

BZA 22-70 - Harpool Brothers, Inc.
requests EXCEPTION to permit a
truck and trailer rental operation
at SE corner Hydraulic & 47th Sout

POSTED
8-21-70

MMR-7-30-70
S.I. - 9-20-70

BZA 8-25-70 Approve

RESOLUTION BZA 22-70

WHEREAS, Harpool Brothers, Inc., 447 North Rock Island, Wichita, Kansas, by Jerry L. Griffith, 101 North Baltimore, Derby, Kansas, requests an exception for a truck and trailer rental operation on property previously approved by the Board of Zoning Appeals for the same use on February 27, 1970, as provided for in Article III of the Rules and Regulations of the Board of Zoning Appeals, on property zoned "LC" Light Commercial, and legally described as follows:

Beginning at the northwest corner of Lot 1, Block A, South Hydraulic Park Second Addition, thence south 150 feet; east 150 feet; north 150 feet; west 150 feet to point of beginning. Generally located at the southeast corner of Hydraulic and 47th Street South.

WHEREAS, the applicant has submitted a statement in writing justifying the filing of the application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said application under the provisions of Article III of the Rules and Regulations of the Board of Zoning Appeals; 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 August 25, 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 truck and trailer rental operation, 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 a truck and trailer rental operation, on property zoned "LC" Light Commercial, and legally described as follows:

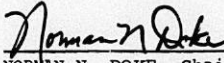
Beginning at the northwest corner of Lot 1, Block A, South Hydraulic Park Second Addition, thence south 150 feet; east 150 feet; north 150 feet; west 150 feet to point of beginning. Generally located at the southeast corner of Hydraulic and 47th Streets South.

subject to the following conditions:

1. Approval shall be for only that area 50 feet x 80 feet designated on the plot plan submitted with the application as parking for the truck and trailer rental operation.
2. The approved area of 50 feet x 80 feet 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.

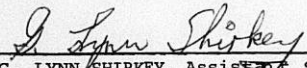
5. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except in an enclosed building.
7. All conditions of approval by the Board shall be complied with within 3 months from the date of approval by the Board or this case shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 25th day of August, 1970.



NORMAN N. DOKE, Chairman

ATTEST:



G. LYNN SHIRKEY, Assistant Secretary

September 25, 1970

Mr. Jerry L. Griffith
101 North Baltimore
Derby, Kansas 67037

Subject: Case No. BZA 22-70
Request for Exception

Dear Mr. Griffith:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 25, 1970, in connection with your request for an exception to permit a truck and trailer rental operation on property zoned "LC" Light Commercial and generally located at the southeast corner of Hydraulic and 47th Street South.

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 our office.

Very truly yours,

G. Lynn Shirkey
Assistant Secretary

GLS:ls

cc Harpool Brothers, Inc., 447 North Rock Island 67202
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

Enclosure

August 25, 1970

Mr. Jerry L. Griffith
101 North Baltimore
Derby, Kansas 67037

Subject: Case No. BZA 22-70
Request for Exception

Dear Mr. Griffith:

At the regular meeting of the Board of Zoning Appeals on August 25, 1970, your request for an exception to permit a truck and trailer rental operation on property zoned "LC" Light Commercial and generally located at the southeast corner of Hydraulic and 47th Street South, 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 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.

Very truly yours,

G. Lynn Shirkey
Assistant Secretary

GLS:ls

cc Harpool Brothers, Inc., 447 North Rock Island 67202
Robert Feldner, Superintendent 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 67202

August 5, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 22-70

An application has been filed by Harpool Brothers, Inc., 447 North Rock Island, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit a truck and trailer rental operation on property zoned "LC" Light Commercial, and legally described as follows:

Beginning at the northwest corner of Lot 1, Block A, South Hydraulic Park Second Addition, thence South 150 feet; east 150 feet; north 150 feet; west 150 feet to point of beginning. Generally located at the southeast corner of Hydraulic and 47th Streets South.

This application has been assigned Case No. BZA 22-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 25, 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 in person or by agent or attorney.

Jack H. Galbraith
Secretary

10 Notices Mailed 8-5-70

SECRETARY'S REPORT
CASE NO. BZA 22-70

APPLICANT: Harpool Brothers, Inc., 447 North Rock Island,
Wichita, Kansas

AGENT: Jerry L. Griffith, 101 North Baltimore, Derby, Kansas

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the
City of Wichita, to permit a truck and trailer rental
operation

GENERAL LOCATION: Southeast corner of Hydraulic and 47th
Street South

LAND USE: Subject property is occupied by a service station;
north is a nonconforming used car sales lot and
and drive-in restaurant; west is an elementary
school; south is a barber and beauty shop and sundry
store; land to the east is undeveloped

ZONING: Subject property is zoned "LC" Light Commercial as are
those 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 set out under Section 28.04.183.2, Code of the
City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

The applicant, lessee of subject property, is requesting
an exception to the zoning ordinance to permit a truck and trailer
rental operation on property zoned "LC" Light Commercial at the
southeast corner of Hydraulic and 47th Street South and which is
occupied by a service station.

The Board of Zoning Appeals at their meeting of February 24,
1970, considered a similar request (BZA Case No. 29-69) by the
sub-lessee of the property contained in this application. Action

of the Board was to recommend approval of the exception to permit a truck and trailer rental for an area 50 feet x 80 feet designated on the plot plan and said area was to be paved with concrete, asphalt, or other comparable material. Condition No. 7 of the Resolution adopted by the Board stipulated that all conditions of approval should be complied with within 3 months of approval by the Board or the case would be null and void.

On June 5, 1970, the Secretary of the Board advised the Office of Central Inspection that the above requirements had not been met and recommended that the case be considered null and void.

Article III of the Rules and Regulations of the Board of Zoning Appeals states "No application shall be considered wherein an application has been previously decided, involving the same premises and/or Zoning Ordinance requirements; except in cases where new plans or new facts pertaining to said requirements or regulations are presented, showing changed conditions or circumstances which, in the opinion of the Board, materially alter the aspects of the case."

The present applicant Harpool Brothers, Inc. in their statement of justification point out that they are the real party of interest being the lessee of subject property and that they were not sufficiently advised by the former applicant Hughes 66, sub-lessee, in regards to the conditions of approval of BZA Case No. 29-69 and as a result the resolution became void.

RECOMMENDATION:

It is the recommendation of the Secretary that should the Board determine that the evidence submitted warrants consideration of the application and recommends its approval, it should be approved subject to the following conditions.

1. Approval shall be for only that area 50 feet x 80 feet designated on the plot plan submitted with the application as parking for the truck and trailer rental operation.
2. The approved area of 50 feet x 80 feet shall be paved with concrete, asphalt, or other comparable material.

Page 3 - Secretary's Report
Case No. BZA 22-70

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

CASE NO. 22-70

CITY OF WICHITA, KANSAS

FILED 7-14-70

APPLICATION FOR EXCEPTION

MAP 5641

I. Name of Applicant Harpool Brothers, Incorporated

Mailing Address 447 N. Rock Island, Wichita, Kansas (02) Phone AM 5-0658

Name of Authorized Agent Jerry L. Griffith

Mailing Address 101 N. Baltimore, Derby, Kansas Phone SU 8-1551

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

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

2.12.590.C Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction

of a truck and trailer rental operation

on property zoned

"LC" -Light Commercial, located on the Southeast Corner of Hydraulic and

47th Street South and legally described as:

Beginning at the Northwest Corner of Lot 1, Block A, South

Hydraulic Park Second Addition, thence South 150 feet; East 150 feet;

North 150 feet; West 150 feet to point of beginning 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 Harpool Brothers, Incorporated

Authorized Agent Jerry L. Griffith

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3 (a.m. - p.m.), July 17, 1970, together with appropriate fee of \$50.00

T9-403

Signed G. Lynn Shibe
(ls)

STATEMENT OF JUSTIFICATION

METROPOLITAN AREA PLANNING COMMISSION

Re: Application for Exception -- Harpool Brothers, Incorporated

Gentlemen:

The property in question is presently zoned LC and is used as a filling station. The exception is asked for the purpose of permitting rentals of trucks and trailers.

This exception was granted heretofore to Hugh's 66 Service by Resolution No. BZA 29-69.

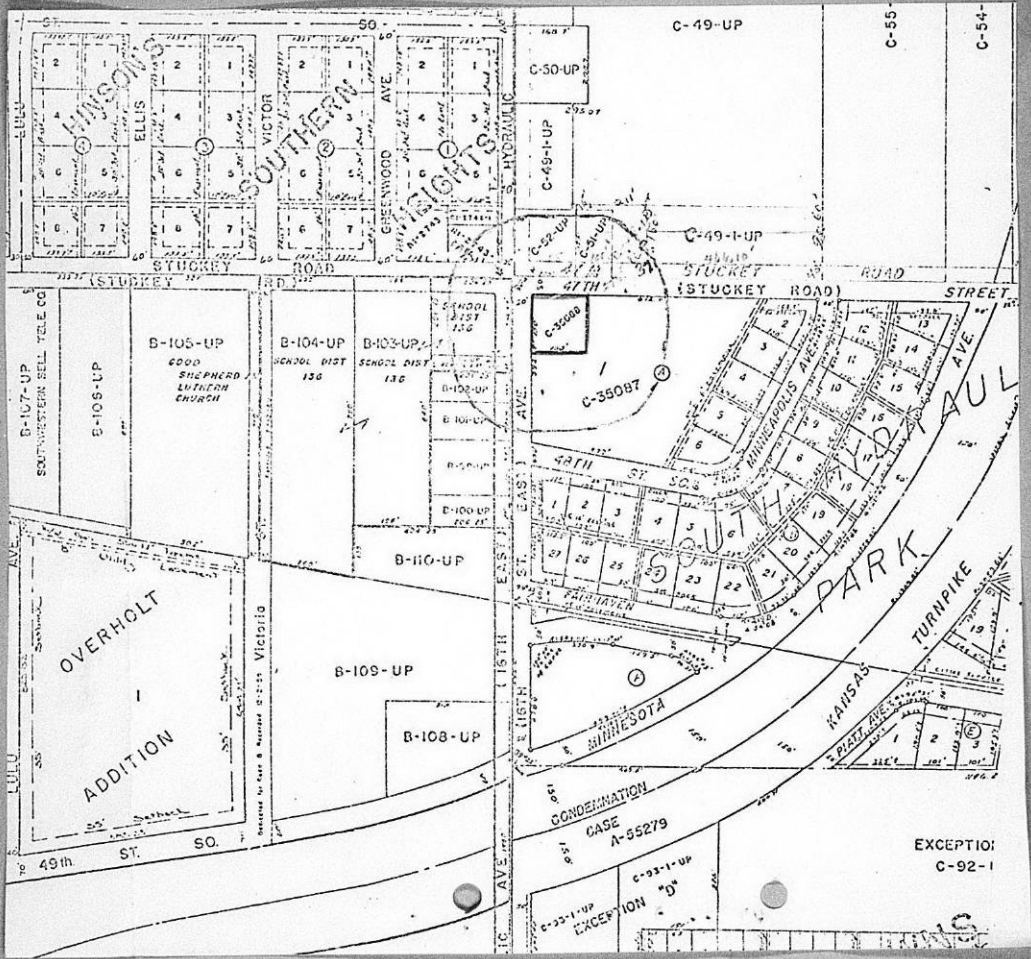
Your present applicant is the real party in interest and was not sufficiently advised in regards to the conditions for the exception. As a result, the resolution became void.

The need for the exception is just as valid now as then and applicant will see that the conditions of Resolution No. BZA 29-69 are met.

HARPOOL BROTHERS, INCORPORATED

By: *James J. Siffitt*

AUTHORIZED AGENT



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 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:
 Beg at the NW cor of Lot 1, Block A, South Hydraulic Park Second Addition; th South 150 ft; East 150 ft; North 150 ft; West 150 ft to beg., 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: (Addresses as given are furnished as a service and not certified.)

C-35088: N 150' of W 150' Lot 1, Blk A, South Hydraulic Park 2nd Add.	Eloise Morris McMurtry 1/3 int Carolyn Morris Kauffman 1/3 " Mary Margaret Morris Boyd 1/3 208 N. Broadway 67202
C-30587: Lot 1, Blk A, South Hydraulic Park 2nd Add., exc N 150' of W 150'.	Eloise Morris McMurtry Carolyn Morris Kauffman Mary Margaret Morris Boyd 208 N. Broadway 67202
B-101-UP S 99.75' of N 179.75' of E 206.25' of S 415.75' of N 660' of E 1/2 NE 1/4 Sec 21-28-1E.	Eugene S. & Goldie M. Lower, ux 4849 S. Hydraulic 67216
B-102-UP N 80' of E 206.25' of S 415.75' of N 600' of E 1/2 NE 1/4 Sec 21-28-1E.	Eugene S. & Goldie M. Lower, ux 4849 S. Hydraulic 67216
B-111-UP Beg 12 1/2 rds S of NE cor NE 1/4 Sec 21-28-1E; th W 12 1/2 rds; S 38'; E 12 1/2 rds; N 38' to beg.	The Board of Education of the City of Wichita 640 N. Emporia 67214



N 12 $\frac{1}{2}$ rds of E 12 $\frac{1}{2}$ rds of NE $\frac{1}{4}$ Sec 21-28-1E. The Board of Education of the
City of Wichita
640 N. Emporia 67214

Beg 275' E & 40' N of SW cor SW $\frac{1}{4}$ Sec 15-28-1E;
th E 96'; N 150'; W 211'; S 15'; E 115'; S 135'
to beg.
Dean & Gloria Jean Stuckey, ux
Scott & Effie Stuckey, ux
4658 S. Hydraulic 67216

Beg 371' E & 40' N of SW cor Sec 15-28-1E;
th E 466.10'; N 90'; W 466.10'; S 90' to beg.
Scott & Effie Stuckey, ux
4658 S. Hydraulic 67216

Beg 175' E & 40' N of SW cor SW $\frac{1}{4}$ Sec 15-28-1E;
th N 175'; E 100'; S 175'; W to beg.
Scott & Effie Stuckey, ux
4658 S. Hydraulic 67216

Beg at SW cor SW $\frac{1}{4}$ Sec 15-28-1E; th N 175';
E 175'; S 175'; W to beg., exc W 40' & exc
S 40' for rd.
Scott & Effie Stuckey, ux
4658 S. Hydraulic, 67216

S 100' of E $\frac{1}{2}$ of Reserve, Blk 1, Hinson's
Southern Heights.
The Vickers Refining Company, Inc
Wichita Plaza Bldg. 67202

N 48 $\frac{1}{2}$ ' of E $\frac{1}{2}$ Reserve, Blk 1, Hinson's
Southern Heights.
H. H. & Mary F. McDonald
7700 S. Broadway 67233

W $\frac{1}{2}$ of Reserve in Blk 1, Hinson's Southern
Heights.
R. D. & Mary L. Mundell, ux
3401 Chrystal Dr. 67216

Dated at Wichita, Kansas this 20th day
of July, 1970 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elvie M. Farrell Sec. OEM

Tracer # 6419

FORM 273-021

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. J	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT

Name #

Address

Type Due Date

Comments:

Date By

7-14-76

[Signature]

*

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