POSTED
6-6-77
✓MAPD
ve. I
7-5-77

ACTION

BZA 27-77 COMMITTEE Approved DATE 6-28-77

M.A.P.C. _____ ___

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

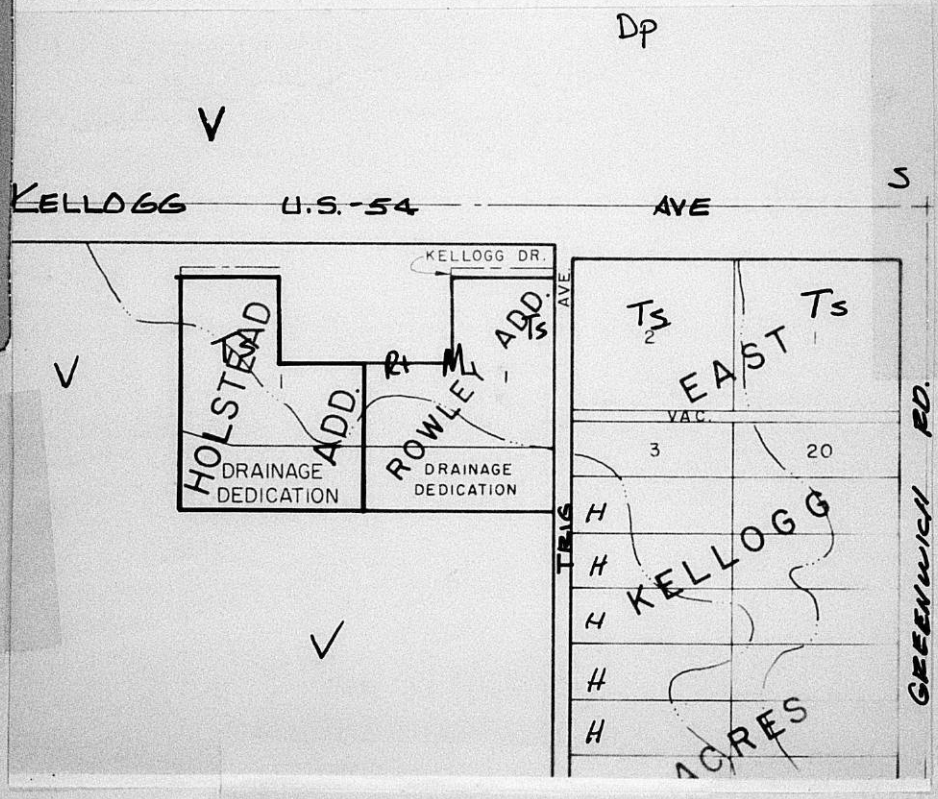
Case No. BZA 27-77 - TRAIL-N-SAIL, INC., requests an exception to permit the establishment of a mobile home for employee security guard on property generally located on the

Map No. 6146
Sec. 28
Twp. 27
Range 2E

BZA- 27-77
SCZ-
CU-
Filed

AREA DATA:
1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East ~~Vacant~~ Motel South Vacant
West Vacant North Vacant
4. Sketch Plan Land Use is for:
5. Present Land Use if for: Recreational Vehicle Sales
6. Area (is) (is not) platted.

PHOTO DATA:
Taken by _____ Date _____ Time _____



Simmons No. 2-153C HASTINGS, NEW-LOS ANGELES LOGAN OH • MORRISON, TX U.S.A.

RESOLUTION NO. BZA 27-77

WHEREAS, Trail-N-Sail, 7215 East Harry, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the placement of a mobile home on property zoned the "C" Commercial District, and legally described as follows:

Lot 1, Holsted Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg in an area west of Greenwich Road.

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 June 28, 1977, 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, after public hearing of this application, determined that a hardship does exist inasmuch as the applicants need a resident security guard to curtail theft and vandalism on their property; and

WHEREAS, the Board of Zoning Appeals has authority to permit a mobile home, on property zoned the "C" Commercial District, subject to conditions outlined in Title 26, 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 installation of a mobile home, on property zoned "C" Commercial District, and legally described as follows:

Lot 1, Holsted Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg in an area west of Greenwich Road.

subject to the following conditions:

1. The mobile home may be used for a residence as long as it is occupied by a security guard and the recreation vehicle sales lot remains in operation by the applicants in this case. If either of these conditions no longer exist, the mobile home shall be removed from the property.

2. The applicants shall report anually, during the first week of January, to the Central Inspection Division, as to whether the Security Guard still occupies the mobile home, and whether they still operate the recreation vehicle sales lot.

3. The location of the mobile home shall conform to the requirements of Title 26 of the City Code, and the appropriate permit obtained from the Office of Central Inspection.

ADOPTED AT WICHITA, KANSAS, this 28th day of June, 1977.

James Richardson, Vice-Chairman

ATTEST:

Jack H. Galbraith, Secretary

July 21, 1977

Tenth Floor, City Hall
455 North Main Street

Mr. Charles W. Harris
830 First National Bank Building
Wichita, Kansas 67202

Re: Case No. BZA 27-77
Request for Exception

Dear Mr. Harris:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 28, 1977, in connection with your request for an esception to permit the placement of a mobile home on property zoned the "C" Commercial District and generally located on the south side of Kellogg in an area west of Greenwich Road.

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 questions concerning this matter, please call our office.

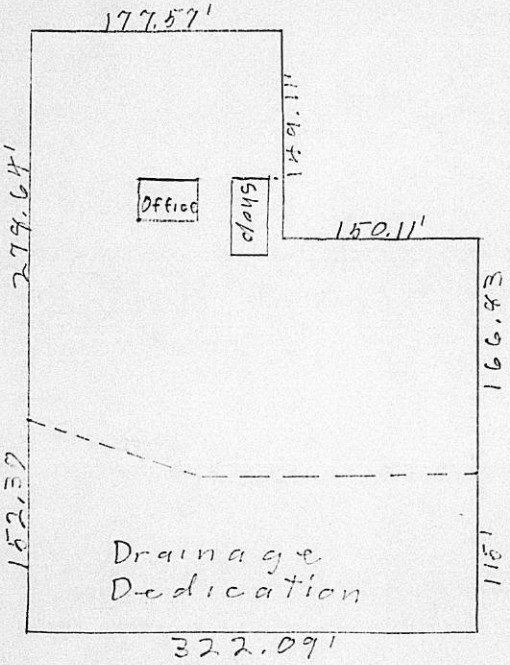
Sincerely,

Larry Dobson
Assistant Secretary

LD:bh
Attach.
cc: Trail-N-Sail, 7215 East Harry, 67207
Robert Feldner, Supt., Central Inspection
Don Gisick, City Clerk
Joe Donnelly, Housing and Zoning Administrator

Re: Case No. BZA 27-77

10851 E Kellog



1/8" = 1'

Tenth Floor, City Hall
455 North Main Street

July 1, 1977

Mr. Charles W. Harris
830 First National Bank Building
Wichita, Kansas 67202

Re: Case No. BZA 27-77
Request for Exception

Dear Mr. Harris:

At the regular meeting of the Board of Zoning Appeals on June 28, 1977, your request for m exception to permit the placement of a mobile home on property zoned the "C" Commercial District and generally located on the south side of Kellogg in an area west of Greenwich Road was considered.

It was the action of the Board to approve this request subject to the conditions listed 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 Vice--Chairman and Secretary have been obtained.

If you have not already done so, you should contact Joe Donnelly in the Office of Central Inspection and make application for a mobile home permit. If you have any questions concerning this matter, please call me.

Sincerely,

Larry Dobson
Assistant Secretary

LD:bh
cc: Trail-N-Sail, 7215 E. Harry, 67207
Robert Feldner, Supt., Central Inspection
Don Gisick, City Clerk
Joe Donnelly, Housing and Zoning Administrator

Dobson

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE June 21, 1977

RECEIVED
JUN 22 1977
METROPOLITAN PLANNING

take time to be safe

TO Larry Dobson, Junior Planner, MAPD

FROM David Furnas, Citizen Participation Coordinator

SUBJECT BZA 27-77

The Citizen Participation Organization Area "H" Neighborhood Council took no action on the above captioned subject. The Council did not have a quorum on the day this item was scheduled for consideration on the Council Agenda.

David L. Furnas

David Furnas
Citizen Participation Coordinator

DF:rh

SECRETARY'S REPORT
CASE NO. BZA 27-77

APPLICANT: Trail-N-Sail, 7215 E. Harry, Wichita, Kansas.

AGENT: Charles W. Harris, 830 First National Bank Building, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the location of a mobile home for employee security guard on property zoned "C" Commercial.

GENERAL LOCATION: South side of Kellogg in an area west of Greenwich Road (10851 E. Kellogg).

LAND USE: Subject property is developed as a trailer sales operation. A motel and restaurant are located to the east. North, west and south are all undeveloped.

ZONING: Subject property is zoned the "C" Commercial District as are all surrounding properties.

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 28.04.182.3 can be complied with.

COMMENTS BY THE SECRETARY:

The Board of Zoning Appeals has the authority to permit, as an exception, the placement of a mobile home on any property in any district on a temporary basis, provided that the applicant can show due cause that a hardship exists and that this harship cannot be reasonably alleviated without the granting of this permit.

The applicants are engaged in the business of retail sale and service of recreation vehicles on subject property and also at a location on east Harry. They occupied subject property on January 1, 1977, and are renting the property for one year, with two one-year options. The applicants state that during their occupancy of this property, they have had a series of thefts and breakins, including the theft of an automobile and a pickup topper. They also report that theft of smaller items and damages to the property have occurred. They desire to locate a mobile home in an area behind the existing office and shop for the purpose of providing quarters for a resident security guard. The mobile home to be used is presently located on the rear of subject property, although we are advised that it is not hooked up to utilities. The site plan submitted by the applicants does not show the exact location where the mobile home would be placed, but the property is obviously large enough to accommocate its placement with proper setbacks from property lines. We are also advised by the applicants that public water and sewer is readily available, with no problems anticipated in hooking in to them.

Two similar requests (hardship for security reasons) were considered and subsequently denied by the Board in 1974 and 1976. The main reason expressed by the Board of those denials was the fact that it appeared that there were alternative methods of providing the desired security, such as proper lighting, protective fencing, burglar alarms, watch dogs, etc., without granting an exception for a mobile home. It should be noted that those previous cases were owner occupied sites and dealt with security primarily for a single building. The facts and circumstances of this case are somewhat different in that the applicants are renting the property and the use of the property is a sales lot for trailers and motor homes. In 1972, a very similar request was approved by the Board (BZA 14-72) for a watchman's residence on a mobile home sales lot located on South Broadway. It is the opinion of the Secretary that the facts of subject case more closely coincide with this 1972 case and that a resident security guard would be a reasonable solution to the applicant's theft and vandalism problems.

RECOMMENDATION:

If the Board determines that a hardship can be found to exist in this case, approval of the case should be subject to the following conditions:

1. The mobile home may be used for a residence as long as it is occupied by a security guard and the recreational vehicle sales lot remains in operation by the applicants in this case. If either of these conditions no longer exist, the mobile home shall be removed from the property.

2. The applicants shall report annually, during the first week of January, to the Central Inspection Division, as to whether the Security Guard still occupies the mobile home and whether they still operate the recreational vehicle sales lot.

3. The location of the mobile home shall conform to the requirements of Title 26 of the City Code, and the appropriate permit obtained from the Office of Central Inspection.

L. Dobson

SIGN OF FAMILY FUN

TRAIL N SAIL INC.

7215 East Harry at the Turnpike / Wichita, Kansas 67207
316-683-7553

June 8, 1977

RECEIVED
JUN 9 1977
METROPOLITAN PLANNING

Board of Zoning Appeals
Tenth Floor - City Hall
455 North Main
Wichita, Kansas 67202

Re: Case No. BZA 27-77

Gentlemen:

We have been engaged in the business of the retail sale and service of recreational vehicles for a number of years at 7215 East Harry Street, Wichita. We were advised last year that Harry Street would be widened and repaved from Woodlawn to Rock Road. We we informed that the construction would commence in the Summer of 1977. To protect ourselves and to be sure of access during this street construction, we rented a second location at 10851 East Kellogg, Wichita. We took possession on January 1, 1977 and have rented the property for one year with two one-year options. At the East Kellogg location, we are also engaged in the retail sale of recreational vehicles, including trailers and motor homes. After we took possession, we had a series of thefts and breakins, including the theft of an automobile and a pickup topper. We have also had the theft of smaller items and damages to the property.

We desire to locate a mobile home, generally to the rear of the office and shop, to provide quarters for a resident security guard. We might point out that immediately east of us on Kellogg are located two sales lots for the sale of mobile homes. We do not believe that an additional mobile home in this location will have any adverse affect on the neighborhood. All City utilities are available.

We would appreciate your consideration in this matter.

Very truly yours,

TRAIL-N-SAIL, INC.

By Charles W. Harris
Charles W. Harris, President

CWH:jed

NOW! EVERY WEEKEND'S A VACATION

Wichita's Complete One-Stop Recreational Vehicle Shopping Center

BOARD OF ZONING APPEALS
TENTH FLOOR - CITY HALL
455 North Main, Wichita, Kansas 67202

June 7, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 27-77

An application has been filed by Trail-N-Sail, 7215 East Harry, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the placement of a mobile home (for employee security guard) on property zoned the "C" Commercial District, and legally described as follows:

> Lot 1, Holsted Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg in an area west of Greenwich Road.

This application has been assigned Case No. BZA 27-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 28, 1977, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

8 notices sent to agent and/or applicant and adjacent property owners

10 notices sent to MAPC members

1 notice to CPO

19 notices mailed on BZA 27-77, 6-6-77

BOARD OF ZONING APPEALS

CITY OF WICHITA, KANSAS

CASE NO. _____

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Trail-N-Sail, Inc.

Mailing Address 7215 East Harry Wichita, Kansas 67207 Phone 683-7553

Name of Authorized Agent Charles W. Harris

Mailing Address 830 First Nat'l. Bk. Bldg. Wichita, Kansas 67202 Phone 263-9111

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, to permit the establishment of locating a mobile home for employee security guard on property zoned "C", located 10851 East Kellogg, Wichita, Kansas and legally described as: Holsted Addition to the City of Wichita, Sedgwick County, Kansas. , 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.

TRAIL-N-SAIL, INC.

Applicant By: Charles W. Harris
Charles W. Harris, President

Authorized Agent _____

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 4:40 (a.m. (p.m.)), 5-31, 1977, together with appropriate fee of $50.00

Subj. to receiving site plan and statement of hardship.

Signed Larry Dobson

Map 6146

T9-403 S. side of Kellogg in area west of Greenwich Rd.

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

Lot	Block	Addition	Property Owner
1	1	Holsted Addition	Environmental Enterprises, Inc. c/o Cecil E. Merkel 411 Colorado Derby Bldg First & Water St. 67202
1		Rowley Addition	Same

Tract

A tract lying South of the Holsted Addition and Rowley Addition: The North 600 feet of the West Half of the Northeast Quarter of the Northeast Quarter of Section 28-27-2E of the 6th P.M., Sedgwick County, Kansas.	Same
A tract beginning at a point on the South line of U.S. Highway 54, 181.4 feet West of the East line of the West Half of the Northeast Quarter of the Northeast Quarter of Section 28-27-2E of the 6th P.M., Sedgwick County, Kansas, thence South paralle with the East line of the West Half of the Northeast Quarter of the Northeast Quarter 200 feet, thence West paralle with the South line of said Highway 300 feet, thence North 200 feet to point on the South line of said Highway, thence East along the South line of said Highway 300 feet to beginning.	~~421 [illegible]~~ Frieda F. Pickering Hill not found. Address unknown not in phone book Andrew J. & Marie Guziec Address unknown not in C D not in SD
The Northwest Quarter of the Northeast Quarter of Section 28-27-2E of the 6th P.M., Sedgwick County, Kansas, subject to the rights as heretofore condemned by or conveyed to the State of Kansas for highway purposes as appear of record.	Gladys H. G. Wiedemann, trustee 8615 Shannon Way 67206 The Fourth National Bank & Trust Company 100 N. Broadway 67202
The West Half of the Southeast Quarter of the Southeast Quarter of Section 21-27-2E of the 6th P.M., Sedgwick County, Kansas, except that part platted as David's East 1st Addition.	Greenwich Investments, Inc. c/o Davids Inc. 303 S. Greenwich Rd. 67207

Security
ABSTRACT AND TITLE CO. INC.

434 NORTH MAIN
WICHITA, KANSAS 67202
267-8371

Tract	Property Owner
The Southeast Quarter of Section 21-27-1E of the 6th P.M., Sedgwick County, Kansas, except 3 acres in the Southwest corner, described as beginning at the Southwest corner of the Southeast Quarter, thence North 32 rods, thence East 15 rods, thence South 32 rods, thence West 15 rods to the place of beginning, and except the Southeast Quarter of the Southeast Quarter of said Section 21.	Beech Aircraft Corporation 9709 E. Central Ave. 67206

The Security Abstract & Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners of:

200' Radius of : Lot 1. Holsted Addition to the City of Wichita, Sedgwick County, Kansas.

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 23rd day of May, 1977 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By Mary Gable

Vice President

Order No. 250891
Ss

Form 223

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

Name

Address

Type | Due Date

Comments:

Date | By