

BZA 1-27-70 Deferred

~~Approved~~

BZA 2-24-70 approved

BZA 33-69 - Jess C. Smith requests
a ~~Exception~~ to permit truck & trailer
rental operation at 5606 E. Central

POSTED
12/26/69

MAP ✓
@J ✓

3-9-70

BZA 1-27-70 Deferred

~~Deferred~~

BZA 2-24-70 approved

BZA 33-69 - Jess C. Smith requests
a ~~hydro~~ photo permit truck & trailer
rental operation at 5606 E. Central

Map No. 5848
 Sec. 13
 Twp. 27
 Range 1E

BZA 33-69
 BCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.5 (150 ft. by 150 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East UNDEVELOPED South SINGLE FAM
 West BARBER SHOP & SERV. STAT North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: SERVICE STATION
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



RESOLUTION NO. BZA 33-69

WHEREAS, Jess C. Smith, 5606 East Central, Wichita, Kansas, by Bill Lafferty, 3202 Penley Drive, 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 truck and trailer rental operation on property zoned "LC"-Light Commercial, and legally described as follows:

Beginning at the northeast corner of the intersection of Edgemoor and Central Avenue, thence north along the east line of Edgemoor, 150 feet; thence east parallel to the north line of Central Avenue, 150 feet; thence south parallel with the east line of Edgemoor, 150 feet to a point on the north line of Central Avenue; thence west 150 feet to beginning. Generally located at the northeast corner of Central and Edgemoor.

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 February 24, 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 installation of a 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 the installation of a truck and trailer rental operation, on property zoned "LC"-Light Commercial, and legally described as follows:

Beginning at the northeast corner of the intersection of Edgemoor and Central Avenue, thence north along the east line of Edgemoor, 150 feet; thence east parallel to the north line of Central Avenue, 150 feet; thence south parallel with the east line of Edgemoor, 150 feet to a point on the north line of Central Avenue; thence west 150 feet to beginning. Generally located at the northeast corner of Central and Edgemoor.

subject to the following conditions:


1. The storage and display area shall be paved with concrete, asphalt, or other comparable material. The display and storage of trailers is approved for only that area north of the service station.

2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No signs shall be permitted to project over public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except in an enclosed building.
6. A 5 to 8 foot solid wall constructed of solid masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be constructed adjacent to the north, east and west lines of the area designated on the plot plan for the storage of U-Haul equipment.
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 24th day of February, 1970.


NORMAN N. DOKE, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

March 4, 1970

Mr. Bill Lafferty
3202 Penley Drive
Wichita, Kansas

Dear Mr. Lafferty:

Subject: Case No. BZA 33-69
Request for Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 24, 1970, in connection with your request for an exception to permit the installation of a truck and trailer rental operation on property zoned "LC"-Light Commercial and generally located at the northeast corner of Central and Edgemoor.

This Resolution reflects the official action of the Board to approve this 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:ls

Attachment

cc Jess C. Smith, 5606 East Central
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

February 26, 1970

Mr. Bill Lafferty
3202 Penley Drive
Wichita, Kansas

Dear Mr. Lafferty:

Subject: Case No. BZA 33-69
Request for Exception

At the regular meeting of the Board of Zoning Appeals on February 24, 1970, your request for an exception to permit the installation of a truck and trailer rental operation on property zoned "LC"-Light Commercial and generally located on the northeast corner of Central and Edgemoor, was considered.

It was the action of the Board to approve this request for an exception subject to the following conditions:

1. The storage and display area shall be paved with concrete asphalt, or other comparable material. The display and storage of trailers is approved for only that area north of the service station.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No signs shall be permitted to project over public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

February 26, 1970
Bill Lafferty
Case No. BZA 33-69

5. No repair work shall be conducted except in an enclosed building.
6. A 5 to 8 foot solid wall constructed of solid masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be constructed adjacent to the north, east and west lines of the area designated on the plot plan for the storage of U-Haul equipment.
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.

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:ls
cc Jess C. Smith
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

January 27, 1970

Mr. Bill Lafferty
3202 Penley Drive
Wichita, Kansas

Dear Mr. Lafferty:

At your request, the Board moved to defer consideration of this case to their next regular meeting of February 24, 1970.

As a personal note, I was sorry to hear that you are in the hospital and wish you a speedy recovery.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls
cc Jess C. Smith

SECRETARY'S REPORT

Case No. BZA 33-69

APPLICANT: Jess C. Smith, 5606 East Central, Wichita, Kansas

AGENT: Bill Lafferty, 3202 Penley Drive, Wichita, Kansas

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

GENERAL LOCATION: Northeast corner of Central and Edgemoor

LAND USE: Subject property is occupied by a service station; west is a barber and beauty shop; south is single family; land to the north and east is utilized as part of a bridle and saddle club; further to the north is a Kansas National Guard Armory.

ZONING: Subject property is zoned "LC" - Light Commercial as are those properties to the north, east and west; south is "AA" - Single family zoning.

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 under Section 28.04.183.2, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to the zoning ordinance to permit a truck and trailer rental operation on property zoned "LC" - Light Commercial at the northeast corner of Central and Edgemoor. The application area is presently occupied by a service station, is unplatted and provides for only 30 feet of half street right-of-way on Central.

The Board may grant exceptions in the "LC" - Light Commercial district to permit truck and trailer rental operations if it first finds that the location is logical and proper. It is the responsibility of the Board to determine which light commercial

Page 2 - Secretary's Report
Case No. BZA 33-69

areas are most suitable for the establishment of this type of rental operation, and to consider applications accordingly.

In viewing the general area in the field, it may be seen that the frontage along Edgemoor to the west and northwest is developed with small commercial establishments and offices. The frontage on Central west of Edgemoor is developed with a service station and neighborhood type commercial facilities on the north side with a food market on the southwest corner and single family residences to the southeast of the intersection. Land to the north and east is zoned "LC" - Light Commercial and is undeveloped. It should be pointed out, however, that a National Guard Armory is located some 150 feet to the north of the application area.

RECOMMENDATION

It is the recommendation of the Secretary that the exception not be approved inasmuch as truck and trailer rentals associated with service stations and other permitted "LC" Light Commercial uses are not the type of use that should be encouraged in neighborhood and service commercial areas and therefore, should either be in the "C" Commercial zone or along traffic ways where such uses as new and used car lots, mobile home sales, etc., are an accepted use.

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

January 5, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 33-69

An application has been filed by Jess C. Smith, 5606 East Central, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of a truck and trailer rental operation on property zoned "LC" - Light Commercial, and legally described as follows:

Beginning at the northeast corner of the intersection of Edgemoor and Central Avenue, thence north along the east line of Edgemoor, 150 feet; thence east parallel to the north line of Central Avenue, 150 feet; thence south parallel with the east line of Edgemoor, 150 feet to a point on the north line of Central Avenue; thence west 150 feet to beginning. Generally located at the northeast corner of Central and Edgemoor.

This application has been assigned Case No. BZA 33-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 27, 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 copies mailed 1-5-70

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 33-69
FILED 12-22-69

APPLICATION FOR EXCEPTION

I. Name of Applicant JESS C. SMITH
Mailing Address 5606 E. CENTRAL Phone MU3-8404
Name of Authorized Agent BILL LAFFERTY
Mailing Address 3202 PENLEY DR. Phone MU4-0604
Relationship of applicant to property is that of LESSEE
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section _____, Code of the City of Wichita, Kansas (Zoning Ordinance); to permit the installation or construction of U-HAUL RENTAL TRAILERS & TRUCKS. on property zoned LC., located 5606 E CENTRAL and legally described as: _____, in the City of Wichita.

(Give metes and bounds description below if appropriate).

Sec ownership list for legal

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.

Applicant _____

Authorized Agent Bill Lafferty

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 1:45 (~~3:00~~ - p.m.), Dec 22, 1969, together with appropriate fee of \$50.00.

Signed James H. Dalbrant

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

Lot	Block	Addition	Property Owner
32	11	East Highlands	✓ Wendell Sanders Realty, Inc. 603 N. Edgemoor Wichita, Kansas 67208
33	"	"	Same
34	"	"	✓ May Morris & Mary Margaret Morris Boyd Co-Executrices of Will and of the Estate of W. L. Morris, Dec. 208 N. Broadway Wichita, Kansas 67202
35	"	"	Same
36	"	"	Same
37	"	"	Same
38	"	"	Same
39	"	"	Same
40	"	"	Same
58	12	"	✓ Second Stokley Realty Corp. % Continental Oil Co. Ponca City, Oklahoma 74601
1	1	Oakwood Estates	✓ Frank F. Adams & Marvel B. Adams 456 N. Edgemoor Wichita, Kansas 67208
2	"	"	✓ Chase King & Viola King 5605 Rockwood Road Wichita, Kansas 67208
32	"	"	<i>found</i> ✓ Lickteig-Pearce, Inc. Address unknown
1	A	Edgemoor Plaza	✓ LaBebe F. Farha 4703 E. Looman Wichita, Kansas 67220
E 81' of 2	"	"	Same

Description

Property Owner

Beg 650' S & 30' E of NW/cor SW $\frac{1}{4}$ SE $\frac{1}{4}$ 13-27-1E, th E alg S ln of Board of Education tract, 326'; th S parl to W ln SE $\frac{1}{4}$, 330'; th W parl to S ln SE $\frac{1}{4}$, 326' m-o-l to a point 30' E of W ln SE $\frac{1}{4}$; th N 330' to beg

✓ Kansas Armory Board
620 N. Edgemoor
Wichita, Kansas 67208

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 13-27-1E, exc W 30' and exc S 630' of E 350' and exc E 476' of W 506' of N 650' thereof and exc E 326' of W 356' of S 330' of N 980'

✓ Rose M. Bruce
440 N. Quentin
Wichita, Kansas 67208

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 Foot radius of:

Beginning at the Northeast corner of the intersection of Edgemoor and Central Avenue, thence North along the East line of Edgemoor, 150 feet; thence E parallel to the North line of Central Avenue, 150 feet; thence South parallel with the East line of Edgemoor, 150 feet to a point on the North line of Central Avenue; thence West 150 feet to beginning,

as shown by the records in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 16th day of December, 1969 at 7:00 A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Lucille Schroeder

Vice President

Order No. 168267

jwp

February 26, 1970

Mr. Bill Lafferty
3202 Penley Drive
Wichita, Kansas

Dear Mr. Lafferty:

Subject: Case No. BZA 33-69
Request for Exception

At the regular meeting of the Board of Zoning Appeals on February 24, 1970, your request for an exception to permit the installation of a truck and trailer rental operation on property zoned "LC"-Light Commercial and generally located on the northeast corner of Central and Edgemoor, was considered.

It was the action of the Board to approve this request for an exception subject to the following conditions:

1. The storage and display area shall be paved with concrete asphalt, or other comparable material. The display and storage of trailers is approved for only that area north of the service station.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No signs shall be permitted to project over public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.


February 26, 1970
Bill Lafferty
Case No. BZA 33-69

5. No repair work shall be conducted except in an enclosed building.
6. A 5 to 8 foot solid wall constructed of solid masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be constructed adjacent to the north, east and west lines of the area designated on the plot plan for the storage of U-Haul equipment.
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.

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:ls
cc Jess C. Smith
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

Form 223-01

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	<u>Plan</u>	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>EPA Application</i>	<i>50.00</i>

Name *J. Neal Co*

Address *3202 Pershing Dr.*

Type *R-71-C* Date *12-22-69*

Comments:

Date *12-22-69* By *mjc*

*

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