

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of the 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 reduction of the side yard adjacent to the south property line, shall apply only to accessory structures.
2. Any structures constructed closer than 5' to the south property line shall not be constructed within 60' of the west property line.
3. The reduction of the side yard shall be to 0', but if a side yard is provided, it shall not be less than 5'.

LYTLE stated the CPO did not have a recommendation on this case. The consensus of the Board at the previous meeting was to look with favor on the request as long as the adjacent property owner to the south did not object to the variance.

JACOB arrived.

Bill Yung, agent, had nothing further to add. No one appeared in opposition.

MOTION: GOEBEL moved, JACOB seconded, that the variance to reduce the required side yard setback from 5' to 0' be granted subject to the conditions set forth in the Secretary's Report. Motion passed 4-0 (SLAYMAKER absent).

The official action of the Board is reflected in the adoption of Resolution No. BZA 6-84 which includes the following conditions of approval:

1. The reduction of the side yard adjacent to the south property line, shall apply only to accessory structures.
2. Any structures constructed closer than 5' to the south property line shall not be constructed within 60' of the west property line.
3. The reduction of the side yard shall be to 0', but if a side yard is provided, it shall not be less than 5'.

3. Case No. BZA 9-84 - Gorges Enterprises, 2660 South Oliver, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the expansion of a new and used automobile sales business on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 1 and 2, Block A, Gorges Addition to Wichita, Sedgwick County, Kansas; and Lot 1 and the west 200 feet of Lot 2, Chilton Addition to Wichita, Sedgwick County, Kansas; and all of Lot 1, McDermott Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver and north of the Kansas Turnpike (2650-2660 South Oliver).

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

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.183.2 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the expansion of an existing new and used automobile sales business in the "LC" Light Commercial District. The Gorges business has been at this location for a number of years and exceptions have been heard by the Board on the original establishment of an automobile sales business and one application for expansion. The applicant has now secured additional land and is expanding the business to the north to accommodate additional buildings and automobile storage and sales areas.

The site development plan has been reviewed by the Plans Examination Section of Central Inspection and has been approved subject to the action of this Board. It would appear that the proposed expansion is appropriate at this location and should be compatible with other use in the neighborhood. It is on a major street and not located adjacent to residential zoning.

RECOMMENDATION:

Should the Board determine that the proposed expansion of the existing use at this location is appropriate, then it is the recommendation of the Secretary that the exception be granted subject to the following conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business, nor shall the business include any body or fender work.
2. All motor repair work shall be conducted entirely within an enclosed building.
3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.

4. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineers office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
5. No new buildings shall be located closer than 45 feet to Oliver Street right-of-way.
6. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
7. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. All requirements as set forth in this resolution shall be complied with within 180 days from the approval by the Board or the resolution shall become null and void.
10. Resolutions numbered BZA 23-72, BZA 2-73, BZA 34-78 shall become null and void upon the release of this resolution.

LYTLE stated the CPO Council recommended 9-0 to approve the request subject to the condition "that there be a study and solution of any drainage problems."

Dave Gorges, applicant, was present but had nothing further to add. No one appeared in opposition.

KOPIETZ asked the applicant if he had read and understood the conditions? The applicant replied yes.

MOTION: KOPIETZ moved, GOEBEL seconded, that the exception to permit the expansion of a new and used automobile sales business be granted subject to the conditions set forth in the Secretary's Report.
MOTION passed 4-0. (SLAYMAKER absent).

The official action of the Board is reflected in the adoption of Resolution No. BZA 9-84 which includes the following conditions of approval:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business, nor shall the business include any body or fender work.
2. All motor repair work shall be conducted entirely within an enclosed building.

3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
4. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineers office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
5. No new buildings shall be located closer than 45 feet to Oliver Street right-of-way.
6. All lights shall be sheilded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
7. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. All requirements as set forth in this resolution shall be complied with within 180 days from the approval by the Board or the resolution shall become null and void.
10. Resolutions numbered BZA 23-72, BZA 2-73, BZA 34-78 shall become null and void upon the release of this resolution.

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4. Case No. BZA 10-84 - H. R. and Shirley Hutchison, 2813 North Edwards, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the expansion of an equipment, truck and trailer rental business on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Robert Hayes Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Central and 1/4 mile east of Ridge Road (6730 West Central).

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

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.183.2 can be complied with.