

Case No. BZA 65-83 - Mendell Haldie,
3111 Aloma - requests an exception to
permit the establishment of an off-
street parking lot on property zoned
the "A" Two-family Dwelling District
and generally located on the west

Ported
11-30-83
S.E.C.

ACTION

BZA ~~65-83~~ APPROVED 1-3-84

DATE

SUBJ TO ALLOY DED.

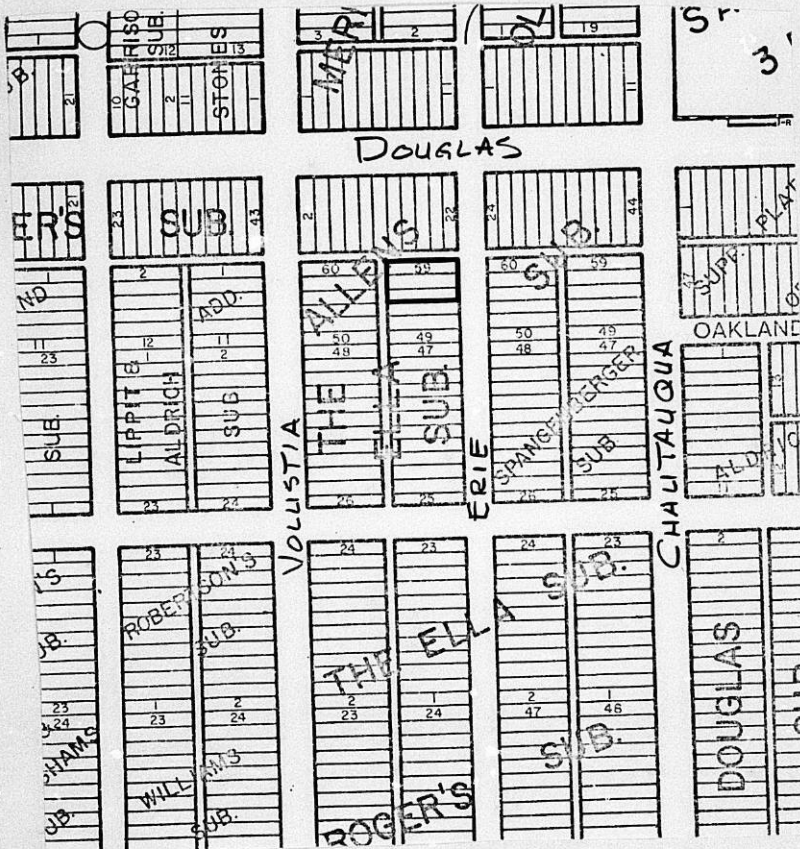
NULL AND VOID

SEE MEMO 4-2-85

Map No. _____ 5647 A,B
 5646 D,C BZA 65-23
 Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East _____ South _____
 West _____ North _____
4. Area (is) (is not) platted.



map with 62-83

LOS ANGELES CHINA SOIL LOGAN, CH
 MCKINNON, TX-LOCUST GROVE, GA
 U.S.A.

Standard
 No. 2153C

2-2-89

There are 11 45° angled parking spaces that back out onto the alley.

Fence is constructed on the south and has been reduced to 3' in front setback.

House has been removed.

No landscaping in front yard setback. There is some type of retaining wall adjacent to first parking space.

~~WJF~~

On 6-9-89 Wayne Foster came in to discuss this case with THG & LO. He was given a copy of the previous site plan but was advised that the setback from Eric had to be observed. He has the option of requesting "LB" but we prefer an exception.



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

Mr. William S. Slease
17000 Preston Road *Suite 350*
Dallas, TX 75248

WILLIAM S. SLEASE CO.

Bill Slease

(214) 931-1972

17000 PRESTON ROAD DALLAS, TEXAS 75248
SUITE 350

February 3, 1989

Re: Parking lot on Erie south of Douglas in Wichita, Kansas

Dear Mr. Slease:

After you left our office this morning, I talked with our legal counsel about the validity of variances of requirements specified in the zoning text for use exceptions. He confirmed that where conditions of a use exception are specified in the zoning ordinance, no variance of these conditions can be granted. Therefore, the two variance requests in 1984 for reduction of the front setback and waiver of the screening along the west line were invalid and should not have been processed. Any use exception request for a parking lot on residential property will have to comply with all conditions of Section 28.04.145 of Wichita's zoning ordinance (copy enclosed).

Another option, besides a use exception in the existing residential district, would be to apply for a zone change to a district classification which permits parking lots "by right". This may be more objectionable to the neighborhood, but it is an option available to you. The "BB" office district is the first district to permit such a use. There are development standards for parking lots in "BB", but variances can be granted for uses permitted by right. I have enclosed a copy of the recently amended "BB" district regulations (and the "B" district regulations because of cross-references) with the parking lot use regulations highlighted.

Please feel free to contact our office if you have additional questions about this matter.

Sincerely,

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosures

RESOLUTION NO. BZA 65-83

VOID

WHEREAS, Wendell D. Waldie, 3111 Aloma, 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 the "A" Two-family Dwelling District and legally described as follows:

Lots 55-57-59 on Erie, Allen's Subdivision of Richland 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Erie and south of Douglas.

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

WHEREAS, the Board of Zoning Appeals did, at the meeting of January 3, 1984, 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 the "A" Two-family Dwelling District subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

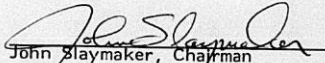
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of an off-street parking lot on property zoned the "A" Two-family Dwelling District legally described as follows:

Lots 55-57-59 on Erie, Allen's Subdivision of Richland 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Erie and south of Douglas.

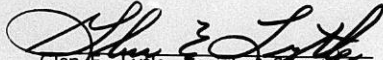
subject to the following conditions:

1. Prior to the release of the resolution, authorizing the construction of an off-street parking lot, the applicant shall submit a landscape plan of the required front yard setback, to the Secretary for approval. This shall include the dedication of a turning radius from the north-south alley.
2. The parking spaces and all drives and circulation aisles shall be surfaced with asphalt or concrete and be maintained in good condition.
3. The spaces shall conform to the plan submitted with the application and shall be marked accordingly.
4. A 6' fence of masonry, wood or metal complying as a screening fence shall be erected along the south property line. Such fence shall be reduced to 3' in height for the east 25'.
5. Only such signs as are necessary for the operation of the parking lot shall be permitted and shall not exceed the size set forth in 28.04.139 C.1 of the Zoning Ordinance.
6. The parking area shall be used for passenger vehicles only and shall not include trucks or equipment of any business. The area shall not include the use of the property for any storage, work area, dismantling or servicing of any vehicles, equipment materials or supplies.
7. Prior to occupancy of the property as a parking lot, and in no case later than 12 months from the approval by the Board, all conditions of this resolution and those of 28.04.145 of the zoning ordinance shall be complied with or the resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 3rd day of January, 1984.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

April 2, 1985

Wendell D. Waldie
3111 Aloma
Wichita, Ks. 67211

Re: BZA 65-83 - Request for Exception &
BZA 66-83 - Request for Variance

Dear Mr. Waldie:

On January 9, 1984, you were notified of action taken by the Board of Zoning Appeals on January 3, 1984 regarding the requested exception and variances for a parking lot in the "A" Two-family Dwelling District. The approvals were subject to a number of conditions, which included the completion of all improvements within 12 months of action by the Board.

This letter is to advise you that this 12 month period has expired and the Resolutions authorizing the parking lot and the variances have become null and void. Should you wish to proceed with the development of the parking lot on this property, it will be necessary to start the proceedings again.

If you have any questions, please give me a call.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Virgil Moeder, 2823 East Douglas, Wichita 67211
Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

January 9, 1984

Wendell D. Waldie
3111 Aloma
Wichita, Ks.

Re: BZA 65-83 - Request for Exception &
BZA 66-83 - Request for Variances

Dear Mr. Waldie:

At the regular meeting of the Board of Zoning Appeals on January 3, 1984, your request for an exception to permit the establishment of an off-street parking lot for the expansion of the business to the north was considered. Your requests for variances to (1) reduce the front yard setback from 25' to 10' for off-street parking purposes only and (2) eliminate the required screening fence along the west property line were also considered. It was the action of the Board to approve your exception request subject to the following conditions:

1. Prior to the release of the resolution, authorizing the construction of an off-street parking lot, the applicant shall submit a landscape plan of the required front yard setback, to the Secretary for approval. This shall include the dedication of a turning radius from the north-south alley.
2. The parking spaces and all drives and circulation aisles shall be surfaced with asphalt or concrete and be maintained in good condition.
3. The spaces shall conform to the plan submitted with the application and shall be marked accordingly.
4. A 6' fence of masonry, wood or metal complying as a screening fence shall be erected along the south property line. Such fence shall be reduced to 3' in height for the east 25'.
5. Only such signs as are necessary for the operation of the parking lot shall be permitted and shall not exceed the size set forth in 28.04.139 C.1 of the Zoning Ordinance.

6. The parking area shall be used for passenger vehicles only and shall not include trucks or equipment of any business. The area shall not include the use of the property for any storage, work area, dismantling or servicing of any vehicles, equipment materials or supplies.
7. Prior to occupancy of the property as a parking lot, and in no case later than 12 months from the approval by the Board, all conditions of this resolution and those of 28.04.145 of the zoning ordinance shall be complied with or the resolution shall become null and void.

It was also the action of the Board to approve your requests for variances subject to the following conditions:

1. The reduction of the required front yard setback from 25' to 10' shall be for off-street parking purposes only.
2. In the event the physical screening is removed from the residential property to the west, then the owner of the application area will install a screening fence along the west property line.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as you have complied with the exception condition number 1 above.

If you have any questions; please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc Virgil Moeder, 2823 East Douglas, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 65-83

APPLICANT: Wendell D. Waldie, 3111 Aloma, Wichita, Kansas.

AGENT: Virgil Moeder, 2823 East Douglas, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.145, Code of the City of Wichita to permit the establishment of an off-street parking lot for the expansion of the business to the north.

GENERAL LOCATION: On the west side of Erie and south of Douglas.

ZONING: Subject property is occupied by a residence and partially as a parking lot. Properties to the north are commercial, other properties residential.

LAND USE: Subject property is occupied by a residence and partially as a parking lot. Properties to the north are commercial, other properties residential.

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 applicant is requesting an exception in order to provide an off-street parking lot on the property to satisfy the parking requirements for the expansion of the commercial property on the north side of the alley. The house on the property will be removed and the parking lot will cover the majority of the property. The normal landscape yard required would be 25' adjacent to Erie, however a variance of this yard is also being requested in case no. BZA 66-83.

The policy of the City Commission is to look with favor on the providing of parking for existing businesses along Douglas, but not to deepen the zoning down the residential streets. In this case the applicant had applied for a change of zoning on the property but has withdrawn the application for "LC" zoning in favor of this exception request.

RECOMMENDATION:

Should the Board determine that the use is appropriate at this location, then it is the Secretary's recommendation that the exception be approved subject to the following conditions:

1. Prior to the release of the resolution, authorizing the construction of an off-street parking lot, the applicant shall submit a landscape plan of the required front yard setback, to the Secretary for approval. This shall include the dedication of a turning radius from the north-south alley.
2. The parking spaces and all drives and circulation aisles shall be surfaced with asphalt or concrete and be maintained in good condition.
3. The spaces shall conform to the plan submitted with the application and shall be marked accordingly.
4. A 6' fence of masonry, wood or metal complying as a screening fence shall be erected along the south property line. Such fence shall be reduced to 3' in height for the east 25'.
5. Only such signs as are necessary for the operation of the parking lot shall be permitted and shall not exceed the size set forth in 28.04.139 C.1 of the Zoning Ordinance.

6. The parking area shall be used for passenger vehicles only and shall not include trucks or equipment of any business. The area shall not include the use of the property for any storage, work area, dismantling or servicing of any vehicles, equipment materials or supplies.
 7. Prior to occupancy of the property as a parking lot, and in no case later than 12 months from the approval by the Board, all conditions of this resolution and those of 28.04.145 of the zoning ordinance shall be complied with or the resolution shall become null and void.
-

BZA CASE NO. 65-83

2 NOTICES SENT TO APPLICANT/AGENT

10 ^{LEGAL ADV.}
NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

21 NOTICES SENT TO ADJOINING PROPERTY OWNERS

24 TOTAL NOTICES SENT 12-14-83

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

December 12, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 65-83

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Wendell D. Waldie, 3111 Aloma, Wichita, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of an off-street parking lot on property zoned "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 55-57-59 on Erie, Allen's Subdivision of Richland
2nd Addition to Wichita, Sedgwick County, Kansas.
Generally located on the west side of Erie and south of
Douglas.

This application has been assigned Case BZA 65-83. It will be considered by the Board of Zoning Appeals on January 3, 1984 at 1:30 p.m. in the Metropolitan Area Planning Department Conference Room, 10th Floor, City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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

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

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 65-83

CITY OF WICHITA, KANSAS

FILED 11-30-83

APPLICATION FOR EXCEPTION

I. Name of Applicant Wendell D. Waldie
Mailing Address 3111 Aloma Phone _____
Name of Authorized Agent Virgil Moeder (Contract Purchaser)
Mailing Address 2823 E. Douglas Phone 685-1295
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 an ^{lot} ~~off~~ street parking ~~for the~~ property at the S. W. Corner of Erie and Douglas

on property zoned "A" Two-family Dw Dist.,
located on the west side of Erie & So of DAWGAS
and legally described as: Lots 55-57-59 on Erie,
Allen's Subdivision of Richland 2nd Addition to
Wichita, 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. 36-596); 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.

Applicant _____

Authorized Agent Virgil J. Moeder

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:07 (a.m. ~~p.m.~~), Nov. 30, 1983 together with appropriate fee of 200.00.

Signed [Signature]

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

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

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

use for legal

Record Owners within 200 feet of:
 Lots 55, 57 and 59, on Erie, ALLEN'S
 SUBDIVISION OF RICHLAND 2ND ADDITION,
 Wichita, Sedgwick County, Kansas.



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

DESCRIPTIONS	RECORD OWNERS
Lots 55, 57 and 59 on Erie, ALLEN'S SUBDIVISION OF RICHLAND 2ND ADDITION, D	Wendell D. Waldie 3111 Aloma Wichita, Kansas 67211
Lots 2, 4, 6, 8 and the West 20 feet of Lot 10, on Douglas, ALLEN'S SUBDIVISION OF RICHLAND 2ND ADDITION, D	Merle N. Slease 3705 E. Murdock Wichita, Kansas 67208
East 5 feet of Lot 10, all of Lot 12 and 14, on Douglas, ALLEN'S SUBDIVISION OF RICHLAND 2ND ADDITION, ✓	Merle N. & Adolyn M. Slease 3705 E. Murdock Wichita, Kansas 67208
Lots 16, 18, 20 and 22, on Douglas, ALLEN'S SUBDIVISION OF RICHLAND 2ND ADDITION, D	Virgil J. & Claudie N. Moeder 8945 Woodside Wichita, Kansas 67233
Lot 24 and the West Half of Lot 26, on Douglas, ALLEN'S SUBDIVISION OF RICHLAND 2ND ADDITION, ✓	Becker Investment Incorporated 305 S. Volutsia Wichita, Kansas 67211
East Half of Lot 26 and all of Lot 28, on Douglas, ALLEN'S SUBDIVISION OF RICHLAND 2ND ADDITION, ✓	John C. Schmidt 2907 E. Douglas Wichita, Kansas 67211 <i>unknown</i>



DESCRIPTIONS

RECORD OWNERS

Lots 30 and 32, on Douglas, ALLEN'S
SUBDIVISION OF RICHLAND 2ND ADDITION, ✓ First Auburn Co.
4255 Auburn
Wichita, Kansas 67220

Lots 34 and 36, on Douglas, ALLEN'S
SUBDIVISION OF RICHLAND 2ND ADDITION, ✓ Harold A. & Dorothy D. Wilborn
8442 E. Mt. Vernon Road
Wichita, Kansas 67207

Lots 50 and 52, on Volutsia, ALLEN'S
SUBDIVISION OF RICHLAND 2ND ADDITION, X Gregory Lee Fisher
ADDRESS UNKNOWN

Lots 54 and 56, on Volutsia, ALLEN'S
SUBDIVISION OF RICHLAND 2ND ADDITION, ✓ Wilner Edward & Kathryn G.
Meyer
118 S. Volutsia
Wichita, Kansas 67211

Lots 58 and 60 on Volutsia, ALLEN'S
SUBDIVISION OF RICHLAND 2ND ADDITION, ✓ Steven L. & Karen L. Schauner
116 S. Volutsia
Wichita, Kansas 67211

Lots 49, 51 and 53, on Erie, ALLEN'S
SUBDIVISION OF RICHLAND 2ND ADDITION, ✓ Orion W. High
123 1/2 S. Erie
Wichita, Kansas 67211

Lots 50 and 52, on Erie, ALLEN'S
SUBDIVISION OF RICHLAND 2ND ADDITION, X Fred J. & Rosemary Daves
128 S. Erie
Wichita, Kansas 67211
*✓ rem: 102 No. 13
67208*

Lots 54 and 56, on Erie, ALLEN'S
SUBDIVISION OF RICHLAND 2ND ADDITION, ✓ M. M. Romine; Edith Romine
Natalee June Romine
440 E. 74th Street
Kansas City, Missouri 64131

Lots 58 and 60 on Erie, ALLEN'S
SUBDIVISION OF RICHLAND 2ND ADDITION, ✓ First Auburn Co.
4255 Auburn
Wichita, Kansas 67220

Lots 49 and 51 on Chautauqua, ALLEN'S
SUBDIVISION OF RICHLAND 2ND ADDITION, ✓ Jimmie L. West
123 S. Chautauqua Avenue
Wichita, Kansas 67211
AND
X Wanda Kilparrick
ADDRESS UNKNOWN

Lots 53 and 55, on Chautauqua, ALLEN'S
SUBDIVISION OF RICHLAND 2ND ADDITION, ✓ Lawrence D. Price
888 S. Hydraulic
Wichita, Kansas 67211
AND
✓ Marci J. Cranston *2151 30th
old mans
67218*
ADDRESS UNKNOWN

Lots 57 and 59, on Chautauqua, ALLEN'S
SUBDIVISION OF RICHLAND 2ND ADDITION, ✓ First Auburn Co.
4255 Auburn
Wichita, Kansas 67220

Lots 38 and 40, on Volutsia, THE ELLA
SUBDIVISION OF LOTS 1 & 2 IN BLOCK 3 & ✓olin W. & Gail S. Hendry
1909 S. Anna, Lot 94
LOT 3 IN BLOCK 2, RICHLAND 2ND ADDITION, Wichita, Kansas 67209



DESCRIPTIONS

RECORD OWNERS

Lots 42 and 44, on Volutsia, THE ELLA SUBDIVISION OF LOTS 1 & 2, IN BLOCK 3, & LOT 3 IN BLOCK 2, RICHLAND 2ND ADDITION, ✓ John D. & Dian K. Hauenstein 824 N. Porter Wichita, Kansas 67203

Lots 46 and 48, on Volutsia, THE ELLA SUBDIVISION OF LOTS 1 & 2, IN BLOCK 3, & LOT 3, IN BLOCK 2, RICHLAND 2ND ADDITION, ✓ Kenneth Dale & Karon D. Roy 130 S. Volutsia Wichita, Kansas 67211

Lots 37 and 39, on Volutsia, THE ELLA SUBDIVISION OF LOTS 1 & 2, IN BLOCK 3, & LOT 3 IN BLOCK 2, RICHLAND 2ND ADDITION, ✓ Robert A. & Barbara J. Hurley 139 S. Erie Avenue Wichita, Kansas 67211

Lots 41 and 43, on Volutsia, THE ELLA SUBDIVISION OF LOTS 1 & 2, IN BLOCK 3, & LOT 3, IN BLOCK 2, RICHLAND 2ND ADDITION, ✓ DeWayne A. & Jean L. Trumm 435 N. Terrace Drive Wichita, Kansas 67208

Lots 45 and 47, on Volutsia, THE ELLA SUBDIVISION OF LOTS 1 & 2, IN BLOCK 3, & LOT 3 IN BLOCK 2, RICHLAND 2ND ADDITION, ✓ Dennis L. & Carol K. Cobb 3601 E. Lewis Wichita, Kansas 67218



Lots 38 and 40, on Erie, SPANGENBERGERS SUBDIVISION OF LOT 4, BLOCK 2, RICHLAND 2ND ADDITION, ✓ Roso P. & Brenda I. Lopez 140 S. Erie Wichita, Kansas 67211

Lot 42 and 44, on Erie, SPANGENBERGERS SUBDIVISION OF LOT 4, BLOCK 2, RICHLAND 2ND ADDITION, ✓ John Charles Wadsworth 136 S. Erie Wichita, Kansas 67211

Lots 46 and 48, on Erie, SPANGENBERGERS SUBDIVISION OF LOT 4, BLOCK 2, RICHLAND 2ND ADDITION, ✓ Robert A. Von Sternberg, III 132 S. Erie Wichita, Kansas 67211

and ✓ Peggy Jean Radar TR: P.J. RA. ADDRESS UNKNOWN 67205

Dated at Wichita, Kansas, this 14th day of October,

1983 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

Madeline A. Suttler
By Assistant Secretary

Tracer No. 61677



MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 2-21 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
17-124 1 10 11 3122	

NAME _____

ADDRESS _____

FUND 30 60 20 DUE DATE _____

COMMENTS _____

DATE 1-30-1955 BY _____

Douglas

Ave

AP



1" = 20'

Ave.

132.5'

Alley

132.5'

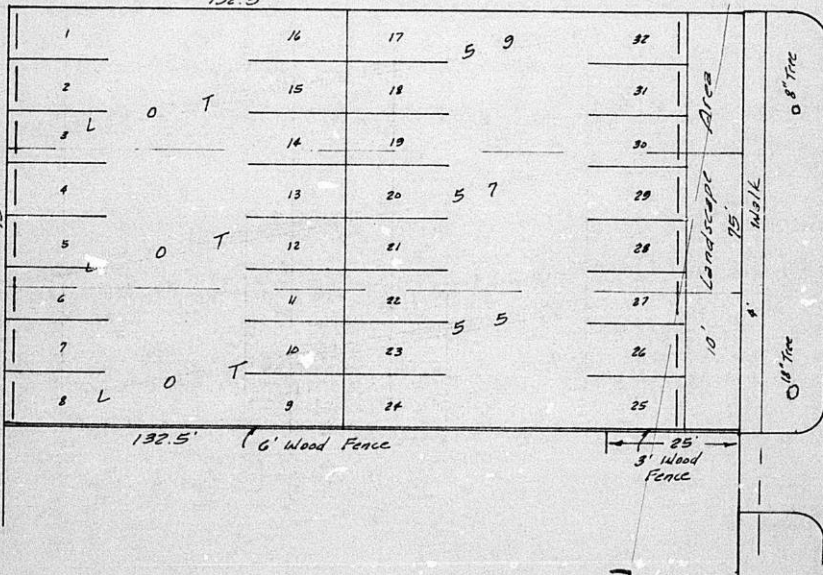
15'

Alley

15'

75'

15'



Eric

Lots 55-57-59 on Eric
Allen's Sub in Richland's 2nd Addition