

*Bza* COMMITTEE \_\_\_\_\_

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

DATE *12-17-63*

BZA 36-63 - Macy Auto Service (M.M. Macy) requests exception for sale of used cars on SW corner of Kellogg & Edgemoor

# ACTION

*Baa* COMMITTEE \_\_\_\_\_ DATE 12-17-63  
M.A.P.C. \_\_\_\_\_  
B.C.C./B. CO. C. \_\_\_\_\_

SEN 16-63 - Macy Auto Service (N.M. Macy) requests exception for sale of used cars on SW corner of Kellough & Edgemoor

**Board of Zoning Appeals**

**January 22, 1965**

**Robert G. Finch, City Clerk**

**James Howe, Assistant Secretary**

**BZA 36-63 - Performance Bond**

**This is to advise you that the corporate performance bond in the amount of \$4,000 which was submitted in conjunction with BZA Case No. 36-63, may now be released. We have been advised by the Central Inspection Division that all requirements which the bond guaranteed have been complied with.**

**JWH:ber**

**cc: L. L. Binkley  
Central Inspection**

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION DIVISION DATE January 20, 1965

TO Jack Galbraith, Senior Planner

FROM L. L. Binkley, Maintenance Inspection Supervisor



SUBJECT

BZA Resolution 36-63

This will serve to notify your division that the fencing as required under Item #2 is now completed. Therefore the bond under Item #2 can be released.

LLB:rs





WELDON INSURANCE

AREA CODE 316

TELEPHONE AM 5-6241

BERNARD J. WELDON, C. P. C. U.

702 SCHWEITER BUILDING  
WICHITA, KANSAS 67202

*26*  
*Please answer*

January 19, 1965

Robert A. Lakin, Secretary  
Board of Zoning Appeals  
City Building Annex  
Wichita, Kansas

Re: BZA 36-63  
Macy Auto Service

Dear Mr. Lakin:

On January 30, 1964, we executed a Bond in connection with Resolution No. BZA 36-63 for Macy Auto Service, 5523 East Kellogg.

Mr. Macy informs us that the obligations under the Bond have been completed and the Bond is no longer necessary.

May we have a release of the Bond, executed in the United States Fidelity and Guaranty Company, so we and the Surety may close our files.

Yours sincerely,

WELDON INSURANCE

B. J. WELDON, CPCU

BJW:nm

cc: Robert G. Finch, City Clerk  
City of Wichita  
City Building Annex  
Wichita, Kansas



Board of Zoning Appeals

February 4, 1964

Robert Finch, City Clerk

James W. Howe, Assistant Secretary

BZA 36-63 - Approval of a  
new and used car sales lot  
at southwest corner of  
Edgemoor and Kellogg

Attached is a copy of a performance bond which has been filed by Mr. M. M. Macy of Macy Auto Service, 5523 East Kellogg. This bond has been filed as a result of a requirement made by the Board of Zoning Appeals in the approval of the above captioned property for a new and used car sales lot. Said bond guarantees the construction of a fence and the surfacing of the lot area as required in BZA Resolution No. 36-63.

This bond should remain on file in your office until such time as the Superintendent of Central Inspection notifies you that the requirements guaranteed by the bond have been complied with.

If you have any questions, please feel free to call.

James W. Howe  
Assistant Secretary

JWH:ber

Attachment

cc: M. M. Macy  
5523 East Kellogg

Glen Lytle, Superintendent  
of Central Inspection

December 31, 1963

Macy Auto Service  
5523 East Kellogg  
Wichita, Kansas

Gentlemen:

Re: BZA 36-63 - Request for Exception

On December 23, 1963, we advised you that the Board of Zoning Appeals had approved your application for an exception to permit the sale of new and used cars on property generally located at the southwest corner of Edgemoor and Kellogg, subject to certain conditions.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before December 30, 1963.

The City Clerk has advised that no appeal was filed on or before the date indicated, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Robert A. Lakin  
Secretary

RAL:ber  
Attachment

cc: Glen Lytle, Superintendent  
of Central Inspection

R E S O L U T I O N N O. B Z A 3 6 - 6 3

WHEREAS, Macy Auto Service, 5523 East Kellogg, Wichita, Kansas, requests an Exception to permit the sale of new and used cars as provided in Section 28.04.180.A.14 of the Code of the City of Wichita, Kansas; and

WHEREAS, the above request applies to property legally described as:

Lots 1 and 2, Block 1, Beverley Manor Addition,  
in the City of Wichita, Sedgwick County, Kansas,

which is generally located at the southwest corner of Edgemoor and Kellogg; and

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, in regular meeting, consider said application on the 20th day of December, 1963; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an Exception under the provisions of Section 2.12.590 of the Code of the City of Wichita, Kansas; and

WHEREAS, the Board of Zoning Appeals determined that the location is contiguous to a major street as designated in Pattern for Thorofares, Wichita, Kansas, 1955, or amendments thereto, and that the area is zoned "LC" Light Commercial.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the request for an Exception as described above for property described as:

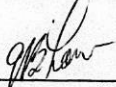
Lots 1 and 2, Block 1, Beverley Manor Addition,  
in the City of Wichita, Sedgwick County, Kansas,

generally located at the southwest corner of Edgemoor and Kellogg, be approved, subject to the following:

1. The permit shall be for used and new car sales.
2. That screening be provided along the south property line, such screening to be of a concrete or architectural tile, or brick fencing, a minimum of 5 feet in height, except from the setback line on the east to the east property line the fence height shall be reduced to not more than 3 feet.
3. All ground area used for ingress, egress, storage of cars and off-street parking shall be surfaced with either concrete or asphalt.
4. All lights shall be shielded to reflect or direct light away from adjoining residential property. No string type lighting shall be permitted.
5. No projecting signs (as defined by the Sign Code of the City) shall be permitted.

6. No sound projecting devices or loud speakers shall be used so as to be heard outside of any structure.
7. No outside repair of vehicles shall be conducted.
8. A corporate performance bond in the amount of \$4,000 satisfactory to the Board's legal counsel, shall be submitted to the Secretary of the Board, to guarantee the construction of the fence as required, and to guarantee the surfacing of the lot area.
9. That the resolution shall not be in effect prior to the submission of such bond or the actual improvements made on the lot.

ADOPTED AT WICHITA, KANSAS, this 20th day of December, 1963.

  
\_\_\_\_\_  
E. B. Law, Chairman

ATTEST.

  
\_\_\_\_\_  
Robert A. Lakin, Secretary

Board of Zoning Appeals

December 27, 1963

Robert G. Finch, City Clerk

Robert A. Lakin, Secretary

BZA 36-63

Attached is a copy of BZA Resolution No. 36-63, covering action taken by the Board of Zoning Appeals on the above case.

This case was heard December 20, 1963, and an appeal may be filed in your office on or before December 30, 1963.

If an appeal is filed, please advise.

Robert A. Lakin  
Secretary

RAL:ber

Attachment

December 23, 1963

Macy Auto Service  
5523 East Kellogg  
Wichita, Kansas

Gentlemen:

Re: BZA 36-63 - Request for Exception

This is to advise you that at its special meeting of December 20, 1963, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to permit the sale of new and used cars on property generally located at the southwest corner of Edgemoor and Kellogg, and legally described as:

Lots 1 and 2, Block 1, Beverley Manor Addition,  
in the City of Wichita, Sedgewick County, Kansas.

It was the action of the Board of Zoning Appeals to approve this application, subject to the following:

1. The permit shall be for used and new car sales.
2. That screening be provided along the south property line, such screening to be of a concrete or architectural tile, or brick fencing, a minimum of 5 feet in height, except from the setback line on the east to the east property line the fence height shall be reduced to not more than 3 feet. An entrance way from the alley to the lot may be retained. All ground area used for ingress, egress, storage of cars and off-street parking shall be surfaced with either concrete or asphalt.
3. All lights shall be shielded to reflect or direct light away from adjoining residential property. No string type lighting shall be permitted.
4. No projecting signs (as defined by the Sign Code of the City) shall be permitted.

Page 2 - Macy Auto Service  
December 23, 1963

5. No sound projecting devices or loud speakers shall be used so as to be heard outside of any structure.
6. No outside repair of vehicles shall be conducted, and further provided that no body or fender work is done.
7. A corporate performance bond in the amount of \$4,000 shall be submitted to the Secretary of the Board, to guarantee the construction of the fence as required, and to guarantee the surfacing of the lot area.
8. That the resolution shall not be in effect prior to the submission of such bond or the actual improvements made on the lot.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before December 30, 1963.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before December 30, 1963, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Robert A. Lakin  
Secretary

RAL:JWH:ber

cc: Robert G. Finch  
City Clerk

Glen Lytle, Superintendent  
of Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 36-63

GENERAL LOCATION

The property represented in this application is generally located at the southwest corner of Kellogg and Edgemoor.

EXISTING LAND USE

The property in question is occupied by a service station and garage. To the east is a drug store and food market, south is single family development; west is a small shopping center, north is the Veterans Hospital.

EXISTING ZONING

The property in question is zoned Light Commercial, as is property both to the east and west. South is "AA" Single family dwelling and north is "BB" Office district.

REQUEST

The request is for an exception as provided in Section 28.04.180.A.14, Code of the City of Wichita, to allow the property to be used for a new and used car sales lot. The request is within the jurisdiction of the Board providing that the following conditions are found to exist:

1. Location contiguous to a major street as designated in the Pattern for Thorofares, Wichita, Kansas, 1955, or amendments thereto.
2. Such screening for areas contiguous to residential zoning districts as may be determined appropriate and necessary to protect adjacent properties from light, debris and noise and to preserve adjacent property values.
3. 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 projecting signs shall be permitted.
6. No sound projecting devices or loud speaker shall be used so as to be heard outside of any structure.
7. Such other conditions as the Board of Zoning Appeals shall deem necessary to include, but not be restricted, proper setbacks, landscaping, and maintenance provisions.
8. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

The applicant has submitted a statement of justification (attachment #1) and a site plan (attachment #2). In the statement of justification it is pointed out that the previous lessee of the service station had a license and sold used cars from this location. It should be noted that the licensing of used car sales was carried out by the State. Since 1962, the State has been checking with the Superintendent of Central Inspection to see that all proposed licensees are complying with existing ordinances of the city (including zoning). Because of this, many instances have been discovered throughout the city where there have been zoning violations in the past.

SECRETARY'S COMMENTS

This case, as one other before the Board today, is located on a rather small site and in connection with a service station. It should be noted that the Planning Commission in recommending to the City Commission that an amendment to the Zoning Ordinance be adopted to allow the Board of Zoning Appeals this authority, statements were made to the affect

that it was hoped the Board of Zoning Appeals would not use this authority to allow associated activities with service stations and on small unaccessible sites. It was the Planning Commission's general position at that time that this amendment should be used by the Board of Zoning Appeals to allow used car sales activities in areas generally compatible with such activity where such use or sales was conducted on a well designed, well layed out spacious site.

It is the Secretary's opinion that this particular area of the city along East Kellogg, should not be used for used car sales except where there is adequate room to properly display the merchandise and provide for adequate ingress, egress, off street parking and display areas. Two such lots have been approved along Kellogg in the vicinity of Woodlawn. It is the feeling of the Secretary that both of these applications were justified because of the quality of the proposed development. In this particular location, the only available area for display of cars would be in the area to the rear of the service station and along a small area along Edgemoor. The entrance to the area would either be from an alley south of Kellogg or on a north-south drive directly along the west of the service station area. Since the requirements of the Zoning Ordinance require the property to be abutting a major traffic street, it is felt that possibly this site would technically meet the requirements but, in fact, would violate the intent of the ordinance. If the 30, plus or minus, feet west of the station were used for used cars, no more than 3 cars could be used, and if so then would block off all means of ingress or egress from the Kellogg side. If an adequate

roadway is maintained from Kellogg, then only one or perhaps two cars could be displayed along the Kellogg frontage.

It is further felt from observing the site, that if the permit were granted this would mean the elimination of adequate off-street parking for the service station itself and for the garage which is conducted in connection therewith. This is an older station, not having the off street parking areas in front as do many of the newer stations. If this service station is to continue to be successful, it is assumed that adequate off-street parking ought to be provided on a continuous basis for this. If, however, the off-street parking is utilized for sale of used cars, then the existing operation of the service station and garage may deteriorate, as well as the affect the used car operation may have on adjacent area.

It is further noted that the site plan submitted by the applicant does not indicate where the parking bays for the used cars will be located, nor does it provide for a clear means of showing ingress and egress throughout the lot area, nor are specific off-street parking spaces provided and located for the "used car operation". Additional information should be submitted by the applicant prior to any approval of this application. Based on the general location of the area, the inadequacy of the site, the existing operation and the affect on off-street parking, it is the recommendation of the Secretary that this application be denied.

In the event the Board of Zoning Appeals desires to approve the application, it is recommended that the approval be subject to the following:

1. The permit shall be for used and new car sales.
2. That screening be provided along the south property line, such screening to be of a concrete or architectural tile, or brick fencing, a minimum of 5 feet in height, except from the setback line on the east to the east property line the fence height shall be reduced to not more than 3 feet. An entrance way from the alley to the lot may be retained. All ground area used for ingress, egress, storage of cars and off-street parking shall be surfaced with either concrete or asphalt.
3. All lights shall be shielded to reflect or direct light away from adjoining residential property. No string type lighting shall be permitted.
4. No projecting signs (as defined by the Sign Code of the City) shall be permitted.
5. No sound projecting devices or loud speakers shall be used so as to be heard outside of any structure.
6. No outside repair of vehicles shall be conducted.
7. A corporate performance bond in the amount of \$ \_\_\_\_\_ shall be submitted to the Secretary of the Board, to guarantee the construction of the fence as required, and to guarantee the surfacing of the lot area.
8. That the resolution shall not be in effect prior to the submission of such bond or the actual improvements made on the lot.

Attachments #1 - Statement of justification  
#2 - Plot plan

Board of Zoning Appeals  
City Building  
Wichita, Kansas

November 29, 1963

Gentlemen:

M. M. Macy has a 3 year lease with option of 3 more years with  
L. W. and Claudine Opperman on Lots 1 & 2, Block L, Beverly  
Manor Addition, commonly known as 5523 E. Kellogg, Wichita,  
Kansas.

S/ L. W. Opperman  
6441 E. Lincoln  
Wichita, Kans.

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Board of Zoning Appeals  
City Building  
Wichita, Kansas

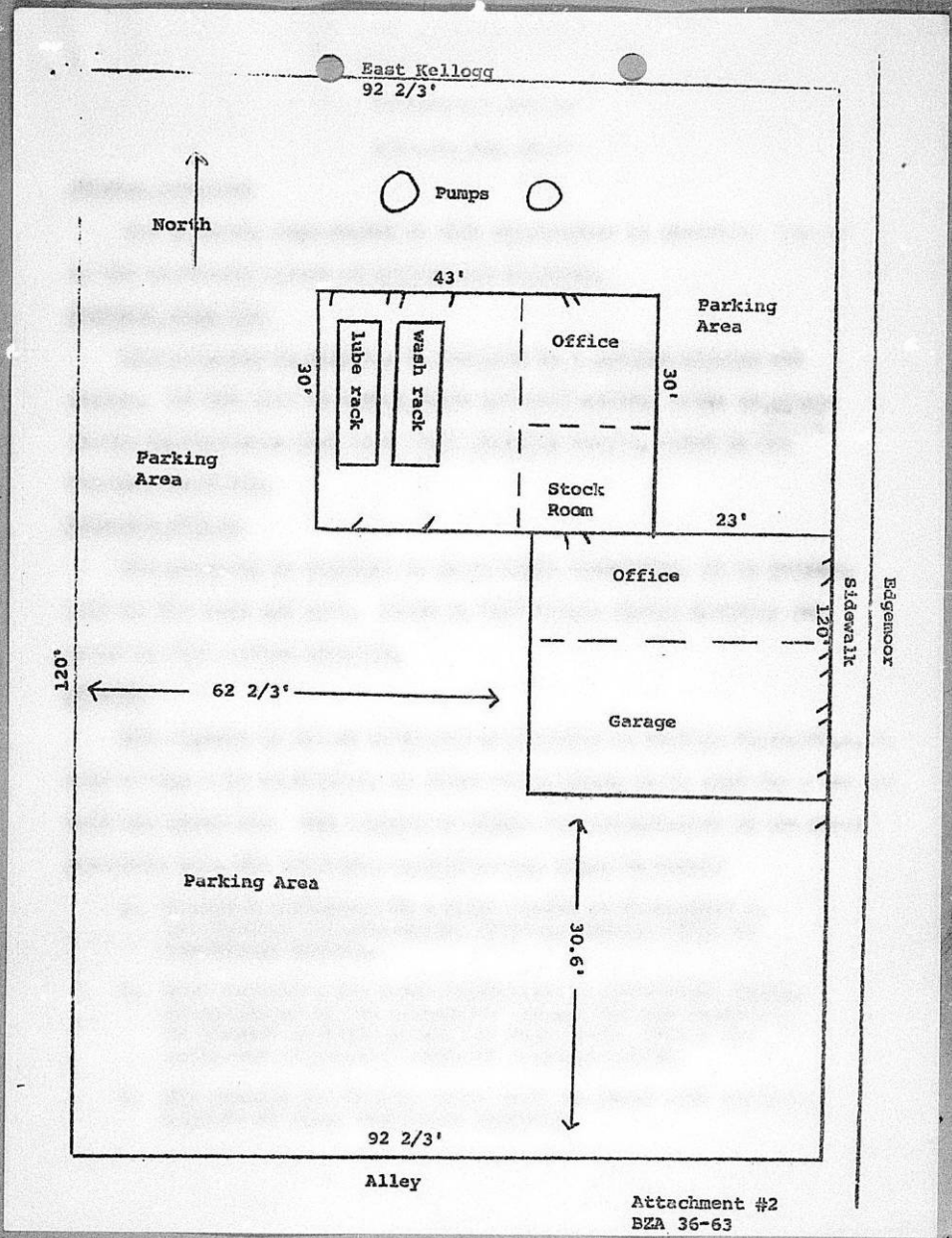
Gentlemen:

I am operating a service station and garage at 5523 E. Kellogg.  
Will stock 12 to 14 used cars, as we have ample space for parking  
etc. We are equipped to service all cars, with the exception  
of body work, which we propose to send out, also the prior  
lessee, Mr. Victor Arthur, had a license and handled used cars.

Yours truly,

S/ M. M. Macy

Attachment #1  
BZA 36-63



SECRETARY'S REPORTCASE NO. BZA 36-63GENERAL LOCATION

The property represented in this application is generally located at the southwest corner of Kellogg and Edgemoor.

EXISTING LAND USE

The property in question is occupied by a service station and garage. To the east is a drug store and food market, south is single family development; west is a small shopping center, north is the Veterans Hospital.

EXISTING ZONING

The property in question is zoned Light Commercial, as is property both to the east and west. South is "AA" Single family dwelling and north is "BB" Office district.

REQUEST

The request is for an exception as provided in Section 28.04.180.A.14. Code of the City of Wichita, to allow the property to be used for a new and used car sales lot. The request is within the jurisdiction of the Board providing that the following conditions are found to exist:

1. Location contiguous to a major street as designated in the Pattern for Thorofares, Wichita, Kansas, 1955, or amendments thereto.
2. Such screening for areas contiguous to residential ~~zoning~~ districts as may be determined appropriate and necessary to protect adjacent properties from light, debris and noise and to preserve adjacent property values.
3. All storage and display areas shall be paved with concrete, asphalt or other comparable material.

Page 2 - Secretary's Report  
Case No. BZA 36-63

4. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
5. No projecting signs shall be permitted.
6. No sound projecting devices or loud speaker shall be used so as to be heard outside of any structure.
7. Such other conditions as the Board of Zoning Appeals shall deem necessary to include, but not be restricted, proper setbacks, landscaping, and maintenance provisions.
8. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

The applicant has submitted a statement of justification (attachment #1) and a site plan (attachment #2). In the statement of justification it is pointed out that the previous lessee of the service station had a license and sold used cars from this location. It should be noted that the licensing of used car sales was carried out by the State. Since 1962, the State has been checking with the Superintendent of Central Inspection to see that all proposed licensees are complying with existing ordinances of the city (including zoning). Because of this, many instances have been discovered throughout the city where there have been zoning violations in the past.

SECRETARY'S COMMENTS

This case, as one other before the Board today, is located on a rather small site and in connection with a service station. It should be noted that the Planning Commission in recommending to the City Commission that an amendment to the Zoning Ordinance be adopted to allow the Board of Zoning Appeals this authority, statements were made to the affect

**Page 3 - Secretary's Report**  
**Case No. BZA 36-63**

that it was hoped the Board of Zoning Appeals would not use this authority to allow associated activities with service stations and on small unaccessible sites. It was the Planning Commission's general position at that time that this amendment should be used by the Board of Zoning Appeals to allow used car sales activities in areas generally compatible with such activity where such use or sales was conducted on a well designed, well layed out spacious site.

It is the Secretary's opinion that this particular area of the city along East Kellogg, should not be used for used car sales except where there is adequate room to properly display the merchandise and provide for adequate ingress, egress, off street parking and display areas. Two such lots have been approved along Kellogg in the vicinity of Woodlawn. It is the feeling of the Secretary that both of these applications were justified because of the quality of the proposed development. In this particular location, the only available area for display of cars would be in the area to the rear of the service station and along a small area along Edgemoor. The entrance to the area would either be from an alley south of Kellogg or on a north-south drive directly along the west of the service station area. Since the requirements of the Zoning Ordinance require the property to be abutting a major traffic street, it is felt that possibly this site would technically meet the requirements but, in fact, would violate the intent of the ordinance. If the 30, plus or minus, feet west of the station were used for used cars, no more than 3 cars could be used, and if so then would block off all means of ingress or egress from the Kellogg side. If an adequate

**Page 4 - Secretary's Report**  
**Case No. BZA 36-63**

roadway is maintained from Kellogg, then only one or perhaps two cars could be displayed along the Kellogg frontage.

It is further felt from observing the site, that if the permit were granted this would mean the elimination of adequate off-street parking for the service station itself and for the garage which is conducted in connection therewith. This is an older station, not having the off street parking areas in front as do many of the newer stations. If this service station is to continue to be successful, it is assumed that adequate off-street parking ought to be provided on a continuous basis for this. If, however, the off-street parking is utilized for sale of used cars, then the existing operation of the service station and garage may deteriorate, as well as the affect the used car operation may have on adjacent area.

It is further noted that the site plan submitted by the applicant does not indicate where the parking bays for the used cars will be located, nor does it provide for a clear means of showing ingress and egress throughout the lot area, nor are specific off-street parking spaces provided and located ~~for~~ the "used car operation". Additional information should be submitted by the applicant prior to any approval of this application. Based on the general location of the area, the inadequacy of the site, the existing operation and the affect on off-street parking, it is the recommendation of the Secretary that this application be denied.

In the event the Board of Zoning Appeals desires to approve the application, it is recommended that the approval be subject to the following:

Page 5 - Secretary's Report  
Case No. BZA. 36-63

1. The permit shall be for used and new car sales.
2. That screening be provided along the south property line, such screening to be of a concrete or architectural tile, or brick fencing, a minimum of 5 feet in height, except from the setback line on the east to the east property line the fence height shall be reduced to not more than 3 feet. An entrance way from the alley to the lot may be retained. All ground area used for ingress, egress, storage of cars and off-street parking shall be surfaced with either concrete or asphalt.
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6. No outside repair of vehicles shall be conducted.
7. A corporate performance bond in the amount of \$ \_\_\_\_\_ shall be submitted to the Secretary of the Board, to guarantee the construction of the fence as required, and to guarantee the surfacing of the lot area.
8. That the resolution shall not be in effect prior to the submission of such bond or the actual improvements made on the lot.

Attachments #1 - Statement of justification  
#2 - Plot plan

Board of Zoning Appeals  
City Building  
Wichita, Kansas

November 29, 1963

Gentlemen:

M. M. Macy has a 3 year lease with option of 3 more years with  
L. W. and Claudine Opperman on Lots 1 & 2, Block L, Beverly  
Manor Addition, commonly known as 5523 E. Kellogg, Wichita,  
Kansas.

S/ L. W. Opperman  
6441 E. Lincoln  
Wichita, Kans.

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Board of Zoning Appeals  
City Building  
Wichita, Kansas

Gentlemen:

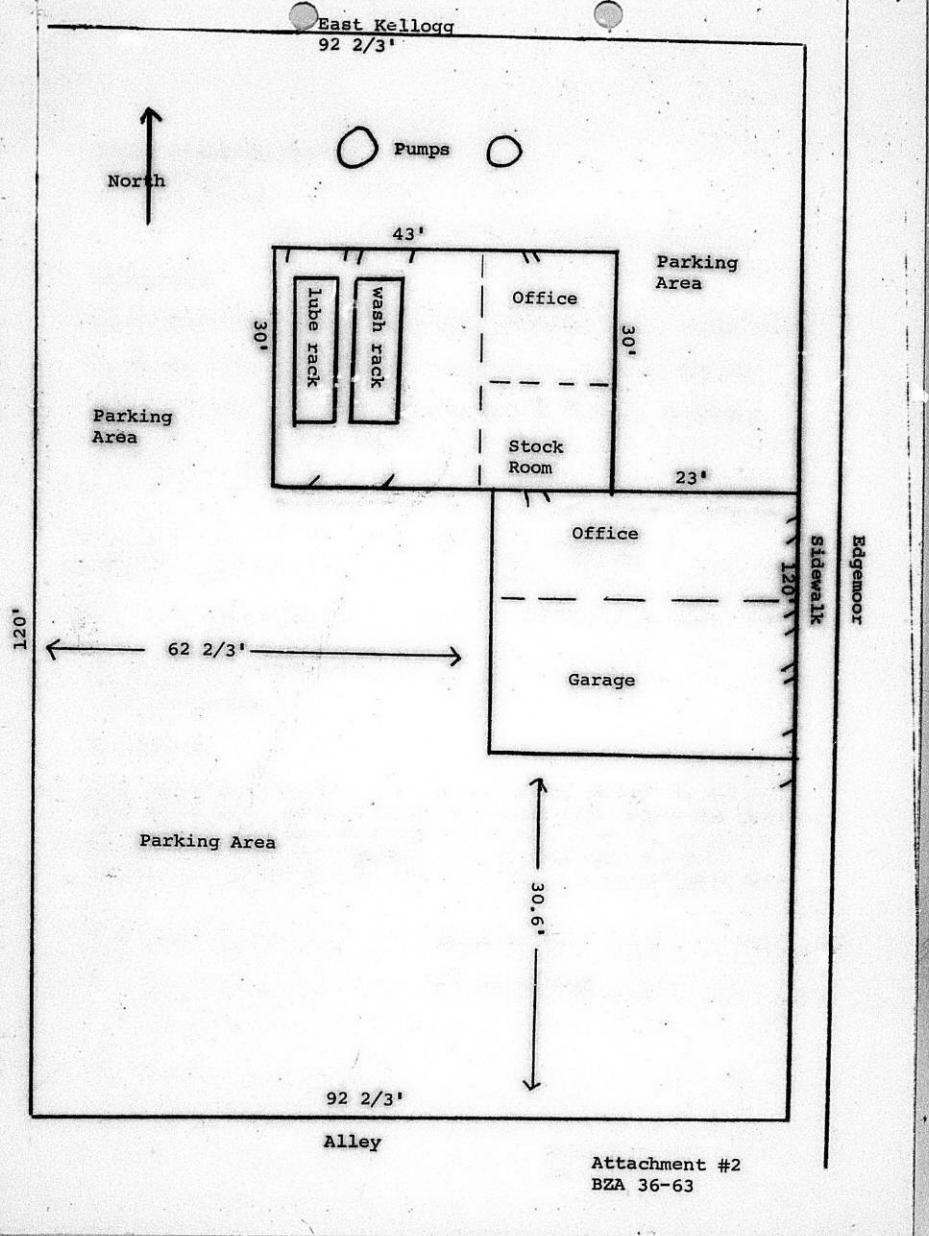
~~M. M. Macy~~ has a service station and garage at 5523 E. Kellogg.  
Will stock 12 to 14 used cars, as we have ample space for parking  
etc. We are equipped to service all cars, with the exception  
of body work, which we propose to send out, also the prior  
lessee, Mr. Victor Arthur, had a license and handled used cars.

Yours truly,

S/ M. M. Macy

Attachment #1  
BZA 36-63

STER PANAMA-BEAVER Surf Clean UNIMASTER PANAMA-BEAVER Surf C



CASE NO. BZA 36-63

REVISED NOTICES MAILED DECEMBER 4, 1963, FOR MEETING  
OF DECEMBER 20, 1963, TO THOSE WHO RECEIVED ORIGINAL  
NOTICES MAILED DECEMBER 2, 1963.

REVISED NOTICE

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

December 4, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 38-63

An application has been filed by Macy Auto Service, 5523 East Kellogg, Wichita, Kansas, by M. M. Macy, 5523 East Kellogg, Wichita, Kansas, requesting an Exception, pursuant to Section 28.04.180.A.14, Code of the City of Wichita, Kansas, to permit the sale of new and used cars on property zoned "LC" Light Commercial and legally described as:

Lots 1 and 2, Block 1, Beverley Manor Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Edgemoor and Kellogg.

This application has been assigned Case No. BZA 36-63, and will be considered by the Board of Zoning Appeals on Friday, December 20, 1963, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Robert A. Lakin  
Secretary

REVISED NOTICE

REVISED NOTICE

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

December 4, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA <sup>36</sup>36-63

An application has been filed by Macy Auto Service, 5523 East Kellogg, Wichita, Kansas, by M. M. Macy, 5523 East Kellogg, Wichita, Kansas, requesting an Exception, pursuant to Section 28.04.180.A.14, Code of the City of Wichita, Kansas, to permit the sale of new and used cars on property zoned "LC" Light Commercial and legally described as:

Lots 1 and 2, Block 1, Beverley Manor Addition,  
in the City of Wichita, Sedgwick County, Kansas.  
Generally located at the southwest corner of  
Edgemoor and Kellogg.

This application has been assigned Case No. BZA 36-63, and will be considered by the Board of Zoning Appeals on Friday, December 20, 1963, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Robert A. Lakin  
Secretary

REVISED NOTICE

CASE NO. BZA 36-63

NOTICES MAILED DECEMBER 2, 1963 FOR MEETING DECEMBER 17, 1963

Macy Auto Service  
5523 East Kellogg

M. M. Macy  
5523 East Kellogg

Leland W. and Claudine Opperman  
6441 East Lincoln

D. L. and Virginia M. Engel  
715 West 9th Street

Wichita Builders, Inc.  
1206 East Lincoln

Jack W. Hyde  
2307 Redbud  
Frances Monson (formerly Swindell)  
752 South Edgemoor

Helen V. and Vernon G. Asp  
518 Marcilene Terrace

Aymer L. and Alfreda Achenbach  
524 Marcilene Terrace

Stafford B. and Elsa F. Chapman  
530 Marcilene Terrace

R. E. and Alice Pearl Carter  
707 South Oliver

Huldah H. Busey  
609 North Volutsia

E. Vernon and Doris Louise Alexander  
521 South Edgemoor

David E. and Sylvia M. McHam  
1702 South Spruce

John P. Gaty  
4601 East Douglas

Ruth E. Snyder  
1780 Seneca Court

Herkus M. and Marjorie L. Geer  
538 South Edgemoor

Redeemer Evangelical  
Lutheran Church  
5620 East Kellogg

The United States of America  
5500 East Kellogg

19

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

December 2, 1963

**NOTICE TO ADJOINING PROPERTY OWNERS**

Case No. BZA 36-63

An application has been filed by Macy Auto Service, 5523 East Kellogg, Wichita, Kansas, by M. M. Macy, 5523 East Kellogg, Wichita, Kansas, requesting an Exception, pursuant to Section 28.04.180.A.14, Code of the City of Wichita, Kansas, to permit the sale of new and used cars on property zoned "LC" Light Commercial, and legally described as:

Lots 1 and 2, Block 1, Beverley Manor Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Edgemoor and Kellogg.

This application has been assigned Case No. BZA 36-63, and will be considered by the Board of Zoning Appeals on Tuesday, December 17, 1963, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Robert A. Lakin  
Secretary

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

December 2, 1963

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Secretary

Board of Zoning Appeals  
City Bldg Wichita Kans.

11-29-63

Gentlemen.

Mr. M. Macy Has a 3 year Lease, with  
Option of 3 more years with L. W and Claudine  
Opperman on Lots 1 & 2, Block 1 Beverly  
Manor Addition, Commonly Known as 5523  
E. Kellogg Wichita Kansas

x L. W. Opperman

6441 E. Lincoln

Wichita Kans



Board of Zoning Appeals  
City Bldg. Wichita Kans

Gentlemen:

I Am Operating a Service Station and  
Garage at 5523 E. Kellogg, will Stock  
12 to 14 used cars, as we have ample space  
for Parking etc. we are equipped to Service  
all cars, with the exception of Body work,  
which we propose to send out, also the prior  
Lessee, Mr. Victor Arthur had a License &  
handled used cars

Yours Truly.  
M. M. Macy.



SW  
Edgemoor

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

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

APPLICATION FOR EXCEPTION

I. NAME OF APPLICANT Mary Ruth Service (M. M. Macy)  
MAILING ADDRESS 5523 E. Kellogg PHONE MU 20722  
NAME OF AUTHORIZED AGENT 1  
MAILING ADDRESS 5523 E. Kellogg PHONE MU 20722  
RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF Lessee  
(OWNER, TENANT, LESSEE, OTHER).

II. APPLICATION IS MADE FOR AN EXCEPTION AS PROVIDED IN SECTION  
28.04.180.A14, CODE OF THE CITY OF WICHITA, KANSAS (ZONING  
ORDINANCE); TO PERMIT THE INSTALLATION OR CONSTRUCTION OF Sale  
of used Cars ON PROPERTY ZONED L.C., LOCATED AT  
5523 E. Kellogg AND LEGALLY DESCRIBED AS:  
Lots 142 Block 1, Beverly Manor Addition  
\_\_\_\_\_ IN THE CITY OF WICHITA.

(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE)

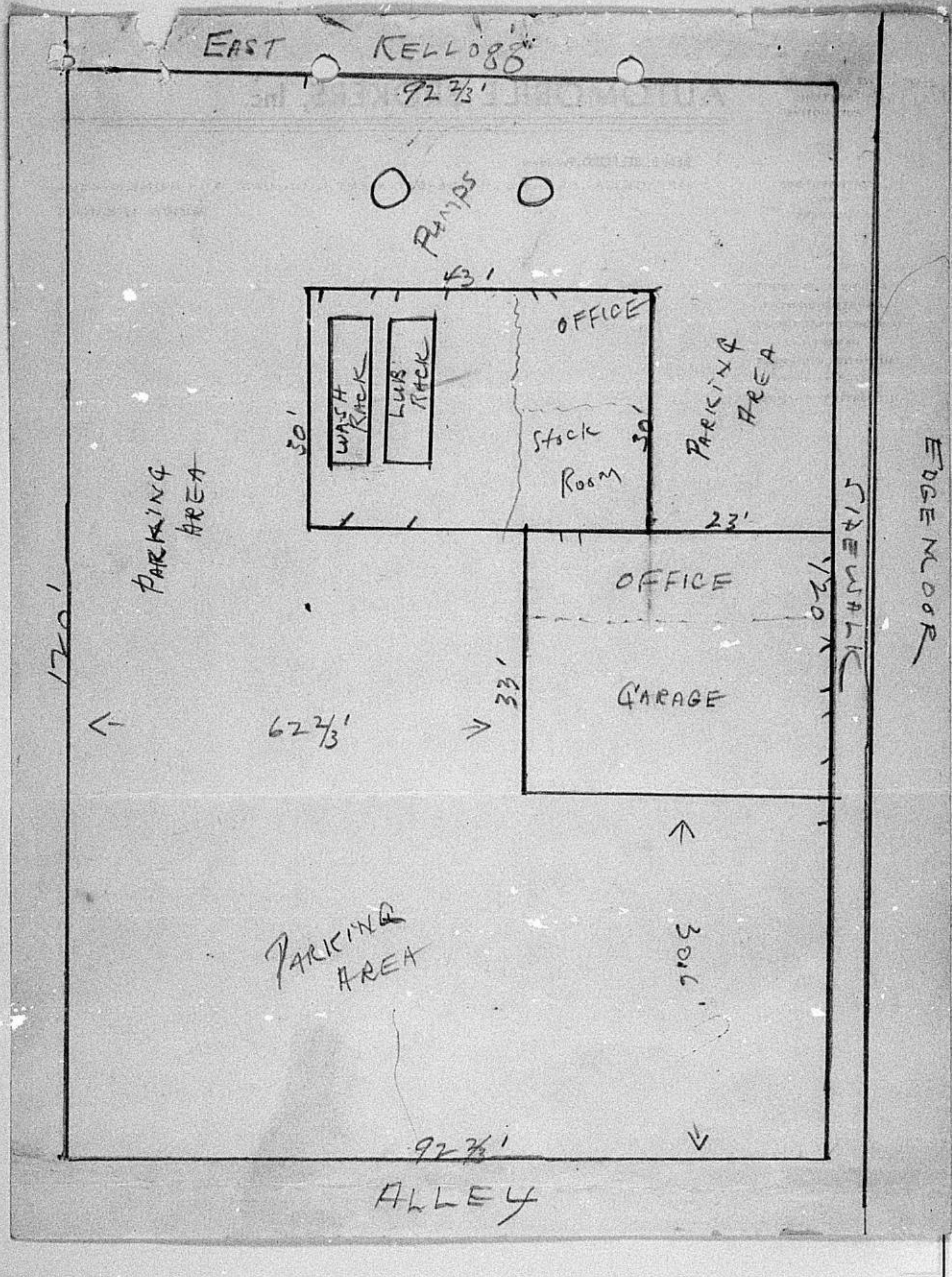
- III. THE APPLICANT HEREIN, OR HIS AUTHORIZED AGENT:
- A. ACKNOWLEDGES RECEIPT OF AN INSTRUCTION SHEET RELATING TO THIS APPLICATION FOR AN EXCEPTION.
  - B. AGREES TO CONFORM TO ALL REQUIREMENTS OF THE APPROPRIATE SECTION OF THE ZONING ORDINANCE IF THIS APPLICATION IS APPROVED;
  - C. ACKNOWLEDGES THAT 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.

M. M. Macy  
APPLICANT

\_\_\_\_\_  
AUTHORIZED AGENT

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 OF RECORD OWNERSHIP

STATE OF KANSAS        )  
                               )  
 SEDGWICK COUNTY        )

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft  
 of: Lots 1 & 2, Block 1, Beverley Manor  
 Addition to Wichita, Kansas.

**F**  
**Fidelity**  
**Title**  
**Company,**  
**inc.**

And from such examination find that the record owners thereof are as set opposite the description of the property below, viz:

Lot	Blk.	Addition	Owner
1	1	Beverley Manor	Leland W. & Claudine Opperman, ux
2	1	" "	" " " " 6441 E. Lincoln St.
3	1	" "	D. L. & Virginia M. Engel, ux 715 W 9th St.
4	1	" "	Wichita Builders, Inc. 1206 E. Lincoln St.
5	1	" "	Wichita Builders, Inc. 1206 E. Lincoln St.
6	1	" "	Jack W. Hyde 2307 Redbud
7	1	" "	Frances Monson (formerly Swindell) 752 S. Edgemoor Dr.

Lot	Blk	Addition	Owner
8	1	Beverley Manor	Frances Monson (formerly Swindell) 752 S. Edgemoor Dr.
9	1	" "	" "
10	1	" "	" "
11	1	" "	Helen V. & Verner G. Asp, vir. 518 Marcilene Terrace
12(N16 2/3)	1	" "	" " " " "
12(S 33 1/3)	1	" "	Aymer L & Alfreda Achenbach, ux
13(N33 1/3)	1	" "	" " " " " 524 Marcilene Terrace
13(S66 2/3)	1	" "	Stafford B. & Elsa F. Chapman, ux
14	1	" "	" " " " " 530 Marcilene Terrace
24	1	" "	R. E. & Alice Pearl Carter, ux
25(S 1/2)	1	" "	" " " " " 707 S. Oliver
25(N 1/2)	1	" "	Huldah H. Busey
26	1	" "	" " " " 609 N. Volutsia Ave.
27	1	" "	E. Vernon & Doris Louise Alexander, ux 521 S. Edgemoor Dr.
28	1	" "	David E. & Sylvia M. McHam, ux 1702 S. Spruce St.
1		Englewood	John P. Gaty 4601 E. Douglas Ave.
2		"	Ruth E. Snyder 1780 Seneca Court
3		"	Herkus M. & Marjorie L. Geer, ux 538 S. Edgemoor Dr.
The South 240 ft of Reserve D, Blk G, Second Add. to the Village			Redeemer Evangelical Lutheran Church 5620 E. Kellogg St.
The SE 1/4 of the SW 1/4 Sec 24, Twp 27, R 1 East			The United States of America 5500 E. Kellogg St.

Dated at Wichita, Kansas this 26th day of November, 1963 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elie M Farrell  
Sec. OEM

Tracer # 57524

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE — FIRST FLOOR**

Bld'g & Elev. \_\_\_\_\_ Elec. \_\_\_\_\_ Elev. Insp. \_\_\_\_\_  
Exam Fees \_\_\_\_\_ Hse. Mvr. \_\_\_\_\_ Hse. Moving \_\_\_\_\_  
Licse. \_\_\_\_\_ Mech. \_\_\_\_\_ Oil Well \_\_\_\_\_ Pav. Cuts \_\_\_\_\_  
Plan. \_\_\_\_\_ Plb'g. \_\_\_\_\_ Plb'g. Cert. \_\_\_\_\_  
Sanitation \_\_\_\_\_ Sewer \_\_\_\_\_ Signs \_\_\_\_\_ Sidewalk \_\_\_\_\_  
Street \_\_\_\_\_ Trailers \_\_\_\_\_

DESCRIPTION	AMOUNT
	50 00

Name \_\_\_\_\_

Address \_\_\_\_\_

Type \_\_\_\_\_ Due Date \_\_\_\_\_

Comments \_\_\_\_\_

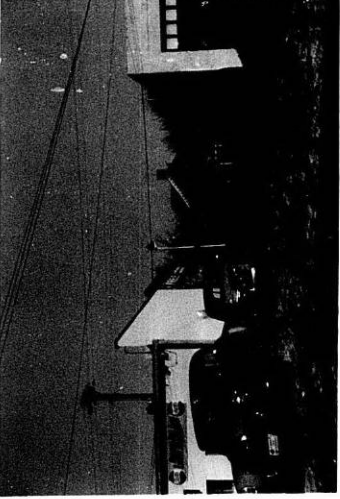
Date \_\_\_\_\_

By \_\_\_\_\_

20W 5-60



Looking north on the east side of Edgeman South of Kellogg



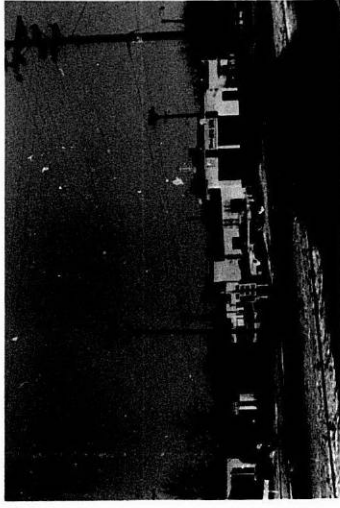
Access from Kellogg

Taken from the alley at rear of station

Southwest corner of Kellogg & Edgeman

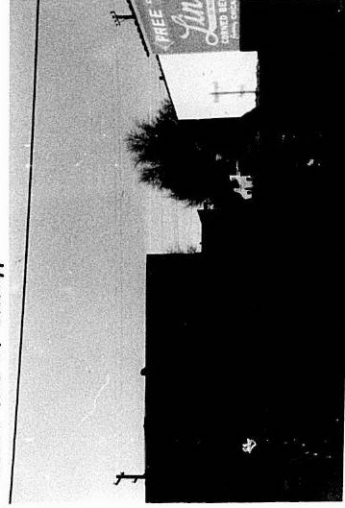


Property in question

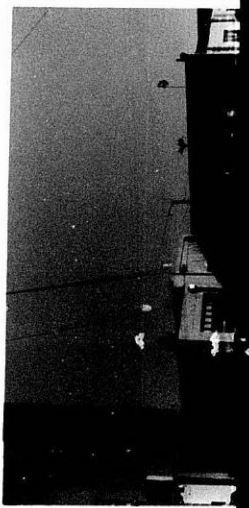
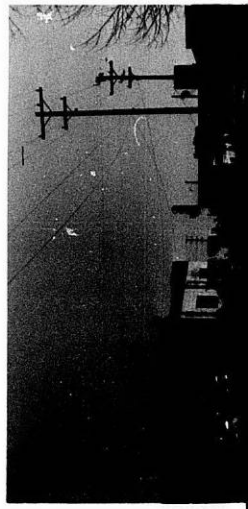


Property in question

South side of Kellogg

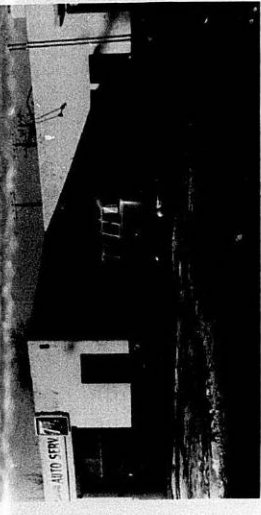


Property in question

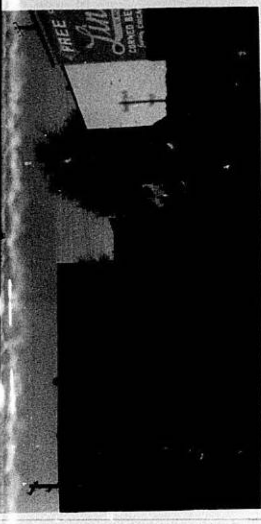




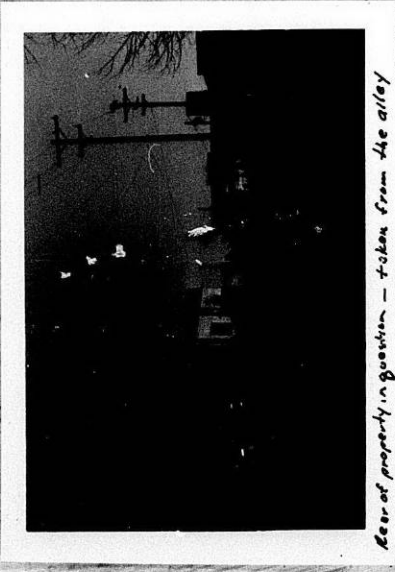
Looking north on the west side of Edgeman Street of Kelling



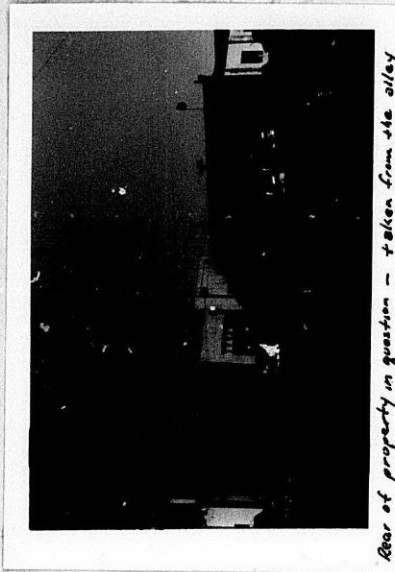
Property in question



Property in question



Rear of property in question - taken from the alley



Rear of property in question - taken from the alley

HASTINGS, MINN., LOOKIN. OHIO U.S.A.

No. 1031/2C

Smead