

ACTION

BZA
COMMITTEE *Deferred* DATE *8-22-72*
BZA *Approved* *9-26-72*
M.A.P.C.

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

22-72 Howard I White, Jr &
Eddy's Toyota exception for car
lot & Trailer sales SW corner of
Kellogg Drive and Hunter

POSTED
7-26-72

MAPDL
C.I.V.
11-14-72

ACTION

	DATE
B2A COMMITTEE <u>Deferred</u>	8-22-72
B2A <u>Approved</u>	9-26-72

M.A.P.C. _____

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

22-72 Howard I White, Jr &
Eddy's Toyota exception for car
lot & Trailer sales SW corner of
Kellogg Drive and Hunter

October 18, 1972

Mr. Alan H. McHenry
318 Century Building
Wichita, Kansas 67202

Subject: Case No. BIA 22-72 - Request for Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 26, 1972, in connection with your request for an exception to permit the installation of a new and used car and trailer sales lot, on property zoned "LC" Light Commercial, and generally located on the southwest corner of Kellogg Drive and Hunter.

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,

Jack H. Galbraith
Secretary

JHG:rw
enclosure

cc: Howard I. White, Jr., 550 Miss
Eddy's Toyota of Wichita, Inc.
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 22-72

WHEREAS, Howard I. White, Jr., and Eddy's Toyota of Wichita, Inc., request an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a new and used car and trailer sales lot, on property zoned "IC" Light Commercial, and legally described as follows:

Lot 1, Gant Addition to Wichita, Sedgwick County, Kansas, except the south 70 feet thereof. Generally located on the Southwest corner of Kellogg Drive and Hunter.

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 26, 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 of a new and used car and trailer sales lot, 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 a new and used car and trailer sales lot, on property zoned "LC" Light Commercial, and legally described as follows:

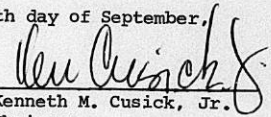
Lot 1, Gant Addition to Wichita, Sedgwick County, Kansas, except the south 70 feet thereof. Generally located on the Southwest corner of Kellogg Drive and Hunter.

subject to the following conditions:

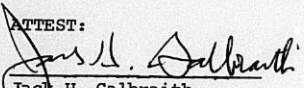
1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside any structure.
5. No new structure shall be placed closer than 35 feet to U.S. 54 or closer than 25 feet to Hunter Street.

6. No repair work shall be conducted except in an enclosed building and further provided no body or fender work shall be done.
7. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
8. The applicant shall place permanent guards or barriers along the east and north property lines to prevent the extension or overhanging of vehicles beyond said property lines.
9. The applicant shall comply with all the above conditions prior to the occupancy of the site for a new and used car and trailer sales lot.

ADOPTED AT WICHITA, KANSAS, this 26th day of September, 1972.


Kenneth M. Cusick, Jr.
Chairman

ATTEST:


Jack H. Galbraith
Secretary

September 26, 1972

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

Subject: Case No. BZA 22-72 - Request for Exception

Dear Mr. McHenry:

At the regular meeting of the Board of Zoning Appeals on September 26, 1972, your request for an exception to permit the installation of a new and used car and trailer sales lot on property zoned "LC" Light Commercial, and generally located at the Southwest corner of Kellogg Drive and Hunter, was considered.

It was the action of the Board to approve this request subject to the 9 conditions listed in the Secretary's Report with the following changes:

2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
5. No new structure shall be placed closer than 35 feet to U.S. 54 or closer than 25 feet to Hunter Street.

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,

Jack H. Galbraith
Secretary

JHG:rv

Mr. Alan M. McHenry
Page 2

cc: Howard I. White, 550 Nims
Eddy's Toyota of Wichita, Inc.
George McCarthy
Mrs. Eleanor M. Adams
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

August 24, 1972

Alan M. McHenry
318 Century Building
Wichita, Kansas 67202

Dear Mr. McHenry:

At the regular meeting of the Board of Zoning Appeals on August 22, 1972, your request for an exception to permit the installation of a new and used car and trailer sales lot was considered.

Inasmuch as several questions were raised relative to violations of the previous approved BZA request such as the use of loud speakers, parking on public rights of way, failure to complete asphaltting for display lot, etc., it was the action of the Board to defer consideration of this case until the next regular meeting of September 26, 1972, at 1:30 p.m. in Room 401 City Building Annex, 104 South Main Street Wichita, Kansas. We would suggest that you urge the owner or operator of the lot to attend the next meeting of the Board to answer any questions that might be raised concerning alleged violations.

If you have any questions concerning this matter, please contact our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:rw

cc: Howard I. White, 550 Nims
Eddy's Toyota of Wichita, Inc.
George McCarthy
Mrs. Eleanor M. Adams
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

3 Hunter Ave
Wichita 67207 Ks
Aug 8 1972

Board of Zoning Appeals

Gentlemen

We regard to a used car +
trailer sales lot at the corner
of Kellogg + Hunter. We certainly
do object - as you may already
know. This lot is directly
across the street from our home.

There is already so much noise
from traffic + air planes of
which we have no control.

Added to this the loud speakers
from the Toyota car lot which
we have asked them to cut down
to no avail. There to a lot of
this type would not improve
the value of our property - +
would be noisily - we do
hope you will give this matter
your utmost consideration.

in our favor

Thanking you
Yours Truly

(Ms) Eleanor M. Adams
3 Hunter Lane
Wichita Ks. 67206



LAW OFFICES OF
GEORGE D. MCCARTHY
327 BEACON BUILDING
WICHITA, KANSAS 67202
262-3489

August 14, 1972

Board of Zoning Appeals
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

Re: Case No. BZA 22-72

Gentlemen:

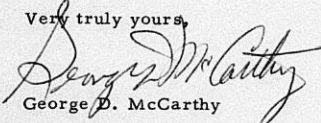
I have received a notice as an adjoining property owner of the hearing set for August 22, 1972, concerning the above case.

From my investigation, it appears that the applicants are presently in violation of city ordinances. It also appears that the granting of an exception will not correct the situation.

I feel that the applicants have already imposed upon the adjoining property owners and that the granting of their request will be an additional imposition. Rather than granting an additional exception, the applicants should be made to correct any present violation without further imposition.

This letter is necessitated due to the fact that I will be out of town on the date of the hearing. I would much prefer that the matter be deferred to a later date when I might be able to personally attend. If this request cannot be granted, I would appreciate the Board of Zoning Appeals considering the expressions made in this letter at the hearing.

Very truly yours,


George D. McCarthy

GDM:tz



SECRETARY'S REPORT

CASE NO. BZA 22-72

APPLICANT:

Howard I. White, Jr. and Eddy's Toyota of Wichita

AGENT:

Alan M. McHenry

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation of a new and used car and trailer sales lot.

GENERAL LOCATION:

Southwest corner of Kellogg Drive and Hunter

LAND USE: Subject property is occupied by an automobile and trailer sales operation. West is animal hospital, south is office, north is single family, east is service station, office. and cleaning shop.

ZONING: Subject property is zoned "LC" Light Commercial as are those properties to the south, east, and west. North is the City of Eastborough

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, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

On August 22, 1967, the Board of Zoning Appeals considered a request for an exception to permit the installation of a new and used car sales lot on the east 100 feet of the area contained in this application. Action of the Board was to approve the request subject to certain conditions, one of which was that no sound projecting devices or loudspeakers shall be used so as to be heard outside any structure. It should be pointed out that a letter from a resident in the area has been received protesting this application and also points out that loudspeakers are being used in conjunction with the existing operation.

In addition to the sale of new and used cars, the applicant is also selling trailers at this location in violation, and desires to bring the zoning through the granting of an exception, into conformity with the actual nonconforming present use of the property for trailer sales.

The Board of Zoning Appeals has approved several similar applications in this general area along U.S. 54 and it is the opinion of the Secretary that inasmuch as the proposed use is a highway oriented use that this is a logical and proper request.

RECOMMENDATION:

It is the recommendation of the Secretary that the application be approved to permit a new and used car and trailer sales lot 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 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. No structure shall be placed closer than 35 feet to U.S. 54 or closer than 25 feet to Hunter Street.
6. No repair work shall be conducted except in an enclosed building and further provided no body or fender work shall be done.
7. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
8. The applicant shall place permanent guards or barriers along the east and north property lines to prevent the extension or overhanging of vehicles beyond said property lines.
9. The applicant shall comply with all the above conditions prior to the occupancy of the site for a new and used car and trailer sales lot.

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

August 1, 1972

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 22-72

An application has been filed by Howard I. White, 550 Nims, Wichita, Kansas, and Eddy's Toyota of Wichita, Inc., 6637 East Kellogg, Wichita, Kansas pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of a new and used car and trailer sales lot on property zoned "LC" Light Commercial and legally described as follows:

Lot 1. Gant Addition to Wichita, Sedgwick County, Kansas, except the south 70 feet thereof. Generally located at the Southwest corner of Kellogg Drive and Hunter.

This application has been assigned Case No. BZA 22-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 22, 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

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant (1) Howard I. White, Jr. (2) Eddy's Toyota of Wichita, Inc.

Mailing Address 1550 Nims, Wichita, Kansas 67203 Phone 264-6744
2.6637 E. Kellogg, Wichita, KS 67207; 685-9259

Name of Authorized Agent ALAN M. McHENRY

Mailing Address 318 CENTURY BUILDING Phone 265-1872

Relationship of applicant to property is that of 1. Lessee
(Owner, Tenant, Lessee, Other). 2. Owner

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 new and used car lot and trailer sales lot

_____ on property zoned

LC, located 6637 East Kellogg Southwest corner of Kellogg Dr. & Hunter

_____ and legally described as: Lot 1,

Gant Addition, except the south 70^{feet} thereof.
to Wichita, Sedgewick County, Kansas,

OK for legal

_____ 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 Sedgewick County to appeal the decision of the Board.

Eddy's Toyota of Wichita
by Michael E. Stone Applicant Howard I. White, Jr.
Authorized Agent _____

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 4:35 (a.m. (P.M.)), July 27, 19 72, together with appropriate fee of \$50.00.

T9-403

Signed G. Lynn Shockey

Alan M. McHenry Architect
Century Plaza Building
Wichita, Kansas 665-1872

Date: July 23, 1972

Application is hereby made for the new and used car lot and trailer sales exception for this property. This application is made as provided for in Section 28.04.183.2 of the Zoning Ordinance.

Application was made and approved for the east 100' of the property (BZA Case 26-67). Since that application the 50' to the west has been purchased. This new application requests an extension of 50' to the west lot line hereby including all the Kellogg frontage. Application is also made for the trailer sales exception since the sale of these specialized camper trailers for small foreign cars is a natural and necessary portion of the sale of the cars.

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, Sedgwick County, Kansas, of:

Lot 1, Gant Addition to Wichita,
Sedgwick County, Kansas.

together with all lots and tracts lying within a 200 foot radius thereof.

<u>DESCRIPTION</u>	<u>OWNER/OWNERS/ADDRESS</u>
<u>EASTRIDGE ADDITION</u>	
<u>Block 1</u>	
Lot 1	✓ Wayne W. & Florence Wright 637 Lakeshore Dr. 67230
Lot 2	✓ George D. & Margaret L. McCarthy 8250 Tamarac Lane 67206
<u>EASTRIDGE 2ND ADDITION</u>	
Reserve "A"	✓ Eastridge Apts. No. 1, Inc. 1905 SW Blvd 67213
Reserve "D"	ⓓ Eastridge Apts. No. 1, Inc. 1905 SW Blvd 67213
<u>BIRD ADDITION</u>	
Lot 1	✓ Richard E. Bird, Jr. & Pauline H. 609 Rutland Acd. 67206
<u>GUMP ADDITION</u>	
Lot 1	✓ Robert H. & Edith M. Gump 38 Norfolk Dr. 67208
<u>GANT ADDITION</u>	
Lot 1 (S 70')	✓ Roger Sherwood & Robert H. Nelson 200 West Douglas 67202
Lot 1 (N 200' of W 50')	ⓓ Eddy's Toyota of Wichita, Inc. 6637 E. Kellogg 67207
Lot 1 (N 200' of E 100')	✓ Stella L. Sagerty 521 S. Poplar 67211
<u>EAST KELLOGG STREET ADDITION</u>	
Lot 1	✓ Mays Co., Inc. 208 N. Bdwy 67202
<u>EASTBOROUGH 3RD ADDITION</u>	
<u>BLOCK CZ</u>	
Lot 5 (W 110' exc S 25')	✓ Marilyn L. Reiss 13 Peach Tree 67207

EASTBOROUGH 3RD ADDITION

BLOCK CZ

E 25' of Lot 5 & all of Lot 6, exc S 25'

✓ Farris G. & Helen Jabara
#6 Kellogg 67207

Lot 7 (Exc S 25')

✓ Mabel Adams & Frances Lillian Adams
#3 Hunter Lane 67207

BLOCK X

Lot 7 (Exc S 25')

✓ Francis P. Dunn, Jr. & Evelyn M.
#6 Hunter Lane 67207

Dated this 19th day of July, 1972 at 7:00 o'clock A. M.

No. 40056.

GUARANTEE TITLE CO. INC.
By *Nellie M. Pestinger*
Vice-President

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	850

Name *Michael E. Steiner*

Address *6637 E Kellogg*

Type *AA 407103* Due Date

Comments: *BZA Inspection*

Date *7/24/72* BY *J.H.S.*

*

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