

BZA 8-72 - Geo. Standifer request  
Exception to permit equip. rental  
operation at NW corner of Kellogg  
and Fountain

POSTED

3-13-72

*[Signature]*

BZA 4-25-72 *[Signature]*

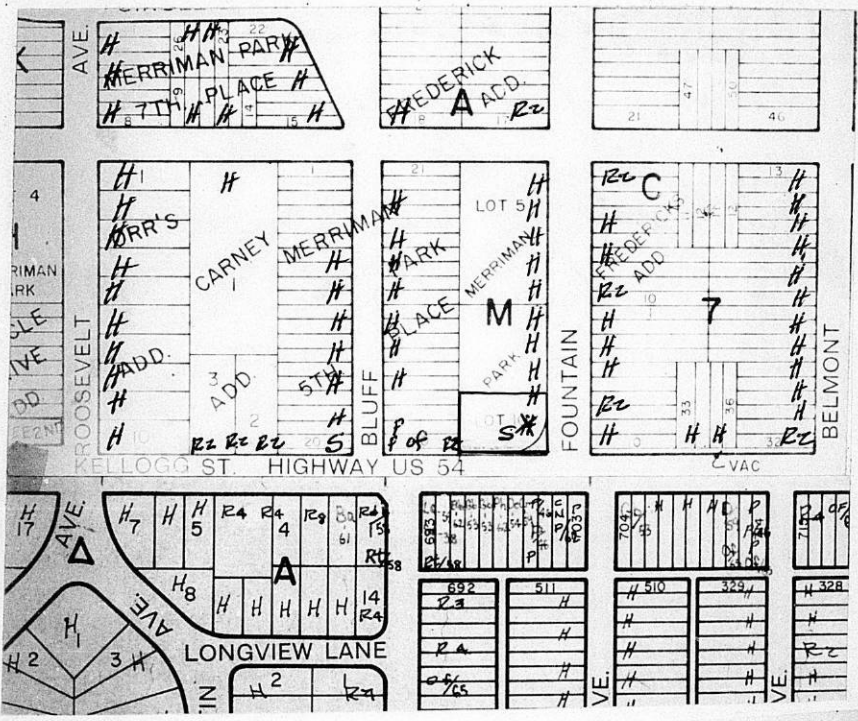
Call mine?

Map No. 5747  
 Sec. 23  
 Twp. 27S  
 Range 1E

BZA- 8-72  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: .027 ( 10 ft. by 120 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East SINGLE & TWO FAM South GEN. BUS. & AUTO SHOP  
 West TWO FAM & OFFICE North SINGLE FAM  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: SERVICE STATION  
 6. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



RESOLUTION NO. BZA 8-72

WHEREAS, George Standifer, 4040 East Kellogg, Wichita, Kansas, by Bob Crahan, 7038 East Orme Street, Wichita, Kansas, requests an exception as provided in Section 2.12.590. C, Code of the City of Wichita, to permit an equipment rental operation, on property zoned "IC" Light Commercial, and legally described as follows:

The south 100 feet of Lot 10, Block M, in Merriman Park, Sedgwick County, Kansas, according to the recorded plat thereof, together with that part of vacated Kellogg Avenue, described as beginning at the southeast corner of said Lot 10; thence west to the southwest corner of said Lot 10; thence south 18.25 feet more or less to a point 30 feet north of the south line of Section 23, Township 27 South, Range 1 East 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 feet more or less to the place of beginning, except the south 8 feet thereof condemned for Street in District Court Case No. A-20989. Generally located at the northwest corner of Kellogg and Fountain.

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 April 25, 1972, 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

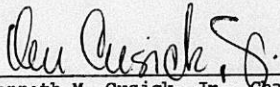
WHEREAS, the Board of Zoning Appeals has authority to permit an equipment rental operation, on property zoned "IC" Light Commercial, subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the applicant is no longer involved in this case and that the owner of the property is in opposition to this request.

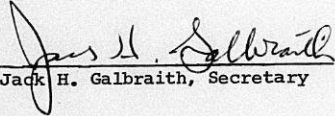
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be denied to permit an equipment rental operation, on property zoned "IC" Light Commercial, and legally described as follows:

The south 100 feet of Lot 10, Block M, in Merriman Park, Sedgwick County, Kansas, according to the recorded plat thereof, together with that part of vacated Kellogg Avenue, described as beginning at the southeast corner of said Lot 10; thence west to the southwest corner of said Lot 10; thence south 18.25 feet more or less to a point 30 feet north of the south line of Section 23, Township 27 South, Range 1 East 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 feet more or less to the place of beginning, except the south 8 feet thereof condemned for Street in District Court Case No. A-20989. Generally located at the northwest corner of Kellogg and Fountain.

ADOPTED AT WICHITA, KANSAS, this 25th day of April, 1972.

  
Kenneth M. Cusick, Jr., Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

May 24, 1972

Mr. Bob Crahan  
7038 East Orms Street  
Wichita, Kansas 67207

Subject: Case No. BEA 8-72  
Request for Exception

Dear Mr. Crahan:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 25, 1972, in connection with your request for an exception to permit an equipment rental operation, on property zoned "IC" Light Commercial, and generally located at the northwest corner of Kellogg and Fountain.

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith  
Secretary

JHG:ls

Enclosure

cc George Standifer, 4040 East Kellogg 67218  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

April 26, 1972

Mr. Bob Crahan  
7038 East Orme Street  
Wichita, Kansas 67207

Subject: Case No. BZA 8-72  
Request for Exception

Dear Mr. Crahan:

At the regular meeting of the Board of Zoning Appeals on April 25, 1972, your request for an exception to permit an equipment rental operation, on property zoned "IC" Light Commercial, and generally located at the northwest corner of Kellogg and Fountain, was considered.

It was the action of the Board to deny the request.

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 concerning this matter, please call.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:ls

cc George Standifer, 4040 East Kellogg 67218  
C. A. Swinney, District Manager, Skelly Oil Company,  
911 East Orme Street 67211  
J. W. Stauder, 437 South Fountain 67218  
Betty Birchfield, 6244 Marjorie Lane 67208  
Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

Board of Zoning Appeals  
Room 402, City Building Annex  
104 South Main Street  
Wichita, Kansas

*John S. Fountain*  
1137 S. Fountain  
Wichita, Kan. 67218

Subject: CASE No. BZA 8-72

*58 signatures  
43 properties*

We the undersigned home owners have kept our neighborhood in the best traditions of the College Hill area.

We knew (against our wishes) that an office building was to be built at the site described. It turned out to be a service station which has irreparably damaged our property values. We now have notice of an application for a permit for a rental operation at this location which will further affect our pride of ownership and property values. We feel that we have been tolerant, we feel that adequate rental facilities are available in nearby areas and we do not feel that we should be subjected to further damage, consequently we urge that you deny the aforesaid petition.

Signed

- Joseph W. Stauder 437 S. Fountain  
- Lee Mary Stauder 437 S. Fountain  
Dorothy M. Russell 442 S. Fountain  
Richard Carlisle 432 S. Fountain  
Wynona Carlisle 432 S. Fountain  
Clifford E. Clark 440 S. Fountain  
Jeanne M. Clark 440 S. Fountain  
Emmy F. Hurluck 416 E. Kellogg  
Violet Hurluck 416 E. Kellogg  
S. H. Rasch 4112 E. Kellogg  
K. M. Hatten 428 S. Fountain  
Mary L. Hatten 428 S. Fountain  
Beverly Stephenson 409 S. Fountain  
Claude Lee 415 S. Fountain  
Francis Lee 415 S. Fountain



Kenneth A. Williams	414 S. Fountain
Maryann M. Williams	414 S. Fountain
Jean Parker	410 S. Fountain
J. Walker	410 So. Fountain
Doris Mitchell	424 So. Fountain
C. J. Wagner	425 So. Fountain -
Helix J. Maguire	425 A. Fountain
Dale Loring	421 S. Fountain
Kenneth Loring	421 South Fountain
Chris A. Skumaker	417 So. Fountain
Mrs. L. G. Donnell	402 So. Fountain
Gary Marvin Huffman	401 South Fountain
Lilly Ann Huffman	401 South Fountain
Berlala Givoshky	4001 - 4015 E. Kellogg
By M. Mallohan Power	and 502 - 4 So. Bluff
J. G. Gately	430 South Bluff
Judith Rose Blood	430 South Bluff
J. G. Gately	430 South Bluff
Carol A. Skumaker	417 South Fountain
Richard C. Brazee	446 S. Fountain
Shirley Brazee	446 S. Fountain

Concerned Citizens

Mrs L. F. Strong	730 Pippin Court
Mrs E. C. Starr	4340 E. Clark
Mrs. M. S. Allard	838 N. Fincrest
Mr. A. H. Riedl Sr.	601 So. Belmont
Mrs. Jennie Lewis	2239 So. Dixon
Mrs. Cora (Barbour)	733 So. Bluff
Mrs. Helen Cunningham	2339 Maple St
Mrs. Ed. Gildone	4319 E. Waterman
Helen M. Patterson	829 Watson Lane
Jack Riedl Jr.	8132 E. GILBERT
Mye Cashon	127 No. Critway
Dani Magdalena	4510 E. 25th
Elara McFasson	4708 Vista Dr.
Francis Morehead	3425 E. 16th
Marie Houser	1931 Ida
Margaret Burrows	554 Calhoun
E. F. Burrow	574 Calhoun
La Vern Scheidman	2645 S. Santa Fe
Steve R. McCloskey	<del>2777</del> 2170 Pivcrest
Charles J. Brinson	1912 W 24th
Pauline Berry	1631 So. Yale
John Stiffhill	550 Nims
Mary Jack Young	442 So. Fountain

SECRETARY'S REPORT  
CASE NO. BZA 8-72

APPLICANT: George Standifer, 4040 East Kellogg, Wichita, Kansas  
67218

AGENT: Amerco Marketing Co. 733, c/o Bob Crahan, 7038 East Orme,  
Wichita, Kansas 67207

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the  
City of Wichita, to permit an equipment rental operation

GENERAL LOCATION: At the northwest corner of Kellogg and Fountain

LAND USE: Subject property is occupied by a service station; south  
is general business; north is single family; west is  
multiple family; east is single and two family

ZONING: Subject property is zoned "LC" Light Commercial as are  
those properties to the west and south; north is "AA"  
Single Family; and east is "A" Two Family

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 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 U-Haul Rental Equipment (trailers) operation on property zoned "LC" Light Commercial at the northwest corner of Kellogg and Fountain. The application area is presently occupied by a service station, and provides for only 38 feet of half-street right-of-way on Kellogg.

The Board may grant exceptions in the "LC" Light Commercial district to permit trailer rental operations if it first finds that the location is logical and proper. In considering these types of requests, the Board should first determine which light commercial areas are most suitable for the establishment of rental operations.

In viewing the area in the field, it may be seen that the area to the south is developed with small commercial establishments of a neighborhood nature. The lands adjacent on the north, west and east are developed residentially. It should be pointed out that with the exception of the northwest and southwest corners of Kellogg

Page 2 - Secretary's Report  
Case No. BZA 8-72

and Bluff, the southeast corner of Kellogg and Fountain and the south side of Kellogg between Fountain and Bluff, the entire frontage along Kellogg between Rutan and Pershing is developed either with a cemetery, residences or offices.

RECOMMENDATION

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

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

April 5, 1972

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 8-72

An application has been filed by George Standifer, 4040 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit an equipment rental operation, on property zoned "LC" Light Commercial, and legally described as follows:

The south 100 feet of Lot 10, Block M, in Merriman Park Sedgwick County, Kansas, according to the recorded plat thereof, together with that part of vacated Kellogg Avenue, described as beginning at the southeast corner of said Lot 10; thence west to the southwest corner of said Lot 10; thence south 18.25 feet more or less to a point 30 feet north of the south line of Section 23, Township 27 South, Range 1 East 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 feet more or less to the place of beginning, except the south 8 feet thereof condemned for Street in District Court Case No. A-20989. Generally located at the northwest corner of Kellogg and Fountain.

This application has been assigned Case No. BZA 8-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 25, 1972, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

*We no longer live at 4107 E Kellogg.  
Freda M. Zacharias has purchased the  
property & lives there.*

*Henry R Brungardt  
738 E 44th  
Hastings, Neb*



29

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

April 5, 1972

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 8-72

An application has been filed by George Standifer, 4040 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit an equipment rental operation, on property zoned "LC" Light Commercial, and legally described as follows:

The south 100 feet of Lot 10, Block M, in Merriman Park Sedgwick County, Kansas, according to the recorded plat thereof, together with that part of vacated Kellogg Avenue, described as beginning at the southeast corner of said Lot 10; thence west to the southwest corner of said Lot 10; thence south 18.25 feet more or less to a point 30 feet north of the south line of Section 23, Township 27 South, Range 1 East 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 feet more or less to the place of beginning, except the south 8 feet thereof condemned for Street in District Court Case No. A-20989. Generally located at the northwest corner of Kellogg and Fountain.

This application has been assigned Case No. BZA 8-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 25, 1972, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

*29 notices mailed 4-5-72 for Bza 4-25-72*

BOARD OF ZONING APPEALS

CASE NO. 8-72

CITY OF WICHITA, KANSAS

FILED 3-6-72

APPLICATION FOR EXCEPTION

I. Name of Applicant George Standifer

Mailing Address 4040 E. Killogg 67218 Phone 683-8491

Name of Authorized Agent Amuro Marketing Co. 733 1/2 E. Cran

Mailing Address 7038 E. Orme 67207 Phone 685-6615

Relationship of applicant to property is that of Lessee  
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section  
28.04.183.2  
212.590 c, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction  
of 11-Haul rental equipment (trailers)

on property zoned  
LC, located 4040 E. Killogg 67218

and legally described as: Ref: -

Certificate of Ownership

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 George Standifer

Authorized Agent Bob L. Cran

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 9:30 (a.m.) - p.m., March 6, 1972, together with appropriate fee of \$50.00.

T9-403

Signed A. Lynn Shirley

Map # 5747

CERTIFICATE OF OWNERSHIP  
-----

GUARANTEE TITLE CO. Inc., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds of Sedgwick County, Kansas, of the following described real estate, together with all property lying within 200 feet radius thereof:

The South 100 Feet of Lot 10, Block M, in Merriman Park, Sedgwick County, Kansas, according to the recorded plat thereof, together with that part of vacated Kellogg Avenue, described as beginning at the Southeast corner of said Lot 10; thence West to the Southwest corner of said Lot 10; thence South 18.25 Feet more or less to a point 30 feet North of the South line of Section 23, Township 27 South, Range 1 East 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 Feet more or less to the place of beginning, except the South 8 feet thereof condemned for Street in District Court Case No. A-20989.

DESCRIPTION	OWNER/OWNERS/ADDRESS	
<u>Merriman Park</u>		
<u>Block M</u>		
S. 100' of Lot 10, and that portion of vac. Street adj. on the South.	✓Skelly Oil Co. 911 E. Orme	67211
S 50' of N 150' of Lot 10	<i>W. Stauder</i> ✓ <del>C. A. Fordham and Sophia</del> 437 So. Fountain	67218
S 50' of N 100' of Lot 10	✓James Dunn Bryant and Victoria Banks Bryant P. O. Box 92, Wichita.	67202
N 50' of Lot 10	✓Charles J. Wagner and Helen J. 425 So. Fountain	67218
S 50' of Lot 5	✓Dale M. Goering and Kenny L. 421 So. Fountain	67218
<u>Merriman Park Place</u>		
<u>Block 7</u>		
Lots 1 and 2	✓Don M. Hattan 428 So. Fountain	67218
Lots 3 and 4	✓Richard K. Carlisle and Synona K. 432 So. Fountain	67218
Lots 5 and 6	✓Clifford E. Clark and Joanne M. 440 South Fountain	67218
Lots 7 and 8	✓Dorothy Marie Russell and Mary Jack Young (sister) 442 So. Fountain	67218
Lots 9 and 10 and that part of vac. Kellogg adj. Lot 10 on the So.	✓Benny F. Hurlock and Violet P. 4116 E. Kellogg	67218

Merriman Park Fifth Place

Lots 13 and 14	✓W. C. Tull, C. W. Tull a/k/a Clair Wayne Tull and R. D. Tull a/k/a Rawlin Dale Tull 431 S. Bluff	67218
Lots 15 and 16	✓Loyd J. Webert and Rosemary C. 437 So. Bluff	67218
Lots 17 and 18, exc. E. 5' for St.	Home State Life Insurance Co. 4004 E. Kellogg	67218
Lots 19 and 20 and vac. portion of Kellogg St. adj. on the South	✓L. Vernon Johnson 338 No. Armour St.	67207
Lots 27-28 and N/2 of Lot 29	✓Merle S. Hall and Virginia S. 412 S. Bluff	67218
S/2 of Lot 29, all of Lots 30 and 31	✓Harry E. Shuler and E. May 420 So. Bluff	67218
Lots 32 and 33	✓Glen L. Atwood and Judith P. 430 So. Bluff	67218
Lots 34 and 35	✓Olin D. Shade and Lois M. 432 So. Bluff	67218
Lots 36 and 37 and N 1' of Lot 38	✓Charles E. Demo and B. Irene 1818 E. Lewis	67211
W 82' of Lot 38, exc. N. 1 Ft. and W. 82' of Lots 39 and 40 and that part of vac. Kellogg adj. that portion of Lot 40 on the South	✓First National Investors Corp. 4004 E. Kellogg St.	67218
E 50' of Lot 38, exc. N. 1 ft, and E. 50' of Lots 39 and 40 and that portion of vac. Kellogg adj. that portion of Lot 40 on the South	✓Rex E. Bienz and Mary L. 858 Elpyco Ave.	67218

(These lots were platted 132.2 Feet East and West. Therefore it appears from the two above legal descriptions, .2' may be questionable. We did not check for re-zoning purposes.)

Frederick's Addition  
Block C

Lots 9 and 10	✓Earl A. Johnston and Edith M. 109 Broadmoor Road, Colorado Springs, Colorado	80906
---------------	---	-------

FAIRFAX ADDITION

Lots 693-694-695-696-697-698-699-700 exc. N 8 feet for st.	✓Beulah Givosky 1726 No. Hillside	67214
Lots 701-702-703, exc. N 8' for St.	✓Colby B. Sandlian 435 No. Broadway	67202
Lots 704 and 705, exc. N 8' for St.	✓Fuchs-Smith Sales, Inc. 4101 E. Kellogg	67209
Lots 706 and 707, exc. N 8 Ft. for St.	✓FREDA M. ZACHARIAS Henry R. Brungardt and Grace P. 4107 E. Kellogg	67209

FAIRFAX ADDITION-continued

Lots 708-709 and 710, exc. N 8' for St. ✓ M. E. D. Co. Inc.  
4111 E. Kellogg

67209

Witness our Hand and Seal this the 22nd day of February, 1972 at 7:00 o'clock A.M.

GUARANTEE TITLE CO. Inc.,

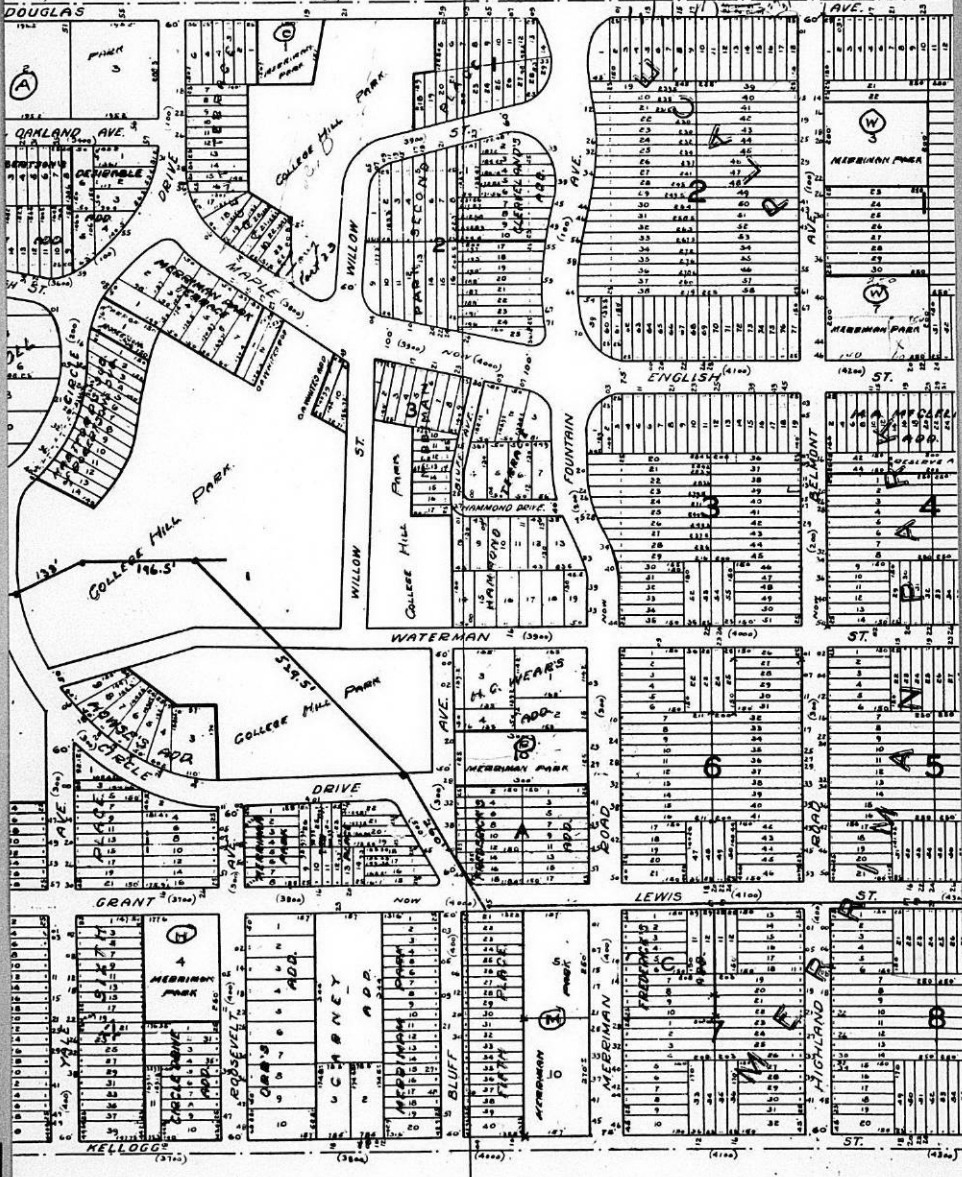
By *Nellie M. Reisinger*  
Vice-President.

Order No. 36535

E 284

W 284

# S.W. 1/4 AND W. 1/2 S.E. 1/4 SEC. 23, TWP. 27, R. 1.



DOUGLAS AVE. (3700)  
 OAKLAND AVE. (3700)  
 COLLEGE HILL PARK  
 WILLOW ST. (3700)  
 WATERMAN ST. (3700)  
 LEWIS ST. (4100)  
 HIGHLAND ST. (4200)  
 MERRIMAN PARK  
 COLLEGE HILL PARK  
 WILLOW ST. (3700)  
 WATERMAN ST. (3700)  
 LEWIS ST. (4100)  
 HIGHLAND ST. (4200)

FORM 021

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		

DESCRIPTION	AMOUNT
02A	50.00

Name B. K. C. [unclear]

Address 7032 C. [unclear]

Type HA-407103 Due Date

Comments:

Date 3-6-72 By [signature]

\*

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