

BZA 9-70 - O. L. Sanders D.B.A.
Boulevard Equipment Rental Co.
requests EXCEPTION to permit tool
equipment rental at 1660 Geo. Wash.
Blvd

POSTED
4-2-70
MARC ✓
C.I.
5-23-70

4-28-70 approved

Map No. 5645
 Sec. 34
 Twp. 27
 Range 1E

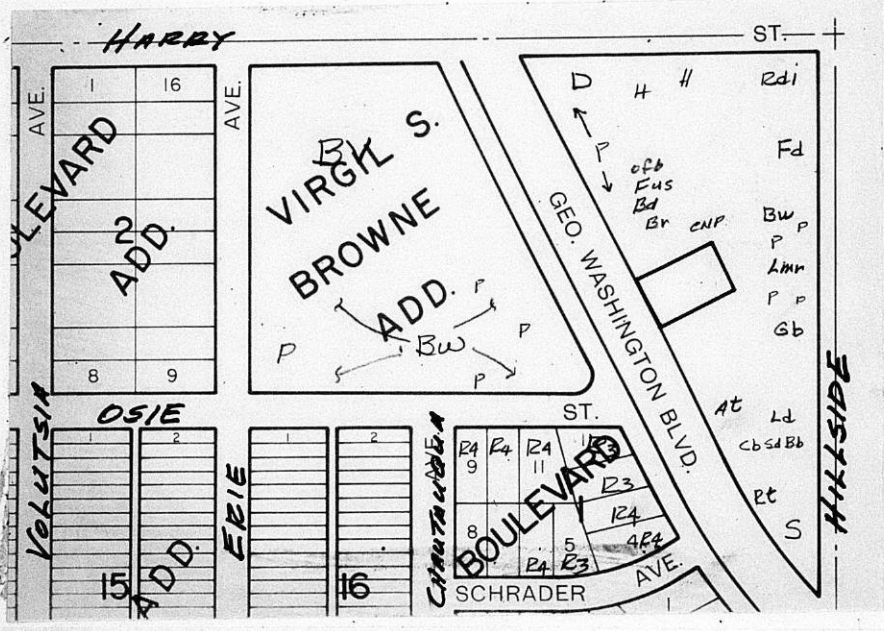
BZA 9-70
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: _____ (90 ft. by 150 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East LUMBER YARD, BOWLING ALLEY South USED CAR LOT, CLUB
 West BOWLING ALLEY North NIGHT CLUB, FURNITURE STORE
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



RESOLUTION BZA 9-70

WHEREAS, O. L. Sanders d/b/a, Boulevard Equipment Rental Company, 1660 George Washington Blvd., Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the operation of a tool rental business (including trailers) outdoors on property zoned "LC"-Light Commercial, and legally described as follows:

That part of the north half of the northeast quarter of Section 34, Township 27 South, Range 1 East of the 6th P.M. in Sedgwick County, Kansas, lying north and east of George Washington Boulevard starting at a point at the intersection of George Washington Boulevard and Hillside; thence northwest 548 feet to beginning; thence northwest 90 feet; thence northeast 150 feet; thence southeast 90 feet; thence southwest 150 feet to beginning. Generally located on the east side of George Washington Boulevard in an area south of Harry.

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 28, 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 operation of a tool rental business (including trailers) outdoors 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 operation of a tool rental business (including trailers) outdoors on property zoned "LC"-Light Commercial, and legally described as follows:

That part of the north half of the northeast quarter of Section 34, Township 27 South, Range 1 East of the 6th P.M. in Sedgwick County, Kansas, lying north and east of George Washington Boulevard starting at a point at the intersection of George Washington Boulevard and Hillside; thence northwest 548 feet to beginning; thence northwest 90 feet; thence northeast 150 feet; thence southeast 90 feet; thence southwest 150 feet to beginning. Generally located on the east side of George Washington Boulevard in an area south of Harry.

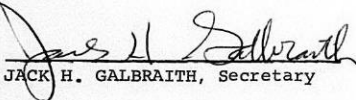
subject to the following conditions:

1. Approval is to apply only for a specified area within the site for the storage and display of heavier tool rental equipment, such as concrete mixers, tractors, and trailers, etc. mutually agreed upon by the Board and the applicant.
2. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
3. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
4. No signs shall be permitted to project over public right-of-way.
5. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except in an enclosed building.
7. 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 28th day of April, 1970.


NORMAN N. DOKE, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

May 5, 1970

Mr. O. L. Sanders d/b/a
Boulevard Equipment Rental Company
1660 George Washington Blvd.
Wichita, Kansas 67211

Dear Mr. Sanders:

Subject: Case No. BZA 9-70
Request for Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 28, 1970, in connection with your request for an exception to permit the operation of a tool rental business (including trailers) outdoors on property zoned "LC"-Light Commercial, and generally located on the east side of George Washington Boulevard in an area south of Harry.

This Resolution reflects the official action of the Board and sets out the conditions of approval. It is forwarded 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 Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

April 29, 1970

Mr. O. L. Sanders D.B.A.
Boulevard Equipment Rental Company
1660 George Washington Blvd.
Wichita, Kansas 67211

Dear Mr. Sanders:

Subject: Case No. BZA 9-70
Request for Exception

At the regular meeting of the Board of Zoning Appeals on Tuesday, April 28, 1970, your request for an exception to permit the operation of a tool rental business (including trailers) outdoors on property zoned "LC"--Light Commercial, and generally located on the west side of George Washington Blvd. in an area south of Harry, was considered.

It was the action of the Board to approve this request subject to the conditions recommended in the Secretary's Report.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as 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 Robert Dauffenbach, attorney, 530 N. Market, Wichita
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 9-70

APPLICANT: O. L. Sanders D.B.A., Boulevard Equipment Rental Company, 1660 George Washington Blvd., Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita, to permit the operation of a tool rental business (including trailers) outdoors

GENERAL LOCATION: East side of George Washington Blvd. in an area south of Harry

LAND USE: Subject property is occupied in part by a tool rental equipment business; south is new and used car sales; west is a bowling alley; north is a tavern; east is a lumber yard and bowling alley

ZONING: Subject property is zoned "LC"-Light Commercial as is that to the north, south, and east; west is "C"-Commercial

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 outdoor display for a tool and equipment rental operation (including trailers) on property zoned "LC"-Light Commercial and located on the east side of George Washington Boulevard in an area south of Harry. Section 28.04.183.2 permits this type of operation in the "LC" zoning district subject to certain conditions and approval by the Board of Zoning Appeals.

The area contained in this application is presently occupied by two buildings one of which is, and has been for the past 15 years, utilized by a tool rental equipment business. The applicant states that he desires to remove the unoccupied structure on the front portion of the lot and utilize this area for the outdoor display of rental equipment.

It should be noted that a request for an exception to permit a new and used car sales operation on the property adjacent on the south (BZA 10-67) was approved by the Board of Zoning Appeals in 1967 subject to certain conditions.

It is the opinion of the Secretary that this is not the type of development that should be encouraged throughout the City in light commercial areas. In the past, however, exceptions have been granted for tool and equipment rental operations when it has been the primary use of the site and the location has been in an area of similar type uses and with proper conditions attached.

RECOMMENDATION:

It is the opinion of the Secretary that this request for an exception to permit the operation of a tool and trailer rental business is logical and proper in view of the surrounding land use and it is, therefore, recommended that the application be approved subject to the following conditions:

1. Approval is to apply only for a specified area within the site for the storage and display of heavier tool rental equipment, such as concrete mixers, tractors, and trailers, etc. mutually agreed upon by the Board and the applicant.
2. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
3. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
4. No signs shall be permitted to project over public right-of-way.
5. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except in an enclosed building.
7. 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.

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

April 8, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 9-70

An application has been filed by O. L. Sanders D.B.A., Boulevard Equipment Rental Company, 1660 George Washington Blvd., Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the operation of a tool rental business (including trailers) outdoors, on property zoned "LC"-Light Commercial, and legally described as follows:

That part of the north half of the northeast quarter of Section 34, Township 27 South, Range 1 East of the 6th P.M. in Sedgwick County, Kansas, lying north and east of George Washington Boulevard starting at a point at the intersection of George Washington Boulevard and Hillside; thence northwest 548 feet to beginning; thence northwest 90 feet; thence northeast 150 feet; thence southeast 90 feet; thence southwest 150 feet to beginning. Generally located on the east side of George Washington Boulevard in an area south of Harry.

This application has been assigned Case No. BZA 9-70, and will be considered by the Board of Zoning at its regular meeting on Tuesday, April 28, 1970, 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 person or by agent or attorney.

JACK H. GALBRAITH
Secretary

5 copies mailed 4-8-70

BOARD OF ZONING APPEALS

CASE NO. 9-70

CITY OF WICHITA, KANSAS

FILED 3-26-70

APPLICATION FOR EXCEPTION

✓ O.L. Sanders D.B.A.

I. Name of Applicant Boulevard Equip. Rental Co.

Mailing Address 1660 Geo. Washington Blvd. Phone Mu. 4-4593

Name of Authorized Agent Same

Mailing Address Same Phone _____

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, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction

of See attached

_____ on property zoned

_____, located _____

_____ and legally described as: Beginning at a

point at the intersection of Hillside and Geo. Wash. Blvd thence

548' N.W. on Geo. Wash. Blvd. thence 90' N.W. thence 150' N.E. thence

S.E. 90' thence S.W. 150' to the point of begining, comonly known

as 1660 Geo. Wash. Blvd., 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 O.L. Sanders

Authorized Agent X

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 11:45 (a.m. - p.m.), March 26, 1970, together with appropriate fee of \$50.00.

T9-403

Signed G. Lynn Shirkley P-II

Boulevard Equipment Rental Co.

1660 George Washington Blvd.
Wichita, Kansas 67211

MUrray 4-4593

3-25-1970

SUPPLEMENT TO APPLICATION FOR EXCEPTION TO PRESENT ZONING

There is a great demand in this area by property owners, tenants and light contractors for trailers, cement mixers, small tractors and other types of outdoor equipment suitable for the "do it yourselfer."

The present rental Co. has been operating the past 15 years to the rear of the present building proposed for removal. This building in its present state is very much in need of major repairs, therefore it is deemed advisable to remove, then blacktop the area covered by this building. The balance of this property has been blacktopped.

This property lies adjacent to the north side of property to which an exception was granted B.S.A.10-67 to Mr. Cliff Baker as an extension to his used car lot.

A long term lease is held by Mr. Fred Dole from the property owner. O.L. Sanders holds a sub lease on this proposed exception.

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 deeds of record in the office of the Register of Deeds, Sedgwick County, Kansas, of:

OK for legal

G That part of the North Half of the Northeast
U Quarter of Section 34, Township 27 South, Range 1 East
A of the 6th P.M. in Sedgwick County, Kansas, lying North
R and East of George Washington Boulevard, starting at a
A point at the intersection of George Washington Boulevard
and Hillside; thence Northwest 548 Feet to beginning;
thence Northwest 90 Feet; thence Northeast 150 Feet;
thence Southeast 90 Feet; thence Southwest 150 Feet
to beginning,
together with all lots and tracts lying within a radius of 200 feet thereof.

DESCRIPTION	OWNER/ADDRESS
<p>N That part of the E/2 of the NE/4 of 34-27-1 E, lying North and East of George Washington Blvd., except:</p> <p>T Beginning at a pt in the Easterly r/w line of Geo. Washington Blvd and 183.5 ft. measured along said Eerly r/w line SEerly of the N/ln of 34-27-1e; th in a Southeasterly dir. along Eerly R/W line of Geo. Washington Blvd, a dist. of 350 ft; th NEerly at an included angle of 88° 59', a distance of 158.1' th NWerly at an included angle of 91° 06', a Northwesterly distance of 257' m/1 to a point 172 feet South and 305' West of the NE/cor of Sec. 34,27-1 E; th N parl with E/1 of NE/4 of Sec. 34, and at an included angle of 206° 19', a dist. of 142 ft. m/1 to a pt. 30° S of the N/ln of said Sec. 34; th W. parl with N/ln of said Sec. 34, a distance of 72 Ft; th S at an included angle of 90° 08', a distance of 110 ft to the Southeast corner of Archer Drug Store lease; thence Southwesterly a distance of 110.74 feet to the point of beginning.</p>	<p>✓ Erwin G. Kleinhein and Alfreda Kleinhein 420 Rutland Road 67206</p>
<p>O., That part of the E/2 of the NE/4 of Sec. 34, Twp. 27 S. R. L East, lying North and East of George Washington Boulevard in Wichita, shown as an exception above.</p>	<p>✓ Triangle Plaza, Inc. 902 West Second St. Wichita, Kansas. 67203</p>
<p>N <u>Virgil S. Browne Add.</u></p> <p>C. Block 1</p>	<p>✓ The Wichita Coca Cola Bottling Co., a corporation, Box 365, Wichita, Kansas. 67202</p>

Boulevard Plaza Addition

Lots 1-2-3

✓ Hyman Littman
Rose Littman
Sigmund Benedik
Florence Benedik
P.O. Box 1741
North Brunswick, New Jersey
08902

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WITNESS our Hand and Seal this the 23rd day of March, 1970 at 7:00 o'clock A.M.

GUARANTEE TITLE CO. Inc.,

By *Nellie M. Pectinger*
Vice-President.

Order No. 26000

FORM 233-021

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
<i>Water</i>	<i>100.00</i>

Name *John Doe*

Address *123 Main Street, Wichita, KS*

Type *Water* Due Date

Comments:

Date *10-20* By *J. Doe*

*

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