subject property is zoned "AA" Single-  
family as are those properties to the  
north and south; east is "AA" Single-  
family and "A" Two-family zoning; west  
is "BB" Office zoning

LAND USE: Subject property is occupied by two  
single-family homes; north, south and  
east is single-family; west is parking

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.145 can be complied with.

COMMENTS BY THE SECRETARY:

The applicants are requesting an exception to permit the establishment of an off-street parking lot, on property zoned the "AA" Single-family Dwelling District that would provide additional parking for Central Bank and Trust and the proposed expansion of its existing facilities located on the south side of Central between Rutan and Vassar.

Subject property was included in a request for a change of zoning from "AA" Single-family and "A" Two-family to "BB" Office which was considered by the City Commission on October 23, 1979, (Z-2127). Action of the City Commission was to approve the application for only the two lots north of the area contained in this request and instructed the applicants to file an application to the Board of Zoning Appeals for an exception for off-street parking.

Taking into consideration the property to the west is utilized for off-street parking and the land to the north is proposed for the same use, it is the opinion of the Secretary that with adequate screening on the east and south this would appear to be a logical request.

RECOMMENDATION:

It is the recommendation of the Secretary that the request to permit the installation or construction of an off-street parking lot be approved subject to the following conditions:

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash, and debris.
5. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
7. There shall be no parking in the required 25 foot front yard setback area adjacent to Vassar. This area shall remain unpaved, except for points of ingress and egress and shall be landscaped with trees, and/or shrubs and grass and shall be maintained compatible with the residential area.
8. A six to eight high solid fence constructed of redwood or cedar, shall be erected along the east property line and along the south property line to within 25' of the street right-of-way for Vassar; thence reduced to three feet in height and extended to the property line.

PAGE 3  
BZA AGENDA  
11-27-79

9. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.
10. The applicant shall submit two revised copies of the site plan which indicate the required fencing along the east and south property lines.

BZA CASE NO. 65-79

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

27 NOTICES SENT TO ADJOINING PROPERTY OWNERS

40 TOTAL NOTICES SENT 11-6-79

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

November 5, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 65-79

An application has been filed by Robert G. Langenwalter & T.A. Wells, 3433 E. Central, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lots 6 and 8, Block 2, A. C. Payne's  
Addition, Sedgwick County, Kansas.  
Generally located on east side of  
Vassar Avenue south of Central.

This application has been assigned case No. BZA 65-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 27, 1979, 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

LAW OFFICES OF  
**BOYER, DONALDSON & STEWART**

1030 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202

GEORGE J. HONDROS (1910-1962)  
PAUL J. DONALDSON (1911-1978)

JOHN E. BOYER  
KENNETH P. STEWART  
JAMES R. HANSON  
ROBERT L. SMITH  
JOHN H. GIBSON  
MARTIN R. UFFORD  
MICHAEL L. NORTH

264-7321  
AREA CODE 316

October 29, 1979

Board of Zoning Appeals  
10th Floor, City Hall  
455 North Main  
Wichita, Kansas 67202

Re: East Side Vassar Avenue South of Central,  
Off-Street Parking Exception, Robert G.  
Langenwalter and T. A. Wells

Gentlemen:

Enclosed in duplicate is Application for Exception  
and Statement of Applicant (reverse side) together with check  
in the amount of \$50.00 filing fee.

A certified listing of property owners and two copies  
of a detailed plot plan has heretofore been filed.

It is requested that this matter be heard on  
November 27, 1979.

Yours very truly,

BOYER, DONALDSON & STEWART

By: 

KPS:bdr  
Enclosures  
cc: Mr. T. A. Wells

BOARD OF ZONING APPEALS

CASE NO. 65-79

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

Robert G. Langenwalter

I. Name of Applicant T. A. Wells

Mailing Address 3433 East Central Phone 686-7111

Wichita, KA 67208

Name of Authorized Agent Kenneth P. Stewart

1030 First Natl. Bank Bldg.

Mailing Address Wichita, KA 67202 Phone 264-7321

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

II. Application is made for an exception as provided in Section  
2.12.590.C, Code of the City of Wichita, Kansas, to permit  
the establishment of off-street parking lot

\_\_\_\_\_ on property zoned

"AA", located east side of Vassar Ave. south of Central

\_\_\_\_\_ and legally described as:

Lots 6 and 8, Block 2, A. C. Payne's Addition

Sedgwick County, Kansas

\_\_\_\_\_, in the City of Wichita.

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

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

Robert G. Langenwalter

Applicant T. A. Wells

Authorized Agent Kenneth P. Stewart  
----- Kenneth P. Stewart

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 3:30 - p.m.), Oct. 29, 19 79, together with appropriate fee of \$50.00

Signed A. Lytle

STATEMENT:

Applicants seek off-street parking exception under jurisdiction of the Board of Zoning Appeals, City Code §2.12.590.C, especially §28.04.145 specifically providing for off-street parking as an exception to the zoning ordinance by special permit based upon location within six hundred feet (along lines of public access) from the boundary of the use of the following described property, to-wit:

Lots 2 and 4, Block 2, A. C. Payne's Addition


which property is expected to be utilized for off-street parking purposes in connection with premises of Central Bank and Trust which now occupy the following described property, to-wit:

Central State Bank Addition

on the south side of Central between Rutan and Vassar.

Expansion of the Central Bank and Trust which has been approved by a zone change upon consideration of the Metropolitan Area Planning Commission and the Board of Commissioners, City of Wichita, Kansas, requires additional off-street parking to accommodate the needed building expansion.

Applicants propose that the off-street parking will be developed in accordance with §28.04.145 and the requirements of the Board of Zoning Appeals.

  
KENNETH P. STEWART,  
Attorney and Agent, Applicants

OWNERSHIP LIST

Lot	Addition	Property Owner
lot 1	Central State Bank Add.	Central State Bank of Wichita 3433 East Central 67208
lot 4	Rutan Place Addition	Lenora Frank and Ruth A. 3411 East Zimmerly 67218
North 40 ft lot 5	Same	Herman D. Quiring and Augusta R. Quiring 1661 Lynnburst 67212 <i>This property sold by Quiring 22 yrs ago. May returned and not used.</i>
South 30 ft lot 5 North 20 ft lot 6	Same	David Parris and Marcy Address Unknown 67208 <i>Address Unknown 7009 E 15th 67208</i>
lot 9, Block 3	A. C. Payne's Addition	R. G. Langenwalter and T. A. Wells 3433 East Central 67208
lot 11, Block 3	Same	Patrick Arden Coulter and Joyce Heather Coulter 4407 East 9th 67208 <i>413 N. Vassar 67205</i>
lot 13, Block 3	Same	Beth Oliver 409 North Vassar 67208
lot 15, Block 3	Same	Rene K. Clausen and Mary F. Address Unknown <i>407 N. Vassar</i>
lot 17, Block 3 North 18 ft lot 19 Block 3	Same	Donald W. Johnson and Thelma C. Kvas Address Unknown <i>403 N. Vassar 67208</i>
South 43 ft lot 19 Block 3	Same	Thomas J. Zoellner and Marilyn A. Zoellner 307 North Fountain 67208 <i>401 N. Vassar</i>
lot 2, Block 2	Same	T. A. Wells and Robert G. Langenwalter 3433 East Central 67208
lots 4 and 6 Block 2	Same	Robert G. Langenwalter and T. A. Wells 3433 East Central 67208
lots 8 and 10, N½ lot 12, Blk 2	Same	R. G. Langenwalter and T. A. Wells 3433 East Central 67208
lot 7	Rutan Place	R. G. Langenwalter and Ted Wells 3433 East Central 67208

Lot	Addition	Property Owner
S $\frac{1}{2}$ lot 14, all lot 16, South 25 ft lot 12, North 25 ft lot 14, Block 2	A. C. Payne's Addition	Belle Rickard Major 430 North Vassar 67208
Lot 18, Block 2	Same	Joyce Magdalene Bates and Jo Anne E. Leff Address Unknown
lot 20, Block 2	Same	Thomas J. Gavin and Diane B. Gavin 412 N. Vassar 67208
lots 1 and 3 Block 2	Same	Jerome M. Laham D.D.S. Arthur J. Glass D.D.S. 3535 East Central 67208
South 50 ft of North 100 ft of W $\frac{1}{2}$ lot 3	Moser's Sub.	Ideal Homes of Wichita Inc. Address Unknown
North 50 ft of W $\frac{1}{2}$ lot 3	Same	Pauline G. Vliet, deceased
Beginning 30 ft East and 50 ft south of NW corner lot, thence South 50 ft, thence East 96 $\frac{1}{2}$ ft, thence North 50 ft, thence 96 $\frac{1}{2}$ ft West to pob	Same	Albert P. Guerra and Reva Guerra 706 North Main 67202
Beg. 30 ft east of NW corner lot 1, South 50 ft, east 96 $\frac{1}{2}$ ft, north 50 ft, west to point of beg.	Same	Robert S. Lomax and Velda Jean Lomax 458 N. Clifton 67208
Beg. 126 $\frac{1}{2}$ ft east of SW corner lot 1, thence East 96 $\frac{1}{2}$ ft to a point 30 ft east of SE corner said lot 1, thence north 50 ft, thence west 96 $\frac{1}{2}$ feet, thence south 50 feet to place of beginning	Same	Carl M. Cunningham and Corinne A. Cunningham 332 N. Edgemoor 67208
The South 51.34 feet of: Beg. 30 ft east of NW corner lot 1, South 201.34 ft to South line lot 1, east 96 $\frac{1}{2}$ feet to point midway between Clifton and Yale, north 201.64 feet to north line lot 1, west 96 $\frac{1}{2}$ feet to beg.	Same	Arthur Martin Millard and Oleta Marie Millard Route 1 Towanda, Kansas 67144
lot 5, Block 2	A. C. Payne's Addition	Mark E. Singer & Nancy M. 426-N- Topeka, Apt. #2 -67202- 451 N. Clifton 67208

*Mr. Am. Vets. Pick-Up Station  
530 E. Douglas  
67202*

Lot	Addition	Property Owner
lot 7 and North 15 ft lot 9, Blk 2	A. C. Payne's Addition	Hunt E. Kingsbury and Winnie M. Kingsbury Address Unknown
South 35 ft lot 9 north 15 ft lot 11 Block 2	Same	Abe C. Dye, Ada Warren Dye 345 N. Clifton 67208
South 35 ft lot 11 North 25 ft lot 13 Block 2	Same	Troyce Edward Willis and Carol L. (Dunlap) Willis 435 N. Clifton 67208
South 25 ft lot 13 North 12½ ft lot 15 Block 2	Same	James H. Davey and Margaret I. Davey 425 North Clifton 67208
South 37½ ft lot 15 Block 2	Same	James Douglas Barnard and Susan Rainey Barnard 421 N. Clifton 67208
lot 17, Block 2	Same	James M. Flummer and Alma F. Flummer Address Unknown
lot 19, Block 2	Same	Etto Orth & Helen M. Orth 411 N. Clifton 67208
lots 21 & 23, 25, 27,29,31, Central	Grandview Terrace Add	J. R. Vosburgh and Mary K. Vosburgh 7611 Donegal 67206
lots 33 & 35 on Central	Same	James R. Vosburgh 7611 Donegal 67206
lot 11 on Central	Woodfords Replat	Herschel D. Skaggs and Carol A. Skaggs 3430 Sleepy Hollow 67208
lots 19,20,21 Central	Blazers Addition	Sammy Harry Kouri and Jacqueline Minnie Kouri 3243 East Murdock, Suite 201 67208
lots 22,23,24,25 and W 20 ft lot 26	Same	Automobile Club of Kansas 3540 East Central 67208
A tract in the SW¼ of Section 14-27-1E, Beginning at the southeast corner of lot 21, Central Avenue in Grandview Terrace Addition, thence east 50 feet, north 100 feet, west 50 feet, south 100 feet to the point of beginning		J. R. Vosburgh 7611 Donegal 67206
The South 50 feet of lot 6, Rutan Place		Chelsea Marie Roberts 408 North Rutan 67208

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: Lots 2,4,6,8  
10 and the north half of lot 12, Block  
2, and all of lot 9, Block 3, A. C.  
Payne's Addition to Wichita, Sedgwick  
County, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 23rd day of March, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Mary Sable*

Vice President

Order No. 274716  
wh

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 29-1

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. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
12th Street	1150.00

NAME *South Street*

ADDRESS *12th Street*

FUND *100-100-100* DUE DATE *1-1-1991*

COMMENTS

DATE *12-29-1990* BY *[Signature]*

\*

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

Roll # 2