

BZA-35-68 - Kage Jones requests an Exception to permit the installation of U-Haul trailers, etc. on property zoned "LC" and located on the NE corner Wassall and Hydraulic.

POSTED

12/17/68

ACTION

DATE

BZA COMMITTEE

Denied

12-17-68

M.A.P.C. _____

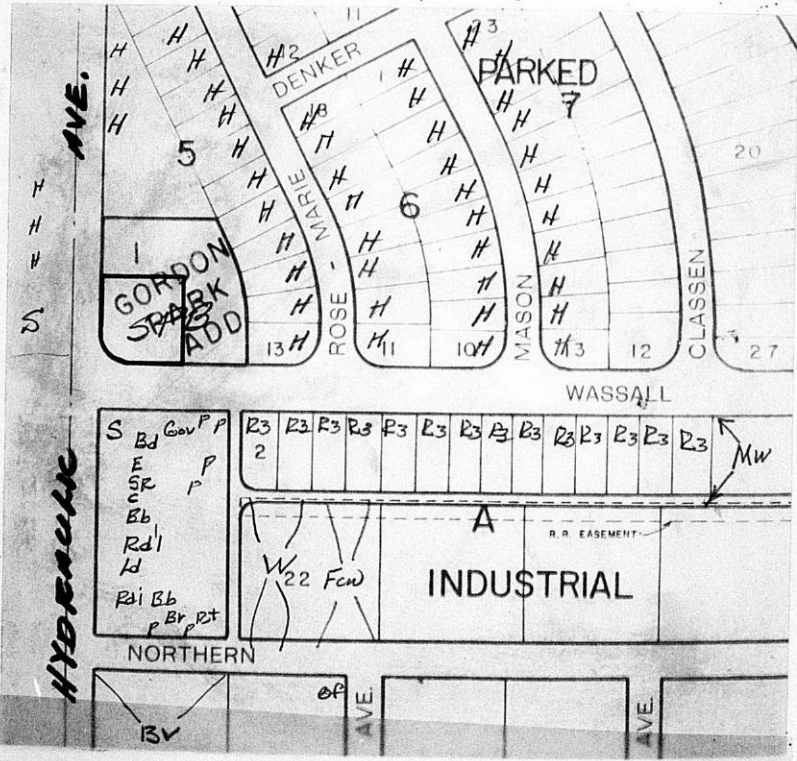
B.C.C./B. CO. C. _____

Map No. 5644
 Sec. 3
 Twp. 24
 Range 1E.

B2A 35-68
 SC2-
 CU-
 Filed

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

PHOTO DATA:
 Taken by _____ Date _____ Time _____



R E S O L U T I O N No. BZA 35-68

WHEREAS, Kage Jones, 2730 South Hydraulic, 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 trailer, vehicle, and equipment rental operation on property zoned "LC" Light Commercial, and legally described as follows:

Beginning at a point in the west line of Lot 1, Gordon Park Addition, 100 feet south of the north-west corner of Lot 1, east 150 feet; south to a point in the south line of Lot 1, 120 feet west of the southeast corner of said lot; west 150 feet; north 150 feet to point of beginning. Generally located on the northeast corner of Wassall and Hydraulic.

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 December 17, 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

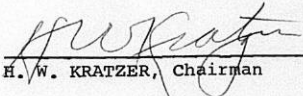
WHEREAS, the Board of Zoning Appeals has authority to permit the installation of a trailer, vehicle and equipment rental operation on property zoned "LC" Light Commercial, subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application for the installation of a trailer, vehicle and equipment rental operation on property zoned "LC" Light Commercial, and legally described as follows:

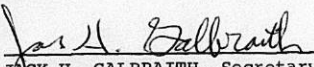
Beginning at a point in the west line of Lot 1, Gordon Park Addition, 100 feet south of the north-west corner of Lot 1, east 150 feet; south to a point in the south line of Lot 1, 120 feet west of the southeast corner of said lot; west 150 feet; north 150 feet to point of beginning. Generally located on the northeast corner of Wassall and Hydraulic.

not be approved.

ADOPTED AT WICHITA, KANSAS, this 17th day of December, 1968.


H. W. KRATZER, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

January 13, 1969

Mr. Bill Lafferty
3202 Penley Drive
Wichita, Kansas 67218

Subject: BZA 35-68 - Request for an
Exception

Dear Mr. Lafferty:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 17, 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" Light Commercial and located on the northeast corner of Wassall and Hydraulic.

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Kage Jones, 2730 S. Hydraulic, Wichita, Kansas 67216
Robert Moore, Sr., 1959 South Oliver, Wichita, Kansas 67218
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

December 18, 1968

Mr. Bill Lafferty
3202 Penley Drive
Wichita, Kansas 67218

Subject: BZA 35-68 - Request for
an Exception

Dear Mr. Lafferty:

At the regular meeting of the Board of Zoning Appeals on December 17, 1968, your request for an Exception to permit the installation of a trailer, vehicle and equipment rental operation on property zoned "LC" Light Commercial, and generally located on the northeast corner of Wassall and Hydraulic, was considered.

It was the action of the Board to deny this request for an Exception.

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

cc: Kage Jones, 2730 S. Hydraulic, Wichita, Kansas 67216
Robert Moore, Sr., 1959 South Oliver, Wichita, Kansas 67218
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 35-68

APPLICANT: Kage Jones, 2730 South Hydraulic, 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 of a trailer, vehicle and equipment rental operation.

GENERAL LOCATION: Northeast corner of Wassall and Hydraulic.

LAND USE: Subject property is occupied by a service station as is that to the south. To the west is a service station and single family, and to the east and north is vacant.

ZONING: Subject property is zoned "LC" Light Commercial, as is that to the north, south, and east. To the west is "AA" and "LC"

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 the zoning ordinance to permit the establishment of a trailer rental operation on property zoned "LC" at the northeast corner of Wassall and Hydraulic. The site is presently occupied by a service station and the trailer rental operation would be secondary in nature, being an additional service offered to the customers.

Several years ago the zoning ordinance was amended to permit merchandise which is for sale within the building to be displayed in areas immediately adjacent to the building. This amendment accommodated uses such as service stations displaying tires, oil, etc., in the "LC" zoning classification. It is the opinion of the Secretary that to permit the outdoor display of non-associated merchandise or equipment such as trailers and handtrucks, and other rental equipment creates an unsightly appearance and often impairs the traffic circulation of the service station facility.

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of

In the platting of this property, a 35 foot building setback was established from both streets. Although the service station sets back 60 feet from both streets, the lessee is proposing to block the view of the station by storing trailers in the 35 foot setback adjacent to Hydraulic. It would appear to be reasonable, that if other businesses in "LC" are not permitted to store merchandise on the site away from the buildings, then trailer storage is not in keeping with the intent of the Ordinance. Both the vacant land to the north and east should not be subject to the view of stored trailers.

It should also be pointed out that if this request were approved for this service station it would encourage additional requests in other "LC" areas most of which are neighborhood or service areas such as this and not appropriate for this heavier type of storage use.

Recommendation

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

In the event, it is the opinion of the Board that this request is logical and proper for the area, the exception should then be approved subject to the following conditions:

1. The storage or display of trailers shall not be permitted in the front 35 ft. setbacks adjacent to both streets. Such display and storage area shall be only in specified areas on the site as approved by the Board.
2. The unpaved area in the northeast corner of the application area shall not be used for storage or display of trailers or associated equipment.
3. That all storage and display areas shall be paved with concrete, asphalt or other comparable material.

4. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
5. No signs shall be permitted to project over public right-of-way.
6. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. No repair work shall be conducted except in an enclosed building.
8. All conditions of approval by the Board must be complied with prior to the occupancy of the property for the proposed trailer rental facility.
9. The lessee or owner of the service station shall construct a 5 - 8 ft. solid or semi-solid fence of masonry, architectural tile, wood, louvered or staggered wood, or other similar materials around the trailer storage areas with access by means of appropriate screening type gate. Only two trailers shall be permitted for display purposes and shall be clearly indicated on the plan.
10. The applicant shall submit revised copies of the Development Plan to the Office of Central Inspection and Traffic Engineering, Divisions of the Department of Public Works, for their approval. Said plan shall indicate the location of the required number of off-street parking spaces for customer and employees and designation of the storage and display area for trailers. Two copies of the approved plan shall be submitted to the Secretary of the Board of Zoning Appeals. (Note: Parking space calculations are based on one parking space for every 250 sq. ft. of floor area and one space for each 3,000 sq. ft. of lot area used for trailer storage.)

BOARD OF ZONING APPEALS
Room 401 City Building Annex
104 South Main Street
Wichita, Kansas 67202

December 2, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. EZA 35-68

An application has been filed by Kage Jones, 2730 South Hydraulic, by Bill Lafferty, 3202 Benley Drive, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of trailer, vehicle and equipment rental operation on property zoned "LC" Light Commercial and legally described as follows:

Beginning at a point in the west line of Lot 1, Gordon Park Addition, 100 feet south of the northwest corner of Lot 1, east 150 feet; south to a point in the south line of Lot 1, 120 feet west of the southeast corner of said lot; west 150 feet; north 150 feet to point of beginning. Generally located on the northeast corner of Wassail and Hydraulic.

This application has been assigned Case No. 35-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 17, 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. GALERAITH
Secretary

29 Notices mailed 12-2-68

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. B2A 35-68
FILED 11-18-68

APPLICATION FOR EXCEPTION

I. Name of Applicant Kage Jones
Mailing Address 2730 S. Hydraulic Phone AM 5-9161
Name of Authorized Agent Bill Lafferty (U-Haul Co.)
Mailing Address 3202 Penley Dr. 18 Phone MT 4-0604
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 trailers on property zoned LC, located 2730 S. Hydraulic and legally described as: _____, in the City of Wichita.
(Give metes and bounds description below if appropriate).

- 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, 3:45 (a.m. - p.m.), November 18, 1968, together with appropriate fee of \$50.00.

Signed E. Lynn Shirley P II

OWNERSHIP LIST

| <u>DESCRIPTION</u> | <u>PROPERTY OWNER</u> |
|---|---|
| Beg. at a point in W. line Lot 1, Gordon Park Add., 100 ft. S. of NW cor. Lot 1, E. 150 ft; S. to a point in S. line Lot 1, 120 ft. W. of SE cor. said Lot; W. 150 ft., N. 150 ft. to beg. | ✓ Apco Oil Corporation Oklahoma City, Okla |
| Lot 1, Gordon Park Add., except Beg. at a point in W. line Lot 1, 100 ft. S. of NW cor. said lot, E. 150 ft., S. to a point in S. line Lot 1, 120 ft. W. of SE cor. said Lot; W. 150 ft; N. 150 ft. to beg. | ✓ Mitchell-Miller, Inc. 2801 S. Hydraulic 67216 |
| Lot 7, Block 5, Classen Parked Add. | ✓ Jerrald H. Relethford Schrediah Relethford 619 Edgemoor, Mulvane, Kans 67110 |
| Lot 8, " " | ✓ Derrell W. Lynam Carol L. Lynam 2709 Rose Marie Court 67216 |
| Lot 9, " " | ✓ Don T. Linton Eva M. Linton 2715 Rose Marie Ct 67216 |
| Lot 10, " " | ✓ Thelma Dawson Unknown |
| Lot 11, " " | ✓ Andrew C. Hanson Dorothy M. Hanson 2733 Rose Marie Court 67216 |
| Lot 12, " " | ✓ Board of Pensions of United Presbyterian Church 2726 Rose Marie Court 67216 |
| Lot 13, " " | ✓ Robert Dwayne Stewart Wanda M. Stewart 2739 Rose Marie Ct. 67216 |
| Lot 14, exc. N. 270 ft and exc. S. 250 ft. Blk 5, Classen Parked Add. | ✓ Helen Marie Morgan 2720 S. Hydraulic 67216 |
| S. 70 ft. of N. 270 ft. Lot 14, " " | ✓ Alleen Mae Cousatte 2712 S. Hydraulic 67216 |
| Lot 10, Block E, Graber Add. | ✓ Ray L. Smith & Son Inc. Box 391, El Dorado, Kans 67042 |

see for legal

Page 2

| <u>DESCRIPTION</u> | <u>PROPERTY OWNER</u> |
|--|---|
| Lot 11, Block E, Graber Add. | ✓ Ray L. Smith & Son, Inc. Box 391, El Dorado, Kans 67042 |
| Lot 12, Block E, Graber Add. | ✓ Lloyd G. Walters B. Francis Walters 2741 S. Hydraulic 67216 |
| Lot 13, Block E, Graber Add. | ✓ Josephine Banuelos 2735 S. Hydraulic 67216 |
| Lot 14, Block E, Graber Add. | ✓ Joseph E. Copening Sharal J. Copening Address unknown 11 <i>811 So. Grove</i> |
| Lot 15, Block E, Graber Add. | ✓ Star Lumber & Supply Co. Inc. 325 S. West St. 67209 |
| Lot 1, Schrader Bros. 5th | ✓ H. M. Schrader J. A. Schrader W. A. Schrader 1827 N. Mosley 67214 |
| E. 100 ft. of N. 140 ft. of Lot 1, Block A, Industrial Add. | ✓ Minnie W. Brown address unknown 11 <i>1534 So. Emporia</i> <i>returned 12-9-68</i> |
| N. 140 ft. of W. 140 ft. of Lot 1, Block A, Industrial Add. | ✓ Skelly Oil Co. 911 E. Orme 67211 |
| Lot 2, Block A, Industrial Add. | ✓ H & H Rentals, Inc. address unknown <i>317 So. St. Francis</i> 02 |
| N. 200 ft. Lot 14, Block 5, Classen Parked Add. | ✓ Henry J. Phillips Sr. Judy Anne Phillips 2725 Larkin Dr. 67216 |

Page 3

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 feet of:

That part of Lot One (1), Gordon Park Addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Commencing at a point in the west line of said Lot 100 feet South of the Northwest Corner, thence east 150 feet on a line parallel with the north line of said lot, thence south on a line parallel with the west line of said lot to a point in the south line of said lot, which is 120 feet west of the southeast corner of said lot; thence west 150 feet to the west line of said lot and thence north 150 feet to the point of beginning.

as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 20th day of November A. D. 1968, at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Lucille Schroeder

Vice President.

Order No. 158939
(KPB)

FORM 273-0

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 |
|-------------|--------|
| B70 | |

Name Bull White

Address 2202 3rd St. N.W.

Type _____ Due Date _____

Comments: _____

Date 11-18-68 By HL

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING COMMISSION

CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

35-68

- Moved, list no address
- If such number is recordable
- No address



Wang Minnie Brown

Minnie W. Brown
1534 S. Emporia
Wichita, Kansas 67211



TURN TO

Important!

Notice of Hearing Enclosed



*

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