

BZA 5-70 - Ken Madden requests
EXCEPTION to permit U-Haul Rental
Equipment at Hillside & Pawnee

POSTED
3/2/70
C.J. ✓
AMP ✓
4-2-70

324-70 Approved

Map No. 5745
 Sec. 35
 Twp. 27
 Range 1E

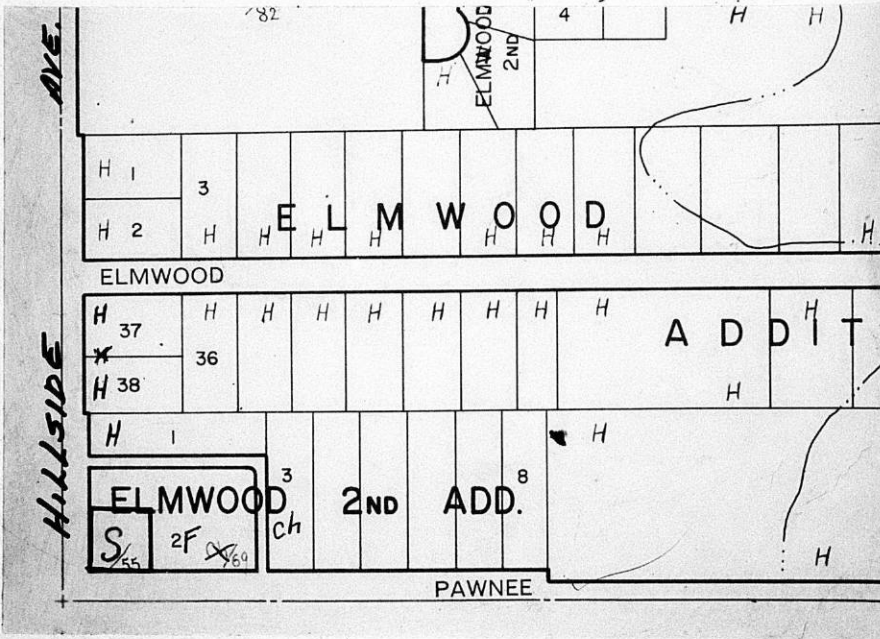
BZA 570
 SCZ-
 CU-
 Filed

AREA DATA:

1. Acres: 0.27 (110 ft. by 110 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East Kinky Shop South TIRE REPAIR & SALES
 West DRIVE-IN RESTAURANT North Un Developed
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: SERVICE STATION
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



RESOLUTION BZA 5-70

WHEREAS, Ken Madden, 2350 South Hillside, Wichita, Kansas, by Bill Lafferty, 3202 Penley Drive, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a U-Haul Rental Equipment operation, on property zoned "LC"-Light Commercial, and legally described as follows:

The west 110 feet of the South 110 feet of Lot 2, Elmwood Second Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Hillside and Pawnee Streets.

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 March 24, 1970, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has authority to permit the installation of a U-Haul Rental Equipment operation on property zoned "LC"-Light Commercial, subject to the conditions outlined in Section 28.04.183.2, 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 U-Haul Trailer Rental operation on property zoned "LC"-Light Commercial, and legally described as follows:

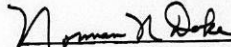
The west 110 feet of the South 110 feet of Lot 2, Elmwood Second Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Hillside and Pawnee Streets.

subject to the following conditions:

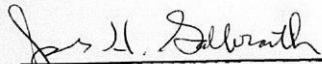
1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No signs shall be permitted to project over public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

5. No repair work shall be conducted except in an enclosed building.
6. Approval shall be for only four (4) U-Haul single axle trailers to be located in that area 15 feet x 40 feet designated on the plot plan submitted with the application as U-Haul Equipment area.
7. A 5 to 8 foot solid wall, constructed of solid masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be constructed adjacent to the north and east lines of the area designated on the plot plan for the storage of U-Haul Equipment.
8. All conditions of approval by the Board shall be complied with within 3 months from the date of approval by the Board or this case shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 24th day of March,
1970.


NORMAN N. DOKE, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

March 31, 1970

Mr. Bob Crahan
813 South San Pablo
Wichita, Kansas 67207

Dear Mr. Crahan:

Subject: Case No. BZA 5-70
Request for Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 24, 1970, in connection with your request for an exception to permit the installation of a U-Haul Rental Equipment operation on property zoned "LC"-Light Commercial, and generally located at the northeast corner of Hillside and Pawnee Streets.

This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is sent to you for your information and files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

Enclosure

cc Ken Madden, 2350 South Hillside, Wichita
Robert Feldner, Supt. of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

March 25, 1970

Mr. Bob Crahan
813 South San Pablo
Wichita, Kansas 67207

Dear Mr. Crahan:

Subject: Case No. BZA 5-70
Request for Exception

At the regular meeting of the Board of Zoning Appeals on March 24, 1970, your request for an exception to permit the installation of a U-Haul Rental Equipment operation on property zoned "LC"-Light Commercial, and generally located at the northeast corner of Hillside and Pawnee Streets, was considered.

It was the action of the Board to approve this request 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 reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No signs shall be permitted to project over public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except in an enclosed building.

March 25, 1970
Bob Crahan

6. Approval shall be for only four (4) U-Haul single axle trailers to be located in that area 15 feet x 40 feet designated on the plot plan submitted with the application as U-Haul Equipment area.
7. A 5 to 8 foot solid wall, constructed of solid masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be constructed adjacent to the north and east lines of the area designated on the plot plan for the storage of U-Haul equipment.
8. All conditions of approval by the Board shall be complied with within 3 months from the date of approval by the Board or this case shall be null and void.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

cc Ken Madden, 2350 South Hillside
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

BZA CASE NO. 5-70

APPLICANT: Ken Madden, 2350 South Hillside, Wichita, Kansas
AGENT: Bill Lafferty, 3202 Penley Drive, Wichita, Kansas
REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation of a U-Haul Rental Equipment operation

GENERAL LOCATION: Northeast corner of Hillside and Pawnee Streets

LAND USE: Subject property is occupied by a service station, east is a Kwik Shop, west is a drive-in restaurant, south is a tire shop, north is a single family residence.

ZONING: Subject property is zoned "LC"-Light Commercial as are those properties to the north, south, east, and west.

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 providing the conditions set out 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 permit the installation of U-Haul Rental Equipment on property zoned "LC"-Light Commercial and located on the northeast corner of Pawnee and Hillside. Section 28.04.183.2, of the zoning ordinance permits this type of operation in the "LC" zoning district subject to certain conditions and approval by the Board of Zoning Appeals.

The site is presently occupied by a service station and the approval of the rental operation would create an intermixing of two different commercial businesses on a site adequate in size to accommodate only one use. It should be pointed out that the application area has a 110 foot frontage on both streets whereas

whereas most of the major oil companies have gone to a minimum of 150 foot frontage on their newer station sites. It should also be pointed out that only 50 feet of half-street right-of-way exists on both Pawnee and Hillside, whereas 75 feet is required.

The basic reason for not permitting the outdoor display of rental trucks and trailers as an outright permitted use in the "LC"-Light Commercial district is that this type of use has a cluttered and unsightly appearance and has not proven to be compatible with other uses permitted in the "LC" zone. However, it is the responsibility of the Board to determine which light commercial areas are most suitable for equipment rental operations and to consider each application on its own merit.

It should be pointed out that if this request were approved for this service station, it would encourage additional requests in other "LC" areas most of which are neighborhood or service areas such as this and not appropriate for this heavier type of storage use.

RECOMMENDATION

It is the recommendation of the Secretary that the exception not be approved inasmuch as equipment rental operations associated with service stations and other permitted "LC" uses are not the type of uses that should be encouraged in neighborhood and service commercial areas and, therefore, should either be in the "C" - Commercial zone or along streets where uses such as mobile home sales, new and used car lots, etc. are an accepted use.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

March 6, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 5-70

An application has been filed by Ken Madden, 2350 South Hillside, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of U-Haul rental equipment on property zoned "LC"-Light Commercial, and legally described as follows:

The west 110 feet of the south 110 feet of Lot 2, Elmwood Second Addition, Sedgwick County, Kansas.
Generally located at the northeast corner of Hillside and Pawnee.

This application has been assigned Case No. BZA 5-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 24, 1970, at 1:30 p.m., in the Patio Room, First Floor, Public Library, 223 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

12 Copies mailed March 6, 1970

BOARD OF ZONING APPEALS

CASE NO. 5-70

CITY OF WICHITA, KANSAS

FILED 3-24-70

APPLICATION FOR EXCEPTION

I. Name of Applicant KEN MADDEN
 Mailing Address 2350 S. HILLSIDE Phone 684-9814
 Name of Authorized Agent BILLY LAFFERTY
 Mailing Address 3202 PENLEY DR Phone MU4-0604
 Relationship of applicant to property is that of LESSEE
 (Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section
2.12.590.C, Code of the City of Wichita, Kansas
 (Zoning Ordinance); to permit the installation or ~~construction~~
 of 11-HAUL RENTAL EQUIPMENT

on property zoned
LC, located ~~2350 S. HILLSIDE~~
~~SECTION OF PAWNEE~~ HILLSIDE and legally described as:
SEE LEGAL FROM OWNERSHIP LIST

SEE LEGAL FROM OWNERSHIP LIST
 _____, in the City of Wichita.

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

Applicant _____

Authorized Agent Billy Lafferty

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, _____ (a.m. - p.m.), February 24, 1970, together with appropriate fee of \$50.00.

T9-403

Signed Curtis Newby

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
36		Elmwood Addition	✓Fayette L. Hampton and E Frances Eastwood 3215 Elmwood Drive Wichita, Kansas, 67218
37		"	✓Melvin T. Means and Harriette M. Means 3201 Elmwood Drive Wichita, Kansas, 67218
38		"	<i>found</i> Lane Construction, Inc. Address unknown
1		Elmwood 2nd Addition	✓Carl J. Schnitzler 2328 S. Hillside Wichita, Kansas, 67211
2 exc. S. 125' of E. 189'		"	"
S 125' of E. 189' of 2		"	<i>found</i> Dillon Investment Company Address unknown
2	G	Maplewood Addition	✓Howard I. White, Jr. Address unknown <i>4726 East English?</i>
N 135' of E. 150' of Block 1		Pawnee Ranch Addition <i>✓*3704 Kimberlane</i> <i>✓*3817 El Rancho</i> <i>✓*117 North Hillside</i>	Marcille Alta Hirlman, Dorothy Bernice Nibarger & John S. Hoover, Trustees of the Parker Real Estate Trust Agreement Address unknown
8	A	Planeview Subdivision No. 1	✓Floyd D. DeWitt and Marie J. DeWitt Address unknown <i>found</i>
9	"	"	<i>found</i> Myrle J. Bishop Address unknown
10	"	"	✓Wilce P. Tole and Mildred Tole 2343 S. Erie Wichita, Kansas, 67211
11	"	"	✓Eugene L. Struble 3305 E. Pawnee Wichita, Kansas, 67218
Beginning 239' N. of the SE corner of Sec. 34-27-1E, thence W. 332.51', thence N 132', thence W. 332.51', thence S. 132' to beginning			✓Earl A. Wiles, Jr and' Zelma Z. Wiles <i>3244 S. Hillside 2055</i> Wichita, Kansas, 67211

see for legal []

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of [The ~~est~~^{west} 110 feet of the South 110 feet of Lot 2, Elmwood Second Addition, Sedgwick County, Kansas,] as shown by the last deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 18th day of February, 1970 at 8:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Lucille Anderson

Vice-President

Order No. 169242

Form 20021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer	150.00	

DESCRIPTION	AMOUNT
<i>B.Z.A. application application</i>	
<i>for permits at NE COR of Hillside & Penn</i>	
Name	<i>CLYDE CO</i>
Address	<i>3202 PENNSIDE</i>
Type	<i>R-71-C</i>
Due Date	
Comments:	
Date	By
<i>2-24-70</i>	<i>CLY</i>

THE CITY OF WICHITA, KANSAS
 BOARD OF ZONING APPEALS
 104 SOUTH MAIN
 WICHITA, KANSAS 67202



- Moved, left no address
- No such number
- Moved, not forwardable
- Addressee unknown

Earl A. Wiles, Jr.
 Zelma Z. Wiles
 3244 South Hillside
 Wichita, Kansas 67211

2-10-70
3355 S. Hillside

RETURN TO WRITER



Handwritten signature



*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1