

BZA 27-68 - Simon All America Rentals requests Exception to permit installation of U-Haul trailers, etc. operation on property zoned "LC" and on west side of Seneca between Lydia and

POSTED  
9-25-68

ACTION

BZA COMMITTEE

DATE Approved 10-22-68

~~\_\_\_\_\_~~

~~\_\_\_\_\_~~

EZML  
PZML

Map No. 5345  
 Sec. 31  
 Twp. 27  
 Range 1E

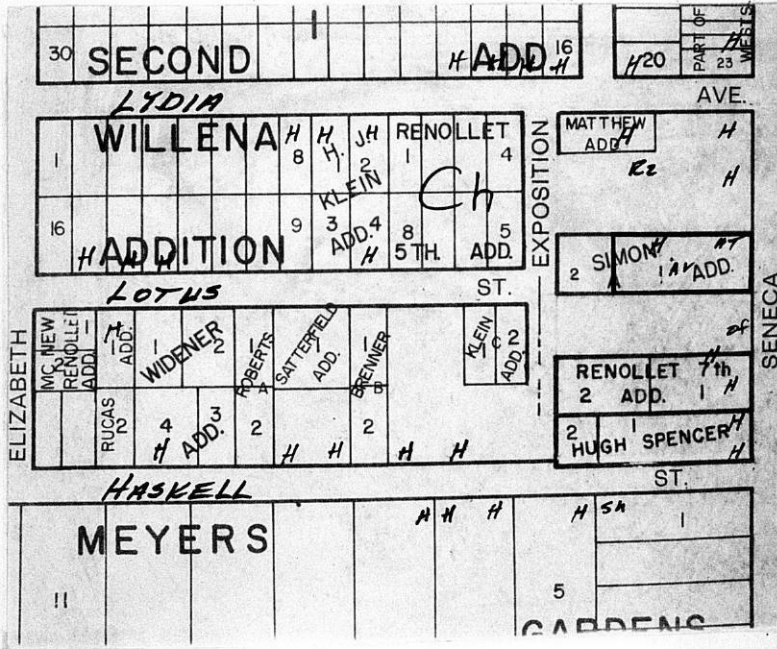
BZA 27-68  
 SCZ-  
 CU-  
 Filed

AREA DATA:

1. Acres: 0.54 ( 102 ft. by 249 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East SINGLE FAM. South OFFICE, VAC & SINGLE FAM  
 West CHURCH & VAC North SINGLE & MULTI FAM
4. Sketch Plan Land Use is for: RESIDENTIAL
5. Present Land Use is for: AUTO SPARES & REPAIR & SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

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





July 23, 1969

Mr. J. D. White  
827 Beacon Building  
Wichita, Kansas 67202

Dear Mr. White:

Subject: BZA Case No. 27-68

This is to acknowledge the receipt of your letter of July 21, 1969, and the attached development plan and easement agreement concerning the above captioned matter. While the plan submitted appears to be workable, it does not contain the required information as to the width and dimensions of parking space for customers and employees, dimensions of the equipment parking area, etc.; nor does it reflect approval by the Central Inspection Division or the office of the Traffic Engineer, as required under condition No. 9 of the signed Resolution forwarded to you on November 27, 1968.

I am returning herewith the plan submitted by your office in order that the necessary corrections and additions may be made to conform to the above mentioned condition No. 9.

It will be necessary that two copies of the revised plan, approved by both Central Inspection and the Traffic Engineer be submitted to this office. It you should have any questions concerning this matter, please do not hesitate to call.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:so  
Enclosure

**SIMON AND WHITE**

ATTORNEYS AT LAW  
PRUDENTIAL BUILDING

5800 EAST CENTRAL — WICHITA, KANSAS 67208

(316) 684-7283

CLYDE M. SIMON  
J. D. WHITE

COUNSEL  
W. T. STEPHENS  
WASHINGTON, D. C.

July 21, 1969

Wichita-Sedgwick County  
Metropolitan Area Planning Department  
City Annex Building  
102 South Main  
Wichita, Kansas 67202

Attention: Mr. Jack H. Galbraith

Re: BZA 27-68  
Simon All America Rentals

Gentlemen:

Enclosed herewith is a copy of the parking and traffic plat for the property at 2219 South Seneca, which was covered by the above referenced exception. We are also attaching a copy of the easement agreement providing for ingress and egress on the north side of the property as indicated.

Mr. Simon advises me that the new building on the property will be completed on or about August 10, 1969, and that at that time blacktop installation will be completed and the required fence installed across the west line of the property.

We realize that all this work was to have been done by July 22, however, the long rainy period this spring has caused the few additional days delay. We will greatly appreciate the Board's indulgence in allowing us to complete the required work without additional administrative action.

Should you have any questions concerning this matter, do not hesitate to call upon me.

Very truly yours,

*J. D. White*  
OF SIMON AND WHITE

JDW:cr  
Enclosures



A G R E E M E N T

THIS AGREEMENT, made and entered into at Wichita, Kansas, on this 18th day of June, 1969, by and between SIMON ALL AMERICA RENTALS, INC., a Kansas Corporation, hereinafter referred to as "FIRST PARTY" and ROMAULDO H. and WANDA J. TURNER, hereinafter referred to as "SECOND PARTY".

W I T N E S S E T H :

WHEREAS, First Party is the owner of real property located at 2219 South Seneca, more particularly described as:

Lot 1, Simon Addition to Wichita, Sedgwick County, Kansas,

on which property there is operated a trailer, truck and equipment rental service; and

WHEREAS, Second Party is the owner of real property located at 2213-15 South Seneca, more particularly described as:

Lot 1, Romauldo Addition to Wichita, Sedgwick County, Kansas,

on which property there is located a building to provide tax service; and

WHEREAS, said Parties desire and find it mutually beneficial to provide and grant an easement for ingress and egress into, between, across and out of First and Second Party's property by customers, invitees, guests and employees of said Parties.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, and the mutual covenants hereinafter set forth, IT IS AGREED as follows:

1. First and Second Party will provide an opening on the North boundary line of the property of the First Party and the

South boundary line of the property of the Second Party, commencing approximately 22' West of the sidewalk fronting the said property on South Seneca, said opening to extend 20' <sup>o.s.</sup> ~~East~~ <sup>WEST R.S.</sup> to allow passage of vehicles and equipment between First and Second Party's property for ingress and egress of customers, guests, invitees and employees of said Parties.

2. First and Second Party will provide an opening on the North boundary line of First Party's property and the South boundary line of Second Party's property, commencing immediately West of the West wall of said First Party's building, said opening to extend approximately 20' West to allow passage of vehicles and equipment between First and Second Party's lots for ingress and egress of customers, guests, invitees and employees of said Parties.

3. The term of this Agreement shall remain in full force and effect for one year from this date, provided, however, either party shall have the option to renew the Agreement for an additional one (1) year term on written notice delivered to either party at any time prior to the expiration of this Agreement.

IN WITNESS WHEREOF, we have hereunto set our hands and seal the day and year first above written.

SIMON ALL AMERICA RENTALS

(SEAL)

By H. B. Simon  
President

ATTEST:

"FIRST PARTY"

Clyde M. Simon  
Secretary

Romauldo H. Turner  
Romauldo H. Turner  
Wanda J. Turner  
Wanda J. Turner

"SECOND PARTY"

STATE OF KANSAS,  
COUNTY OF SEDGWICK,<sup>ss</sup>

BE IT REMEMBERED that on this 18th day of June, 1969,  
before me, the undersigned, a Notary Public, duly commissioned,  
in and for the county and state aforesaid, came W. R. SIMON,  
president of SIMON ALL AMERICA RENTALS, INC., a corporation  
of the State of Kansas, and personally known to me to be such  
officer, and to be the same person who executed as such officer  
the foregoing instrument of writing in behalf of said corporation,  
and he duly acknowledged the execution of the same for himself  
and for said corporation for the uses and purposes therein set  
forth, and personally appeared ROMAULDO H. TURNER AND WANDA  
J. TURNER, to me personally known to be the identical persons who  
executed the within and foregoing instrument and acknowledged  
to me that they executed the same for himself and for said corpora-  
tion for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and  
official seal on the day and year last above written.

  
\_\_\_\_\_  
Notary Public



WICHITA-SEDGWICK COUNTY

DATE  
April 9, 1969

**METROPOLITAN AREA PLANNING DEPARTMENT**



TO Robert Feldner, Supt. of Central Inspection

FROM Jack H. Galbraith, Senior Planner *J.H.G.*

SUBJECT Case No. BZA 27-68 - Simon All America Rentals

On November 27, 1968, we forwarded to you a copy of BZA Resolution No. 27-68 approving an Exception for the Simon Rental Agency. One of the conditions of approval of that resolution was that several conditions be complied with within six months of the approval by the Board. Such conditions as asphaltting the lot, installation of bumper guards, constructing a fence along the west property line and the submission of revised copies of the Development Plan were all to be accomplished by April 22, 1969.

Yesterday I discussed this six months requirement with Mr. White, the attorney for the applicant, and attached is his letter requesting that they be permitted a three month extension. Based on the reasons for the extension as stated in his letter, it is my opinion that administratively this could be extended three months without further action by the Board.

If you do concur in this position please initial a copy of this memorandum and return to our office for our files. In the event these conditions are not complied with by July 22, 1969, it is my opinion that administratively we can not grant another extension and thus a new application will have to be filed.

If you have any questions concerning this matter, please call.

JHG:js

cc: Mr. J. D. White  
Attorney at Law  
5900 East Central  
Wichita, Kansas 67208

APPROVED

*[Signature]*  
Robert Feldner

April 9, 1969

Robert Feldner, Supt. of Central Inspection

Jack H. Galbraith, Senior Planner

Case No. BZA 27-68 - Simon All America Rentals

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If you do concur in this position please initial a copy of this memorandum and return to our office for our files. In the event these conditions are not complied with by July 22, 1969, it is my opinion that administratively we can not grant another extension and thus a new application will have to be filed.

If you have any questions concerning this matter, please call.

JHG:js

cc: Mr. J. D. White  
Attorney at Law  
5900 East Central  
Wichita, Kansas 67208

APPROVED \_\_\_\_\_  
Robert Feldner

**SIMON AND WHITE**

ATTORNEYS AT LAW  
PRUDENTIAL BUILDING

5900 EAST CENTRAL — WICHITA, KANSAS 67208

(316) 684-7283

CLYDE M. SIMON  
J. D. WHITE

COUNSEL  
W. T. STEPHENS  
WASHINGTON, D. C.

April 8, 1969

Mr. Jack H. Galbraith, Secretary  
Board of Zoning Appeals  
Wichita - Sedgwick County  
Planning Commission  
City Annex Building  
Wichita, Kansas 67202



Re: Board Resolution  
No. BZA 27-68

Dear Mr. Galbraith:

Pursuant to my conversation with you today I am writing to formally request that Simon All America Rentals, Inc., be granted an additional ninety (90) days to comply with those conditions set forth in paragraph 10 of the above referenced Board of Zoning Appeals Resolution.

The reasons for making this request are as follows:

- (1) My client has been delayed in completing its arrangements for financing the new building to be constructed on the property in question. It now appears that this financing will be completed and actual construction of the building commenced within the next two or three weeks. It would be a costly duplication to put down the asphalt cover on the property before the new building is constructed and the old building on the property removed. As I pointed out in our discussion, the base rock has been installed on the property, packed and rolled.
- (2) It was hoped that the construction of the permanent fence could be delayed until the asphalt was installed so the equipment could run across the fence

Mr. Jack H. Galbraith

-2-

April 8, 1968

line without having to work right next to a fence already erected. However, Mr. Simon has advised me that he will commence construction of the fence within the next two or three weeks even though it may not be possible to install the asphalt at that time.

- (3) The installation of the guards to prevent the extension of overhanging of vehicles or equipment beyond the property lines is about 50% complete and will be completed immediately upon the installation of the asphalt.
- (4) The revised copies of the Development Plan cannot be submitted until my client has made a definite determination as to exactly where the new structure will be located on the property. This can be completed as soon as this decision is made and a building permit issued.

We respectfully request your early consideration of our Application for an Extension and assure you that we will do everything possible to expedite full compliance with all of the conditions set forth in the referenced Resolution.

If you have any questions concerning our request, do not hesitate to call upon me.

Very truly yours,

SIMON AND WHITE

By 

JDW:cr

RESOLUTION NO. BZA 27-68

WHEREAS, Simon All America Rentals, Inc., 1501 East Kellogg, by J. D. White, 827 Beacon Building, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a trailer, vehicle and equipment rental operation on property zoned "LC" Light Commercial, and legally described as follows:

Lot 1, Block A, Simon Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Seneca between Lydia and Haskell.

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 October 22, 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 the installation of a trailer, vehicle and equipment 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 for the installation of a trailer, vehicle and equipment rental operation on property zoned "LC" Light Commercial, and legally described as follows:

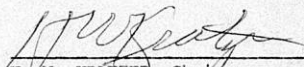
Lot 1, Block A, Simon Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Seneca between Lydia and Haskell.

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. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. A five to eight foot high solid wall of masonry, architectural tile, staggered or louvered redwood, or rough sawed cedar fence shall be constructed along the west property line.
7. No repair work shall be conducted except in an enclosed building.
8. All parking spaces abutting property lines shall have adequate guards, to prevent the extension of overhanging of vehicles, equipment, or trailers beyond property lines of parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
9. The applicant shall submit revised copies of the Development Plan to the Offices of Central Inspection and Traffic Engineering for their approval. Said plan shall indicate the location of the required number of off-street parking spaces for customer and employees, the width and dimension of parking spaces, markings for channelization and location of width of the driveways. The plan shall also indicate the location of the proposed storage areas for the various types of rental equipment. Two copies of the approved plan shall be submitted to the Secretary of the Board of Zoning Appeals.
10. Conditions 1, 6, 8 and 9 shall be complied with in six months from the date of approval by the Board, or this case shall be null and void.
11. The applicant shall install or construct a temporary barricade, in the form of either a fence, cable, bumper guard, or other similar types of obstruction, within 30 days from the date of approval by the Board. Said temporary barricade shall be installed between Lots 1 and 2, and shall be maintained until such time as the permanent fence is installed in compliance with Conditions #6 and 10.

ADOPTED AT WICHITA, KANSAS, this 22nd day of October, 1968.

  
H. W. KRATZER, Chairman

ATTEST:

  
JACK H. GALBRAITH, Secretary



AFFILIATED OFFICES  
CALIFORNIA  
MONROVIA, 206 W. HUNTINGTON DR.  
SAN BERNARDINO, 1897 MT. VERNON

**SIMON RENTALS**  
ALL AMERICA

1501 E. KELLOGG AMHERST 7-1258  
WICHITA, KANSAS 67211

2219 S. SENECA AMHERST 4-7831  
WICHITA, KANSAS 67205

November 29, 1968

Jack H. Galbraith  
Board Of Zoning Appeals  
City Building Annex  
104 S. Main Street.  
Wichita, Kansas

Subject: BZA 27-68 Request for an  
Exception

Dear Mr. Galbraith:

Thank you for your letter of November 27, 1968 enclosing signed copy of the Resolution concerning application for reference Request for an Exception.

Regarding Condition #11 please be advised that a temporary wire barricade was erected across the north-south boundary on November 21, 1968. The wire barricade has red flags attached. Trucks were also parked at the west boundary east of the fence to prevent traffic from passing across the barricaded boundary.

The undersigned accompanied by Mr. J. D. White, Attorney personally observed that the condition referred to was complied with as required. No traffic has been permitted between Seneca and Exposition across the property in question since November 20, 1968.

Mr. Snide is familiar with the Condition and has been instructed to comply with the same. On receipt of your letter I contacted Mr. Snide and he assured me that no traffic was passing between Seneca and Exposition and that the barricade in question was and is intact. He did advise me that some traffic, not aware of the barricade, on occasion had entered from Exposition and had returned back on Exposition on learning the barricade had been erected.

This Company purchased the property and business on the property in question, which business was operating on a non conforming use on the total piece of property. The property has been improved and the undersigned has endeavored to do everything possible to upgrade its appearance and to establish a business conforming with the standards existing in the area. In this regard I believe that the majority of the residents in the area will confirm that a substantial improvement to the property has been effected in the short period of time since the property was acquired by this Company.





AFFILIATED OFFICES  
CALIFORNIA  
MONROVIA, 206 W. HUNTINGTON DR.  
SAN BERNARDINO, 1897 MT. VERNON

**SIMON** ALL-AMERICA  
**RENTALS**

1501 E. KELLOGG AMHERST 7-1258  
WICHITA, KANSAS 67211

2219 S. SENECA AMHERST 4-7831  
WICHITA, KANSAS 67213

Jack H. Galbraith, Secretary  
Board of Zoning Appeals  
November 29, 1968  
Page 2

Regarding Condition #9 please be advised that revised copies of the development plan will be submitted to the offices of Central Inspection and Traffic Engineer as required.

Be assured that it is the intention of the undersigned to comply with the requirements as set forth in referenced Resolution. In the event there are any problems it will be appreciated if these are called to my attention.

Very Truly Yours,

*Clyde M. Simon*  
Clyde M. Simon

CMS/dy

cc:

Mr. J. D. White

Faith Kite

West Side Evangelical United  
Brethren Church

Robert Feldner  
Superintendent of Central Inspection

Ralph Eberly, City Clerk

November 27, 1968

Robert Feldner, Superintendent of Central  
Inspection  
Jack H. Galbraith, Senior Planner

Case No. BZA 27-68 - Request for an Exception

Attached is a copy of a Resolution and letter to the applicant  
pertaining to the above captioned Board of Zoning Appeals case.

Please note Conditions #10 and 11. Condition #10 provides that  
certain items must be complied with in six months from the date  
of Board of Zoning Appeals approval or the case is null and void.  
Condition #11 requires that a temporary barricade be installed be-  
tween Lots 1 and 2 by November 22, 1968. We have been informed  
by interested property owners in the area that this barricade has  
not been installed. We would appreciate your checking this  
condition out as well as making sure conditions #1, 6, 8 and 9  
have been complied with by April 22, 1969.

If you have any questions concerning this matter, please call.

JHG:js  
Attachment

November 27, 1968

Simon All America Rentals  
1501 East Kellogg  
Wichita, Kansas 67211

Subject: BZA 27-68 - Request for an  
Exception

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 22, 1968, in connection with your request for an exception to permit the installation of a trailer, vehicle and equipment rental operation on property zoned "LC" and generally located on the west side of Seneca between Lydia and Haskell.

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.

Regarding Condition #11 as approved by the Board of Zoning Appeals which pertains to the installation of a temporary barricade within 30 days of approval by the Board, we have been advised by persons interested in the area that this barricade has not been installed and that equipment and trucks are still going through the lot zoned "A" for access to the street on the West. We have pointed this condition out to the Superintendent of Central Inspection so that appropriate action may be taken.

Also regarding Condition #9, it is necessary that we have two copies of the revised approved plan, approved by the Office of Central Inspection and the Traffic Engineer/pertaining to parking and storage areas.

Simon All America Rentals  
November 27, 1968  
Page 2

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

Sincerely,

Jack H. Galbraith  
Secretary

JHG:js

Attachment

cc: Mr. J. D. White  
827 Beacon Building  
Wichita, Kansas 67202

Faith Kite  
1426 Lotus  
Wichita, Kansas 67213

West Side Evangelical United  
Brethern Church  
2203 S. Exposition  
Wichita, Kansas 67213

Robert Feldner  
Superintendent of Central Inspection

Ralph Eberly,  
City Clerk

RESOLUTION NO. BZA 27-68

WHEREAS, Simon All America Rentals, Inc., 1501 East Kellogg, by J. D. White, 827 Beacon Building, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a trailer, vehicle and equipment rental operation on property zoned "LC" Light Commercial, and legally described as follows:

Lot 1, Block A, Simon Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Seneca between Lydia and Haskell.

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 October 22, 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 the installation of a trailer, vehicle and equipment 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 for the installation of a trailer, vehicle and equipment rental operation on property zoned "LC" Light Commercial, and legally described as follows:


Lot 1, Block A, Simon Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Seneca between Lydia and Haskell.

subject to the following conditions:

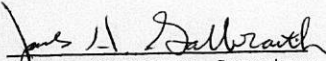
1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as 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. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. A five to eight foot high solid wall of masonry, architectural tile, staggered or louvered redwood, or rough sawed cedar fence shall be constructed along the west property line.
7. No repair work shall be conducted except in an enclosed building.
8. All parking spaces abutting property lines shall have adequate guards, to prevent the extension of overhanging of vehicles, equipment, or trailers beyond property lines of parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
9. The applicant shall submit revised copies of the Development Plan to the Offices of Central Inspection and Traffic Engineering for their approval. Said plan shall indicate the location of the required number of off-street parking spaces for customer and employees, the width and dimension of parking spaces, markings for channelization and location of width of the driveways. The plan shall also indicate the location of the proposed storage areas for the various types of rental equipment. Two copies of the approved plan shall be submitted to the Secretary of the Board of Zoning Appeals.
10. Conditions 1, 6, 8 and 9 shall be complied with in six months from the date of approval by the Board, or this case shall be null and void.
11. The applicant shall install or construct a temporary barricade, in the form of either a fence, cable, bumper guard, or other similar types of obstruction, within 30 days from the date of approval by the Board. Said temporary barricade shall be installed between Lots 1 and 2, and shall be maintained until such time as the permanent fence is installed in compliance with Conditions #6 and 10.

ADOPTED AT WICHITA, KANSAS, this 22nd day of October, 1968.

  
H. W. KRATZER, Chairman

ATTEST:

  
JACK H. GALBRAITH, Secretary

October 22, 1968

Mr. J. D. White  
827 Beacon Building  
Wichita, Kansas 67202

Subject: BZA 27-68 - Request for  
an Exception

Dear Mr. White:

At the regular meeting of the Board of Zoning Appeals on October 22, 1968, your request for an exception to permit the installation of a trailer, vehicle and equipment rental operation on property zoned "LC" and generally located on the west side of Seneca between Lydia and Haskell, was considered.

It was the action of the Board to approve the request, subject to the ten conditions recommended in the Secretary's Report including a change in Condition #6 to be a 5 to 8 foot fence, and a change in Condition #10 that Conditions # 1, 6, 8 and 9 shall be complied with in six months from the date of approval by the Board or the case shall be null and void. In addition to these ten conditions the Board required that a temporary barricade, in the form of either a fence, cable, bumper guard, or other similar types of obstruction, shall be constructed or installed within 30 days from this date between Lots 1 and 2 and that such barricade shall be maintained until such time as the permanent fence is installed in compliance with Conditions #6 and 10.

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.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:js

Mr. J. D. White  
October 22, 1968  
Page 2

cc: Simon All America Rentals  
1501 E. Kellogg  
Wichita, Kansas 67211

Faith Kite  
1426 Lotus  
Wichita, Kansas 67213

West Side Evangelical United  
Brethern Church  
2203 S. Exposition  
Wichita, Kansas 67213

Robert Feldner  
Superintendent of Central Inspection

Ralph Eberly,  
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 27-68

APPLICANT: Simon All America Rentals, Inc., 1501 E. Kellogg, Wichita, Kansas.

AGENT: J. D. White, 327 Beacon Building, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation of a trailer, vehicle and equipment rental operation on property zoned "LC" Light Commercial.

GENERAL LOCATION: West side of Seneca between Lydia and Haskell.

LAND USE: Subject property is occupied by a nonconforming trailer, vehicle and equipment rental operation, to the north is a duplex and a single family home, south is an office with a church to the west and single family homes to the east.

ZONING: Subject property is zoned "LC", to the west is "A" Two-family zoning with "AA" Single family zoning to the north, south and east.

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 met.

Comments by the Secretary

The applicant is requesting an exception to permit outdoor display for a trailer, vehicle and equipment rental operation on property zoned "LC" and located on the west side of Seneca between Lydia and Haskell. Section 28.04.183.2 of the ordinance permits this type of operation subject to certain conditions and approved by the Board of Zoning Appeals.

The applicant is now operating an equipment and trailer rental business at this location. He states that he desires to bring the zoning, through the granting of a use exception, into conformity with

with the actual nonconforming present use of the property. It should be pointed out that, in viewing the area in the field, the applicant has graveled and is storing some equipment on property owned by him which lies to the west of this application and is zoned "A" Two-family. The department has had complaints on the utilization of the west lot for storing equipment and also access to Exposition Street.

It is the opinion of the Secretary that this request is not the type of development that should be encouraged at random throughout the City in the light commercial areas, however, in view of the property being used for a nonconforming trailer, vehicle and equipment rental operation at the present time it would appear that the granting of the exception would exercise some control over the future operation of the business.

Recommendation

It is the recommendation of the Secretary that the exception to permit the operation of a trailer, vehicle and equipment rental business, on property zoned "LC" light commercial, be approved 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. 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 west property line.

7. No repair work shall be conducted except in an enclosed building.
8. All parking spaces abutting property lines shall have adequate guards, to prevent the extension of overhanging of vehicles, equipment, or trailers beyond property lines of parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
9. The applicant shall submit revised copies of the Development Plan to the Offices of Central Inspection and Traffic Engineering for their approval. Said plan shall indicate the location of the required number of off-street parking spaces for customer and employees, the width and dimension of parking spaces, markings for channelization and location of width of the driveways. The plan shall also indicate the location of the proposed storage areas for the various types of rental equipment. Two copies of the approved plan shall be submitted to the Secretary of the Board of Zoning Appeals.
10. Conditions number 1, 6, 8 and 9 shall be complied with in 90 days from the date of approval by the Board, or this case shall be null and void.

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

October 2, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 27-68

An application has been filed by Simon All America Rentals, Inc., 1501 East Kellogg, Wichita, Kansas, by J. D. White, 827 Beacon Bldg., Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of a trailer, vehicle and equipment rental operation on property zoned "LC" Light Commercial, and legally described as follows:

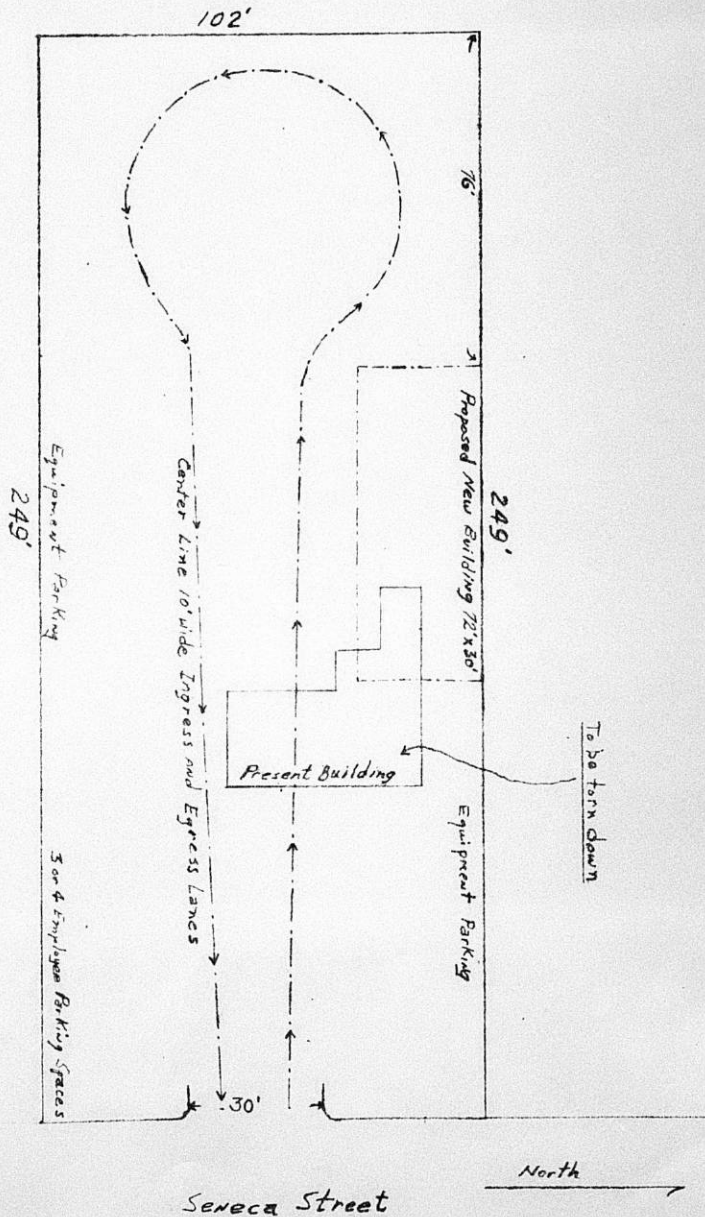
Lot 1, Block A, Simon Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Seneca between Lydia and Haskell.

This application has been assigned Case No. BZA 27-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 22, 1968, 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

*15 Notices mailed 10-2-68*

Lot 1, Block A, Simon Addition



BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. B2A 27-68  
FILED 9-20-68

APPLICATION FOR EXCEPTION

I. Name of Applicant Simon All America Rentals, Inc.  
Mailing Address 1501 East Kellogg, Wichita, Kansas Phone AM 7-1258  
Name of Authorized Agent J. D. White, Attorney  
Mailing Address Suite 827 Beacon Bldg., Wichita, Kansas Phone AM 7-4377 <sup>6847283</sup>  
Relationship of applicant to property is that of owner  
(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 a trailer, vehicle and equipment rental operation  
on property zoned  
LC, located 2219 South Seneca Street, Wichita,  
Kansas, and legally described as:  
Lot 1, Block A, Simon Addition  
\_\_\_\_\_, in the City of Wichita.  
(Give metes and bounds description below if appropriate).

2.12.590.C

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.

SIMON ALL AMERICA RENTALS, INC.

Applicant BY Clyde M. Simon  
Authorized Agent J. D. White, Atty.

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, \_\_\_\_\_ (a.m. - p.m.), \_\_\_\_\_, 19\_\_\_\_, together with appropriate fee of \$50.00.

Signed \_\_\_\_\_

STATEMENT

The applicant, Simon All America Rentals, Inc., submits the following information in support of its application for a use exception to the LC zoning classification now in effect on Lot 1, Simon Addition to City of Wichita, Kansas, to allow it to continue to operate a trailer, vehicle and equipment rental business:

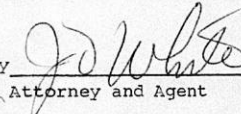
1. Applicant is now operating such a business at this location. Its predecessor in title had been operating a trailer, vehicle and equipment rental business on said property for a period of ten (10) to fifteen (15) years prior to its purchase by applicant. It is applicant's desire to bring the zoning, through the granting of a use exception, into conformity with the actual nonconforming present use of the property.

2. Applicant is applying for the use exception for this property under the provisions of Wichita zoning ordinance No. 2804.183.2, which specifically provides for such exceptions for trailer, vehicle and equipment rental business.

3. If the requested use is granted, applicant will comply with all of the requirements and restrictions set forth in said ordinance. Further, applicant plans the construction of a new, modern brick and glass building as indicated on the attached plat and will at that time completely blacktop all of Lot 1 and paint the ingress and egress lanes as indicated on the plat. Applicant believes that the removal of the old structure from the premises and the construction of a new building on a fully paved lot will greatly enhance the appearance of the premises and its adjoining areas.

SIMON ALL AMERICA RENTALS, INC.

By



Attorney and Agent

STATEMENT

The applicant, Simon All America Rentals, Inc., submits the following information in support of its application for a use exception to the LC zoning classification now in effect on Lot 1, Simon Addition to City of Wichita, Kansas, to allow it to continue to operate a trailer, vehicle and equipment rental business:

1. Applicant is now operating such a business at this location. Its predecessor in title had been operating a trailer, vehicle and equipment rental business on said property for a period of ten (10) to fifteen (15) years prior to its purchase by applicant. It is applicant's desire to bring the zoning, through the granting of a use exception, into conformity with the actual nonconforming present use of the property.

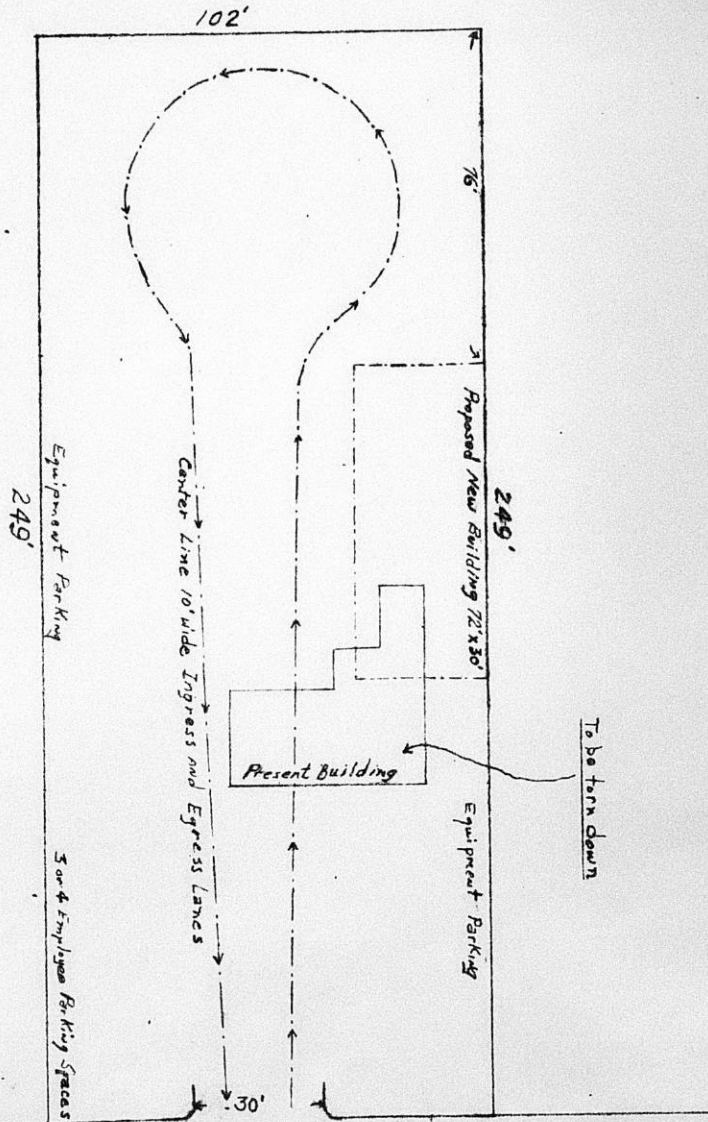
2. Applicant is applying for the use exception for this property under the provisions of Wichita zoning ordinance No. 2804.183.2, which specifically provides for such exceptions for trailer, vehicle and equipment rental business.

3. If the requested use is granted, applicant will comply with all of the requirements and restrictions set forth in said ordinance. Further, applicant plans the construction of a new, modern brick and glass building as indicated on the attached plat and will at that time completely blacktop all of Lot 1 and paint the ingress and egress lanes as indicated on the plat. Applicant believes that the removal of the old structure from the premises and the construction of a new building on a fully paved lot will greatly enhance the appearance of the premises and its adjoining areas.

SIMON ALL AMERICA RENTALS, INC.

By *John White*  
Attorney and Agent

Lot 1, Block A, Simon Addition



1mm = 1'

Form 223-021

PAYMENT NOTICE  
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hee. Mvr.	Hoe. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbk. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer	\$ 50.00	

DESCRIPTION	AMOUNT
BZA Application for Exception	
Name Simon Rentals	
Address 1501 E. Kellogg	
Type R-71-C	Due Date 9/20/68
Comments:	

Date 9/20/68 by *Verna J. Gray*

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 deeds of record in the office of the Register of Deeds, Sedgwick County, Kansas, of the following described real estate situated in Sedgwick County, Kansas, to-wit:

*use for paper*  
 Lot 1, Block A, Simon Addition to Wichita,  
 Sedgwick County, Kansas;  
 and the property within a 200 foot radius thereof.

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Description	Owner(s) and Address
<u>Simon Addition to Wichita</u>	
Lots 1 and 2, Block A	Simon All America Rentals, Inc. 1501 East Kellogg 67211
<u>In SE<math>\frac{1}{4}</math> Section 31-27-1E</u>	
Beginning 1088' N of SE corner of said SE $\frac{1}{4}$ ; W 26 rods; N 130'; E 26 rods; S 130' to beginning, except W 115'.	Clara W. Niemoller 2209 S. Seneca 67213 <i>returned 10-7-68</i>
W 115' of tract: beginning 1088' N of SE corner of said SE $\frac{1}{4}$ ; W 26 rods; N 130'; E 26 rods; S 130' to beg.	Trustees of West Side Evangelical United Brethern Church 2203 S. Exposition 67213
E 229' of tract: beg 1088' N of SE corner of said SE $\frac{1}{4}$ ; W 26 rods; N to N line of SE $\frac{1}{4}$ of said SE $\frac{1}{4}$ ; E 26 rods; S to beginning, except S 130' and except N 20'.	M. Greta Long 2205 S. Seneca 67213 <i>returned 10-7-68</i>
<u>Matthew Addition, Wichita</u>	
E 85' of Lot 1, Block 1	George L. Goodwin & Vera M. Goodwin 1233 Lydia 67213
Lot 1, Block 1, except the E 85'	Wayne Matthew & Alma Matthew (address unknown)

	Description	Owner(s) and Address	
	<u>In SW<math>\frac{1}{4}</math> Section 32-27-1E</u>		
	Beginning 1333' N of SW corner of said SW $\frac{1}{4}$ ; E 300'; S 70'; W 300'; W to beginning, except E 133.5'.	✓ Harvey W. Conyers & Bernice J. Conyers 2154 S. Seneca	67213
G	W 175' of: beg 1263' N of SW corner of said SW $\frac{1}{4}$ ; E 300'; S 70'; W 300'; N to beginning, except street.	✗ Lee R. Cox & Norma A. Cox (address unknown)	
U	W 175' of: beginning 1193' N of SW corner of said SW $\frac{1}{4}$ ; E 300'; S 70'; W 300'; N 70' to beginning, except street.	✗ Lee R. Cox & Norma A. Cox (address unknown)	
A			
R			
A	Beginning 953.82' N of SW corner of said SW $\frac{1}{4}$ ; N 65'; E 300'; S 65'; W to beginning, except E 125' and except street.	✗ Dean L. Vanatta & Winifred Vanatta (address unknown)	
N			
T	Beginning 819.82' N of SW corner of said SW $\frac{1}{4}$ ; N 67'; E 300'; S 67'; W 300' to beginning, except E 125' and except street.	✓ William W. Deam & Bessie N. Deam 2244 S. Seneca	67213
E			
E	<u>In Lloyd E. Nichols Addition</u>		
	Lot 1, Block B	✓ John R. Kropf & Maxine L. Kropf 2220 S. Seneca	67213
T			
I	Lot 3, Block B	✓ Lloyd E. Nichols & Tressie E. Nichols 240 S. Tracy, Box 533 Clearwater, Kansas <i>returned 10-4-68</i>	67026
T			
L	Lot 5, Block B	✓ B. F. McAlester & Imogene B. McAlester 2256 S. Seneca	67213
E			
	<u>In SE<math>\frac{1}{4}</math> Section 31-27-1E</u>		
C	Beginning 884' N of SE corner of said SE $\frac{1}{4}$ ; W 429'; N 102'; E 429'; S to beginning.	✓ J. D. Henning & Grace G. Henning 311 S. Seneca	67213
O.,			
	<u>In Renollet 7th Addition to Wichita</u>		
I	Lots 1 and 2	✓ Taco Grande, Inc. 2255 S. Seneca	67213
N			
C.			

Description \_\_\_\_\_ Owner(s) and Address \_\_\_\_\_

In Roberts-Brenner-Klein Addition to Wichita

Lot 2, Block C

✓ William S. Brenner  
& Madeline C. Brenner  
1320 Haskell

67213

In Renollet 5th Addition to Wichita

Lots 4 and 5

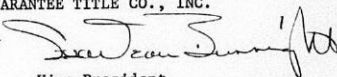
✓ West Side Evangelical United  
Brethern Church  
2203 S. Exposition

67213

WITNESS its hand and seal at Wichita, Kansas, this 19th  
day of September, 1968, at 7:00 o'clock A. M.

GUARANTEE TITLE CO., INC.

By

  
Vice President

No. 18355

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WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING COMMISSION  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202



- Moved, left no address
  - No such number
  - Moved, not forwardable
  - Addressee unknown
- 1320/2 B

M. Greta Long  
2205 S. Seneca  
Wichita, Kansas 67213

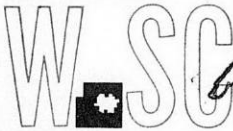


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Important! Notice of Hearing Enclosed

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING COMMISSION  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202



Method of delivery to be used  
Address change to be indicated  
Insurance to be indicated  
No such number in this territory  
By post office in this territory  
Address area two

B3 a 27-108

Lloyd E. Nichols  
Tressie E. Nichols  
240 S. Tracy  
Box 533  
Clearwater, Kansas 67026



Important! Notice of Hearing Enclosed

OCT 18 1968

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING COMMISSION  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202



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- 1320/2 B

Clara W. Niemoller  
2209 S. Seneca  
Wichita, Kansas 67213



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Important! Notice of Hearing Enclosed