

BZA-12-68 - Carl & Honore Maloney & J.L. Weigand, Jr. request exception to permit new & used car sales & storage lot in "LC" zoning on north side of Orme between Waverly Dr. & Courtleigh Drive.

Smead
No. 2-103½C

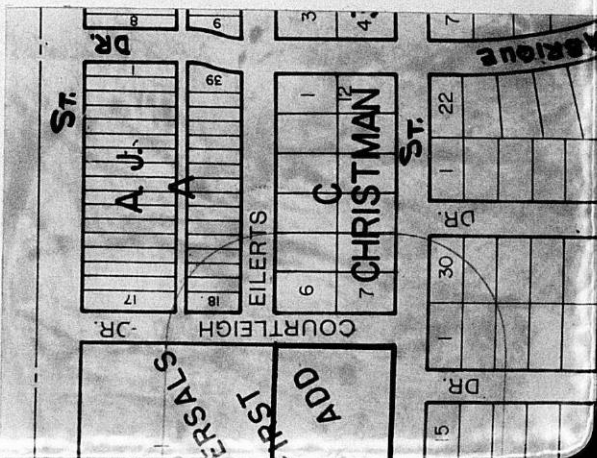
HASTINGS, MINN. - LOGAN, OHIO U.S.A.

B 2-A-12-68
SCZ-
CU-
Filed 3-27-68

to _____
and J. L. Weigand, Jr. Phone AM 41376
of _____
side of Orme between Waverly Dr.
Live Address _____
sales and storage lot _____

ft. by 200 ft.)
W 2-FAMILY N LIGHT COMMERCIAL
South SINGLE FAMILY
North SEMI-SUBSTAN
DENTIAL

Time _____



BZA-12-68 - Carl & Honore Maloney &
J.L. Weigand, Jr. request exception
to permit new & used car sales &
storage lot in "LC" zoning on north
corner between Way

POSTED
3-28-69

BIL
200 PD

ACTION

BZA COMMITTEE Approved 4-23-68

M.A.P.C. _____

B.C.C./B. CO. C. _____

Map No., 5846
 Sec. 25
 Twp. 27
 Range _____

B Z-A 12-68
 SCZ- _____
 CU- _____
 Filed 3-27-68

APPLICATION DATA: From _____ to _____
 1. Applicant: Carl & Honore Maloney and J. L. Weigand, Jr.
 Address 830 1st Nat'l Bank Bldg. Phone AM 41376
 2. Agent: Vincent L. Bogart
 Address 501 One Twenty Bldg. Phone FO 36291
 3. General Location: on the north side of Orme between Waverly Dr.
and Courtleigh Drive Address _____
 4. Proposed Use: new and used car sales and storage lot

AREA DATA:
 1. Acres: 1.58 (345 ft. by 200 ft.)
 2. Adjoining Zoning: E 2-FAMILY S Single-Fam. W 2-FAMILY N LIGHT COMMERCIAL
 3. Land Use: East SINGLE FAMILY & TWO FAMILY South SINGLE FAMILY
 West CAR WASH North SERVICE STATION
 4. Sketch Plan Land Use is for: RESIDENTIAL
 5. Present Land Use is for: VACANT
 6. Area (is) (A#/H#) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



May 1, 1968

Mr. Vincent L. Bogart
501 One Twenty Building
Wichita, Kansas 67202

Subject: Case No. BZA - 12-68
Request for Exception

Dear Mr. Bogart:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 23, 1968, in connection with your request for an exception to permit the installation or construction of a new and used car sales lot.

In regard to Condition No. 11 in the Resolution, at such time as a revised plot plan is submitted to the Department of Central Inspection for review and approval by the Traffic Engineer, a copy of this approved plan should be submitted to our office for our files.

This Resolution reflects the official action of the Board and indicates 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
Senior Planner

JHG:js
Attachment

cc: Carl & Honore Maloney and J. L. Weigand, Jr.
830 1st National Bank Building

Ralph Eberly,
City Clerk

Robert Feldner, Supt. of Central Inspection

R E S O L U T I O N N O . B Z A 1 2 - 6 8

WHEREAS, Carl V. Maloney, Honore Maloney, and J. L. Weigand, Jr., 830 First National Bank Building, Wichita, Kansas, by Vincent L. Bogart, 501 One Twenty Building, Wichita, Kansas, requests an exception pursuant to Section 28.04.183.2, Code of the City of Wichita, to permit the installation or construction of new and used car sales and storage lot, located on property zoned "LC" Light Commercial, and legally described as follows:

Lot 2, Universal's First Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Orme between Waverly Drive and Courtleigh Drive.

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 23, 1968, 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 a new and used car lot to be located in "LC" Light Commercial District 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 for the installation of a new and used car lot on property zoned "LC" Light Commercial and legally described as follows:

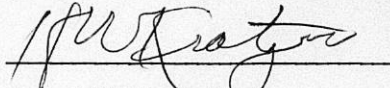
South 160 feet of lot 2 Universal's First Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Orme between Waverly Drive and Courtleigh Drive.

subject to the following:

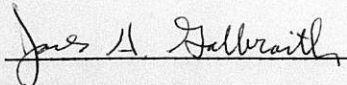
1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as 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. The operation of the new and used car lot shall not be conducted in addition to any other use (example: the sale of cars on the same lot with a service station, garage, restaurant, etc.). However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.
7. No building shall be placed closer than 35 feet to the east, west and south property lines.
8. At least a five foot high solid wall, masonry, louvered or staggard redwood or architectural tile fence shall be constructed adjacent to the east, west and south property lines provided however that said fence or wall shall provide for a vision triangle as shown on the plot plan as approved by the office of the Traffic Engineer.
9. Within the vision triangle there shall be no setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstruction to view; however such restriction shall not apply to public utility poles, hedges trimmed to a height of less than 33 inches above gutter grade or trees the limits of which are at all times trimmed to a height of at least 8 feet above ground level.
10. No direct access to Orme Street or Waverly Drive shall be permitted from subject property and access to Courtleigh Drive shall be limited to one opening as may be approved by the office of the Traffic Engineer.
11. The applicant shall submit a revised plot plan of the new and used car sales lot to the Department of Central Inspections for the review and approval of the Traffic Engineer. Said plan shall include locations of off-street parking spaces for employees, auto storage spaces, the width and dimensions of said spaces, markings for channelization and location and width of the driveway to Courtleigh, etc.
12. The applicant shall install all of the required improvements prior to the occupancy of the site for a new and used car sales and storage lot and off-street parking facilities for employees.

ADOPTED AT WICHITA, KANSAS, this 23rd day of April, 1968.


H. W. KRATZER, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

April 24, 1968

Vincent L. Bogart, Attorney
501 One Twenty Building
Wichita, Kansas 67202

Dear Mr. Bogart:

Subject: Case No. BZA 12-68
Request for Exception.

At the regular meeting of the Board of Zoning Appeals on April 23, 1968, your request for an exception to permit the installation or construction of new and used car sales and storage lot, on property zoned "LC" Light Commercial, and generally located on the north side of Orme between Waverly Drive and Courtleigh Drive, was considered.

It was the action of the Board to approve this request subject to the 12 conditions recommended in the Secretary's Report, except that condition number eight was amended as follows:

3. At least a five foot high solid wall, masonry, louvered or staggered redwood or architectural tile fence shall be constructed adjacent to the east, west and south property lines provided however, that said fence or wall shall provide for a vision triangle as shown on the plot plan as approved by the office of the Traffic Engineer.

Page 2 - Letter to
Vincent L. Bogart
April 24, 1968

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.

Yours very truly,

Jack H. Galbraith
Secretary

JHG:skb

cc: Carl V. Maloney, Honore Maloney, and J. L. Weigand, Jr.
830 First National Bank Building, Wichita 67202

Robert Feldner, Superintendent of Central Inspection

Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. RZA 12-68

APPLICANT: Carl V. Maloney, Honore Maloney, and J. L. Weigand, Jr.,
830 1st National Bank Building, Wichita, Kansas.

AGENT: Vincent L. Bogart, Attorney, 501 One Twenty Building, Wichita,
Kansas.

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City
of Wichita to permit the installation or construction of new
and used car sales and storage lot.

GENERAL LOCATION: On the north side of Orme between Waverly Drive
and Courtleigh Drive.

LAND USE: Subject property is vacant as is that to the west. North
is a service station and car wash. To the east are two-
family dwellings with single family dwellings to the south.

ZONING: Subject property is zoned "LC" Light Commercial as is that
to the north. To the east and west is "A" Two-family zoning
with "AA" single-family to the south.

JURISDICTION:

The Board has jurisdiction to consider this request under the
provisions outlined under Section 28.04.183.2, Code of the City of
Wichita. The Board may grant the exception if all the requirements
as set out in Section 28.04.183.2 can be met.

COMMENTS BY THE SECRETARY

The applicant points out in his statement of justification that
subject property is to be used in conjunction with the operation of
Bob Moore Oldsmobile, 6215 E. Kellogg for the sale and storage of
new and used cars and off-street parking facilities for employees.
He further states that this useage is necessary to reduce traffic in
the area and for proper operation of his existing operation.

A plot plan has been submitted to and approved by the office of
the City Traffic Engineer for use as a new and used car lot without
vehicular access for customers or employees. If part of subject area

is to be utilized for employee parking and customers, it will be necessary that a revised plot plan be submitted for approval by the Traffic Engineer.

The Board of Zoning Appeals has approved several other similar applications for new and used car lots in this general area along U.S. 54 and it is the opinion of the Secretary that inasmuch as the City Commission has established the "LC" classification, and as long as the conditions as set out in the ordinance are complied with, this use is logical.

RECOMMENDATION

It is the opinion of the Secretary that inasmuch as the Board has approved many other new and used car lots in this general area, that this application is logical and, therefore, it is recommended that the application to permit a new and used car sales lot be approved for the south 160 feet of Lot 2 Universal's First Addition subject to the following condition:

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. The operation of the new and used car lot shall not be conducted in addition to any other use (example; the sale of cars on the same lot with a service station, garage, restaurant, etc.). However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.

7. No building shall be placed closer than 35 feet to the east, west and south property lines,
8. At least a five foot high solid wall, masonry, louvered ^{or staggered} redwood or architectural tile fence shall be constructed adjacent to the east, west and south property lines provided however that said fence or wall shall provide for a vision triangle as shown on the plot plan as approved by the office of the Traffic Engineer.
9. Within the vision triangle there shall be no setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstruction to view; however such restriction shall not apply to public utility poles, hedges trimmed to a height of less than 33 inches above gutter grade or trees the limits of which are at all times trimmed to a height of at least 8 feet above ground level.
10. No direct access to Orme Street or Waverly Drive shall be permitted from subject property and access to Courtleigh Drive shall be limited to one opening as may be approved by the office of the Traffic Engineer.
11. The applicant shall submit a revised plot plan of the new and used car sales lot to the Department of Central Inspections for the review and approval of the Traffic Engineer. Said plan shall include locations of off-street parking spaces for employees, auto storage spaces, the width and dimensions of said spaces, markings for channelization and location and width of the driveway to Courtleigh, etc.
12. The applicant shall install all of the required improvements prior to the occupancy of the site for a new and used car sales and storage lot and off-street parking facilities for employees.

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

April 16, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 12-68

An application has been filed by Carl V. Maloney, Honre Maloney, and J. L. Weigand, Jr., 830 1st National Bank Building, Wichita, Kansas, by Vincent L. Bogart, Attorney, 501 One Twenty Building, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of new and used car sales and storage lot, on property zoned "LC" Light Commercial, and legally described as follows:

Lot 2, Universal's First Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Orme between Waverly Drive and Courtleigh Drive.

This application has been assigned Case No. BZA 12-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 23, 1968 at 1:30 p.m., in Room 401 City Building Annex, 104 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

*PON's
mailed 4-16-68*

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 830 12-68
~~2-2041~~
FILED 3-27-68

APPLICATION FOR EXCEPTION

I. Name of Applicant Carl V. Maloney, Honore Maloney, & J. L. Weigand, Jr.

Mailing Address 830 1st National Bank Bldg., Wichita ⁰² Phone AM 41376

Name of Authorized Agent Vincent L. Bogart, Attorney

Mailing Address 501 One Twenty Building, Wichita ⁰² Phone FO 36291

Relationship of applicant to property is that of owners
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.183, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of new and used car sales and storage lot

_____ on property zoned

"LC", located generally on the north side of Orme between
Waverly Dr. and Courtleigh Dr. and legally described as: _____

Lots ~~1-4~~ 2 of Universal's First Addition

_____, in the City of Wichita.

(Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant Carl V. Maloney & J. L. Weigand, Jr.
Honore Maloney

Authorized Agent _____

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:55 (a.m. ~~c~~ p.m.), March 27, 1968, together with appropriate fee of \$50.00.

Signed Jack H. Galbraith
Senior Planner ^{skb}

REASONS FOR EXCEPTION

It is proposed that the property described in this application be used as a lot for the sales and storage of new cars in conjunction with the operation of Bob Moore Oldsmobile, 6215 East Kellogg. There will also be spaces for employee's parking.

This useage is necessary to reduce traffic in the area and for the proper operation of Bob Moore's. Storage facilities are presently very limited and it is now necessary for storage to be away from the proximity of the main area for new car sales.

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
)
 Sedgwick County,)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:
 Lot 2, Universal's First Addition, Wichita,
 Sedgwick County, Kansas.


Fidelity
Title
Company.
 inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz:

LOT	BLK.	ADDITTON	OWNER
1	2	<u>PRAIRIE PARK</u>	✓ LeRoy E. Dietrich, Jr. & Wanda Gail Dietrich, ux 1624 S. Rutan 18
2	2		✓ Evelyn R. Whitted, sgle & Maxine E. Whitted, sgle. 610 Lexington 18
33	2		✓ W. Maureen Schauner, sgle. 615 Waverly 18
34	2		✓ S. A. & Hannah N. Bloch, ux 607 Waverly 18
35	2		✓ Raymond R. & Meta B. Moody, ux 601 Waverly 18
1	3		✓ Emel F. Knight & Cora Lucile Knight, ux 6115 E. 8th St. 08



LOT	BLK	ADDITION	OWNER
2	3	<u>PRAIRIE PARK</u>	James Ervin Fisher III & ✓ Donna Lee Fisher, ux 608 Waverly 18
3	3		✓ Gancel I. & Olive A. Brenn, ux 614 Waverly 18
13	3		✓ Floyd W. & Rose V. Hall, ux 615 S. Brookside 18
14	3		✓ Walter S. & Dorothy Ellen Veil, 607 S. Brookside 18 ux
15	3		✓ Leonard C. Perkins & Mary Ann Perkins, ux 5929 E. 45th St. North 20
1	4		✓ Leland F. & Donna K. Cox, ux 602 S. Brookside 18
2	4		✓ Wilma G. Lee, sgle. 608 S. Brookside 18
3	4		✓ John D. & M. Fern Warhurst, ux 614 S. Brookside 18
28	4		✓ Donald W. & Lynda S. Chambers, ux 6503 E. Lincoln 07
29	4		✓ Ronald O. LaPorte & Catherine D. LaPorte, ux 607 Courtleigh 18
30	4		✓ Merle D. & Lydia E. Huyett, ux 159 N. Brookside 18
1, 2, 3, 4, 5,		<u>DRIVERS</u>	Hudson Oil Company of Missouri, ✓ 2112 Southwest Blvd., Kansas City, Kansas 66103
6			✓ Howard C. & Mabel M. Laswell, ux 554 Lexington 18
7			✓ Edward D. & Otilie H. Schmidt, ux 548 Lexington 18
8			✓ Dwight E. & Mary Frances Bauer, ux 542 Lexington 18
9			✓ Ray E. & Loretta L. Grunder, ux 536 Lexington 18
10			✓ Walter & Ellen Louise Smith, ux 530 Lexington 18
14, 15, 16, 17, A		<u>A. J. CHRISTMAN 3rd</u>	✓ Peterson Furniture Co., Inc. 6201 E. Kellogg 18
18, 19, 20, 21, A 22 & 23,			✓ Marvin J. & Evelyne L. Gordon, 1129 N. Old Manor 08 ux
4	C		✓ Harold D. & Ruth E. Mercer, ux 5102 Kings Row 08

LOT	BLK	ADDITION	OWNER
5 & E 3' Lot 6,	C	<u>A. J. CHRISTMAN 3rd.</u>	Carl L. & Lola O. Shreve, ux 6203 Eilerts 18
6, exc E 3',	C		Wilma Waltner Wiebe, sgle. 534 Courtleigh 18
7	C		Gordon C. & Louise S. Mitchell ux Alexander & Edith Stuart, ux 6202 E. Orme 18
8	C		E. W. & Margaret L. Schroeder, 6208 E. Orme 18 ux
9	C		Mary L. Bartlett, sgle. 6212 E. Orme 18
1 & 2, exc W ^{10'} 100' of Lot 2, & exc Sts.		<u>UNIVERSAL FIRST</u>	Universal Service Stations, Inc P. O. Box 5163, Wichita, Ks.
2 (W ^{10'} 100')			Carl V. & Honore G. Maloney, ux 9/10 int. John Lawrence Weigand, sgle 1/10 int. 830 1st Natl. Bank Bldg. 02
2		<u>HUDSON</u>	Mary H. & Frank B. Vandegrift Hudson Oil Company of Missouri 1112 Southwest Blvd., Kansas City, Kansas.

Dated at Wichita, Kansas this 29th day
of December, 1967 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elkie M Ferrell
Sec. OEM

Tracer # 87572

KELLOGG

HUDSON
300
TOM'S ADD.

ADD.
2

UNIVERSALS
FIRST
ADD.

TH
DRIVE

WAVERLY

LIGHTNER DRIVE

17	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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INDIANAPOLIS

FABRIQUE

COURTLEIGH DRIVE

BROOKSIDE DRIVE

LEXINGTON DRIVE

FORMER ST.

WAVERLY

UNIVERSALS

TH DRIVE

EILERTS

COURTLEIGH DRIVE

INDIANAPOLIS

Form 223-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION AMOUNT

~~Chamber Payment~~ 50.00

~~BCA - Collection~~

Name *Winnert Bogart*

Address

Type Due Date

Comments: *R-71-C*

Date *3-27-68* By *J. Bremer*

*

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