

200'4 Sec 4-8-85
Plot 52
Record ✓

Case No. BZA 81-84 - G. N. Rupe, Ernest
H. Doyon and Scotch and Sirloin, Inc. -
request a variance to reduce the re-
quired side yard setback adjacent to
Bluff Street from 5 feet to 0 feet and
to reduce the required front yard set-
back adjacent to Longview Lane from 20
feet for off-street

Posted
11-14-84/62

ACTION

B.Z.A. ~~81-84~~ APPROVED 1-22-85
DATE

20' 1/4 Sec 4-8-85
Slot 5.2
Record

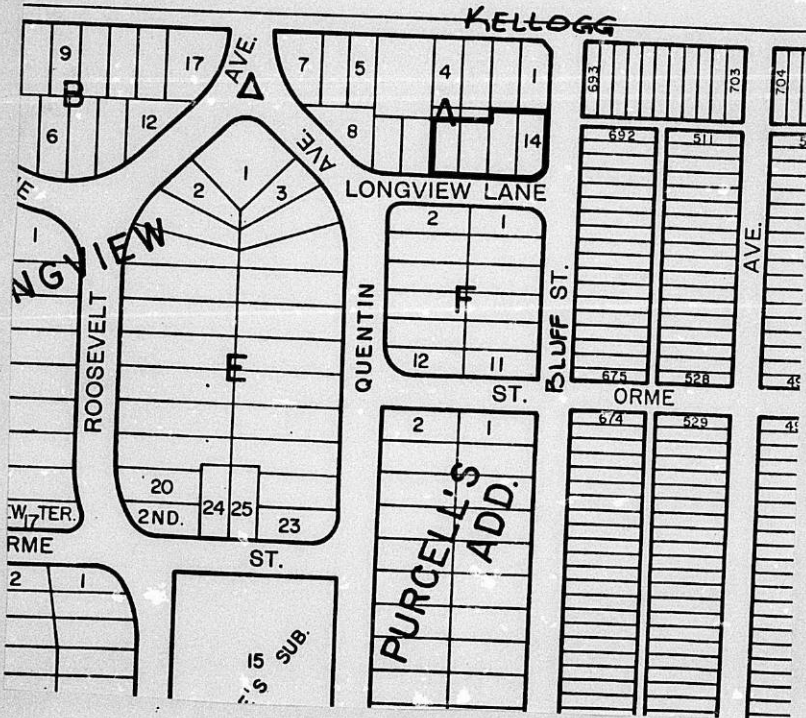
Case No. BZA 81-84 - G. N. Rupp, Ernest
H. Doyon and Scotch and Striotin, Inc. -
request a variance to reduce the re-
quired side yard setback adjacent to
Bluff Street from 5 feet to 0 feet and
to reduce the required front yard set-
back adjacent to Longview Lane from 20
feet to 0 feet.

Map No. 5746 D

BZA 81-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "B" S "A" & "B" W "A" N "A" & "C"
3. Land Use: East APTS. South I-F
West I-P North Comm.-Apts
4. Area (is) (~~not~~) platted.



LOS ANGELES CHICAGO LOGAN O'CONNOR
REGISTERED PROFESSIONAL ENGINEERS
1100 WEST 17TH STREET
LOS ANGELES, CALIF. 900
U.S.A.

Speed
No. 2153C

Lo/Ale.

I N T E R O F F I C E M E M O R A N D U M

Date: 09-May-1990 08:22am CDT
From: Beth A. Prentice
PRENTICE_B
Dept: CID
Tel No: 268-4267

TO: Chris Cherches (CHERCHES_C)
CC: Paul Steinbrenner (STEINBRENNER_P)
Marvin Krout (KROUT_M)
Thomas R. Powell (POWELL_T)
Jonker_D (PAPER_MAIL)

Subject: Scotch and Sirloin - 3941 E. Kellogg
From: Monty H. Robson, Superintendent of Central Inspection

As a follow-up to a complaint you received from Richard Sanborn (your EM of 3/5/90, and our responses of 3/28/90, 4/5/90, and 4/11/90):

Dick Jonker, CID Zoning/Sign inspector, reports that he made an inspection at the referenced property and they have replaced the missing shrubs and plant material, and have repaired the fence. They are now in compliance with the BZA requirements.

MHR:bp

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION

DATE: April 11, 1990

TO: Chris Cherches, City Manager

FROM: Monty H. Robson, Superintendent of Central Inspection

SUBJECT: Scotch & Sirloin
3941 E. Kellogg

Attached is a copy of Dick Jonker's (CID Zoning/Sign Inspector) memo reporting on his follow-up to get the missing/dead landscaping installed.

Please contact me if you have any questions.

Jonkers will stay in contact with the club manager to see that the work is completed.

MHR:bp

cc: Paul Steinbrenner, Asst. City Manager
Marvin Krout, Director of Planning
Tom Powell, Director of Law
Dick Jonker, CID Zoning/Sign Inspector

RECEIVED

APR 12 1990

METROPOLITAN PLANNING

ROUTE

LC/Ste. W

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION

DATE: April 5, 1990

TO: Monty H. Robson, Superintendent of Central Inspection

FROM: Dick Jonker, ^{sign} Inspector

SUBJECT: Scotch & Sirloin
3941 E. Kellogg

I talked to the new manager of the club and he was unaware of the screening requirements. He states the fence problem is on going, they will have a fence company come out and use some special ringed nails to help prevent the kids from kicking the boards loose. We talked about the landscaping and agreed to have a nursery come out this week to replace everything that has died out, where every its possible to put in shrubs. I doubt that the number of shrubs called for on the plans can be installed due to the size of what is there, but he's filling in all the gaps.

DJ:bp

LO (Agri-Ales.
MK

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION

DATE: March 28, 1990

TO: Chris Cherches, City Manager

FROM: Monty H. Robson, Superintendent of Central Inspection *MHR*

SUBJECT: Scotch & Sirloin
E. Kellogg and Bluff

As a result of complaints from Richard Sanborn, I am responding to problem #3 stated on your EM of 3/5/90 concerning alleged zoning violations (expansion of the building violated setback requirements).

From outward appearance the structure would seem to violate the setback along the Kellogg frontage. However, BZA case 71-85 reduced the front yard setback to zero feet on lots 2 & 3, and to 10 feet on lot 4 subject to street dedications and other conditions. This BZA case was approved on March 25, 1986.

When the expansion occurred the owners requested a permit to extend the building towards Kellogg and had already poured the slab when the permit was requested. CID refused the permit and subsequently the applicants got the BZA, and also granted an additional 12 foot dedication (10' outright dedication and 2' contingent dedication). This 12' added to the 30' original half street r.o.w. and a previous 8' dedication gave the city the desired 50' half street r.o.w.

The planned expansion encroached 2' into this 50' r.o.w. line, which created the 2' contingent dedication. This was approved with BZA case 71-85 and with the zone change case Z-2747 for the western part of the site.

Therefore, although the building appears to have a setback encroachment on Kellogg, it in fact does not considering the above approvals.

MAPD has provided a summary of the BZA and vacation cases (copy attached dated 3/7/90). CID has checked the parking, fencing, and landscaping required or allowed by these cases.

We have found that as of the latest revised site plan of 1986, there were 63 parking spaces required and 108 shown on their plan approved on June 6, 1986. They actually have 102 spaces, however this exceeds the required number.

Also, the fencing and landscaping was checked. The fencing is still in place as required by the BZA case and except for a few loose boards is still in good condition. The landscaping we

believe was installed originally per the approved landscaping plan, however 2 trees have died and have been removed along Longview street. Also there are two trees in addition to those required on Bluff (between the two approaches), and 5 shrubs more than the requirement on Longview. Of the 22 trees and shrubs required in addition to 2 existing trees along the west 8' of lot 11 (west of the south parking lot), 2 Locust trees have died and have been removed (1 was existing and 1 new) as well as 7 shrubs that have died or been removed. CID staff will contact the property owners about replacement of this required landscaping.

Attached are copies of various site plans from 1985 and 1986.

We know of no other conditions with which the Scotch and Sirlain has not complied with zoning and BZA requirements.

MHR:bp

cc: Paul Steinbrenner, Asst. City Manager
David Warren, Director of Water/Sewer
Rick Stone, Police Chief
Marvin Krout, Director of Planning
Tom Powell, Director of Law

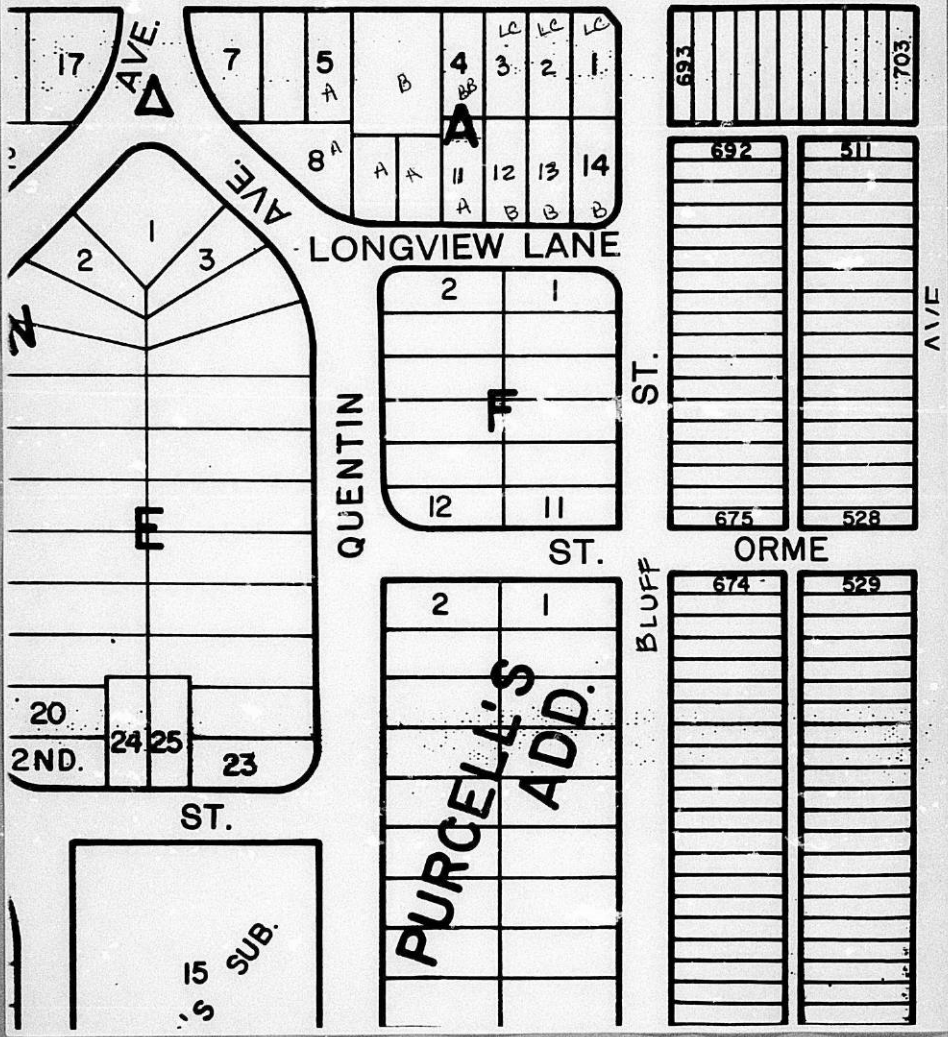
RECEIVED

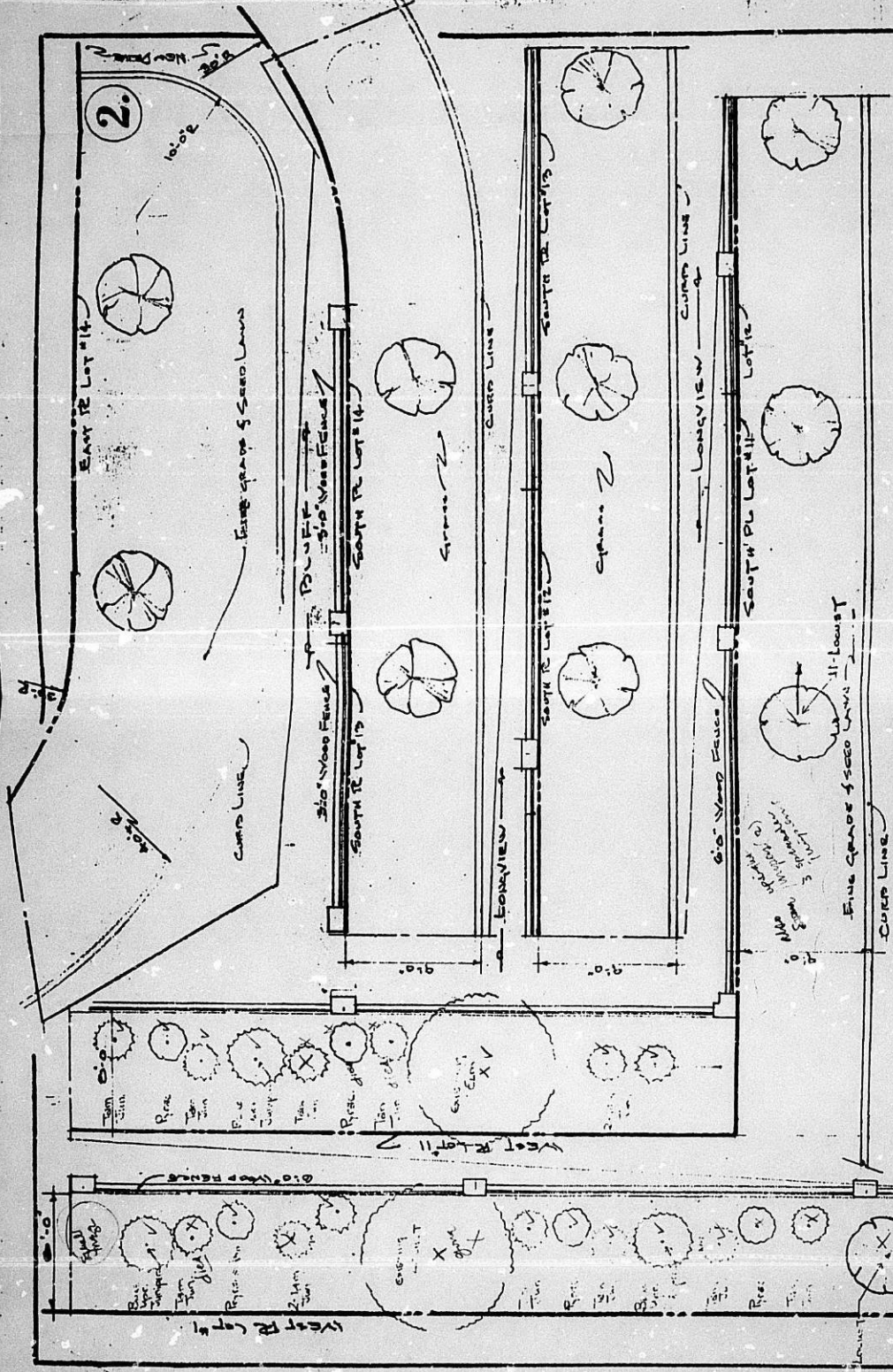
MAR 29 1990

METROPOLITAN PLANNING

ROUTE _____

KELLOGG





PLANT MATERIALS
 Pigeon 5' x 1' bushy
 Tree - 2 1/2" - 3" spread
 Laurel - 2 1/2" - 3 1/2" caliper
 Blue Juniper - 30" - 40" height
 see plant names w/ Mally 2-2-48

LANDSCAPE PLAN
 1/4" = 1' 0"
 ARCHITECT: SAM L. VERNER -
 1320 S. BIRCH BLVD

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

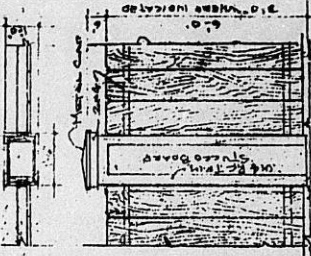
1948

DRAWN JAN. 16, 1968
REVISED JAN. 23, 1968

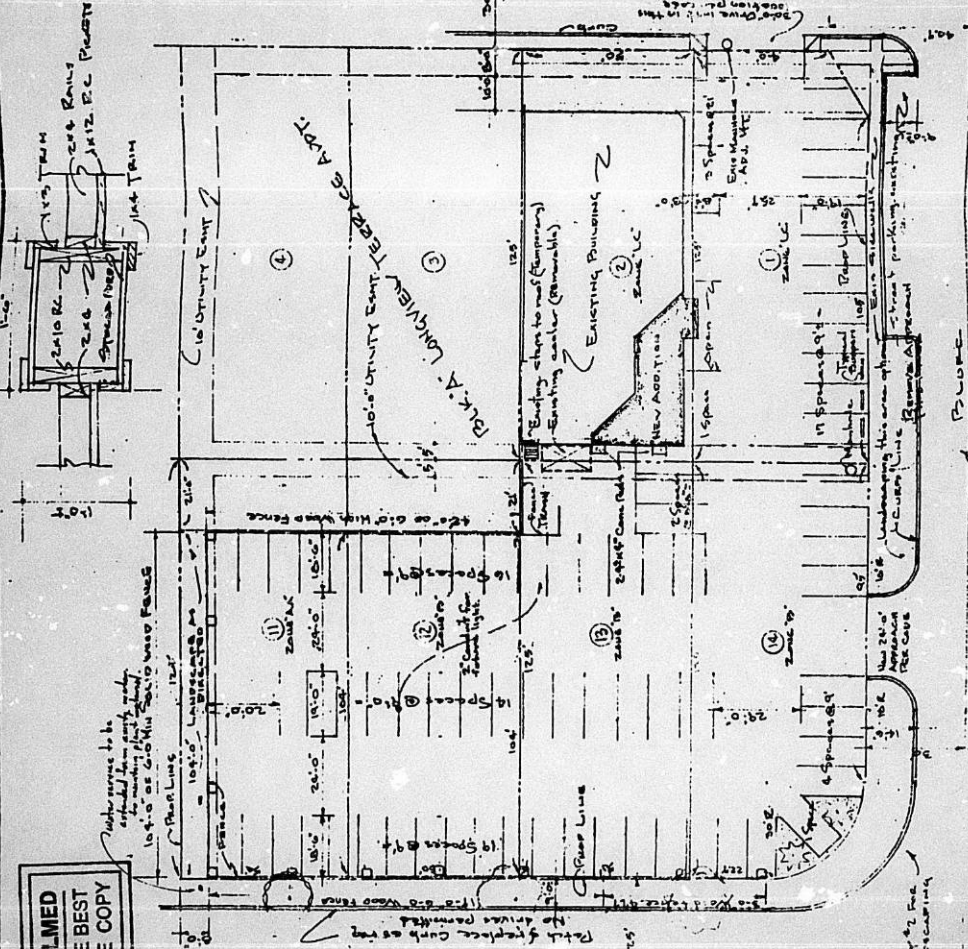
1.

LEGAL: LOTS #1, 2, 13, 16 AND THE SOUTH 100.0' OF LOT #11 & 12, BLOCK 'A', LONGVIEW TERRACE ADD TO THE CITY OF WICHITA

- NOTES:
1. THE CURB ON LONGVIEW IS TO BE REPAIRED & THE 'JEWEL' REMOVED
 2. THE 8' x 10' AREA BETWEEN THE PARKING LOT SCREENING FENCE AND THE WEST PL. OF LOT #11 SHALL BE LANDSCAPED AS APPROVED BY PLANNING STAFF (SEE SHEET #2)
 3. THE AREA BETWEEN THE SOUTH PL. OF LOTS #11, 12, 13 & 16 AND THE REPAIRED CURB SHALL BE LANDSCAPED AS APPROVED BY PLANNING STAFF (SEE SHEET #2)
 4. ALL LANDSCAPED AREAS SHALL HAVE WATER WITHIN 50' FOR SUMMER MAINTENANCE
 5. ALL PARKING LOT LIGHTS SHALL HAVE REFLECTORS SO ARRANGED AS TO DEFLECT ALL DIRECT LIGHT AWAY FROM ANY ADJACENT DWELLING DIST.



DEAL PARKING #77 FENCED DRIVE 10' x 10'
AN ADDITION TO THE SCOTCH & SIBLON
2041 E. KEWASKA
WICHITA, KANSAS
PHONE 628-0101
ARCHITECT: SAM L. MORLEY - 465-5000
420 S. ROCKWOOD - WICHITA, KANSAS



SITE PLAN 1/20/68

Copy of Approval
Site & Landscape Plan Approval
Decision by City Council
Signature of [Signature] 3-25-68

- NOTES:
1. LITTLE PARKING AREA TO HAVE ASPHALT DRIVE - STEPS INDICATED AND PROVIDE PUMP TO PREVENT WATER NEEDED BY THE PRESENT VEHICLES FROM ENCROACHING ON PUMP PRIOR
 2. SITE LIGHTING SHALL BE CONTINUED TO SITE

MICROFILMED FROM THE BEST AVAILABLE COPY

5-12-85

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: March 7, 1990

TO: Monty Robson, Superintendent of Central Inspection
FROM: Louise Olivarez, Acting Chief Planner *L.O.*
SUBJECT: Scotch & Sirloin restaurant site

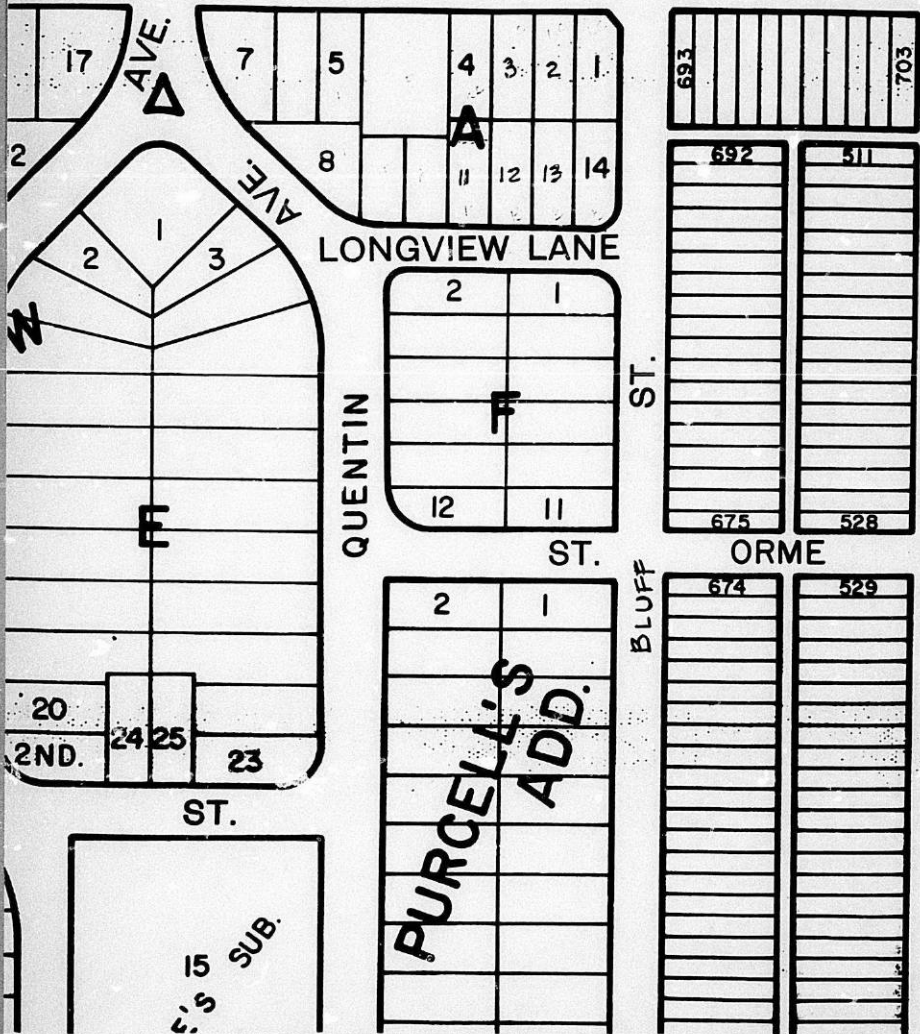
As per Marvin's March 5 memo, I have listed below a brief summary of each of the approved BZA and vacation cases involving the Scotch & Sirloin restaurant property west of Bluff between Kellogg and Longview Lane. Attached for reference to lot numbers is a map of the area.

- (1) BZA 71-85: Reduced the front yard setbacks on Lots 2 & 3 to zero feet and on Lot 4 to ten feet subject to street dedications and other conditions. BZA approved 3-25-86.
- (2) BZA 86-84: Approved a use exception for parking on Lot 11. Conditions of BZA 81-84 apply to this case also. BZA approved 1-22-85.
- (3) BZA 81-84: Reduced the setbacks from Bluff & Longview on Lots 11, 12, 13 and 14 to zero feet for parking purposes only. Street trees were required on Longview and an 8-foot-wide planting strip was required on the west side of Lot 11. A screening fence was required around most of the south, west and north lines (see Condition #9 of Resolution BZA 81-84 for details). BZA approved 1-22-85.
- (4) BZA 72-83: This BZA was voided by BZA 81-84-----I will have the notation removed from the official zoning map.
- (5) V-1380: Vacated the 10-foot utility easement common to Lots 1, 2 and 13, 14 in Block A, except the west ten feet thereof. WCC approved 7-8-86.

LDO:sm

cc: Marvin S. Krout, Director of Planning

KELLOGG



5746D

INTEROFFICE MEMORANDUM

Date: 05-Mar-1990 12:21pm CST
From: Marvin Krout
KROUT M
Dept: Planning
Tel No: 268-4425

TO: Monty Robson (ROBSON_M)
CC: Paul Steinbrenner (STEINBRENNER_P)
Subject: Scotch & Sirloin

Manager did not copy you on this, but asks you to check into it.

From our maps, S&S has had two BZA applications and at least one vacation case filed - early 80s. I will have Louise research the cases and summarize them for you; then I think you should probably field check and report to Manager re-Item 3. MK

BZA

- 72-83 ✓ self-gd. sb reduction & wage increases
- 71-85 ✓ setbacks
- 81-84 ✓ self-aid services / parking garage
- 86-84 ✓ parking etc.

~~7-27-85 times 2 ✓~~

V-1380 util acct

LO; this means
you -
see below,
MK

2-2985

INTEROFFICE MEMORANDUM

Date: 05-Mar-1990 11:17am CST
From: Chris Cherches
CHERCHES
Dept: Manager
Tel No: 268-4351

TO: David R. Warren (WARREN D)
TO: Rick Stone (STONE R)
TO: Marvin Krout (KROUT_M)
CC: Thomas R. Powell (POWELL_T)

Subject: Complaints from Richard Sanborn, Atty.

Re: Scotch & Sirlain, on Kellogg

This gentleman has alleged that there is corruption in City Hall dealing with a host of issues...

Some of the problems result from our employees making statements like, according to him,.... "worst problem we have in City" (sewer employee); "they're protected by higher ups" (from police officer), etc. etc.

The problems:

1. Sewer problems - they dump grease about every 60 days into the sanitary sewer...causing sewer line problems in neighborhood. No one does anything about it...we repeatedly send people out to clean up the line...(costly!!?), but nothing final ever is resolved in stopping this activity.

He and his neighbors call repeatedly the water and sewer office, "always excuses" and with comments like "well, we charge them for doing it!"

Sanford feels it is public nuisance...

2. Parking violations - repeated violations of parking on Bluff and Longview Streets. Never any tickets issued. Police come and drive right by, but never a ticket issued??

3. Zoning violations - feels the expansion of several years ago violated setback laws, etc. Will someone (krout and robson) look into this and let me know so we can reply?

This person is very anti-City and feels we are very lax in addressing Citizen concerns/issues. He feels, because of statements by our employees, that we are not making this establishment abide by the laws and allow them to create public nuisances, etc. etc.

I would like to reply on what we are doing...with these...

Therefore, Rick, Dave, Robson, will you check these problems out as they pertain to your shops and advise me on what the facts are.....and initiate the enforcement required?

Thx

March 6, 1985

Robert Kaplan, Attorney
430 North Market
Wichita, Ks. 67202

Re: BZA 81-84 - Request for Variance &
BZA 86-84 - Request for Exception

Dear Mr. Kaplan:

Enclosed herewith are copies of Resolutions BZA 81-84 and BZA 86-84 reflecting the official action of the Board of Zoning Appeals on January 22, 1985. These approvals are subject to compliance with the site plan and landscape plan submitted by Sam Mobley, Architect, and approved by this office.

It is expected that your clients will fulfill their obligations to complete the improvements on the property in conformance with these plans. We are also aware of several minor conditions for compliance which will be forthcoming in the next 24 months as set forth in your letter of January 31, 1985. It is further hoped that these improvements will provide certain amenities to the property that will make the parking lot a good neighbor as possible to the area.

Your cooperation in the resolution of the differences between the requirements of the ordinances and the wishes of your clients have been appreciated. It is certainly hoped that this will fulfill the needs of your client for parking and an improvement of the on-street congestion that exists at times.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:ead
Encl.

cc: Ernie Doyon, 610 Fabrique, Wichita 67218
Sam Mobley, Architect, 420 South Ridge Road, Wichita 67209
Glen Rupe, # 3 Linden, Wichita 67206
Jim Jorgensen, Acting Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 81-84

WHEREAS, C. N. Rupe, #3 Linden; Ernest H. Doyon, 610 Fabrique; and Scotch and Sirlain, Inc., 3941 East Kellogg; all in Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback adjacent to Bluff Street from 5 feet to 0 feet and to reduce the required front yard setback adjacent to Longview Lane from 25 feet and 20 feet to 0 feet, both for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District and the "A" Two-family Dwelling District, and legally described as follows:

Lot 11, except the north 21 feet; Lot 12, except the north 21 feet; and Lots 13 and 14; all in Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Bluff and Longview Lane.

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 22, 1985, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the property is located immediately adjacent to an existing business that is located on a major street and the application area with the side yard adjacent to a collector street; and the front yards of the lots are opposite the side yards of the residential properties across the street south; 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 applicant will provide a six foot screening fence for the majority of the south property line and install street trees in street right-of-way adjacent to Longview Lane that should provide protection to properties in close proximity to the front yards that are being reduced by this variance; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the size and shape of the property is not conducive to an off-street parking lot that is in conformance with the city standards without a reduction of the front yard setbacks and to provide the maximum amount of parking off the streets should be in the public interest; 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 any reduction of the setbacks for off-street parking purposes only should not interfere with any needed right-of-way or easements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the need for off-street parking for the existing use exceeds the minimum requirements placed on the use by the zoning ordinance, and in this case the providing of several amenities on the property that will compensate for any reduced setbacks that are being granted; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required side yard setback adjacent to Bluff Street from 5 feet to 0 feet and to reduce the required front yard setback adjacent to Longview Lane from 25 feet and 20 feet to 0 feet, both for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District and the "A" Two-family Dwelling District, and legally described as follows:

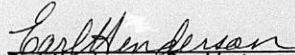
Lot 11, except the north 21 feet; Lot 12, except the north 21 feet; and Lots 13 and 14; all in Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Bluff and Longview Lane.

be approved subject to the following conditions:

1. The variance of the 5 foot side yard setback adjacent to Bluff shall be reduced to 0 feet for off-street parking purposes only.
2. The variance of the 25 foot and the 20 foot front yard setback adjacent to Longview Lane shall be reduced to 0 feet for off-street parking purposes only.
3. Street trees shall be provided in the public right-of-way adjacent to Longview Lane.
4. The parking lot shall be surfaced with asphalt or concrete and maintained in conformance with all the requirements of the zoning ordinance.
5. The applicant shall mark and maintain the lot in conformance with the site plan approved by the Traffic Engineer.
6. The applicant shall provide traffic barriers adjacent to the public right-of-way to prevent the encroachment of vehicles over public right-of-way.
7. The variance of the setbacks adjacent to Longview Lane shall be permitted as being in compliance with the conditions of BZA 27-83, provided the public right-of-way is landscaped as set forth in condition number 3 above.
8. The release of this resolution shall void Resolution BZA 72-83.
9. The parking lot shall be screened by a six foot screening fence along the north property line adjacent to the residential properties. The six foot fence shall be installed 8 feet from the west property line. This eight foot area shall be landscaped with grass, coniferous and deciduous plant materials that will provide beautification to the adjoining property. The six foot fence shall also extend along the south property line a distance of 125 feet without openings. A 3 foot fence shall continue to the east to the point of the start of the curve on the property line. Said plan shall also provide means for watering and maintaining the required planting area.
10. Prior to the release of this resolution authorizing the reduction of the setbacks adjacent to the streets, the applicant shall submit 3 copies of the landscape plan required by conditions numbered 3 and 9, and a site plan setting forth the conditions established herein.
11. There shall be no access from Longview Lane and all existing driveways on Longview Lane shall be removed and the curbs returned.

12. All lights shall be shielded and directed downward and away from the adjacent residential properties.
13. The supporting members of the fence shall be on the applicants side of the fence with the finish side toward the street or adjacent properties.
14. All improvements required by this resolution shall be completed by June 1, 1985.

ADOPTED AT WICHITA, KANSAS, this 22nd day of January, 1985.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

LAW OFFICES

KAPLAN, McMILLAN AND HARRIS

ROBERT W. KAPLAN
CALVIN McMILLAN
CHARLES F. HARRIS

LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202

316-262-5175

January 31, 1985

Mr. Glen E. Lytle, Assistant Secretary
Board of Zoning Appeals
City Hall - Tenth Floor
455 North Main
Wichita, KS 67202

RE: BZA 81-84 - Request for Variance
BZA 86-84 - Request for Exception

Dear Mr. Lytle:

Confirming our discussion with Mr. Sam Mobley, please be advised that Ernie Doyon, in discussions with Mr. Mobley and myself, has committed to the following:

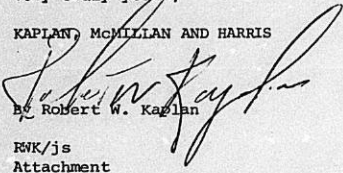
1. We will remedy the existing non-compliance of the exterior stairway to the roof and the exterior freezer which presently occupies a utility easement in Lot 3, Longview Terrace Addition, by seeking the requisite zoning to validate the stairway and freezer location. We will make application for the requisite zoning and the requisite vacation of the utility easement after we have been able to demonstrate our compliance with the conditions imposed on the existing cases herein referenced, and all of that work is in place and hopefully acceptable to the residents of the neighborhood. We anticipate that this could be an extensive period of time and would suggest that we be permitted a period of up to 24 months to file the requisite zoning and vacation applications.
2. Mr. Mobley is exploring the purchase of a grease trap for the restaurant kitchen to avoid any complaints attributable to the restaurant regarding necessary sewer cleaning because of the restaurant operation.
3. The screening fences required will be provided with decorative posts for aesthetic purposes as provided on the print which is submitted herewith by Mr. Sam Mobley.
4. The trash storage area will be screened from the street.
5. If a device is available for the restaurant grill exhaust that will eliminate or reduce odor from the cooking, then such device will be installed. This commitment is conditioned on Mr. Mobley being able to find a device at a reasonable cost. Mr. Mobley will investigate and will be able to provide you with the dollar range at which we can commit.

Mr. Glen E. Lytle
January 31, 1985

6. We will perform as promptly as practicable and within the time frames required by the conditions of the resolution all the conditions set forth in your correspondence of January 25, 1985 addressed to me.

Very truly yours,

KAPLAN, McMILLAN AND HARRIS


By Robert W. Kaplan

RWK/js
Attachment

cc: Mr. Darrell Brewer
City of Wichita Sewer Department

Mr. Jim Jorgensen
Acting Superintendent of Central Inspection

Mr. Ernie Doyon

Mr. Sam Mobley

BZA 81-84 ALTERNATE CONDITIONS FOR APPROVAL #1

1. The variance of the 5 foot side yard setback adjacent to Bluff shall be reduced to 0 feet for off-street parking purposes only.
 2. The variance of the 25 foot and the 20 foot front yard setback adjacent to Longview Lane shall be reduced to 0 feet for off-street parking purposes only.
 3. Street trees shall be provided in the public right-of-way adjacent to Longview Lane.
 4. The parking lot shall be surfaced with asphalt or concrete in conformance with the requirements of the zoning ordinance.
 5. The applicant shall mark and maintain the lot in conformance with the site plan submitted by Sam Mobley, Architect, dated January 15, 1985 and approved by the Traffic Engineer.
 6. The applicant shall provide traffic barriers adjacent to the public right-of-way to prevent the encroachment of vehicles over public right-of-way.
 7. The variance of the setbacks adjacent to Longview Lane shall be permitted as being in compliance with the conditions of BZA 27-83, provided the public right-of-way is landscaped as set forth in condition number 3 above.
 8. The release of this resolution shall void Resolution BZA 72-83.
 9. A six foot screening fence shall be installed adjacent to residential properties on the north and west and for the west 125 feet of the property on Longview Lane without openings.
 10. Prior to the release of this resolution authorizing the reduction of the setbacks adjacent to the streets, the applicant shall submit 3 copies of the landscape plan required by condition number 3.
 11. All improvements required by this resolution shall be completed by June 1, 1985.
-

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

December 3, 1984

TO: Robert Knight, Mayor
FROM: Robert A. Lakin, Director of Planning
SUBJECT: Scotch & Sirloin Property (3941 East Kellogg)

As you requested on November 29, 1984, the following is a summary of the cases that have been handled by the Planning Department staff involving the property at 3941 East Kellogg and associated off-street parking.

1. BZA Case No. 27-83. Request for variance to reduce the required front yard setback from 20 feet to 10 feet.
Filed by Keith Parker - May 3, 1983
Deferred at request of agent - May 31, 1983
Deferred at request of new agent - June 28, 1983
Approved by Board of Zoning Appeals - July 26, 1983
- copy of BZA Minutes attached.
2. BZA Case No. 72-83. Request for variances to eliminate the screening requirement for a parking lot adjacent to a residential property and to reduce the side yard setback from 5 feet to 3 feet.
Filed by Robert Kaplan, Agent - December 27, 1983
Approved by Board of Zoning Appeals - January 24, 1984
- copy of BZA Minutes attached.
3. BZA Case No. 81-84. Request for variance of the setbacks in the "B" Multiple-family Dwelling District (20 feet to 0 feet adjacent to Longview Lane and 5 feet to 0 feet adjacent to Bluff) in order to enlarge the parking lot at the corner of Bluff and Longview without observing the setbacks required in the residential districts.
Filed by Robert Kaplan, Agent - November 14, 1984
Robert Kaplan, Agent, advised that the application would be revised to include one additional property that has been acquired. He will also file an additional application for an exception to permit the use of the property to be used for off-street parking - November 27, 1984.

If revised cases are filed by December 21, 1984, they will be considered by the Board of Zoning appeals at their meeting of January 22, 1985.

It should be noted that the applicant desires the reduction of the set-backs adjacent to Bluff and Longview Lane prior to the anticipated request for a minor street permit for the use of public right-of-way for parking. Until this office receives a correct site plan showing the off-street parking layout, no formal recommendations will be made.


Robert A. Lakin
Director

RAL:GEL:sad

cc: E. H. Denton, City Manager

January 25, 1985

Robert Kaplan, Attorney
430 North Market
Wichita, Ks. 67202

Re: BZA 81-84 - Request for Variance
BZA 86-84 - Request for Exception

Dear Mr. Kaplan:

At the regular meeting of the Board of Zoning Appeals on November 27, 1984, the requests for variance of the setbacks for off-street parking purposes only and an exception to permit the establishment of an off-street parking lot in the "A" Two-family district were considered. It was the action of the Board to approve these requests subject to a number of conditions. It is important that the conditions be complied with at the earliest possible date.

As to the request for the exception that would permit the establishment of an off-street parking lot on Lot 11, Block A, Longview Terrace Addition, it was approved as BZA 86-84 subject to the following conditions:

1. The west eight feet shall be maintained as a landscaped yard and the screening fence shall be installed no closer to the west property line than eight feet.
2. All improvements on the property shall be in compliance with all provisions of the zoning ordinance (Section 28.04.145 authorizing an exception for a parking lot) and all conditions set forth in Resolution BZA 81-84 shall be a part of this approval.

The request for the variance of the setbacks for off-street parking purposes only on lots 11, 12, 13 and 14, Block A, Longview Terrace Addition, was approved as BZA 81-84 subject to the following conditions:

1. The variance of the 5 foot side yard setback adjacent to Bluff shall be reduced to 0 feet for off-street parking purposes only.

2. The variance of the 25 foot and the 20 foot front yard setback adjacent to Longview Lane shall be reduced to 0 feet for off-street parking purposes only.
3. Street trees shall be provided in the public right-of-way adjacent to Longview Lane.
4. The parking lot shall be surfaced with asphalt or concrete and maintained in conformance with all the requirements of the zoning ordinance.
5. The applicant shall mark and maintain the lot in conformance with the site plan approved by the Traffic Engineer.
6. The applicant shall provide traffic barriers adjacent to the public right-of-way to prevent the encroachment of vehicles over public right-of-way.
7. The variance of the setbacks adjacent to Longview Lane shall be permitted as being in compliance with the conditions of BZA 27-83, provided the public right-of-way is landscaped as set forth in condition number 3 above.
8. The release of this resolution shall void Resolution BZA 72-83.
9. The parking lot shall be screened by a six foot screening fence along the north property line adjacent to the residential properties. The six foot fence shall be installed 8 feet from the west property line. This eight foot area shall be landscaped with grass, coniferous and deciduous plant materials that will provide beautification to the adjoining property. The six foot fence shall also extend along the south property line a distance of 125 feet without openings. A 3 foot fence shall continue to the east to the point of the start of the curve on the property line. Said plan shall also provide means for watering and maintaining the required planting area.
10. Prior to the release of this resolution authorizing the reduction of the setbacks adjacent to the streets, the applicant shall submit 3 copies of the landscape plan required by conditions numbered 3 and 9, and a site plan setting forth the conditions established herein.
11. There shall be no access from Longview Lane and all existing driveways on Longview Lane shall be removed and the curbs returned.
12. All lights shall be shielded and directed downward and away from the adjacent residential properties.
13. The supporting members of the fence shall be on the applicants side of the fence with the finish side toward the street or adjacent properties.
14. All improvements required by this resolution shall be completed by June 1, 1985.

Resolutions setting forth the official action of the Board are being prepared and will be furnished to you after the revised site plan and landscape plan have been received and approved. It is requested that these plans be furnished to this office no later than February 1, 1985 for approval.

As was discussed in the meeting, the action of the Board to require landscaping of the public right-of-way adjacent to Longview Lane will preclude the issuance of any minor street privilege for parking on public right-of-way. This will require the removal of the posts and rock from the right-of-way that has been placed there without approval.

Please advise your clients of these requirements and if you have any questions, please give me a call.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Sam Mobley, Architect, 420 South Ridge Road, Wichita 67209
Jim Jorgensen, Acting Superintendent of Central Inspection
Don Gisick, City Clerk
David Stowe, Director of Operations & Maintenance
James R. Schaefer, 800 Broadway Plaza, Wichita 67202
Carl D. Keith, 532 South Quentin, Wichita 67218
Mr. & Mrs. Brinkman, 3906 Longview, Wichita 67216
Ron B. Heller, 529 South Quentin, Wichita 67202
Doug Bearden, § Bearden's Stained Glass Gallery, 4101 East Kellogg,
Wichita 67218
Chuck Harris, CPO "F"

P E T I T I O N

WHEREAS, Ernie Doyon, D/B/A Ernie Doyon Investments, has requested an exception pursuant to the Code of the City of Wichita to permit the establishment of an off-street parking lot (Case No. BZA 86-84); and

WHEREAS, the subject property is zoned as "A" Two-family Dwelling District; and

WHEREAS, G.N. Rupe, Ernest H. Doyon, and Scotch and Sirloin have requested a variance pursuant to the Code of the City of Wichita to reduce setbacks on both Bluff Street and Longview Lane, both for off-street parking purposes (Case No. BZA 81-84); and

WHEREAS, K.S.A. 12-715 provides that five conditions must be met in order that a request for a variance may be granted in cases such as these; and

WHEREAS, the following petitioners believe the exception and variance desired are directly created by an action or actions of the property owner and applicant; that the exception and variance desired will adversely affect public health, safety, order, convenience, prosperity and general welfare; and that the exception and variance desired are in opposition to the general spirit and intent of the zoning ordinance, all of which are in contravention to the conditions established by K.S.A. 12-715;

NOW, THEREFORE, said petitioners request that proposed exception and variance be denied in all respects.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Mr. Tom Trivette</u>	<u>512 S. Roosevelt</u>	<u>Jan. 18 '85</u>
<u>Mrs. Brenda Mumbly</u>	<u>551 S. Roosevelt</u>	<u>Jan 18 '85</u>
<u>240 Kathleen E. Reid</u>	<u>555 S. Roosevelt</u>	<u>1-18-85</u>
<u>Barry Bowdley</u>	<u>557 S. Roosevelt</u>	<u>1-18-85</u>
<u>Frank Dedron Jr.</u>	<u>563 S. Roosevelt</u>	<u>1-18-85</u>
<u>Clarence Oppenhein</u>	<u>567 S. Roosevelt</u>	<u>1-18-85</u>
<u>Oliver G. Oppenhein</u>	<u>567 S. Roosevelt</u>	<u>1-18-85</u>
<u>Esther H. Schneider</u>	<u>571 S. Roosevelt</u>	<u>1-18-85</u>
<u>Wm. G. A. Fleck</u>	<u>575 S. Roosevelt</u>	<u>1-18-85</u>
<u>F. J. Shyala</u>	<u>566 So. Roosevelt</u>	<u>1-18-85</u>
<u>Margie Kennedy</u>	<u>546 So. Roosevelt</u>	<u>1-18-85</u>
<u>Constance E. Hayes</u>	<u>532 S. Roosevelt</u>	<u>1-18-85</u>
13. <u>(Red) Janet M. Ferguson</u>	<u>526 S. Roosevelt</u>	<u>1/18/85</u>

P E T I T I O N

WHEREAS, Ernie Doyon, D/B/A Ernie Doyon Investments, has requested an exception pursuant to the Code of the City of Wichita to permit the establishment of an off-street parking lot (Case No. BZA 86-84); and

WHEREAS, the subject property is zoned as "A" Two-family Dwelling District; and

WHEREAS, G.N. Rupe, Ernest H. Doyon, and Scotch and Sirloin have requested a variance pursuant to the Code of the City of Wichita to reduce setbacks on both Bluff Street and Longview Lane, both for off-street parking purposes (Case No. BZA 81-84); and

WHEREAS, K.S.A. 12-715 provides that five conditions must be met in order that a request for a variance may be granted in cases such as these; and

WHEREAS, the following petitioners believe the exception and variance desired are directly created by an action or actions of the property owner and applicant; that the exception and variance desired will adversely affect public health, safety, order, convenience, prosperity and general welfare; and that the exception and variance desired are in opposition to the general spirit and intent of the zoning ordinance, all of which are in contravention to the conditions established by K.S.A. 12-715;

NOW, THEREFORE, said petitioners request that proposed exception and variance be denied in all respects.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Myrtle Fisher</u>	<u>446 S. Fountain</u>	<u>Jan 16, 85</u>
<u>Pam Hedden</u>	<u>440 S. Fountain</u>	<u>Jan 16, 85</u>
<u>George R. Moore</u>	<u>428 S. Fountain</u>	<u>1-17-85</u>
<u>Julie Moore</u>	<u>428 S. Fountain</u>	<u>1-17-85</u>
<u>Dean Logan</u>	<u>422 S. Fountain</u>	<u>67218 1-17-85</u>
<u>Kenneth A. Williams</u>	<u>414 So. Fountain</u>	<u>6860862</u>
<u>Thomas Williams</u>	<u>" "</u>	<u>"</u>
<u>John Parker</u>	<u>410 S. Fountain</u>	<u>1-17-84</u>
<u>Theresa Speck</u>	<u>402 S. Fountain</u>	<u>1-17-84</u>
<u>Beverly S. Nagel</u>	<u>351 S. Fountain</u>	<u>1-17-85</u>
<u>John Liky</u>	<u>4022 E. Lewis</u>	<u>1-11-85</u>
<u>Kabuti V. Kalata</u>	<u>3745 Birch Dr.</u>	<u>1-17-85</u>
<u>David H. Duffy</u>	<u>406 So. BLUFF.</u>	<u>1-17-85</u>
<u>14 Jan Park</u>	<u>400 S. Roosevelt</u>	<u>1-17-85</u>

P E T I T I O N

WHEREAS, Ernie Doyon, D/B/A Ernie Doyon Investments, has requested an exception pursuant to the Code of the City of Wichita to permit the establishment of an off-street parking lot (Case No. BZA 86-84); and

WHEREAS, the subject property is zoned as "A" Two-family Dwelling District; and

WHEREAS, G.N. Rupe, Ernest H. Doyon, and Scotch and Sirloin have requested a variance pursuant to the Code of the City of Wichita to reduce setbacks on both Bluff Street and Longview Lane, both for off-street parking purposes (Case No. BZA 81-84); and

WHEREAS, K.S.A. 12-715 provides that five conditions must be met in order that a request for a variance may be granted in cases such as these; and

WHEREAS, the following petitioners believe the exception and variance desired are directly created by an action or actions of the property owner and applicant; that the exception and variance desired will adversely affect public health, safety, order, convenience, prosperity and general welfare; and that the exception and variance desired are in opposition to the general spirit and intent of the zoning ordinance, all of which are in contravention to the conditions established by K.S.A. 12-715;

NOW, THEREFORE, said petitioners request that proposed exception and variance be denied in all respects.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Norothy M. Peaslee</u>	<u>442 S. Fountain</u>	<u>1-17-85</u>
<u>Katherine Ward</u>	<u>444 S. Fountain</u>	<u>1-17-85</u>
<u>John Kivett</u>	<u>421 S. Fountain</u>	<u>1-17-85</u>
<u>Gene Canille</u>	<u>417 S. Fountain</u>	<u>1-17-85</u>
<u>Robert Layton</u>	<u>404 S. FOUNTAIN</u>	
<u>Conrad Taylor</u>	<u>403 So. Bluff</u>	<u>1-17-85</u>
<u>R.D. Taylor</u>	<u>403 S. Bluff</u>	<u>1-17-85</u>
<u>HITALL</u>	<u>431 BLUFF</u>	<u>-17-85</u>
<u>Edward H. Sommers</u>	<u>430 S. Roosevelt</u>	<u>1-17-85</u>
<u>Lanacia Sommers</u>	<u>430 So. Roosevelt</u>	<u>1-17/1985</u>
<u>J.K. Brauer</u>	<u>426 So. Roosevelt</u>	<u>1-17-85</u>
<u>Charles Brauer</u>	<u>426 S. Roosevelt</u>	<u>1-17-85</u>
B. <u>New W. Reynolds</u>	<u>422 S. Roosevelt</u>	<u>1-17-85</u>

P E T I T I O N

WHEREAS, Ernie Doyon, D/B/A Ernie Doyon Investments, has requested an exception pursuant to the Code of the City of Wichita to permit the establishment of an off-street parking lot (Case No. BZA 86-84); and

WHEREAS, the subject property is zoned as "A" Two-family Dwelling District; and

WHEREAS, G.N. Rupe, Ernest H. Doyon, and Scotch and Sirloin have requested a variance pursuant to the Code of the City of Wichita to reduce setbacks on both Bluff Street and Longview Lane, both for off-street parking purposes (Case No. BZA 81-84); and

WHEREAS, K.S.A. 12-715 provides that five conditions must be met in order that a request for a variance may be granted in cases such as these; and

WHEREAS, the following petitioners believe the exception and variance desired are directly created by an action or actions of the property owner and applicant; that the exception and variance desired will adversely affect public health, safety, order, convenience, prosperity and general welfare; and that the exception and variance desired are in opposition to the general spirit and intent of the zoning ordinance, all of which are in contravention to the conditions established by K.S.A. 12-715;

NOW, THEREFORE, said petitioners request that proposed exception and variance be denied in all respects.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Miss Marie J. Alford</u>	<u>533 S. Quentin</u>	<u>1-17-85</u>
<u>Barth Walton</u>	<u>565 S. Quentin</u>	<u>1-17-85</u>
<u>Norm Melchert</u>	<u>614 S. Quentin</u>	<u>1-18-85</u>
<u>Dianne Coffey</u>	<u>703 S. Quentin</u>	<u>1-18-85</u>
<u>Henry Anderson</u>	<u>654 S. Quentin</u>	<u>1-18-85</u>
<u>Wm R. Hawsey</u>	<u>585 S. Quentin</u>	<u>1-18-85</u>
<u>Ann Hunter</u>	<u>575 S. Quentin</u>	<u>1-18-85</u>
<u>Cyril Hunter</u>	<u>575 S. Quentin</u>	<u>1-18-85</u>
<u>Joe Smith</u>	<u>555 S. Quentin</u>	<u>1-18-85</u>
<u>Pat Smith</u>	<u>555 S. Quentin</u>	<u>1-18-85</u>
<u>Shirley Macneil</u>	<u>537 S. Quentin</u>	<u>1-18-85</u>
<u>George Macneil</u>	<u>537 S. Quentin</u>	<u>1-18-85</u>
13. <u>Miss Helen Huber</u>	<u>550 S. Quentin</u>	<u>1-19-85</u>

P E T I T I O N

WHEREAS, Ernie Doyon, D/B/A Ernie Doyon Investments, has requested an exception pursuant to the Code of the City of Wichita to permit the establishment of an off-street parking lot (Case No. BZA 86-84); and

WHEREAS, the subject property is zoned as "A" Two-family Dwelling District; and

WHEREAS, G.N. Rupe, Ernest H. Doyon, and Scotch and Sirloin have requested a variance pursuant to the Code of the City of Wichita to reduce setbacks on both Bluff Street and Longview Lane, both for off-street parking purposes (Case No. BZA 81-84); and

WHEREAS, K.S.A. 12-715 provides that five conditions must be met in order that a request for a variance may be granted in cases such as these; and

WHEREAS, the following petitioners believe the exception and variance desired are directly created by an action or actions of the property owner and applicant; that the exception and variance desired will adversely affect public health, safety, order, convenience, prosperity and general welfare; and that the exception and variance desired are in opposition to the general spirit and intent of the zoning ordinance, all of which are in contravention to the conditions established by K.S.A. 12-715;

NOW, THEREFORE, said petitioners request that proposed exception and variance be denied in all respects.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
MOHAMMAD RAISDANA	412 S BLUFF	1-17-85
Virginia Adlington	420 S. Bluff	1-17-85
Linda Brenner	430 S. Bluff	1-17-85
Susan A. Stuckey	437 S. Bluff	1-17-85
Harv E. St. Hill	437 S. Bluff	1-17-85
Joseph Crawford	448 So Roosevelt	1-17-85
Jim Patton	442 S. Roosevelt	1-17-85
John Jones	439 S. Roosevelt	1-17-85
Jude Roman	439 S. Roosevelt	1-17-85
Danny Daw	435 S. Roosevelt	1-17-85
South Jay	435 S. Roosevelt	1/17/85
Jack Hosen	405 S. Roosevelt	1-17-85
Margaret Londrigan	401 S. Roosevelt	1-17-85
14. Theng Hollingsworth	3726 E Lewis	1-17-85

P E T I T I O N

WHEREAS, Ernie Doyon, D/B/A Ernie Doyon Investments, has requested an exception pursuant to the Code of the City of Wichita to permit the establishment of an off-street parking lot (Case No. BZA 86-84); and

WHEREAS, the subject property is zoned as "A" Two-family Dwelling District; and

WHEREAS, G.N. Rupe, Ernest H. Doyon, and Scotch and Sirloin have requested a variance pursuant to the Code of the City of Wichita to reduce setbacks on both Bluff Street and Longview Lane, both for off-street parking purposes (Case No. BZA 81-84); and

WHEREAS, K.S.A. 12-715 provides that five conditions must be met in order that a request for a variance may be granted in cases such as these; and

WHEREAS, the following petitioners believe the exception and variance desired are directly created by an action or actions of the property owner and applicant; that the exception and variance desired will adversely affect public health, safety, order, convenience, prosperity and general welfare; and that the exception and variance desired are in opposition to the general spirit and intent of the zoning ordinance, all of which are in contravention to the conditions established by K.S.A. 12-715:

NOW, THEREFORE, said petitioners request that proposed exception and variance be denied in all respects.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Patricia C. Arnold</u>	<u>534 So. Quentin</u>	<u>1/18/85</u>
<u>Mahala S. Woodward</u>	<u>534 S. Quentin</u>	<u>1/18/85</u>
<u>LaDonna K. Hepler</u>	<u>529 S. Quentin</u>	<u>1/18/85</u>
<u>Tom Neller</u>	<u>529 S. QUENTIN</u>	<u>1/18/85</u>
<u>Ruth Haggerty</u> <u>wife of Tom</u>	<u>554 S. Quentin</u>	<u>1/15/85</u>
<u>Carl D. Keiser</u>	<u>532 S. Quentin</u>	<u>1/18/85</u>
<u>Peggy A. Savarano</u>	<u>549 S. Quentin</u>	<u>1/19/85</u>
<u>William E. Savarano</u>	<u>549 S. Quentin</u>	<u>1-19-85</u>
<u>Jill King</u>	<u>553 S. Quentin</u>	<u>1-19-85</u>
<u>Charles King</u>	<u>551 So. Quentin</u>	<u>1-19-85</u>
12. <u>Kenyon Blunt</u>	<u>538 S. Quentin</u>	<u>1-19-85</u>

RECEIVED

JAN 09 1985

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE January 9, 1985

METROPOLITAN PLANNING

ROUTE

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Entriiken, Administrative Aide III

SUBJECT BZA 81-84 Generally located on
the northwest corner of Bluff
and Longview Lane

and

BZA 86-84 Generally located on
the north side of Longview Lane
and west of Bluff Streets

On Monday, January 7, CPO Council "F" considered the above captioned cases. The Council voted 8-0 to recommend approval, subject to the following conditions: 1) that the applicant install a 6' wood screening fence on Longview, with provision for a 3 foot wood fence at the intersection; 2) that no entrance or exit to the parking lot be allowed on Longview, and 3) that any additional entrances or exits be on Bluff.

Robert Kaplan, agent, was present to discuss the case with the Council and to review the revised site plan.

There were 23 area residents present to express their opposition to the proposal. Of those 23 residents, 7 spoke in opposition. Concerns expressed by area residents were:

- decrease in property values
- increased traffic on Longview from people who drive around Longview and Bluff to go north of Kellogg on Bluff (since a left on Bluff at Kellogg is not allowed)
- having an entrance/exit to the Scotch and Sirloln parking lot on Longview, across the street from the private drive of a residence.
- noise
- the closeness of the 6' wood screening fence to the house on lot 10.

Glen Lytle, Special Assistant for Zoning
BZA 81 and BZA 86
Page 2

Please present the Council's recommendation to the Board of Zoning Appeals when it meets to consider the case.

Cindy Entriken
Cindy Entriken
Administrative Aide III

CE:dm

cc: Bill McKinley, Traffic Engineer
Bob Kaplan, agent

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

January 15, 1985

Individual Members
Board of Zoning Appeals

RE: BZA case #81-84/86-84

Dear Sir or Madam;

Please be advised we are in agreement with the residents on the 500 block of South Quentin and 3900 block of Longview that the encroachment of Scotch and Sirloin restaurant into our residential area must be curtailed.

Any access into the Scotch and Sirloin parking lot from Longview Lane should be prohibited as well as any reduction of the side yard set back for their parking privilege. It is also our feelings that the vacant home on Longview should not be removed for further parking because of the unsightliness, trash, noise and fumes of their parking facilities as it sneaks further into our residential area.

Please help us with your favorable recommendation that our neighborhood be protected.

Very Truly Yours,

Mr. & Mrs. Wes Machacek

Mr. and Mrs. Wes Machacek
537 S. Quentin
Wichita, Kansas 67218

RECEIVED

JAN 16 1985

METROPOLITAN PLANNING

ROUTE

550 S. Quentin
Wichita, Kansas 67218
December 8, 1984

Board of Zoning Appeals,
Wichita, Kansas.

Gentlemen:

As a home owner and resident of 550 S. Quentin, in a lovely residential area of East Wichita for many, many years, I am asking your help to keep our area residential.

Scotch & Sirloin has already moved out one house on Longview Lane and I understand has now purchased another one to make more parking area. We feel this should not have been done without it being first zoned for business and we are protesting such a rezoning. Business places surely could be kept up on the highway and not extended down into the area where many people have lived for years.

It has not been safe to drive on Longview Lane for some time and now with Scotch & Sirloin having large parking areas it will be worse!

For some months I've been driving on Orme as one day when I drove east on Longview, a car drove out of the Scotch & Sirloin parking lot without looking or stopping--right in front of me--and then drove north on Blue and continued right on across Kellogg--even when the light was red!

We don't want that kind of driving any closer to us!

Thanking you for your help in this matter,

I am sincerely,

Mrs. Lyman T. Huber

January 17, 1985

To the Board of Zoning Appeals:

This letter is being submitted to the Board of Zoning Appeals for your consideration.

We have been residents and home owners of 529 S. Quentin for over 18 years. Along with our many neighbors, we are proud of our homes and the area in which we reside. The removal of residential properties to increase the parking for the Scotch and Sirloin Club has caused concern to all of us. If we are to believe the owner's attorney, Mr. Kaplan, the request for a zoning change is being made to benefit the neighborhood. We find this hard to believe in view of Mr. Doyan's past history. Mr. Doyan did not care about the neighborhood when his trash was being picked up at 4:00 on the morning and was located on Longview Lane. Area residents had to persue this problem at some length before it was stopped!

If the variance Mr Doyan is asking for were all that's involved, we would probably say okay; however, we have been led to believe Mr. Doyan needs the variance in order to bring a sign on Kellogg up to code. Also, during the past few years Mr. Doyan has purchased and removed several houses and a duplex. He also owns the land across and to the north of Kellogg, where a pawn shop and sizeable parking lot are located. None of this additional parking has helped, so why should we believe that the removal of yet another house and setbacks for parking will help! We also understand that the Scotch and Sirloin is planning further expansion of the club and that a building permit has been granted. This obviously will involve more rezoning of what is now zoned "A" two-family dwelling.

We feel the city is at fault for part of this problem. You have allowed Mr. Doyan to be in violation of several city codes. The sign on his property is too close to the street and the freezer unit is on a utility easement. Both are in violation of city code. Also, city sewer trucks are in our neighborhood frequently and in our yards to clean out the grease from the Scotch and Sirloin. The workmen inform us it is a result of grease from the Scotch and Sirloin. The workmen also have cautioned us on every occasion to put something over our laboratories to protect us from the fumes that are caused from their cleaning out the sewer.

We believe these rules and regulations set down by the city should not be broken once again to suit his needs. Allowing a business to expand to three times

January 17, 1985

-2

its original size in an area which is basically zoned "A" two family dwelling, should have never been permitted in the first place. The desire of the Scotch and Sirloin to use a residential street for entrance and exit would cause a hardship on the neighborhood: too much traffic and the wrong kind of drivers leaving a club that serves alcoholic beverages!

In reviewing our neighborhood situation we find that, according to the secretary's report for both cases No. B.Z.A. 81-84 and Case No. B.Z.A. 86-84, that under the title "Jurisdiction", "The board may grant the request when all five conditions as required by the State Statutes are found to exist". According to the Kansas State Statutes on page 108 of the Cities and Municipalities 12-715A (we have enclosed a copy) these are the five conditions that must be met before Mr. Doyan's request can be granted. Our neighborhood situation certainly applies to these statutes.

Also enclosed is a copy of the minutes taken one year ago at the CPO Council Area "F" meeting dated Monday, January 16, 1985. Mr. Kaplan states that as a result of a previous variance request that the Scotch and Sirloin Club was required to close one opening on Kellogg and one on Bluff. Mr. Kaplan also said, "this is the last variance request regarding the property and no others are planned".

These two examples are a major reason why we in the neighborhood are concerned about allowing the present variances requested and the rezoning of the property at 3910 Longview Lane.

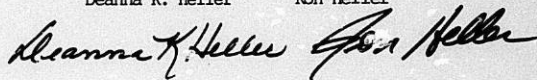
It is also a well known fact that devaluation of neighborhood property has and will continue if these changes are permitted.

Your consideration is important!

Sincerely,

Deanna K. Heller

Ron Heller



contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship, and provided that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning ordinance in such district. A request for a variance may be granted in such case, upon a finding by the board that all of the following conditions have been met: (1) That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant; (2) that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents; (3) that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute an undue 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 opposite to the general spirit and intent of the zoning ordinance. (b) Exceptions. To grant exceptions to the provisions of the zoning ordinance in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning ordinance. In no event shall exceptions to the provisions of the zoning ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the zoning ordinance. Further, under no conditions shall the board of zoning appeals have the power to grant an exception when conditions of this exception, as established in the zoning ordinance by the governing body, are not found to be present. In exercising the foregoing powers, the board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit. Any person, official

or governmental agency dissatisfied with any order or determination of said board may bring an action in the district court of the county in which such city is located to determine the reasonableness of any such order or determination.

History: L. 1939, ch. 94, § 2; L. 1965, ch. 97, § 5; June 30.

Research and Practice Aids:

Zoning—354.
C.J.S. Zoning §§ 294 et seq.

Law Review and Bar Journal References:

Protection of private interests; mobile homes in Kansas, Gerald E. Hertach, 20 K.L.U. 87, 109 (1971).
Judicial review of special use permits in Kansas, Peggy Gatewood, 11 W.L.J. 440, 441, 442, 449 (1972).

CASE ANNOTATIONS

1. Applied in upholding trial court's judgment that denial of rezoning was unreasonable. *Golden v. City of Overland Park*, 221 K. 591, 598, 584 P.2d 130.
2. Under facts, decision of board of zoning appeals was reasonable. *Moulder v. City of Prairie Village*, 6 K.A.2d 972, 974, 637 P.2d 424 (1981).

12-715a. Prior zoning ordinances, rules and maps continued in effect until changed. Any zoning ordinance regulations, rules, and maps adopted by any city under the provisions of the act of which this act is amendatory shall continue in force and effect as though adopted under the provisions of this act, until and unless the same is modified or a new zoning ordinance is adopted as provided in this act.

History: L. 1965, ch. 97, § 6; June 30.

12-715b. Zoning of land outside city limits; conditions and limitations; notice to county commissioners. Any city shall be authorized to adopt zoning regulations affecting land located outside the city but within three (3) miles thereof under the following conditions, except that nothing in this act [°] shall be construed as authorizing any city to adopt regulations applying to or affecting any land in excess of three (3) acres under one ownership which is used only for agricultural purposes:

- (a) The city has established a planning commission under the provisions of K.S.A. 12-702, which provides for the appointment of two (2) commission members who reside outside the city but within three (3) miles thereof, or the city has established a joint, metropolitan or regional planning commission in cooperation with the county in which such city is located pursuant to the provisions of K.S.A. 12-718.

(b) three (3) miles within by either body of (c) have i area of miles the sta adopt (d) county days be ordina adopt

History
••• The
Law Rev
"Vanis
The Ca
Elrod, 5

1. Ref
ity unde
Site v.
534 P.2d

12-7
amend
tions.
author
city er
zoning
city bu
plan, z
zoning
provisi
Kansas
this ac
made a

History
••• The

12-7
thority
tions by
to the
which
regulat
located
incorp
cally K
and am
ing regi
to adop

CITIZEN PARTICIPATION ORGANIZATION
NEIGHBORHOOD COUNCIL AREA "F"

Minutes

Monday, January 16, 1984

Members Present

Jim Slaughter
Helen Julian
Eldon Meyer
John Schwartz
John Oswald
Chuck Harris
Barbara O'Connor
Howard Boys

Others Present

R.L. Combs, 1933 S. Bluff
David Snelson, 1945 S. Bluff
Keith & Wanda Sanborn, 2008 Reed
Henry Cheynet, 2240 S. Crestway
Pat Nelson, 1931 S. Oliver
Robert Kaplan, 430 N. Market

President Meyer called the meeting to order at 7 p.m.

Boys noted that the minutes of the January 5th meeting should be corrected to show that zone case Z-2565 was located on the northwest, not northeast, corner of Mt. Vernon and Woodlawn.

Motion by Slaughter (Meyer) to approve the minutes of the January 5th meeting as corrected. Motion carried 6-0.

Harris arrived.

The Aide requested that a status report regarding zone case Z-2565 be added to the agenda. Slaughter requested a discussion of a street cleaning complaint on Mt. Vernon near Pershing.

Motion by Boys (Julian) to approve the agenda of the January 16th meeting with the additions. Motion carried 7-0.

O'Connor arrived.

SECRETARIAT AGENDA

BZA 72-83, 3941 EAST KELLOGG (SCOTCH AND SIRLOIN)

The Aide reviewed the Board of Zoning Appeals Secretary's report regarding the captioned variances to (1) eliminate the screening fence adjacent to the residential structure on the southeast part of the property, and (2) reduce the required side yard setback on property zoned "B" Multiple-Family and "LC" Light Commercial.

Robert Kaplan, the agent for the request, was present to review the request. He explained that the variance application is a result of the conditions of approval of a previous variance application to reduce the required front yard setback adjacent to Kellogg. He cited that the 5 plex in question on the northwest corner of Bluff and Longview will eventually be removed and the required screening and side yard setback appeared unnecessary. He added that the 5 plex is owned by the operation of the Scotch and Sirloin Restaurant.

CPO Council Area "F"
Monday, January 16, 1984
Minutes - 1 2

In response to a question by Schwartz, Kaplan said he believed the residents of the 5 plex worked at the Scotch and Sirlain. He added that there is currently no timetable for removing the 5 plex.

Boys said the Council recommended that the access onto the property from Kellogg be closed whenever it considered the request for a front yard setback. He said he would vote for the requested variance only if access to Kellogg is closed because the roadway is planned to be upgraded to expressway standards and no curb cuts should exist on arterials.

Kaplan responded that, as a result of the previous variance request, the restaurant was required to close one opening on Kellogg and one on Bluff. He also noted that the access to the property from Kellogg had no relation to the variance being requested.

In response to questions from Oswald, Kaplan said the curbing would be replaced to close the openings on Kellogg and Bluff. He also said this is the last variance request regarding the property and no others are planned.

Motion by Slaughter (Harris) to recommend approval of the variance subject to the BZA Secretary's recommendations. Motion carried 8-0.

Motion by Boys (Schwartz) to restate the Council's objection to direct access to this property from Kellogg. Motion carried 8-0.

1984-89 CAPITAL IMPROVEMENT PROGRAM

The members considered and commented on the following projects in Area "F".

Hillside Avenue - Harry Street Improvement (MS-222 & MS-222A, Page 33).

Boys observed that the construction of the project should improve the area surface drainage.

Gypsum Creek - South of Harry to East of Rock Road (D-83, Page 92), Gypsum Creek - East-west of Hillside (D-84, Page 93), and Gypsum Creek - Windsor to Pawnee (D-87, Page 94).

Pat Nelson, 1931 S. Oliver, was present to discuss project D-87 and other drainage improvement projects along Gypsum Creek. She said the area was archaeologically significant and contained the Hackberry archaeological site which has been designated as an historic landmark. Nelson reviewed City Policy #3 which requires an archaeological review of any city project. She explained that any city project in the area should have the City archaeologist present to review any artifacts unearthed during construction.

CPO Council Area "F"
Monday, January 16, 1984
Minutes - Page 3

Nelson expressed concern that Policy #3 might not be followed and observed that recent city maps showed the Hackberry site east of its true location.

In response to questions from the Council, Nelson reviewed the excavation process used in archaeological studies.

Harris suggested that the Archaeology Department at Wichita State University should start excavation before construction begins.

It was the consensus of the Council to support Policy #3 whenever work takes place on Gypsum Creek and that the city maps should be corrected to show the precise location of the Hackberry and other area archaeological sites.

Boys restated his concern that the city is not starting Gypsum Creek improvements downstream and working upstream.

Motion by Boys (Harris) that the time schedule for projects D-84 and D-87 be reversed. Motion carried 8-0.

Dry Creek from Mt. Vernon to Elmwood (D-100, Page 99)

Slaughter asked why drainage projects can't be financed through special assessments. He said the residents should have known better than to have built in the area and should bear the cost of drainage improvements.

Harris noted the danger of flooding to the general public.

The Aide reviewed special assessment policies.

Motion by Oswald (Harris) that the design and right-of-way for project D-100 be rescheduled to 1984 with construction taking place in 1985.

It was noted that O'Connor would not vote on the motion because her home was involved in the Dry Creek flooding and she had a personal involvement in the issue.

Keith and Wanda Sanborn, 2008 Reed, expressed opposition to the project citing the desire to keep Dry Creek in its natural state. Keith Sanborn said development should be prevented upstream which would add water to Dry Creek. He said the problem was caused by the city allowing overdevelopment.

Boys said Sanborn wanted both a drainage and sewer improvement when the Dry Creek Sanitary Sewer was considered but later changed his mind.

Sanborn disagreed with Boys' statement.

Boys said the City cannot restrict development to the north to prevent flooding in the area.

The Anthony E. Savaiano Family
549 South Quentin
Wichita, Kansas 67218

January 16, 1985

Mr. Jack Galbraith - Planning Dept.
455 North Main
Wichita, KS 67202

Re: BZA 81-84 and BZA 86-84

Dear Sir,

As a resident of the neighborhood directly affected by the operation of the Scotch and Sirloin Restaurant, with three children under four years of age, I wish to protest Mr. Doyon's request to eliminate the front and side yard setbacks along Longview Lane and Bluff to be utilized as parking. I wish to protest his request to make a main exit/entrance for his establishment's parking lot closer to our home.

His lots on Longview used to hold cute little houses until Mr. Doyon purchased one, allowed it to deteriorate, then raised it. He's now in the process of removing the other house, purchased when the previous owner realized he now lived next door to a parking lot. We do not wish to look out our front windows and see a parking lot where there were once well-kept houses. It may make it even more difficult to cross Kellogg on foot to get to College Hill Park. The traffic off Kellogg booming down Quentin to reach Lincoln is already dangerous to my children's welfare, without adding restaurant/bar traffic by moving an entrance.

The parking situation is not ideal now as the cars at noon and evening line Longview solidly and round Quentin's corners. The corner was once an attractive convenience of the neighborhood--I recall as a child walking from my grandparent's home to the little market there. It always fit in, never imposing, just complementing.

We feel if Mr. Doyon must use his newly acquired dwelling properties as asphalt parking lot, let him fence it so it may not detract from our comfortable neighborhood. Let his customers enter and exit from Bluff and Kellogg as before (before he converted the residences to run-down rental properties, then to parking lot). We want no

RECEIVED

JAN 17 1985

METROPOLITAN PLANNING

ROUTE

OK

Page 2

openings to his business on our residential streets! His lighting is even obnoxious!

Please visit our neighborhood, examine our situation, listen to our requests. Make your decisions carefully as my children's welfare may be affected by your opinion.

Thank you for your time and consideration.

Sincerely,

Peggy Savaiano

Tony Savaiano

Peggy, Tony,
Stacy, Corby & Eric Savaiano

January 15, 1985

Mr. Jack Galbraith
Chief Planner
Wichita-Sedgwick Co. MAPC
City Building - 10th Floor
455 North Main
Wichita, Kansas 67202

Dear Mr. Galbraith:

The attached is a letter we are sending to the members of the Board of Zoning Appeals. Any help or support you could give us and our neighbors in our efforts to keep our neighborhood residential and free of additional noise and congestion will be much appreciated.

Thank you.

Yours truly,

Carl Keith & Lyta Keith
Carl Keith & Lyta Keith

Encl.

RECEIVED
JAN 18 1985
METROPOLITAN PLANNING
ROUTE _____

January 15, 1985

Mr. William J. Goebel
310 S. Summitlawn
Wichita, Ks 67209

Dear Mr. Goebel:

We are writing in regard to BZA case No. 81-84 and BZA case No. 86-84 which will come before you on January 22.

Our residence is 532 S. Quentin. This is a corner lot with the north side of our property adjacent to Longview Lane. The Scotch and Sirloin over the past few years has taken a duplex and two houses for parking. We understood these lots were zoned light commercial and have made no protest in the past. We feel however, it is now time to speak-up in our own behalf.

- 1) What was once a quiet residential street is now a busy, dangerous, noisy thoroughfare.
- 2) A proposed driveway into the expanded parking lot is almost directly behind our own drive.
- 3) The investment in our home is diminished every time another lot is taken for commercial use.

We realize commercial establishments must have parking, however we believe we can be somewhat compatible. How:

- 1) By denying these additional variances and exceptions. Every deviation that is permitted from the present zoning ordinances deteriorates the residential rights they were made to protect. (The three lots the Scotch & Sirloin has acquired adequately covers the requirements for his present legal seating capacity.)
- 2) A permanent solid screening fence separating Longview Lane from the parking lot. This would give us some privacy and would retain the residential atmosphere.
- 3) No entrance or exit to the parking lot on Longview Lane to ensure our safety and residential status. **Most cars turn onto Bluff anyway so why congest a residential street.**

Mr. William J. Goebel
January 15, 1985
Page 2

4) That Mr. Rupe and Mr. Doyan be advised they comply with ALL legal restrictions and ALL city ordinances (seating capacity, parking on setbacks, sanitation codes, sign codes, etc.) making it easier to be a more compatible neighbor.

We thank you for any support you feel you can give us in our effort to keep our neighborhood from deteriorating and our life's investment from continuing to diminish by another's business expansion.

Yours truly,

Carl Keith & Lyla Keith

cc: Members - BZA

RECEIVED

JAN 18 1985

METROPOLITAN PLANNING
ROUTE _____

January 16, 1985

Dear Mr. Galbraith,

We are the owners of 3906 Longview Lane, which is the west side of the property proposed for a parking lot by the Scotch and Sirloin.

The BZA 81-84, BZA 86-84 are asking for exemptions and variances that would be a detriment to our property as well as the neighborhood.

KSA 12-175 states five conditions that must be met before variances may be granted

We feel that Scotch and Sirloin does not comply with these standards as follows:

1. The conditions which are unique to the property have been created by the owners, expanding their Club without adequate parking.
2. The adjacent property owner would be subjected to bright lights, air pollution, and noise of traffic until 3:00 a.m. when the Club closes. The proposed parking lot would be placed within six feet of the bedroom windows.

3. This is a home that does not rely upon central air conditioning but uses windows for fresh air and cooling, with the granting of a variance, it would be putting a financial hardship upon the owners to install air conditioning and windows to block light and noise.
4. In addition to the above statements, the general lifestyle and prosperity would adversely be affected. The property value would decline 15% according to Jack Courtney's appraisal made December 31, 1984.
5. The general intent and spirit of the zoning ordinance is to protect property owner's rights. We ask that BZA 81-84, BZA 86-84 be denied.

Thank You

Katherine Taylor
Mr & Mrs Sidney Brinkman

January 6, 1985

Mr. Jack H. Galbraith, Secretary
Board of Zoning Appeals
Tenth Floor - City Hall
455 North Main
Wichita, Ks. 67202

Re: Case No. BZA 86-84
Case No. BZA 81-84

TO WHOM IT MAY CONCERN:

I am writing concerning the change of zoning by Scotch & Sirloin, G. N. Rupe, and Ernie Doyon for Lots 11, 12, 13, 14, Block A, Longview Terrace.

My husband and I have owned the property at 533 S. Quentin for 19 years and have enjoyed our beautiful street and neighborhood. However, the last years have been very disappointing with the Scotch & Sirloin property encroaching on our beautiful residential area. The area of Kellogg, Bluff, and Longview Lane is so congested and an ugly sight.

I do not understand why the City of Wichita hasn't studied the area and why you have let all this happen to us. You let Scotch and Sirloin build beyond their capacity on the front, side, and top. There never has been adequate parking for them. Bluff Street is so congested you can hardly get through and Quentin Street has turned in to a thoroughfare. People turn off at Roosevelt-Quentin and turn on to Longview, then to the light on Bluff to get north. You closed Roosevelt St. north off Kellogg but not south. You closed the left turn on to Crestway making Quentin, Longview and Bluff handling traffic like Kellogg. Now Scotch & Sirloin is taking out homes making commercial property in a beautiful residential area and ruining our neighborhood and the value of our properties.

My husband and I were so unhappy with all this mess and put our house up for sale. We had our house for sale for three years listing with four large Real Estate Firms and our house was priced at \$117,900. It didn't take long to realize that our property had lost its value because of the Kellogg, Bluff, Longview traffic, noise, and Scotch and Sirloin's parking lot and commercial problems. We finally accepted a contract for \$96,000 and decided to get out before Scotch and Sirloin moved any closer. My husband became ill and died August 13, 1984. I decided I couldn't move right at this

time and had the contract cancelled. I thought maybe the Scotch and Sirloin would clean up the area, put up a board fence around them and we would be all right. The next thing I knew, they purchased the property at 3910 Longview and were going to take that house out for parking.

I am asking the City to keep the property at 3910 Longview as residential and make Scotch and Sirloin put up a tall board fence and possible landscaping across Longview. This would keep the commercial property a little bit removed from our area.

I believe we have given to the limit and have not caused any trouble and wanted to get along, but the removing the house at 3910 Longview for parking is too much!

Sincerely,

Mrs. James R. Allred

(Mrs.) James R. Allred
533 S. Quentin
Wichita, Ks. 67218

SECRETARY'S REPORT
CASE NO. BZA 81-84

APPLICANT: G. N. Rupe, Ernest H. Doyon, and Scotch and Sirlolin, 3941 East Kellogg, Wichita, Kansas.

AGENT: Robert W. Kaplan, 430 North Market, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback adjacent to Bluff Street from 5 feet to 0 feet and to reduce the required front yard setback adjacent to Longview Lane from 25 feet and 20 feet to 0 feet, both for off-street parking purposes only.

GENERAL LOCATION: On the northwest corner of Bluff and Longview Lane.

ZONING: Subject property is zoned the "B" Multiple-family and the "A" Two-family Dwelling Districts. Property to the east is "B" Multiple-family and to the south and west is "A" Two-family Dwelling District. Property to the north is "A" Two-family and "LC" Light Commercial.

LAND USE: Subject property is presently occupied by parking and one dwelling. To the north is the restaurant and apartments, and to the south and west are residential properties. To the east is a four-family dwelling.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required setbacks in the "A" Two-family and the "B" Multiple-family Dwelling Districts in order to construct the maximum amount of off-street parking on the property. There is a required 5 foot side yard setback adjacent to Bluff, and a 20 and 25 foot front yard setback adjacent to Longview Lane that is being requested to be reduced to 0 feet for off-street parking purposes only. An exception request (BZA 86-84) for use of the lot in the "A" Two-family for an off-street parking lot is also a part of this total development plan that should be considered together with this variance application.

The applicant has submitted a revised site plan since the application was first filed that now includes an additional property to the west that is located in the "A" Two-family Dwelling District. The new site plan also indicates that a landscaped area will be retained in the front yard setback that is immediately adjacent to the residence on the west. Also, the plan indicates that street trees will be provided in the public right-of-way adjacent to Longview Lane that is consistent with similar requests for variances of the setbacks in the residential zoning districts that have been approved by this Board.

It should be noted that when the request for a variance of the front yard setback adjacent to Kellogg for an addition to the restaurant was granted in 1983, it was subject to a number of conditions. One of these conditions was for a parking lot in compliance with all applicable regulations, including compliance with the setbacks being requested to be varied at this time. It should be noted, that the planning commission and city commission has looked with favor on providing off-street parking for the expansion of existing uses along major streets without the granting of zoning into the residential neighborhood.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is located immediately adjacent to an existing business that is located on a major street and the front yards of the property are opposite side yards of the properties across the street and the side yard is adjacent to a collector street.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the applicant will be maintaining a landscaped area adjacent to the front yard of the residence to the west and will install street trees in the street right-of-way adjacent to Longview Lane that should provide protection to any adjacent property that might be affected by the reduced setbacks.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the size and shape of the property is not conducive to an off-street parking lot in conformance with city standards to provide the maximum amount of parking that in this case would be in the public interest.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the setbacks for off-street parking purposes only should not interfere with any needed right-of-way or easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the need for parking for an existing use exceeds the minimum requirements of the zoning ordinance, and in this case the applicant will provide amenities on the property that will compensate for the variance request.

RECOMMENDATION:

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

1. The variance of the 5 foot side yard setback adjacent to Bluff shall be reduced to 0 feet for off-street parking purposes only.
2. The variance of the 25 foot and the 20 foot front yard setback adjacent to Longview Lane shall be reduced to 0 feet for off-street parking purposes only, provided, however, the west 20 feet of the setback shall be reduced to 15 feet.
3. The applicant shall provide a landscaped area in the west 20 feet as set forth in condition number 2. In addition, street trees shall be provided in the public right-of-way adjacent to Longview Lane.
4. The parking lot shall be surfaced with asphalt or concrete in conformance with the requirements of the zoning ordinance.
5. The applicant shall mark and maintain the lot in conformance with the site plan submitted by Keith Parker Associates dated December 31, 1984 and approved by the Traffic Engineer.
6. The applicant shall provide traffic barriers adjacent to the public right-of-way to prevent the encroachment of vehicles over public right-of-way.

7. The variance of the setbacks adjacent to Longview Lane shall be permitted as being in compliance with the conditions of BZA 27-83, provided the public right-of-way is landscaped as set forth in condition number 3 above.
 8. The release of this resolution shall void Resolution BZA 72-83.
 9. A six foot screening fence shall be installed adjacent to residential properties on the north and west. Such fence shall be reduced to 3 feet in height for the south 25 feet along the west property line.
 10. Prior to the release of this resolution authorizing the reduction of the setbacks adjacent to the streets, the applicant shall submit 3 copies of the landscape plan required by condition number 3.
 11. All improvements required by this resolution shall be completed by June 1, 1985.
-

BZA CASE NO. 81-84

<u>4</u>	NOTICES SENT TO APPLICANT/AGENT
<u>1</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>21</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>27</u>	TOTAL NOTICES SENT <u>12-31-84</u>

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

December 31, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 81-84

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 G. N. Rupe, #3 Linden; Ernest H. Doyon, 610 Fabrique; and Scotch and Sirlain, Inc., 3941 East Kellogg; all in Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required side yard setback adjacent to Bluff Street from 5 feet to 0 feet and to reduce the required front yard setback adjacent to Longview Lane from 25 feet and 20 feet to 0 feet, both for off-street parking purposes only on property zoned the "B" Multiple-family Dwelling District and the "A" Two-family Dwelling District, and legally described as follows:

Lot 11, except the north 21 feet; Lot 12, except the north 21 feet; and Lots 13 and 14; all in Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Bluff and Longview Lane.

This application has been assigned Case BZA 81-84. It will be considered by the Board of Zoning Appeals on January 22, 1985 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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

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

Jack H. Galbraith
Secretary

Lytle

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

December 3, 1984

TO: Robert Knight, Mayor
FROM: Robert A. Lakin, Director of Planning
SUBJECT: Scotch. & Sirloin Property (3941 East Kellogg)

As you requested on November 29, 1984, the following is a summary of the cases that have been handled by the Planning Department staff involving the property at 3941 East Kellogg and associated off-street parking.

1. BZA Case No. 27-83. Request for variance to reduce the required front yard setback from 20 feet to 10 feet.
Filed by Keith Parker - May 3, 1983
Deferred at request of agent - May 31, 1983
Deferred at request of new agent - June 28, 1983
Approved by Board of Zoning Appeals - July 26, 1983
- copy of BZA Minutes attached.
2. BZA Case No. 72-83. Request for variances to eliminate the screening requirement for a parking lot adjacent to a residential property and to reduce the side yard setback from 5 feet to 3 feet.
Filed by Robert Kaplan, Agent - December 27, 1983
Approved by Board of Zoning Appeals - January 24, 1984
- copy of BZA Minutes attached.
3. BZA Case No. 81-84. Request for variance of the setbacks in the "B" Multiple-family Dwelling District (20 feet to 0 feet adjacent to Longview Lane and 5 feet to 0 feet adjacent to Bluff) in order to enlarge the parking lot at the corner of Bluff and Longview without observing the setbacks required in the residential districts.
Filed by Robert Kaplan, Agent - November 14, 1984
Robert Kaplan, Agent, advised that the application would be revised to include one additional property that has been acquired. He will also file an additional application for an exception to permit the use of the property to be used for off-street parking - November 27, 1984.

If revised cases are filed by December 21, 1984, they will be considered by the Board of Zoning appeals at their meeting of January 22, 1985.

It should be noted that the applicant desires the reduction of the set-backs adjacent to Bluff and Longview Lane prior to the anticipated request for a minor street permit for the use of public right-of-way for parking. Until this office receives a correct site plan showing the off-street parking layout, no formal recommendations will be made.

Robert A. Lakin
Director

RAL:GEL:sad

cc: E. H. Denton, City Manager

*Copies sent to
Anderson
Hickman
on 12-5-84
per LAL
SD*

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

December 3, 1984

TO: Robert Knight, Mayor
FROM: Robert A. Lakin, Director of Planning
SUBJECT: Scotch & Sirloin Property (3941 East Kellogg)

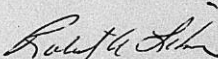
As you requested on November 29, 1984, the following is a summary of the cases that have been handled by the Planning Department staff involving the property at 3941 East Kellogg and associated off-street parking.

1. BZA Case No. 27-83. Request for variance to reduce the required front yard setback from 20 feet to 10 feet.
Filed by Keith Parker - May 3, 1983
Deferred at request of agent - May 31, 1983
Deferred at request of new agent - June 28, 1983
Approved by Board of Zoning Appeals - July 26, 1983
- copy of BZA Minutes attached.
2. BZA Case No. 72-83. Request for variances to eliminate the screening requirement for a parking lot adjacent to a residential property and to reduce the side yard setback from 5 feet to 3 feet.
Filed by Robert Kaplan, Agent - December 27, 1983
Approved by Board of Zoning Appeals - January 24, 1984
- copy of BZA Minutes attached.
3. BZA Case No. 81-84. Request for variance of the setbacks in the "E" Multiple-family Dwelling District (20 feet to 0 feet adjacent to Longview Lane and 5 feet to 0 feet adjacent to Bluff) in order to enlarge the parking lot at the corner of Bluff and Longview without observing the setbacks required in the residential districts.
Filed by Robert Kaplan, Agent - November 14, 1984
Robert Kaplan, Agent, advised that the application would be revised to include one additional property that has been acquired. He will also file an additional application for an exception to permit the use of the property to be used for off-street parking - November 27, 1984.

If revised cases are filed by December 21, 1984, they will be considered by the Board of Zoning appeals at their meeting of January 22, 1985.

CID Halber 5m etc if needed to have work done.

It should be noted that the applicant desires the reduction of the set-backs adjacent to Bluff and Longview Lane prior to the anticipated request for a minor street permit for the use of public right-of-way for parking. Until this office receives a correct site plan showing the off-street parking layout, no formal recommendations will be made.


Robert A. Lakin
Director

RAL:GEL:sad

cc: E. H. Denton, City Manager

5. Case No. BZA 72-83 - Ernie C. Doyan, SR., 3941 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita requesting variances to (1) eliminate the screening fence adjacent to the residential structure on the southeast part of the property, and (2) reduce the required side yard setback adjacent to the residential structure from 5 feet to 3 feet on property zoned "B" Multiple-family Dwelling District and the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 1 and 2, except the north 8 feet dedicated for street purposes, and Lots 13 and 14, all in Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Bluff between Kellogg and Longview Lane (3941 East Kellogg).

LYTLE showed slides of the application area and reviewed the following comments from the Secretary's Report.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicant is requesting variances of two separate requirements of the zoning ordinance that are applicable to the property. A previous variance has been granted by the Board to permit the construction of an addition to the restaurant with a reduced building setback adjacent to Kellogg.

Both variances requested pertain to the relationship of the off-street parking for the restaurant and the multiple-family dwelling that is located at the northwest corner of Bluff and Longview Lane. One variance being the elimination of the required screening fence between the dwellings and the parking lot. The second being the reduction of the required side yard from 5' to not less than 3' which is actually the yard to the west side of the 5-plex. Without the erection of a fence, the small reduction in the side yard area is insignificant. Also, at the time the advertisement was prepared, the reduction was from 5' to 3' which actually turned out to be only a few inches less than five feet to the parking lot. It should also be noted that the multiple-family dwelling may not remain on the property too long, and will eventually be removed for additional parking to better serve the restaurant and club.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the application area includes both the restaurant and a multiple-family dwelling and the applicant owns the multiple-family dwelling which is to be protected by the requirements of the screening. The applicant prefers that the fence not be installed at this time since it is the intention of the owner to relocate the multiple-family dwelling to a new location once a site is obtained.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variances requested will not adversely affect the rights of adjacent property owners inasmuch as the applicant is the owner of the multiple-family dwelling that would be affected by the variances and the elimination of the screening fence that will be required only until the residence is relocated.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the installation of a fence that should be only temporary is an undue expense to the applicant.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variances would not adversely affect the public interest inasmuch as the elimination of the screening and the slight reduction of required side yard will not interfere with any public right-of-way or easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as requirements are generally designed to provide protection to adjacent properties not a part of a development.

RECOMMENDATION:

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

1. Adequate separation between the parking lot and the dwelling shall be provided to not interfere with the ingress or egress from the apartments.
 2. This variance shall become null and void if any structures are ever constructed on Lot 13, Block A, Longview Terrace Addition.
-

LYTLE stated that the CPO Council voted 8-0 to approve the request, but still objected to the access to Kellogg.

Robert Kaplan, Agent, had nothing further to add. No one appeared in opposition.

HENDERSON asked if they needed to make two separate motions. LYTLE replied no, he combined them when writing the staff report.

MOTION: HENDERSON moved, JACOB seconded, that the variances to (1) eliminate the screening fence adjacent to the residential structure on the southeast part of the property, and (2) reduce the side yard setback adjacent to the residential structure from 5' to 3' be granted subject to the conditions set out in the Secretary's Report. Motion passed 5-0.

The official action of the Board is reflected in the adoption of Resolution No. BZA 72-83 which includes the following conditions of approval:

1. Adequate separation between the parking lot and the dwelling shall be provided to not interfere with the ingress or egress from the apartments.
2. This variance shall become null and void if any structures are ever constructed on Lot 13, Block A, Longview Terrace Addition.

-
6. Case No. BZA 73-83 - Burriss Crawford, 1010 East Douglas, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita requesting an exception to permit the establishment of an automobile sales lot on property zoned the "LC" Light Commercial. A legal description of the applicant's property is as follows:

Lot 41, 43, 45, 47 and 49, all in Alameda Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Broadway and Mt. Vernon.

LYTLE stated that the case should be deferred until February 28, 1984.

MOTION: JACOB moved, KOPIETZ seconded that the case be deferred until February 28, 1984. Motion passed 5-0.

-
7. Other Matters. - There being no other matters, the meeting was adjourned at 2:00 p.m.
-

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
MINUTES

JULY 26, 1983

The regular meeting of the Board of Zoning Appeals of the City of Wichita, Kansas, was held at 1:30 p.m., July 26, 1983 in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

The following members were in attendance: JOHN SLAYMAKER, Chairman; TOM JACOB, EARL HENDERSON and MARY KOPIETZ. WILLIAM GOEBEL was absent.

Also present were Jack Galbraith, Glen Lytle and Shirley Doramus of the Planning Department staff.

1. Approval of the minutes of June 28, 1983.

MOTION: JACOB moved, KOPIETZ seconded that the minutes be approved as mailed. Motion passed 4-0 (GOEBEL absent).

2. Case No. BZA 27-83 - Glen Rupe, 434 Ohio, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 20' to 10' in the "LC" Light Commercial and the "B" Multiple-family Dwelling Districts and legally described as follows:

Lots 1 and 2, except the north 8' for Highway right-of-way, and all of Lot 13, Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Kellogg and Bluff (3941 East Kellogg).

LYTLE showed slides of the application area and reviewed the following comments from the Secretary's Report.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required front yard setback adjacent to Kellogg in order to construct an addition to the restaurant and club. The front yard setback on this property is determined by the

residential zoning to the west and is required to be 20' from the Kellogg street right-of-way line. This is 5' closer than the requirement for those properties in the block that are located in the "A" Two-family Dwelling District.

The applicant's tenant has begun construction, without benefit of a permit, for an addition to be located within 10' of the right-of-way. When this office was first contacted about this variance, the construction had not started. When the applicant's agent came in early the next morning, and the staff had a chance to review the requirement, he was advised at that time the staff could not support the request. His agent stated that his applicant was excavating the project at that moment. At that point the agent was advised that the construction should be stopped until the Board had a chance to review the request as the Board had stated there are too many requests being made after the fact. On the way home that evening at 5:00 p.m. they were pouring and finishing the floor slab.

It should be noted that this property is located in the first block east of the area in which improvements have just been completed for the alteration of the curve at the beginning of the Kellogg freeway to the west. These improvements were made after considerable expense by the State to acquire a small amount of additional right-of-way.

In discussing the need for right-of-way with the Department of Engineering, they indicate that it is not known at this time what alignment future improvements of Kellogg will take. It is the policy, however, on all new plats for any commercial development, to establish a 35' setback when adjacent to an arterial or expressway in addition to the dedication of needed right-of-way. All along Kellogg in this area, a number of replats have occurred which have dedicated additional street right-of-way and established greater setbacks than this variance request. In this case, it is the Secretary's opinion, that the Board should not vary a setback along this highway where it is a policy to establish a greater setback than what is now required by the zoning ordinance.

In review of the applicant's site plan, and a field check of the property, a number of violations of city regulations are evident. The large sign located at the corner of Bluff and Kellogg has been erected on the street right-of-way and should be removed. The trash container located in the parking lot should be moved to a location that is not in the "B" Multiple-family Dwelling District and screened from view of the residences to the south. The freezer unit should be located in the "LC" zoning and at a location not in a utility easement. The parking lot should be marked in accordance with an approved site plan and the surfacing located in the required front yard setback should be removed and barriers placed to prevent parking in the setback or on areas required to be landscaped. Also, all the required screening where adjacent to a residential zoning district has not been provided. If the applicant owns the adjacent property, and the four-family dwelling is to remain, a variance of the screening must be obtained from this Board.

The present restaurant and club has a maximum capacity of 105 persons and requires a minimum of 21 off-street parking spaces. Central Inspection staff indicates that no plans have been submitted for a determination on the addition for what increase might be permitted in the seating capacity. Prior to any consideration of a variance to add to the use, a determination of these parking requirements should be made. The applicant's site plan delineates 32 off-street parking spaces, however, only 19 are located on the applicant's property in conformance with the standards determined by the Traffic Engineer of the Department of Engineering. This would be reduced further when a freezer unit and trash container are relocated on the "LC" portion of the property which are not shown on the applicant's site plan.

The applicant's agent has indicated that the owner has been trying to acquire additional property in the neighborhood for parking. It would appear that, if additional property to the south could be acquired, the applicant could redesign the proposed addition and expand to the east in compliance with the setback adjacent to Kellogg.

It has also been suggested by the applicant's agent that any right-of-way for Kellogg be dedicated at this time to be available at no cost to the city or state at any time Kellogg is relocated or improved in this area. This would then require the applicant to secure a minor street privilege for any improvements that would be constructed in the street right-of-way. It is the staff's opinion that this is not a proper method of resolving the problem.

It is also the opinion of the Secretary that a restaurant or any other public assembly building should not be located that close to a highway. As other development along Kellogg has occurred further to the east, additional right-of-way has been dedicated as a condition of zoning and a setback from the new right-of-way has been established on "LC" property of at least 35 feet.

UNIQUENESS:

It is the opinion of the Secretary that this property is not unique inasmuch as there are many properties in the city that are restricted in the same manner as this by the zoning regulations.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would probably not affect the adjacent property owner, but the affect of enlarging a use, in an area where other uses do not provide adequate parking, will tend to increase traffic congestion in the neighborhood unless additional property is acquired to provide parking.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the zoning ordinance will not constitute an unnecessary hardship upon the applicant as the hardship has been created by the tenant by starting construction without benefit of a permit.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would possibly affect the public interest inasmuch as to increase the capacity of a restaurant and extend it closer to a major trafficway would not be in the best interests of the public, and could create a possible safety hazard to the occupants.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the ordinance is specific in this case to maintain a setback on the entire block that is greater than the applicant desires.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of a variance cannot be found to exist, and it is recommended that the variance be denied.

LYTLE stated the CPO Council voted 7-1 to deny the request. He also showed slides of the area and the building as related to adjacent structures.

Robert Kaplan, Attorney, stated that the site was in the "LC" Light Commercial District and that the general requirement for the "LC" Light Commercial District is a 10' setback. In the zoning ordinance, however, it provides that when there is a residential district adjacent to property in the "LC" Light Commercial District and within the same block, the residential district determines the setback in the "LC" district.

The addition to the structure will be 12' to the dining area and will include an emergency exit for the patrons. Ernie Doyan who owns the restaurant is going to turn over the business to his son. The lease agreement is up in February.

Mr. Kaplan spoke to each of the five issues and stated why he thought the request should be approved. He made the statement that the CPO Council recommended denial of the application because of the staff comments and they never did consider the criteria for the BZA request. He pointed out that there were several other businesses in the area that were closer to the street than what they were requesting.

KOPIETZ asked Kaplan if the applicant had considered building his 12'x32' addition on to the east of the building? Kaplan replied yes, but the applicant did not see that as being feasible and it would not fit in with his plans. KOPIETZ asked LYTLE if a person had to have a permit for a cement slab? LYTLE replied yes, and that construction was not just a cement slab, it was a footing and foundation which was poured all at once and is a structural element. KOPIETZ stated she had driven by there and there were cars parking in the far west approach/driveway off of Kellogg which hampered the flow of traffic on Kellogg.

No one appeared in opposition.

SLAYMAKER asked LYTLE if the staff had any suggested conditions should the Board decide to grant the request.

LYTLE stated he had drafted some recommendations and if the Board was to consider approval, he would like to go to his office for the draft.

There was a short recess so LYTLE could obtain the draft of the proposed conditions.

The meeting was called to order at 2:15 p.m.

GALBRAITH spoke to a few issues regarding the past zoning and platting that had occurred in the area. The idea of a dedication of the right-of-way was brought up by the agent. GALBRAITH spoke to how a contingent dedication should be used. LYTLE read from the contents of the legal opinion on the use of a minor street permit. He also reviewed the draft of nine possible conditions for approval should the Board determine that the variance be granted.

Kaplan stated his comments regarding the proposed conditions of approval and suggested that as he understood them, he felt that the dedication of complete access control to Kellogg was not acceptable.

MOTION: JACOB moved, HENDERSON seconded, that the five conditions set out in Section 2.12.590.B, of the Code as necessary for the granting of the variance have been found to exist and that the variance to reduce the required front yard setback from 20' to 10' be granted subject to the nine conditions as read, except that the dedication be changed to 10', and one access driveway be allowed on Kellogg, and the removal of the driveway north of the small building adjacent to Bluff, and a contingent dedication for an additional 2' dedication adjacent to Kellogg. Motion passed 3-1 (KOPIETZ opposed, GOEBEL absent).

The official action of the Board is reflected in the adoption of Resolution No. BZA 27-83 which includes the following conditions of approval:

1. The applicant shall dedicate an additional 10' of street right-of-way adjacent to Kellogg. The applicant shall also furnish a contingent dedication of two' of right-of-way to become effective at a time the building is removed. The applicant shall dedicate complete access control except for one opening from Kellogg and shall guarantee the removal of one approach and reconstruction of the curb on the existing west approach and the removal of a driveway approach and reconstruction of the curb adjacent to Bluff Street located north of the small building adjacent to the east property line.

2. The applicant shall furnish a new site plan in triplicate, showing all the required off-street parking spaces for all uses on the property in full compliance with all requirements as set forth in the zoning ordinance. The parking layout shall be approved by the Traffic Engineer and be in compliance with the off-street parking standards with only one access point permitted from Kellogg. All of the required off-street parking spaces and circulation shall be located on private property and only additional off-street parking shall be permitted by a minor street permit.
 3. The applicant shall provide locations on the property within the "LC" Light Commercial District for the trash container and the refrigerator-freezer units.
 4. Unless the applicant is successful in securing a minor street permit for any use other than for street purposes, then all structures or uses such as signs, parking etc. shall be removed from the street right-of-way.
 5. The applicant shall comply with all conditions of the minor street permit and shall guarantee the removal of any construction or uses within the street right-of-way at no expense to the City or State.
 6. The applicant shall remove all surfacing within the required front yard setback adjacent to Longview Lane except the driveway providing ingress and egress to the property. The setback shall be landscaped and provided with barriers to prevent illegal parking. All parking areas within the "B" zoning district shall be screened from adjacent residential properties as set forth in Section 28.04.070.13 of the zoning ordinance.
 7. The parking lot shall be striped and maintained in conformance with the approved plan.
 8. Prior to the release of the Resolution authorizing the issuance of any building permit for the construction of any structure closer than 20' to the right-of-way of Kellogg, the applicant shall comply with all conditions as set forth above.
 9. All conditions as set forth herein shall be completed within 180 days or this resolution shall be declared null and void.
-
3. Case No. BZA 34-83 - Taylor Rental Center, 3246 West 13th Street, Wichita, Kansas, pursuant to Section 28.04.183.2, Code of the City of Wichita requesting an exception to permit the establishment of a truck, trailer and equipment rental business in the "LC" Light Commercial District and legally described as follows:

F. O. Moore 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 13th Street and east of Sheridan.

11-26-84
FENCE AT WEST P.L. must
not exceed a height of 3' in
the 25 foot set back.

Lot 11 - "A" Two Family -
25' setback - Var. to?
would prefer maintaining of
a landscaped yd. adj. to
remaining residence. -
Need B2A Except. Applic.
to use as off-st. parking.

Pres. Applic. includes only lots 12, 13 & 14.

mtg w/ Kaplan, Halbyarth, Lyth
& repr. from Keith Parkers off.

11-27-84
Kaplan advises that he will submit
an amended application.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

In accordance with the application for variance as hereinabove identified, applicant submits the following statement in support of the requested variance and in compliance with City Code Section 2.12.590B:

1. That the property is serviced by a residential street, yet is a high-traffic attracter, and the requested variance arises from this high-traffic condition unique to a residential street.
2. The adjacent property will be benefited by the reduction of onstreet parking now existing.
3. The additional parking is necessary for the most economical use of the restaurant it services and lack of parking constitutes an undue hardship upon the applicant.
4. Public interest is best served by permitting the additional parking without establishing "BB" zoning on the property.
5. The variance requested is within the spirit and intent of the ordinance permitting the applicant to use his property to its fullest utility and yet providing a benefit to the neighborhood by the reduction of onstreet parking.

BOARD OF ZONING APPEALS

CASE NO. 81-84
BZA 81-84

CITY OF WICHITA, KANSAS

FILED November 15, 1984

AMENDED APPLICATION FOR VARIANCE

I. Name of Applicant See attached
 Mailing Address _____ Phone _____
 Name of Authorized Agent Robert W. Kaplan
 430 North Market
 Mailing Address Wichita, KS 67202 Phone 262-5175
 Relationship of applicant to property is that of See attached
 (Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required side yard and front
yard setbacks on the lots herein described to zero (0) to permit
parking in the setback as indicated on Site Plan A hereto attached
for property located at 3941 East Kellogg, 3914 Longview Terrace
and 3910 Longview Lane
and legally described as: Lot 11, except the North 21 feet; Lot 12,
except the North 21 feet; and Lots 13 and 14, Block A, Longview
Terrace Addition

Lot 11 - A-2
 in the City of Wichita; and which is presently zoned Others - B.

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
 - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
 - c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
 - d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant _____

Authorized Agent Robert W. Kaplan
Robert W. Kaplan

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
11:45 (a.m. ~~pm~~), Dec. 21, 1984, together with
 appropriate fee of _____.

amended appl.
fee pd. Nov 14, 1984 Signed [Signature]

<u>Applicant</u>	<u>Mailing Address</u>	<u>Relationship to Property</u>
G. N. Rupe	#3 Linden Wichita, KS 67206 Phone: 681-0714	Owner (Lot 13)
Scotch and Sirloin, Inc. (Warren & Wanda Winne)	3941 East Kellogg Wichita, KS 67218 Phone: 685-8701	Owner (Lot 12)
Ernest H. Doyon	610 Fabrique Street Wichita, KS 67218 Phone: 685-2954	Owner (Lot 14) Lessee (Lot 13)
Ernie Doyon, d/b/a Ernie Doyon Investments	610 Fabrique Street Wichita, KS 67218 Phone: 685-2954	Owner (Lot 11)

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. BZA 81-84
FILED November 15, 1984

In accordance with the application for variance as hereinabove identified, applicant submits the following statement in support of the requested variance and in compliance with City Code Section 2.12.590B:

1. That the property is serviced by a residential street, yet is a high-traffic attracter, and the requested variance arises from this high-traffic condition unique to a residential street.
2. The adjacent property will be benefited by the reduction of onstreet parking now existing.
3. The additional parking is necessary for the most economical use of the restaurant it services and lack of parking constitutes an undue hardship upon the applicant.
4. Public interest is best served by permitting the additional parking without establishing "BB" zoning on the property.
5. The variance requested is within the spirit and intent of the ordinance permitting the applicant to use his property to its fullest utility and yet providing a benefit to the neighborhood by the reduction of onstreet parking.



Shirley
use new
ownership list
+ add all names
from computer
for
81-84
86-84

DELIVER TO: Metro Area Planning
10th Floor
City Building

ATTN: Glenn Lytle

To correct and amend Ownership List
Order No. 339962.

Please discard above Ownership List
and replace with the attached.
(No. 341965)

SECURITY ABSTRACT AND TITLE CO., INC.
434 North Main • Wichita, Kansas 67202 • Telephone (316) 267-8371
SECURITY IS KNOWING

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1, exc. the North 8' and Lot 2, exc. the North 8'	Block A	Longview Terrace Addition	✓ G. N. Rupe #3 Linden Wichita, KS 67206
Lot 3 exc. the North 8' and Lot 4 exc. the North 8'	"	"	✓ Casa Loma Properties 2891 N. Edwards Wichita, KS 67204
Lot 5 exc. the North 8'	"	"	✓ Z. G. Razook Mary Pauline Razook 3915 E. Kellogg Wichita, KS 67218
Lot 8, Block A, exc. commencing at the Southwest Corner Lot 9; th. Northwesterly 25' on curve following SW line of Lot 8; th. Northeasterly in a straight line to NW/c of Lot 9; th. South to beginning	"	"	✓ James Douglas Bearden 3902 Longview Wichita, KS 67218
Part of Lot 8, Block A, desc. as Commencing at the Southwest Corner Lot 9; th. Northwesterly 25' on curve following SW line of Lot 8; th. Northeasterly in a straight line to NW/c of Lot 9; th. South to beginning	"	"	Edward W. Sutherland Helen M. Sutherland Address Unknown Affidavit of Interest: ✓ Joe A. Parmele Renate Parmele 3904 Longview Wichita, KS 67216
Lot 9	Block A	"	Same As Above
Lot 10	"	"	Charles M. Walz Emily O. Walz Address Unknown
North 21' Lots 11 & 12	"	"	✓ Casa Loma Properties 2891 N. Edwards Wichita, KS 67204
Lot 11 exc. North 21'	"	"	✓ Ernie Doyon d/b/a Ernie Doyon Investments 610 S. Fabrique Wichita, KS 67218
Lot 12 exc. North 21'	"	"	✓ Scotch & Sirloin, Inc. 3941 E. Kellogg Wichita, KS 67218
Lot 13	"	"	✓ G. N. Rupe #3 Linden Wichita, KS 67206

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 14	Block A	Longview Terrace Addition	Ernest H. Doyon 610 Fabrique St. Wichita, KS 67218
Lot 2	Block F	"	✓ Carl D. Keith Lyla Keith 532 S. Quentin Wichita, KS 67218
Lot 4 & North Half Lot 6	"	"	✓ Patrick C. Woodward Mahald S. Woodward 534 S. Quentin Wichita, KS 67218
South Half Lot 6	"	"	✓ Kenyon J. Blunt Maribeth Blunt 538 S. Quentin Wichita, KS 67218
Lot 1	"	"	✓ Paul M. McFarland Joan McFarland Rt. 2 Rose Hill, KS 67133
Lot 3 & North Half Lot 5	"	"	✓ Eldridge M. Summers Rosalie E. Summers 8325 Stoneridge Wichita, KS 67206
South Half Lot 5	"	"	✓ Henry Leben Nathan Leben 1030 N. Market Wichita, KS 67214
Lots 682 & 683		Fairfax Addition	✓ Vera Good Williams 531 Crestline Wichita, KS Interest in Property: ✓ Ernie C. Doyon, Jr. 8411 E. Mt. Vernon Wichita, KS 67207
Lots 684 & 685		"	✓ Marvin E. Dick 536 S. Bluff Wichita, KS 67218 Interest in Property: ✓ Mark W. Schuyler Erin S. Schuyler Same Address As Above
South 20' Lot 686		"	Same As Above
North 5 feet Lot 686 and all Lots 687, 688 & 689		"	✓ C. Lee Tade Violet M. Tade 641 S. Terrace Wichita, KS 67218
Lots 690, 691 & 692		"	✓ Horst K. Hiller 1515 Goebel Circle Wichita, KS 67207

Lot	Block	Addition	Property Owner
Lots 693, 694, 695, 696, 697 & 698 exc. North 8'		Fairfax Addition	Stratford Place, a partnership ✓ Paul V. Dugan Horst K. Hiller Stephen W. Casey, partners Suite 1700 KSB&T Building 125 N. Market Wichita, KS 67202
North 150' of the West 100' of Lot 1		Fee's Subdivision of the N½ of the E½ of the NW¼ of Sec. 26, Twp. 27, Rge. 1E	D Z. G. Razook 3915 E. Kellogg Wichita, KS 67218
Lot 1	Block A	Max Eaton Addition	E M E Inc. #1 Villas Drive Wichita, KS 67230
Lot 16	Bluff	Merriman Park Fifth Place Addition	Aian E. Stickley Susan A. Stickley 437 S. Bluff Wichita, KS 67218
Lot 17 exc. East 5' & Lot 18 exc. East 5'	"	"	Central Steel Products, Inc. P.O. Box 1773 Wichita, KS 67201
Lot 19	"	"	D Scotch & Sirloin, Inc. 3941 E. Kellogg Wichita, KS 67218
Lot 20 & a 9.9' " wide strip adj. to & adjoining Lot 20 on the South	"	"	Same As Above
Lot 36, Lot 37 " & the North 1' of Lot 38	"	"	Barry G. Bales Susan Justice Bales 550 Nims Ave, Apt. 206 Wichita, KS 67203
East 50' Lot 38 " exc. the North 1'	"	"	Robert E. Wells Cathie A. Wells Rt. 1 Benton, KS 67017
East 50' of Lot " 39 & the East 50' of Lot 40 & the vacated strip adjacent to Lot 40 on South	"	"	Richard H. Wells Marilyn R. Wells 1201 N. Armour Wichita, KS 67206
			Same As Above

*Returned
1-10-85*

*Deleted
12-31-84
not in 200' notification area*

Lot	Block	Addition	Property Owner
West 82' of Lot 38, exc. a strip along the North side thereof, 1' wide; & the West 82' of Lots 39 & 40	Bluff	Merriman Park Fifth Place Addition	Central Steel Products, Inc. P.O. Boc 1773 Wichita, KS 67201
West 82' adjoining Lot 40 along the South side thereof vacated off the North side of Kellogg Street, exc. that portion condemned for street	"	"	Same As Above <i>Redtd - 12-31-84</i> <i>not in 200' not in area</i> <i>1/1/82</i>
S. 100' of Lot 10, Block M together with that part of vacated Kellogg described as beginning at the SE/c of said Lot; thence West to the SW/c of said Lot; thence South 18.25', more or less, to a point 30' North of the South line of Sec. 23-27S-1E of the 6th P.M.; thence East parallel with said South line to a point directly South of the place of beginning; thence North 18.2' more or less to the point of beginning, except the South 8' thereof condemned for street.		Merriman Park Addition	Ronald L. Miller 2930 Cornelison St. Wichita, KS 67203 AND Michael H. Wilson 2317 Cardinal Dr. Wichita, KS 67214 AND Donald Gene McKasson 160 S. Battin Wichita, KS 67218
Lot 6	Block A	Longview Terrace Addition	Susie H. Baden George P. Baden 3911 E. Kellogg Wichita, KS 67220
All of Lot 3 & Lot 5 except beginning at the SE/c of Lot 5; th. NW'ly along the East line 37½'; thence SW'ly to a point 17½ feet North of the SW/c; th. S to the SW/c; thence along S'ly line to p.o.b.	Block E	"	Ronald B. Heller Deanna K. Heller 529 S. Quentin Wichita, KS 67218

Lot	Block	Addition	Property Owner
Beginning at the SE/c of Lot 5, Block E; th. NW'ly along the East line 37½'; th. SW'ly to a point 17½' North of the SW/c; th. S to the SW/c; thence along S'ly line to p.o.b.		Longview Terrace Addition	James R. Allred Marie I. Allred 533 S. Quentin Wichita, KS 67218
Lot 7		"	Same As Above

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

*not in
applied area
part of one apt*

(Lots 1 and 2, Block A, except the North 8 feet for Highway, Longview Terrace, an Addition to Wichita, Kansas
AND

Lot 11, Block A, except the North 21 feet, Longview Terrace, an Addition to Wichita, Kansas

AND

Lot 12, Block A, except the North 21 feet, Longview Terrace, an Addition to Wichita, Kansas

AND

Lot 13, Block A, Longview Terrace, an Addition to Wichita, Kansas.

AND/LOT 14, Block A - etc.

12-28-84

Send notice to following S. Lytle

PF-KEYS,1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX,7-CURR SP,8-LAND TYPE
KEY: 272 - 67571- RE 17 JLL

JENSEN, FRANKLIN L. ETUX

PROPERTY ADDRESS
546 S BLUFF

ST

532 S. BELMONT
WICHITA KS 67218 6702
LOTS 679-680-681
FAIRFAX ADD.

Order No: 341965

ns

To Replace Order No: 339962

BOARD OF ZONING APPEALS

CASE NO. 81-84

CITY OF WICHITA, KANSAS

FILED 11-14-84

APPLICATION FOR VARIANCE

I. Name of Applicant G. N. Rupe; Scotch and Sirlain, Inc.; Ernest H. Doyon

Mailing Address See sheet attached Phone _____

Name of Authorized Agent Robert W. Kaplan

Mailing Address 430 North Market Phone 262-5175
Wichita, KS 67202

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

II. The variance requested is to reduce the required side yard and front
yard setbacks ^{from 20 feet} on the lots herein described to zero (0) to permit
parking in the setback for off-street parking purposes only
for property located at ^{the northwest corner of Bluff and Longview Ave,} 3941 East Kellogg and 3914 Longview Terrace

and legally described as: Lot 12, except the North 21 feet, and Lots
13 and 14, Block A, Longview Terrace Addition to Wichita,
Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned "B"

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
 - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
 - c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
 - d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant _____

Authorized Agent Robert W. Kaplan
Robert W. Kaplan

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
4:00 (a.m./p.m.), Nov 14, 1984, together with
appropriate fee of 150.00

Signed [Signature]

Applicant

Mailing Address

Relationship
to Property

G. N. Rupe

#3 Linden
Wichita, KS 67206
Phone: 681-0714

Owner
(Lot 13)

Scotch and Sirloin, Inc.
(Warren & Wanda Winne)-

3941 East Kellogg
Wichita, KS 67218
Phone: 685-8701

Owner
(Lot 12)

Ernest H. Doyon

610 Fabrique Street
Wichita, KS 67218
Phone: 685-2954

Owner
(Lot 14)
Lessee
(Lot 13)

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 1, exc. the North 8' and Lot 2, exc. the North 8'	Block A	Longview Terrace Addition	G. N. Rupe #3 Linden Wichita, KS 67206
Lot 3 exc. the North 8' and Lot 4 exc. the North 8'	"	"	Casa Loma Properties 2891 N. Edwards Wichita, KS 67204
Lot 5 exc. the North 8'	"	"	Z. G. Pazook Mary Pauline Razook 3915 E. Kellogg Wichita, KS 67218
Lot 8, Block A, exc. commencing at the Southwest Corner Lot 9; th. Northwesterly 25' on curve following SW line of Lot 8; th. Northeasterly in a straight line to NW/c of Lot 9; th. South to beginning	"	"	James Douglas Bearden 3902 Longview Wichita, KS 67218
Part of Lot 8, Block A, desc. as Commencing at the Southwest Corner Lot 9; th. Northwesterly 25' on curve following SW line of Lot 8; th. Northeasterly in a straight line to NW/c of Lot 9; th. South to beginning.	"	"	Edward W. Sutherland Helen M. Sutherland <u>Address Unknown</u> Affidavit of Interest: Joe A. Parmele Renate Parmele 3904 Longview Wichita, KS 67216
Lot 9	Block A	"	Same As Above
Lot 10	"	"	Charles M. Walz Emily O. Walz <u>Address Unknown</u>
North 21' Lots 11 & 12	"	"	Casa Loma Properties 2891 N. Edwards Wichita, KS 67204
Lot 11 exc. North 21'	"	"	<i>sold</i> P. Louise Wilson 3910 Longview Lane Wichita, KS 67218 Patricia G. Wilson 231 N. Dellrose Wichita, KS 67208
Lot 12 exc. North 21'	"	"	Wanda M. Winne 155 N. Ridgewood Wichita, KS 67208
Lot 13	"	"	Glen N. Rupe #3 Linden Wichita, KS 67206

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 14	Block A	Longview Terrace Addition	Ernest H. Doyon 610 Fabrique St. Wichita, KS 67218
Lot 2	Block F	"	Carl D. Keith Lyla Keith 532 S. Quentin Wichita, KS 67218
Lot 4 & North Half Lot 6	"	"	Patrick C. Woodward Mahald S. Woodward 534 S. Quentin Wichita, KS 67218
South Half Lot 6	"	"	Kenyon J. Blunt Maribeth Blunt 538 S. Quentin Wichita, KS 67218
Lot 1	"	"	Paul M. McFarland Joan McFarland Rt. 2 Rose Hill, KS 67133
Lot 3 & North Half Lot 5	"	"	Eldridge M. Summers Rosalie E. Summers 8325 Stoneridge Wichita, KS 67206
South Half Lot 5	"	"	Henry Leben Nathan Leben 1030 N. Market Wichita, KS 67214
Lots 682 & 683		Fairfax Addition	Vera Good Williams 531 Crestline Wichita, KS Interest in Property: Ernie C. Doyon, Jr. 8411 E. Mt. Vernon Wichita, KS 67207
Lots 684 & 685		"	Marvin E. Dick 536 S. Bluff Wichita, KS 67218 Interest in Property: Mark W. Schuyler Erin S. Schuyler Same Address As Above
South 20' Lot 686		"	Same As Above (Emma L. Dick)
North 5 feet Lot 686 and all Lots 687, 688 & 689		"	C. Lee Tade Violet M. Tade 641 S. Terrace Wichita, KS 67218
Lots 690, 691 & 692		"	Horst K. Hiller 1515 Goebel Circle Wichita, KS 67207

Lot	Block	Addition	Property Owner
Lots 693, 694, 695, 696, 697 & 698 exc. North 8'		Fairfax Addition	Stratford Place, a partnership Paul V. Dugan Horst K. Hiller Stephen W. Casey, partners Suite 1700 KSB&T Building 125 N. Market Wichita, KS 67202
North 150' of the West 100' of Lot 1		Fee's Subdivision of the N $\frac{1}{2}$ of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 26, Twp. 27, Rge. 1E	Z. G. Razook 3915 E. Kellogg Wichita, KS 67218
Lot 1	Block A	Max Eaton Addition	E M E Inc. #1 Villas Drive Wichita, KS 67230
Lot 16	Bluff	Merriman Park 5th Addition	Alan E. Stickley Susan A. Stickley 437 S. Bluff Wichita, KS 67218
Lot 17 exc. East 5' & Lot 18 exc. East 5'	"	"	Central Steel Products, Inc. P.O. Box 1773 Wichita, KS 67201
Lot 19	"	"	Scotch & Sirloin, Inc. 3941 E. Kellogg Wichita, KS 67218
Lot 20 & a 9.9' " wide strip adj. to & adjoining Lot 20 on the South	"	"	Same As Above
Lot 36, Lot 37 " & the North 1' of Lot 38	"	"	Barry G. Bales Susan Justice Bales 550 Nims Ave, Apt. 206 Wichita, KS 67203
East 50' Lot 38 " exc. the North 1'	"	"	Robert E. Wells Cathie A. Wells Rt. 1 Benton, KS 67017 Richard H. Wells Marilyn R. Wells 1201 N. Armour Wichita, KS 67206
East 50' of Lot " 39 & the East 50' of Lot 40 & the vacated strip adjacent to Lot 40 on South	"	"	Same As Above

Lot	Block	Addition	Property Owner
West 82' of Lot 38, exc. a strip along the North side thereof, 1' wide; & the West 82' of Lots 39 & 40	Bluff	Merriman Park 5th Addition	Central Steel Products, Inc. P.O. Box 1773 Wichita, KS 67201
West 82' adjoining Lot 40 along the South side thereof vacated off the North side of Kellogg Street, exc. that portion condemned for street	"	"	Same As Above
		Merriman Park Addition	Ronald L. Miller ✓ 2930 Cornelison St. Wichita, KS 67203
			Michael H. Wilson — 2317 Cardinal Dr. Wichita, KS 67214
			Donald Gene McKasson — 160 S. Battin Wichita, KS 67218

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lots 1 and 2, EXCEPT the North 8 feet for Highway and all of Lot 13, Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas

AND

Lot 12 EXCEPT the North 21 feet, Block A, Longview Terrace, an Addition to Wichita, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 25th day of October, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

By

Mary Isable
Sr. Vice President

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-0. 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.
	<u>Planning</u>		

DESCRIPTION	AMOUNT
CITY BZA Vok	150.00

NAME KAPLAN & McMICHAEL
 ADDRESS 400 N. 17th
 FUND 185-45071-003 DUE DATE _____
 COMMENTS _____
 DATE Nov 14 1984 BY J. Luth

WICHITA - SEDGWICK COUNTY



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

NOT KNOWN
RETURN TO SENDER

RECEIVED

JAN 10 1985

METROPOLITAN PLANNING
ROUTE Hand

MIS - Sent to Kansas State
Bank and Trust Company

Paul V. Dugan,
Horst K. Hiller,
Stephen W. Casey

KSBeT Bldg.
125 North Market
Wichita, Ks. 67202



*

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

Roll # 2