BOARD OF ZONING APPEALS

MINUTES

July 22, 1969

The regular meeting of the Board of Zoning Appeals was held on Tuesday, July 22, 1969, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas. The following members were present: Norman N. Doke, Chairman; H. W. Kratzer, and Alan B. Phares. Members absent were A. A. Smith, Vice-Chairman; and Ted A. Kendall. Others present were Arthur G. Johnson, Legal Counsel; Jack H. Galbraith, Secretary; G. Lynn Shirkey, and Sharon Obrock of the Planning Staff. Chairman Doke presided.

1. Approval of minutes of June 24, 1969.

   MOTION: KRATZER moved, PHARES seconded and it carried unanimously that the minutes of June 24, 1969, be approved as written and mailed.

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2. Case No. BZA 12-69 - Jobbers Air Conditioning & Heating, Inc., 1223 South Santa Fe, by R. D. Davis, 1101 North Pinecrest, requests an exception pursuant to Section 28.04.183.2, Code of the City of Wichita, to permit the installation of a mobile home sales lot on property zoned "LC" and legally described as:

   East 2 feet of Lot 67 and all of Lots 68, 69, and 70, Linwood Acres Addition, Sedgwick County, Kansas. Generally located in an area north of Kellogg and east of Greenwich Road.

GALBRAITH pointed out the area on the map and outlined the following 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 to permit the installation of a mobile home sales lot providing the conditions under Section 28.04.183.2, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to the Zoning Ordinance to permit the installation of a mobile home sales lot on property zoned "LC" Light Commercial. Although the Board has jurisdiction and may grant an exception for Mobile Home Sales in the light commercial district, it is recognized that this use in not logical or proper in all light commercial districts or the use would be permitted outright without the Board's approval.

Mobile home sales lots are highway oriented uses and usually other similar uses such as new and used car lots, boat and marina sales, and trailer, vehicle and equipment rental operations congregate in the same area. The majority of these uses are located on North and South Broadway and East and West Kellogg which are two of the major highways of the City.

A considerable amount of thought was given to the proper and logical location of mobile home sales lots when the preliminary draft of the prototype zoning ordinance was prepared. It was the conclusion of the consultants that mobile homes sales lots are highway oriented uses and that extreme care should be given in assigning locations because over-use could easily produce commercial blight.

It is the opinion of the Secretary that this is a logical and proper use for the area inasmuch as subject property is located adjacent to a major highway.

RECOMMENDATION

It is the recommendation of the Secretary that the application to permit the installation of a Mobile Home Sales Lot be approved subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.

2. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.

3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.

4. No sound projecting devices or loudspeakers shall be used (so as to be heard outside any structure).

5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.

6. All parking spaces abutting property lines shall have adequate guards, to prevent the extension or overhanging of vehicles or mobile homes beyond property lines. All parking areas shall have adequate markings for channelization and movement of vehicles.

7. No mobile home on subject property shall be occupied as a residence as long as the site is utilized for mobile home sales.

8. No repair work of mobile homes shall be conducted as a part of the mobile home sales operation.

9. The applicant shall install all of the required improvements prior to occupancy of the site for a mobile home sales lot.

No one appeared either in opposition or in favor of the application.

MOTION: In view of the fact that there was no opposition from the audience or the Board, KRATZER moved, PHARES seconded and it carried unanimously that the exception to permit the installation of a mobile home sales lot be approved, subject to the nine conditions set forth in the Secretary's report, as shown by the adoption of the following Resolution.

R E S O L U T I O N NO. BZA 12-69

WHEREAS, Jobbers Air Conditioning & Heating, Inc., 1223 South Santa Fe, by R. D. Davis, 1101 North Pinecrest, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a mobile home sales lot on property zoned "LC" Light Commercial and legally described as follows:

East 2 feet of Lot 67 and all of Lots 68, 69 and 70, Linwood Acres Addition, Sedgwick County, Kansas. Generally located in an area north of Kellogg and east of Greenwich Road.

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

WHEREAS, the Board of Zoning Appeals did, at the meeting of July 22, 1969, consider said application; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the installation of a mobile home sales lot on property zoned "LC" Light Commercial, and legally described as follows:

East 2 feet of Lot 67 and all of Lots 68, 69 and 70, Linwood Acres Addition, Sedgwick County, Kansas. Generally located in an area north of Kellogg and east of Greenwich Road.

subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.

2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.

3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.

4. No sound projecting devices or loudspeakers shall be used (so as to be heard outside any structure).

5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.

6. All parking spaces abutting property lines shall have adequate guards, to prevent the extension or overhanging of vehicles or mobile homes beyond property lines. All parking areas shall have adequate markings for channelization and movement of vehicles.

7. No mobile home on subject property shall be occupied as a residence as long as the site is utilized for mobile home sales.

8. No repair work of mobile homes shall be conducted as a part of the mobile home sales operation.

9. The applicant shall install all of the required improvements prior to occupancy of the site for a mobile home sales lot.

ADOPTED AT WICHITA, KANSAS, this 22nd day of July, 1969.

S/ Norman N. Doke
Norman N. Doke, Chairman

ATTEST:

S/ Jack H. Galbraith
Jack H. Galbraith, Secretary

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2. Case No. BZA 13-69 - Willow Park Estates, Inc., 2302 North Hood, by Verlyn Pinkham, 2302 North Hood, requests a variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 20 feet to 10 feet on property being requested for the "BB" office district and legally described as follows: A tract of land beginning at the northeast corner of Section 7, Township 27 South, Range 1 East of the 6th P.M. in Sedgwick County, Kansas; thence west 1,089 feet; thence south to the center of the original channel of the Little Arkansas River; thence northeasterly down the center of said river to the east line of said Section 7; thence north on said section line to the place of beginning, being platted as Willow Park Estates Addition. Generally located on the south side of 21st Street in an area west of Hood.

GALBRAITH outlined the area on the map and reviewed the following Secretary's report: