

Case No. BZA 34-78 - Louise  
McDermott requests exception  
to establish a new & used car lot

*POSTED*  
*9-7-78*  
*M.A.P.C.*  
*C.I.V.*  
*C.P.D.*  
*10-9-78*

ACTION

BZA *34-78* COMMITTEE *Approved* DATE *9-26-78*

M.A.P.C.

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

Map No. 5844  
 Sec. 1  
 Twp. 28  
 Range 1E

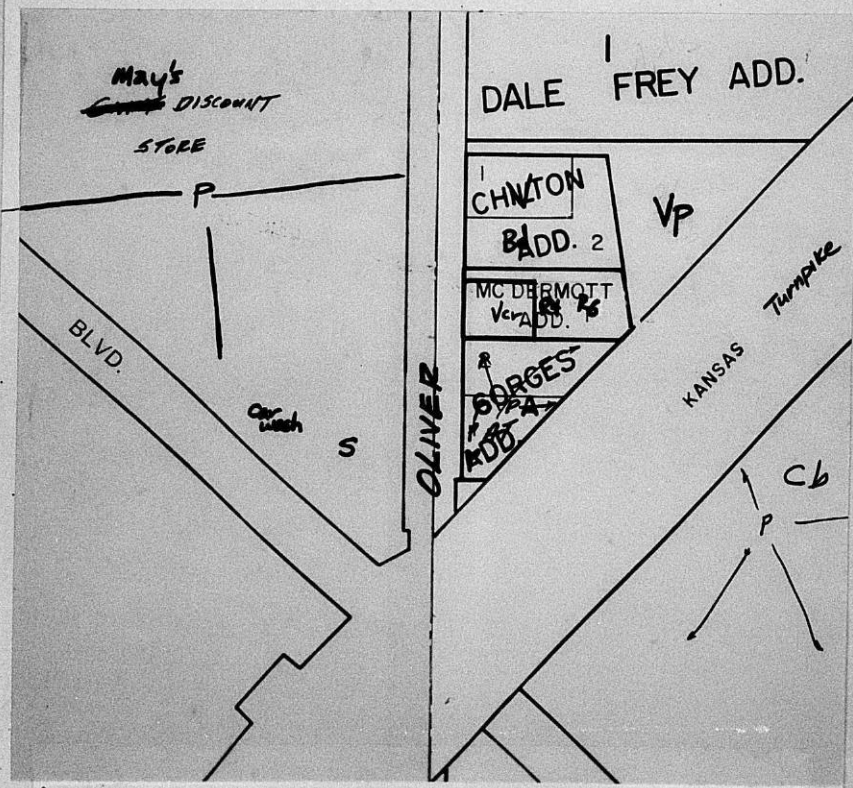
BZA- 34-78  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.32 ( 108 ft. by 130 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East Four Family Dwelling South Auto Sales  
 West Parking Lot North Box
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use if for: \_\_\_\_\_
6. Area (is) (is not) platted.

PHOTO DATA:

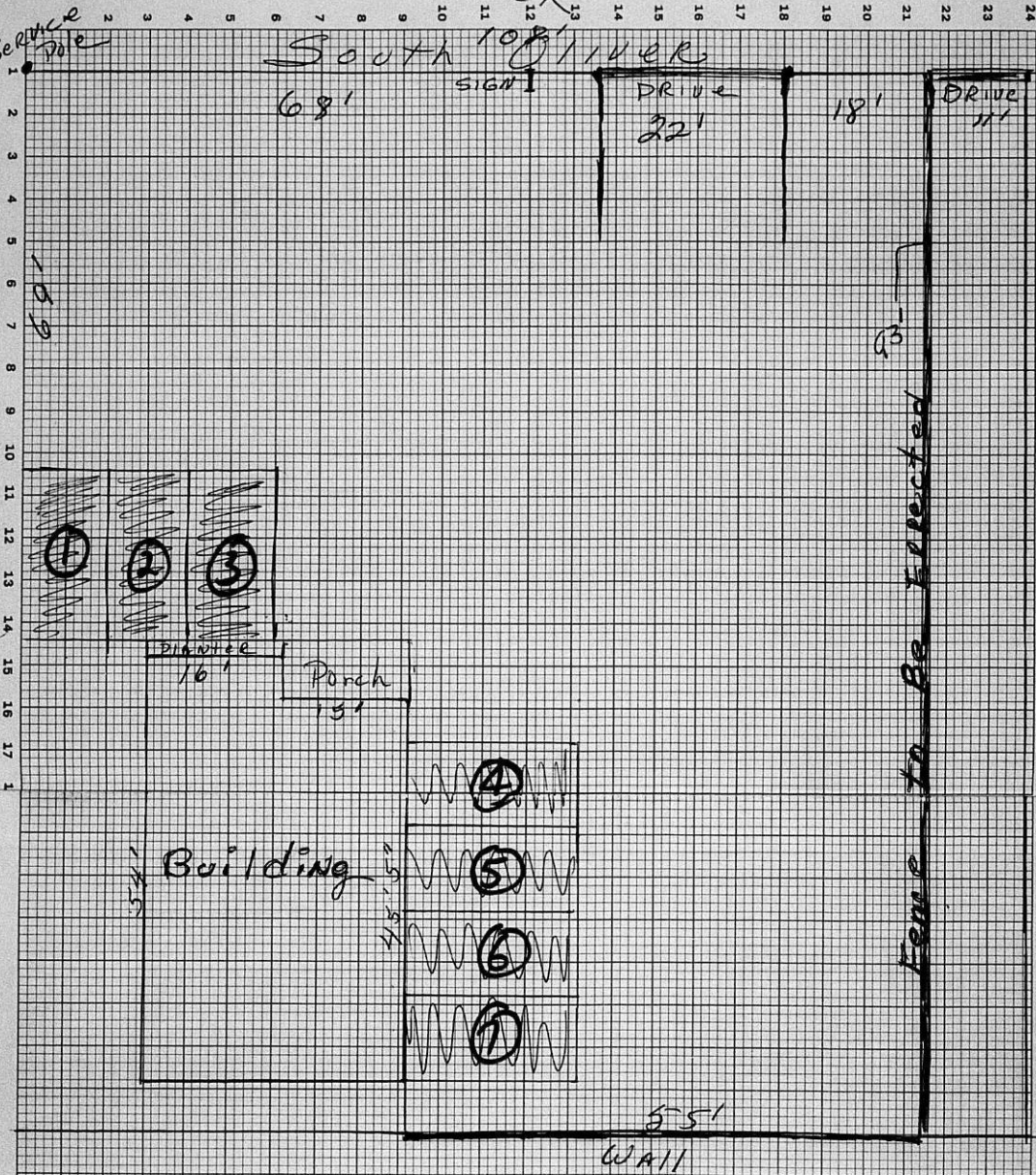
Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



S. M. ...  
 No. 2153C  
 MARTIN, JR. 107 ANDREAS  
 LOGAN OH - AUSTIN, TX U.S.A.

Little Profit Annex

CITY OF WICHITA, KANSAS - SCIENCE - 5 SQUARES TO CENTIMETER - NUMBERED LINES



130'

Fence to Be Erected

Each Square = 1 ft.  
Each Block = 5 ft.

The West 130 feet and South 108 feet  
of Lot 1 The Dermott Addition to

Wichita, Sedgewick County Kansas

Paul Thayer TRAFFIC Eng'r

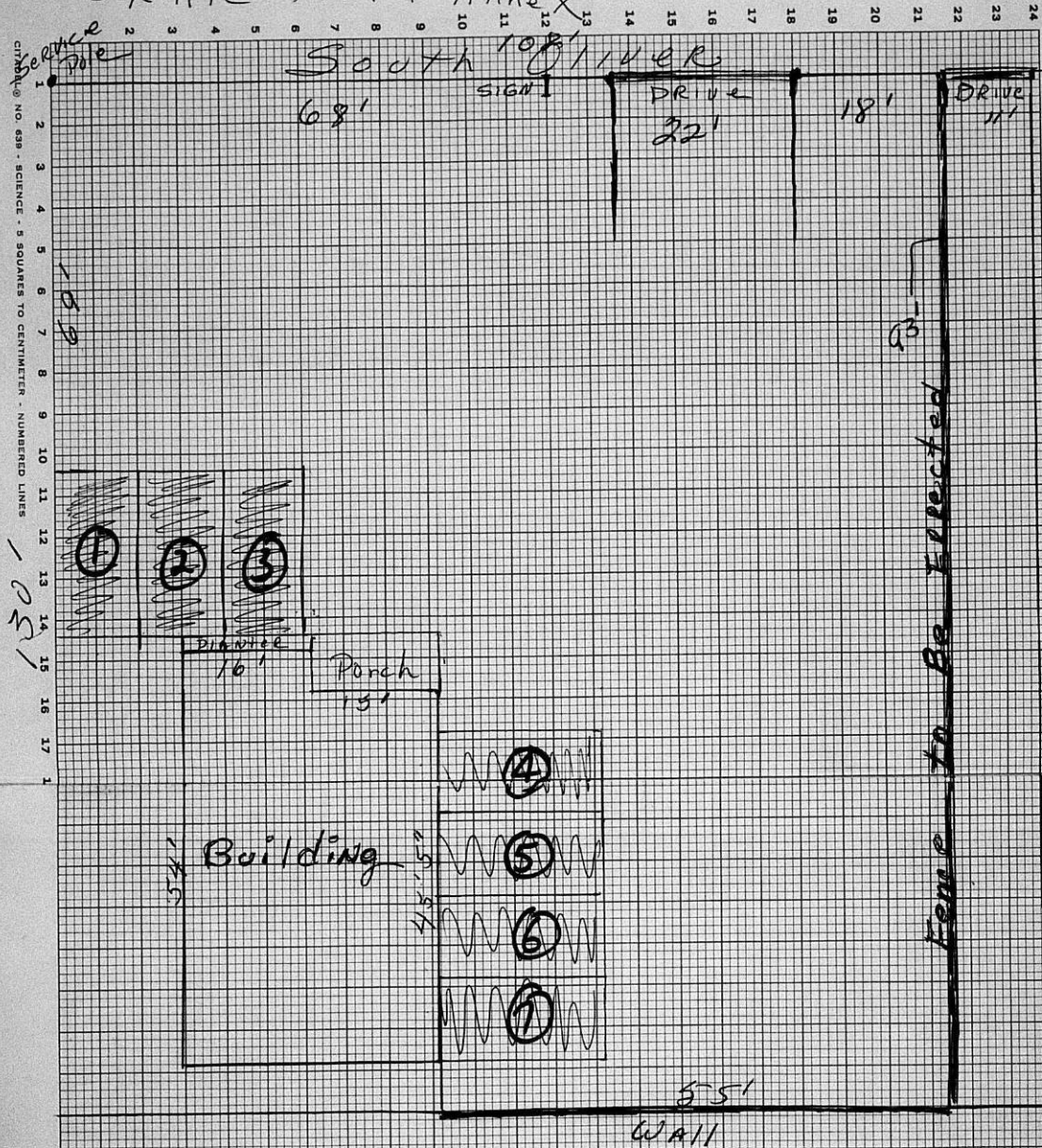
APPROVED  
24 APR 1978

7 PARKING SPACES.

Revaluation

CITY OF WICHITA, KANSAS - SCIENCE - 5 SQUARES TO CENTIMETER - NUMBERED LINES

# Little Profit Annex



Each Square = 1 ft.  
 Each Block = 5 ft.

The West 130 feet and South 108 feet  
 of Lot 1 McDermott Addition to  
 Wichita, Sedgewick County Kansas

*Paul Henry TRAFFIC ENGINEER*

APPROVED  
 24 AUG 1978

7 PARKING SPACES.

Revolution

RESOLUTION NO. BZA 34-78

WHEREAS, Louise McDermott, 1832 McKnight, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to establish a new and used car lot on property zoned the "LC" Light Commercial District and legally described as follows:

The west 130 feet of the south 108 feet of Lot 1, McDermott Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver in an area north of the Kansas Turnpike (2648 S. Oliver).

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 28, 1978 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 establishment of a new and used car lot on property zoned the "LC" Light Commercial District 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 establish a new and used car lot on property zoned the "LC" Light Commercial District and legally described as follows:

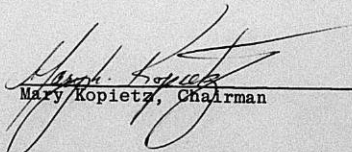
The west 130 feet of the south 108 feet of Lot 1, McDermott Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver in an area north of the Kansas Turnpike (2648 S. Oliver).

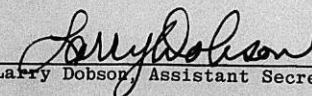
subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. Signs shall comply with the sign regulations of the Zoning Ordinance.
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, and further provided that no body or fender work is done.

ADOPTED AT WICHITA, KANSAS, this 28th day of September, 1978.

ATTEST:

  
Mary Kapietz, Chairman

  
Larry Dobson, Assistant Secretary

October 5, 1978

Louise McDermott  
1832 McKnight  
Wichita, Kansas 67211

Re: Case No. BZA 34-78  
Request for Exception

Dear Ms. McDermott:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 26, 1978, in connection with your request for an exception to permit the establishment of a new and used car lot on property zoned the "LC" Light Commercial District, and generally located on the east side of Oliver in an area north of the Kansas Turnpike (2648 S. Oliver).

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:bbc  
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

September 27, 1978

Louise McDermott  
1832 McKnight  
Wichita, Kansas 67211

Re: Case No. BZA 34-78  
Request for Variance

Dear Ms. McDermott:

At the regular meeting of the Board of Zoning Appeals on Tuesday, September 26, 1978, your request for an exception to permit the establishment of a new and used car lot on property zoned the "LC" Light Commercial District, and generally located on the east side of Oliver in an area north of the Kansas Turnpike (2648 S. Oliver), was considered.

It was the action of the Board to approve the request 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 reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. Signs shall comply with the sign regulations of the Zoning Ordinance.
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, and further provided that no body or fender work is done.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as

Page 2  
September 27, 1978  
Louise McDermott  
Re: BZA 34-78

the signatures of the Chairman and Secretary have been obtained.

Very truly yours,

Larry Dobson  
Assistant Secretary

LD:bbc

cc: Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** September 25, 1978

**TO** Larry Dobson, BZA Secretary

**FROM** Gail Williams, CPO Administrative Aide

**SUBJECT** BZA 34-78 (2648 South Oliver)

On September 18, CPO Council "F" discussed the captioned case, but developed no recommendation.

Various Council members commented that they saw no reason to deny the request, in light of the fact that a car lot already exists south of the subject property. Council members, however, objected to the prospect of a continuous series of car lots and would not approve of the request.

Therefore, the Council voted 5-3 to make no recommendation on the case.

*Gail Williams*

Gail Williams  
CPO Administrative Aide

GW:sm

Noted:

*David L. Furnas*

David Furnas  
Citizen Participation Coordinator

SECRETARY'S REPORT

Case No. BZA 34-78

APPLICANT: Louise McDermott, 1832 McKnight, Wichita, Kansas

AGENT: Same.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the establishment of a new and used car lot on property zoned "LC" Light Commercial.

GENERAL LOCATION: East side of Oliver in an area north of the Kansas Turnpike (2648 S. Oliver).

ZONING: Subject property and all surrounding properties are zoned the "LC" Light Commercial District.

LAND USE: Subject property contains a vacant building. North is a tavern. East is a four-family dwelling. South is a new and used car lot. West is a parking lot of May's Discount Drugs.

JURISDICTION:

The Board has jurisdiction to consider this request under 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 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the establishment of a new and used car sales lot on subject property.

The site is located east of the old Giant Store, now known as May's Super Drug Center and Whitlock Auto Supply. Adjacent to the south of subject property is an existing new and used car lot approved by the Board in 1973, case number BZA 2-73. North of the property is a tavern, separated from subject property by an eleven foot access driveway which serves a four-plex and a six unit structure located east of subject property. These residential units are on the same "LC" zoned lot as subject property and are owned by the applicant.

Subject property has 108 feet of frontage on Oliver and is 130 feet in depth. A vacant 54 x 31 foot building is located in the southeast corner of the site. The Traffic Engineer's office has reviewed and approved the plan as submitted. The plan indicates a fence will be constructed along the north line of subject property, adjacent to the previously mentioned access driveway to the residential units.

With the exception of the residential units owned by the applicant there is no residential development in the immediate area. It should be pointed out that the property is located on a major street, is in close proximity to the Kansas Turnpike and is adjacent to an existing new and used car lot.

RECOMMENDATION:

It is the recommendation of the Secretary that the exception to permit the operation of a new and used car lot on property zoned the "LC" Light Commercial District 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 reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. Signs shall comply with the sign regulations of the Zoning Ordinance.
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, and further provided that no body or fender work is done.

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main Street, Wichita, Kansas 67202

August 31, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 34-78

An application has been filed by Louise McDermott, 1832 McKnight, Wichita, Kansas pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to establish a new and used car lot on property zoned the "J.C" Light Commercial District and legally described as follows:

The west 130 feet of the south 108 feet of Lot 1, McDermott Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver in an area north of the Kansas Turnpike (2648 S. Oliver).

This application has been assigned Case No. BZA 34-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 26, 1978, 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

6 notices sent to adjacent property owners, applicant, and/or agent  
10 notices sent to MAPC  
1 notice sent to CPO

17 total notices sent on BZA 33-79, August 31, 1978

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant Louise McDermott ✓

Mailing Address 1832 McKnight Phone 684-0526 ofc  
7211 262-2780

Name of Authorized Agent NA

Mailing Address NA Phone NA

Relationship of applicant to property is that of owner  
(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 9 New and used CAR lot

\_\_\_\_\_ on property zoned

LC, located 2648 S. Oliver

\_\_\_\_\_ and legally described as: A PORTION

of (The West 130 feet and South 108 feet) Lot 1

McDermott Addition to 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.

Applicant Louise McDermott

Authorized Agent \_\_\_\_\_

east side of  
Oliver in an area  
north of the Kansas Turnpike  
2648 S. Oliver

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 11:30 (a.m.) - p.m.), 8-24, 1978, together with appropriate fee of \$50.00

Signed Larry Dobson

MAP 5844

CERTIFICATE OF OWNERSHIP

REALTY 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

Lot 1, McDermott Addition

together with all real estate lying within a 200-foot radius thereof.

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>McDERMOTT ADDITION</u> <u>Lot 1</u>	✓ Eva Louise McDermott 8201 E. Harry #301 Wichita, Kansas 67207
<u>GORGES ADDITION</u> <u>Lot 1</u>	✓ Pizza Parlor, Inc. c/o Gorges Enterprises, Inc. 2660 So. Oliver Wichita, Kansas 67210
<u>CHILTON ADDITION</u> <u>Lot 1</u>	✓ Thomas G. Hunt Ewen R. Hunt 2309 Lotus St. Wichita, Kansas 67213
<u>Lot 2</u>	<i>not listed</i> ✓ C & R. Diversified Inv., Inc. 16170 W. Harry Wichita, Kansas 67213
Beg 1244' N SW/cor of NW¼ E 10 Kans Turnpike Authority Row SW to Intsec McDermott Addn & Row NW 309.65' W 307.8' N 30' to beg, exc W 50' St. Sec 1-28-1E	✓ Katherine Waters 4135 Randolph San Diego, Calif. 92103
Beg at SE/cor SE¼ Sec 2 N to where E L Inter Geo Wash Blvd th NW along Blvd to W L Ross Parkway th S & W to Roosevelt Dr. th SE along Roosevelt Dr. to Dunkin th SW along Dunkin to Davidson Ave SE to pt W of Inter ¼ Sec 2-28-1E exc 22.62A M-L Kans. Turnpike Authority Deed & exc Part platted as Planeview School Addn	City of Wichita 455 N. Main Wichita, Kansas 67202

Dated at Wichita, Kansas this  
27th day of July, 1978

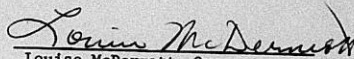
REALTY TITLE CO., INC.

By *Linda Ayala*  
Linda Ayala - Vice President

I, the undersigned, hereby respectfully submit a request for an exception of zoning on the following described property under ordinance 28.04.183.2:

A portion of (The West 130 feet and the South 108 feet) of Lot 1 McDermott Addition, Wichita, Sedgwick County, Kansas.

I request this exception for the purpose of a new and used car lot. This is compatible to the present usage of the area as there is already an existing and operating new and used car lot next door south the the subject property.

  
Louise McDermott, Owner

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main Street, Wichita, Kansas 67202

August 31, 1978

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Jack H. Galbraith  
Secretary

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202



REASON CHECKED  
Unclaimed  Refused   
Address unknown   
Insufficient address   
No such street number   
No such office in state   
Postnet remain in this envelope



*not listed*

C & R Diversified Inv, Inc.  
16170 W. Harry  
Wichita, Kansas 67213

FORM 2-021

PAYMENT NOTICE  
City of Wichita

*Trunk  
2<sup>nd</sup> Floor*

Eldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	<u>Plan</u> <del>Ins.</del>	Cement	M.S.P.

DESCRIPTION	AMOUNT
<i>Variances Application</i>	<i>50</i>
NAME <i>Louise M. Dinnitt</i>	
ADDRESS <i>132 McKnight</i>	
FUND <i>110-00-000-10071-003-000-000</i>	DUE DATE
COMMENTS	
DATE <i>8-24-78</i>	BY <i>[Signature]</i>

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

*Ben*



NOT DELIVERABLE AS ADDRESSED  
NO FORWARDING ORDER ON FILE

Thomas G. & Gwen R. Hunt  
2309 Lotus St.  
Wichita, Kansas 67213

*906 Cooper  
resent 9-7-78*