

BZA 21-69 - B. T. Butler requests exception to permit U-Haul Rental Equip. on "LC" on northeast corner of Seneca and 31st Street, South.

*POSTED
8/26/69
[Signature]*

ACTION

COMMITTEE Appropriate **9-23-69**

M.A.P.C. _____

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

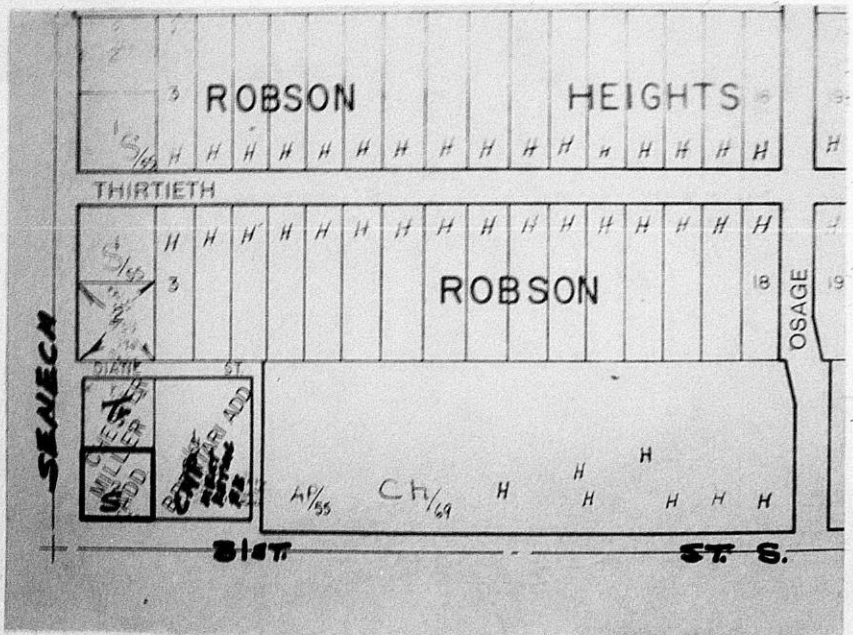
*POSTED
8/24/69
[Signature]*

Map No. 51144
 Sec. 5
 Twp. 25
 Range 1E

EZA 21-69
 SCE-
 CU-
 Filed

AREA DATA:
 1. Acres: 0.3 (125 ft. by 125 ft.)
 2. Adjoining Zoning: E LC S LC W LC N LC
 3. Land Use: East CLEANERS, HAIR SALON South SERVICE STATION
 West SEC. ST. BANK North TIRE REPAIR & SUPPLIES
 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 NO. BZA 21-69

WHEREAS, B. T. BUTLER, 3158 South Seneca, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the installation of U-Haul Equipment (trailers and trucks), on property zoned "LC" Light Commercial, and legally described as follows:

Lot 2, Chester Miller Addition, in the City of Wichita, Sedgwick County, Kansas (generally located on the northeast corner of Seneca and 31st Street South); and

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 September 23, 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; and

WHEREAS, the Board of Zoning Appeals has authority to permit the installation of U-Haul Rental Equipment (trailers and trucks) 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 U-Haul Rental Equipment (trailers and trucks), on property zoned "LC" Light Commercial, and legally described as follows:

Lot 2, Chester Miller Addition, in the City of Wichita, Sedgwick County, Kansas (generally located on the northeast corner of Seneca and 31st Street South),

subject to the following conditions:

1. Approval is to apply for only those areas 20 feet by 50 feet, 20 feet by 60 feet indicated on the plot plan as that to be utilized for U-Haul equipment parking, and the two areas in the northwest and southeast corners of the application area designated for trailers.
2. The storage area shall be paved with concrete, asphalt or other comparable material.
3. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
4. All light shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. No signs shall be permitted to project over public right of way.

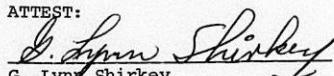
6. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. No repair work shall be conducted except in an enclosed building.

ADOPTED AT WICHITA, KANSAS, this 23rd day of September, 1969.



Norman N. Doke, Chairman

ATTEST:



G. Lynn Shirkey
Assistant Secretary

f October 6, 1969

Mr. Billy G. Lafferty
3202 Penley Drive
Wichita, Kansas 67218

Dear Mr. Lafferty:

Re: BZA 21-69 - Request for
Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 23, 1969, in connection with your request for an exception to permit the installation of U-Haul Rental Equipment on property zoned "IC" and located at the northeast corner of Seneca and 31st Street South.

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.

Sincerely,

G. Lynn Shirkey
Assistant Secretary

GLS:ber
Enclosure

cc: B. T. Butler
3158 South Seneca

Joe Donnally
Central Inspection

Robert Feldner, Superintendent
of Central Inspection

Ralph Eberly
City Clerk

September 24, 1969

Mr. Billy G. Lafferty
3202 Penley Drive
Wichita, Kansas 67218

Dear Mr. Lafferty:

Re: BZA 21-69 - Request for
Exception

At the regular meeting of the Board of Zoning Appeals on September 23, 1969, your request for an exception to permit the installation of U-Haul Rental Equipment on property zoned "LC" and located at the northeast corner of Seneca and 31st Street South was considered. It was the action of the Board to approve this request, subject to the following conditions:

1. Approval is to apply for only those areas 20 feet by 50 feet, 20 feet by 60 feet indicated on the plot plan as that to be utilized for U-Haul equipment parking and the two areas in the northwest and southeast corners of the application area designated for trailers.
2. The storage area shall be paved with concrete, asphalt or other comparable material.
3. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
4. All light shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. No signs shall be permitted to project over public right of way.
6. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

Page 2 - Billy G. Lafferty
September 24, 1969

7. No repair work shall be conducted except in an enclosed building.

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 Assistant Secretary have been obtained.

If you have any questions, please call our office.

Sincerely,

G. Lynn Shirkey
G. Lynn Shirkey
Assistant Secretary

GLS:ber

cc: B. T. Butler
3158 South Seneca

Robert Feldner, Superintendent
of Central Inspection

Ralph Eberly
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 21-69

APPLICANT: B. T. Butler, 3158 South Seneca, Wichita, Kansas 67211

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita, to permit the installation of U-Haul Rental Equipment (trailers and trucks).

GENERAL LOCATION: Northeast corner of Seneca and 31st Street South

LAND USE: Subject property is occupied by a service station as are those properties to the west and south. North is a tire repair and supply shop and to the east a dry cleaning establishment.

ZONING: Subject property is zoned "LC" Light Commercial, as are 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 as set out under Section 28.04.183.2 can be complied with.

COMMENTS BY THE SECRETARY

The applicant, lessee of subject property, is requesting an exception to the zoning ordinance to permit the establishment of a trailer and truck rental operation on property zoned "LC" at the northeast corner of Seneca and 31st Street South. Section 28.04.183.2 of the ordinance permits this type of operation subject to certain conditions and approval by the Board of Zoning Appeals.

The area contained in this request is presently occupied by a service station and the trailer and truck rental operation would be secondary in nature, being an additional service offered to the customers. The approval of the rental operation in this instance would create an intermixing of two different commercial businesses on a site adequate in size only to accommodate one use and could easily impair the traffic circulation of the service station facility.

It is the opinion of the Secretary 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 trailer and truck rentals associated with service stations and other permitted "IC" 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 new and used car lots, mobile home sales, etc. are an accepted use.

In the event it is the opinion of the Board that this request is logical and proper for the area, the exception should then be approved, subject to the following conditions:

1. Approval is to apply for only those areas 20 feet by 50 feet, 20 feet by 60 feet indicated on the plot plan as that to be utilized for U-Haul equipment parking and the two areas in the northwest and southeast corners of the application area designated for trailers.
2. The storage area shall be paved with concrete, asphalt or other comparable material.
3. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
4. All light shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. No signs shall be permitted to project over public right of way.
6. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. No repair work shall be conducted except in an enclosed building.

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

September 3, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 21-69

An application has been filed by B. T. Butler, 3158 South Seneca, by Billy G. Lafferty, 3202 Penley Drive, 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 (trailers and trucks) on property zoned "LC" Light Commercial and legally described as follows:

Lot 2, Chester Miller Addition to Wichita,
Sedgwick County, Kansas. Generally located
on the northeast corner of Seneca and 31st
Street South.

This application has been assigned Case No. BZA 21-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 23, 1969, 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

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. BZA 21-69
FILED 8-25-69

APPLICATION FOR EXCEPTION

I. Name of Applicant B. T. BUTLER
Mailing Address 3158 So. SENECA ¹¹ Phone _____
Name of Authorized Agent BILLY G. LAFFERTY
Mailing Address 3202 PENLEY DR ¹⁸ 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
2804.183.2, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of U-HAUL RENTAL EQUIPMENT (TRAILERS
& TRUCKS) on property zoned
LC, located 3158 S. SENECA, WICHITA
and legally described as: LOT 2,
CHESTER MILLER ADDITION TO WICHITA, SEDGWICK
COUNTY, KANSAS, 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 B. T. BUTLER by Billy G. Lafferty
Authorized Agent Billy G. Lafferty

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:00 (a.m. - 6.m.), August 25, 1969, together with appropriate fee of \$50.00.

Signed Jack A. Hallgrath
SO

O W N E R S H I P L I S T

Lot	Addition	Property Owner
1 AND 2	Chester Miller Add.	Leon O. Shumate and Genevieve C. Shumate 1326 Tahoe Trail Wichita, Kansas, 67203
2	Robson Heights	Carl M. Meitner and Sue Jane Meitner, 1214 Regal Wichita, Kansas, 67217
3 exc. N. 137.5'	" "	X Garnett Building Co., Inc. Address unknown
4	" "	X Marion G. Hall and Margaret A. Hall, 1027 W 30th St. So. Wichita, Kansas, 67217
1	Bare Addition	X American Oil Company 810 W. Douglas Wichita, Kansas, 67203
Block 13	Replat of Iva Fultz Gardens	X Seneca Square, Inc. 224 N. Market Wichita, Kansas, 67202
W 120' of N 120' of Reserve A	Cumley's Addition	X Triangle Facilities, Inc. Address unknown
E 134' of N 100' of Reserve A.	" "	X Killion Fresh Gas, Inc. Address unknown
Reserve A, except W. 120', & except the N. 100' of E. 134'	" "	Colby B. Sandlian 435 N. Broadway Wichita, Kansas, 67202

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 following property to-wit:

Lot 2, Chester Miller Addition to Wichita, 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 20th day of August, 1969 at 7:00 o'clock A. M.

The Security Abstract and Title Company, Inc.

By *Mary Hable*
Vice-President *Asst Secy*

Order No. 166026

Form 223-021

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
BZA 66	25.00

Name W. J. Smith

Address 2202 22nd St

Type P-71-C Due Date

Comments:

Date 8-25-69 By [Signature]

*

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