

BZA 21-71 - E. M. Steven requests  
Exception to permit the install.  
or construc. of a new & used auto  
sales agency on S side of Kellogg  
in area bet. Calhoun and Whittier

POSTED

12-29-71

11  
MRS ✓  
C.I. ✓  
9-18-72 -

Ega 1-25-72 Approve

Map No. 5946  
 Sec. 30  
 Twp. 27  
 Range R2E

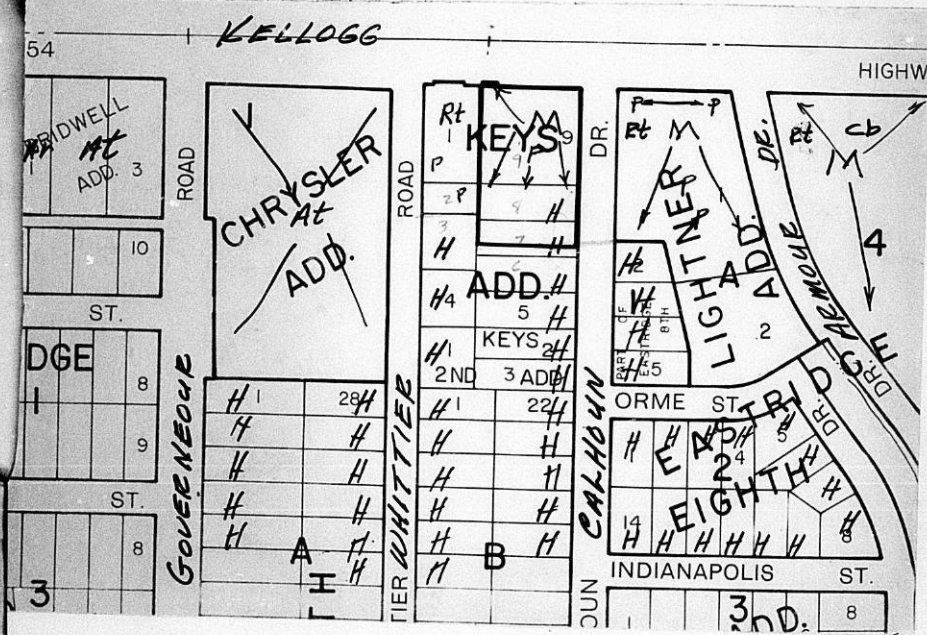
BZA- 21-71  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 1.0 ( 170 ft. by 276 ft.)
2. Adjoining Zoning: E "A" & "LC" S "AA" W "AA", "BB" & "LC" N
3. Land Use: East MOTEL South SINGLE FAM  
 West Restaurant, parking & single family North 15 54 HI. WAY
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use if for: MOTEL & Single family
6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



WICHITA-SEDGWICK COUNTY

DATE

December 6, 1976

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** File BZA 14-73

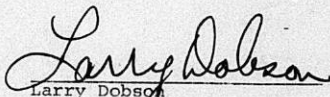
**FROM** Larry Dobson, Assistant Secretary

**SUBJECT** Compliance with conditions of approval, BZA 14-73

This file (BZA 14-73) should be retained in this office until further notice, for the purpose of periodic review to determine if the use is maintained in compliance with the conditions of approval.

This case incorporates the area involved in a previous case (BZA 21-71) for the same use. The most recent case (BZA 14-73) would determine the conditions under which this use may be continued, therefore, CASE BZA 21-71 is being released for storage in Hutchinson.

COPY

  
Larry Dobson  
Assistant Secretary

LD:bh

cc: Case File BZA 21-71 ✓

RESOLUTION NO. BZA 21-71

WHEREAS, Edward M. Steven, 905 Stratford Road, Wichita, Kansas, by Alan M. McHenry, 318 Century Plaza Building, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of a new and used automobile sales agency, on property zoned "BB" Office District (approved for "IC" - zone Case No. Z-1345) and "IC" Light Commercial, and legally described as follows:

Lots 8 and 9 and the north 41.1 feet of Lot 7, in Keys Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg in an area between Calhoun and Whittier.

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 January 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 the installation or construction of a new and used automobile sales agency, on property zoned "BB" Office District (approved for "IC" - zone Case No. 1345) and "IC" 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 or construction of a new and used automobile sales agency, on property zoned "BB" Office District (approved for "IC" - zone Case No. 1345) and "IC" Light Commercial, and legally described as follows:

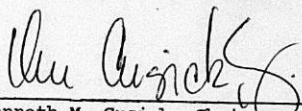
Lots 8 and 9 and the north 41.1 feet of Lot 7, in Keys Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg in an area between Calhoun and Whittier.

subject to the following conditions:

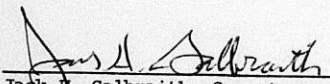
1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.

4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of 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. A six to eight foot high solid wall of masonry, architectural tile, staggered or louvered redwood, or rough sawed cedar fence shall be constructed along the south property line and the south 72 feet of the west property line prior to the utilization of the application area for a new and used car lot.
7. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
8. All repair work shall be conducted within an enclosed building. No body and fender work shall be permitted.
9. The approval of the Resolution is subject to the approval and publication of the ordinance associated with the zone change request, Case No. Z-1345.

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

  
Kenneth M. Cusick, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

February 17, 1972

Mr. Alan M. McHenry  
318 Century Plaza Building  
Wichita, Kansas 67202

Subject: Case No. BEA 21-71  
Request for Exception

Dear Mr. McHenry:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 25, 1972, in connection with your request for an exception to permit the installation or construction of a new and used automobile sales agency, on property zoned "BB" Office District (approved for "LC"-zone case No. Z-1345) and "LC" Light Commercial, and generally located on the south side of Kellogg in an area between Calhoun and Whittier.

This Resolution reflects the official action of the Board to approve your request 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.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:ls

Enclosure

cc Edward M. Steven, 905 Stratford Road 67206  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

January 26, 1972

Mr. Alan M. McHenry  
318 Century Plaza Building  
Wichita, Kansas 67202

Subject: Case No. EZA 21-71  
Request for Exception

Dear Mr. McHenry:

At the regular meeting of the Board of Zoning Appeals on January 25, 1972, your request for an exception to permit the installation or construction of a new and used automobile sales agency, on property zoned "LC" and "EB" (approved for "LC"-Case No. Z-1345), and generally located on the south side of Kellogg in an area between Calhoun and Whittier, was considered.

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

A Resolution reflecting 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.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:ls

cc Edward M. Steven, 905 Stratford Road 67206  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

SECRETARY'S REPORT  
CASE NO. BZA 21-71

APPLICANT: Edward M. Steven, 905 Stratford Road, Wichita, Kansas

AGENT: Alan M. McHenry, 318 Century Plaza Building, Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of a new and used automobile sales agency

GENERAL LOCATION: On the south side of Kellogg in an area between Calhoun and Whittier

LAND USE: Subject property is occupied by a motel and single family residence; south is single family; east is motel; west is restaurant, parking lot and single family

ZONING: Subject property is zoned "BB" Office District (approved for "LC" - zone case No. Z-1345) and "LC" Light Commercial District; north is "LC"; east is "A" Two Family and "IC"; south is "AA" Single Family; and west is "AA", "BB" and "LC"

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 in Section 28.04.183.2 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the installation or construction of a new and used car sales agency on property zoned "LC" Light Commercial and "BB" Office District (approved for "LC" - Zone Case No. Z-1345). The site is adjacent to a major street (Kellogg) and is presently occupied by a motel and a single family residence.

New and used car sales lots are considered highway oriented uses and the majority of these uses are located on North and South Broadway and East and West Kellogg which are two of the major highways of the City.

RECOMMENDATION:

It is the recommendation of the Secretary that the application to permit the installation or construction of a new and used car sales agency be approved subject to the following conditions:

Page 2 - Secretary's Report  
Case No. BZA 21-71

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 of 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. A six to eight foot high solid wall of masonry, architectural tile, staggered or louvered redwood, or rough-sawed cedar fence shall be constructed along the south property line and the south 72 feet of the west property line prior to the utilization of the application area for a new and used car lot.
7. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
8. All repair work shall be conducted within an enclosed building. No body and fender work shall be permitted.
9. The approval of the Resolution is subject to the approval and publication of the Ordinance associated with the zone change request, Case No. Z-1345.

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

January 5, 1972

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 21-71

An application has been filed by Edward M. Steven, 905 Stratford Road, 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 a new and used automobile sales agency, on property zoned "BB" Office District (approved for "LC" - Zone Case No. Z-1345) and "LC" Light Commercial, and legally described as follows:

Lots 8 and 9 and the north 41.1 feet of Lot 7, in Keys Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg in an area between Calhoun and Whittier.

This application has been assigned Case No. BZA 21-71, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 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

*18 notices mailed 1-5-72 for 1-25-72*

BOARD OF ZONING APPEALS

CASE NO. 21-71

CITY OF WICHITA, KANSAS

FILED 12-28-71

APPLICATION FOR EXCEPTION

I. Name of Applicant Edw. M. Steven

Mailing Address 905 Stratford Road, Wichita, Kansas Phone 685-9259  
67206

Name of Authorized Agent Alan M. McHenry

Mailing Address 318 Century Plaza, Wichita, Kansas Phone 265-1872  
67202

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

II. Application is made for an exception as provided in Section

28-04-183:2 2.12.590.C, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction

of new & used automobile sales agency

on property zoned

LC & BB, located on the south side of Kellogg west of Calhoun

and legally described as: The North 41.1

feet of Lot 7, and all of Lots 8 and 9, Key's Addition to Wichita, Sedgwick

County, Kansas, commonly known as 7307 East Kellogg, Wichita, Kansas (motel)

and 519 Calhoun Drive, Wichita, Kansas (house) in the City of Wichita,  
being replatted as Lot 1, Steven's Addition to Wichita, Sedgwick County, Kansas.

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 Edw M Steven

Authorized Agent A. M. McHenry

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3 (a.m. - p.m.), Dec 28, 1971 together with appropriate fee of \$50.00.

T9-403

Signed Lynn Shierkey

**Alan M. McHenry Architect**  
**Century Plaza Building**  
**Wichita, Kansas 66202**

Application for a zoning exception is made to permit the construction of a new enlarged facility for Eddy's Toyota in "automobile row" on East Kellogg replacing a deteriorating old motel. It is made as provided for in section 28.04.183.2 of the zoning ordinance. This site is across Kellogg from Rusty Eck automobile agency and between Scholfield and Gorges Automobile agencies on the west side of Kellogg. All of these agencies have been looked on with favor by the board.

*A. M. McHenry*

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.

Lots 8 and 9 and the North 41.1 Feet of Lot 7,  
in Keys Addition to Wichita, Sedgwick County,  
Kansas.

DESCRIPTION	OWNER/OWNERS	ADDRESS	
<u>Keys Addition</u>			
Lots 1 and 2	✓ Pizza Hut, Inc.	10225 E. Kellogg	67207
Lot 3	✓ Beecher J. Brunton and Waunita B. Brunton	520 Whittier St.	67207
Lot 4	Frank W. Buchholz, Jr. and Meriam Jane Buchholz	no address	
S. 36.1' of Lot 6, all of Lot 5, exc. S. 50'	✓ <i>none found</i> Francis Eugene Monroe and Bonnie J.	537 Calhoun Drive	67207
S. 50' of Lot 5	✓ Curtis L. Day and Verona V.	543 Calhoun Drive	67207
Lot 7, exc. N. 41.1' and Lot 6, exc. S. 36.1'	✓ William Stockdale and Bertha Stockdale	531 Calhoun Drive	67207
Lot 8, and the N. 41.1' of Lot 7	✓ Harold M. Simon and Rosemary Ann	2157 N. 135th St. West	67235
Lot 9	✓ Paul A. Slicker and R. Ellen	7506 Plaza Lane	67202
<u>Keys Second Addition</u>			
Lot 1 and the West 37 Ft. of Lots 2 and 3	✓ Elizabeth Norning and Opal Ramsdell	542 Whittier	67207
Lot 2, exc. W. 37 Ft.	✓ Larry L. Wohlgenuth and Elizabeth J.	549 Calhoun Drive	67207
Lot 3, exc. W. 37 Ft.	✓ Alan Eshbaugh and Shirley	8018 Levitt	67207
<u>Chrysler Addition</u>			
Lot 1	✓ Chrysler Realty Corporation	c/o Mr. David B. Shrock, Atty. P. O. Box 1919, Detroit, Michigan	48231
<u>Eastridge Eighth Addition</u>			
<u>Block 1</u>			
Lot 2	✓ Manford Allen Garner and Velma Maxine	241 So. Battin	67218
Lot 3	✓ Richard Lee Wheeler and Carolyn Lee	542 Calhoun Drive	67207
Lot 4	✓ Thomas Forster and Marcella M.	548 Calhoun	67207
Lot 5	✓ Carl L. Burrows and Margaret K.	554 Calhoun	67207

Lightner Addition  
Block A

Lots 1 and 2

✓ Robert S. Lightner and Eugene W. Lightner 26 Cypress Drive 67206

Rockwood South First Addition

Lot 2

ⓓ Chrysler Realty Corporation c/o David B. Shrock, Atty.  
P. O. Box 1919, Detroit  
Michigan 48231

Rockwood South Third Addition

Lot 1

ⓓ Chrysler Realty Corporation same

WITNESS our Hand and Seal this the 22nd day of December, 1971 at 7:00 A.M.

GUARANTEE TITLE CO. Inc.,

By *Nellie M. Lester*  
Vice-President.

Order No. 35336

FORM 227-C21

**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>Asphalt Paving</i>	<i>\$1</i>

Name

Address

Type

Due Date

Comments:

Date

By

*12-28-91* *[Signature]*

\*

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