

BZA 44-64 - Safeway Stores, Inc. re-
quest exception to permit new & used
car sales on the S side of Kellogg
between Christine & Lightner Drive

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

POSTED
10-1-64
6-8

ACTION

Eza COMMITTEE Approved DATE 10-27-64
no appeal filed
M.A.P.C. _____
B.C.C./D. C.C. C. _____

EZA 44-64 - Safeway Stores, Inc. request exception to permit new & used gear sales on the S side of Kellogg between Christine & Lightner Drive

November 9, 1964

Mr. Robert M. Nelson, Attorney
511 Union Center Building
Wichita, Kansas

Dear Mr. Nelson:

Re: Case No. BZA 44-64

On October 30, 1964, we advised you that the Board of Zoning Appeals had approved the above application for an exception to permit the installation or construction of a new and used car sales lot on property generally located on the south side of Kellogg between Christine and Lightner Drive.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before November 6, 1964. The City Clerk has advised that no appeal was filed on or before that date, 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,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Attachment:

cc: Safeway Stores, Inc., 511 Union Center Building
Bob Thiele, 4041 East First
Paul Viste, 1732 Drollinger
Mrs. Hugh Claypool, 5702 East Kellogg Drive
Ronald Janssen, 401 South Ridgecrest
John P. Sheffield, 547 Christine
Jesse Kunhel, 401 South Ridgecrest
Glen Lytle, Superintendent of Central Inspection

RESOLUTION NO. BZA 44-64

WHEREAS, Safeway Stores, Inc., 511 Union Center Building, Wichita, Kansas, by Robert H. Nelson, Attorney, 510 Union Center Building, Wichita, Kansas, requests an Exception to permit the installation or construction of a new and used car sales and lot, as provided in Section 28.04.180, Code of the City of Wichita, Kansas; and

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

Lot 1 and the North 40 feet of Lots 2-11, in
A. J. Christman's Addition, in the City of
Wichita, Sedgwick County, Kansas,

generally located on the south side of Kellogg between Christine and Lightner Drive; 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, at the meeting of October 27, 1964, consider said application; 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 2.12.590.3, 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, and 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 legally as:

Lot 1 and the North 40 feet of Lots 2-11, in
A. J. Christman's Addition, in the City of
Wichita, Sedgwick County, Kansas,

generally located on the south side of Kellogg between Christine and Lightner Drive, be approved, subject to the following:

1. The new and used car sales lot shall not be conducted in addition to or in conjunction with any other use. Example: The sale of new and used cars on the same lot with a gasoline service station, garage, restaurant, etc. However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.
2. There shall be a building setback for any new structure of not less than 35 feet from Christine Avenue, the Kellogg Street access road and from Lightner Drive.
3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.

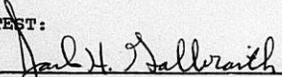
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted. Moving displays, such as banners, pennants, etc., shall be prohibited.
5. No sign shall exceed 25 feet in height or be placed so as to project over any public right of way.
6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the time a permit is issued for the new and used car sales operation.
8. Parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines, required setbacks, or parking spaces, and off-street customer parking areas shall have adequate markings for channelization and movement of vehicles.
9. A six-foot high solid wall masonry, louvered wood or architectural tile fence shall be constructed along the north line of that portion of the alley (along the south property line) which is unpaved. A fence shall not be required adjacent to the north line of the east 50 feet and the west 50 feet of the dedicated alley, since this area has been paved.
10. A performance bond in the amount of \$1,500 shall be submitted to the City Clerk within 60 days from the effective date of the approval of this resolution to guarantee that the lot will be paved and that the fence will be constructed. The form of the bond is to be approved by legal counsel for the Board. At such time as the Central Inspection Division of the Department of Public Works notifies the City Clerk that all of the requirements as set out in this resolution have been complied with, the performance bond may be released.
11. All requirements as set out in this resolution shall be complied with within 24 months from the date of the effective date of the approval of this resolution or the permit shall be null and void. In any event, all of the above conditions shall be complied with within six months from the date of issuance of a permit or the permit shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 27th day of October, 1964.



Harold Bauer, Chairman

ATTEST:



Jack H. Galbraith, Secretary

Board of Zoning Appeals

November 9, 1964

Robert G. Finch, City Clerk
Jack H. Galbraith, Secretary

Case No. BZA 44-64

Attached is a copy of Resolution No. BZA 44-64, covering action taken by the Board of Zoning Appeals in connection with the above numbered case, which case was heard by the Board on October 27, 1964. An appeal may be filed in your office on or before November 6, 1964. If an appeal is filed, please advise.

JHG:JWH:ber

Attachment

Wichita, Kansas
October 21, 1964

Board of Zoning Appeals
Room 402 City Building Annex
104 South Main
Wichita, Kansas

Case No. BZA 44-64

We, the undersigned property owners, neither approve or disapprove the application to permit installation or construction of a new and used car sales lot on property zoned "LC" and legally described as follows:

Lot 1 and the north 40 feet of Lots 2-11, in A. J. Christman's Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Christine and Lightner Drive.

We would specifically object to an operation that would display flapping banners, garish lights, excessive noise, or other than reasonable closing hours. In other words we would object to a substandard type of new and used car sales operation that would lower property values and existing standards.

Address:

5701 E. Kellogg Drive
5704 E. Kellogg
456 Redgement Rd,
157 Lexington Rd

Owner:

Hugh & Laura F. Claypool
Francis F. Finch
Lelah R. Ferguson
The Nat. Church of the Nazarene
by Mrs. Ray Haker

October 17, 1964

PETITION

Received
3:15
10-27-64
JWA

WE THE UNDERSIGNED HEREBY STATE THAT WE OPPOSE THE USE OF LOT 1 AND THE NORTH 40 FEET OF LOTS 2-11, IN A. J. CHRISTMAN'S ADDITION, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, GENERALLY LOCATED ON THE SOUTH SIDE OF KELLOGG BETWEEN CHRISTINE AND LIGHTNER DRIVE, FOR THE INSTALLATION OR CONSTRUCTION OF A NEW AND USED CAR SALES LOT.

<u>NAME</u>	<u>ADDRESS</u>
Bess Alice Trille	530-532 South Lightner
George A. Butler	531 Lexington
Estella M. Vorderstrasse	
W. H. Vorderstrasse	536 So. Lightner Dr.
Wanda M. Gody	
Thurman Moad	553 So. Lightner Drive
Maril J. Liberty	
Green J. Liberty	554 So. Lightner Drive
Walter P. Coffey	
Ida J. Lundberg	541 So. Lightner Dr.
Bernice I. Bounous	542 S. Lightner
Ray L. Bounous	542 S. Lightner
Cecilia M. Lepman	548 S. Lightner Dr.
Leota L. Johnson	547 S. Lightner
Norma G. Howard	537 Lexington
Robert Howard	" "
Julius G. Muehler	
Gerald J. Faulkner	543 LEXINGTON
J. Paul McDaniel	534 Lexington
Edward L. Laswell	554 Lexington
Alue M. Lawrence	555 Lexington & 601 Lightner
James G. Lawrence	555 Lexington & 601 Lightner
John P. Spillfield	547 So. Christine
Drs. Pousal	537 S. Christine
Nicht Lake	537 Lightner

October 17, 1964

PETITION

WE THE UNDERSIGNED HEREBY STATE THAT WE OPPOSE THE USE OF LOT 1 AND THE NORTH 40 FEET OF LOTS 2-11, IN A. J. CHRISTMAN'S ADDITION, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, GENERALLY LOCATED ON THE SOUTH SIDE OF KELLOGG BETWEEN CHRISTINE AND LIGHTNER DRIVE, FOR THE INSTALLATION OR CONSTRUCTION OF A NEW AND USED CAR SALES LOT.

<u>NAME</u>	<u>ADDRESS</u>
<u>T. J. Johnson</u>	<u>546 S. Christine</u>
<u>Ursula C. Johnson</u>	<u>546 S. Christine</u>
<u>Jesse H. Kunkel</u>	<u>529 Christine Rd.</u>
<u>Tom. Jean Kunkel</u>	<u>529 Christine Rd.</u>
<u>Mrs James H. Fisher</u>	<u>537 S. Christine</u>
<u>Constance Fisher</u>	<u>537 S. Christine</u>
<u>John S. Roberts</u>	<u>540 So. Christine</u>
<u>Betty L. Roberts</u>	<u>540 So. Christine</u>
<u>Glenna Stiles</u>	<u>553 S. Christine</u>
<u>Mrs W. T. Barton</u>	<u>543 South Christine</u>
<u>W. Frank Barton</u>	<u>543 So. Christine</u>
<u>Maomi Kelleys</u>	<u>559 S. Christine</u>
<u>Sherman Rutledge</u>	<u>552 S. Christine</u>
<u>Loretta Grunder</u>	<u>536 Lexington</u>
<u>Lelah R. Ferguson</u>	<u>456 Ridgeway Road</u>
<u>Mrs. Ray Hance</u>	<u>457 Lexington Rd.</u>

October 29, 1964

Mr. Robert H. Nelson, Attorney
511 Union Center Building
Wichita, Kansas

Dear Mr. Nelson:

Re: Case No. MEA 44-54

This is to advise you that at its regular meeting of October 27, 1964, the Board of Hearing Appeals of the City of Wichita considered your request for an Exception to permit the installation or construction of a new and used car sales lot on property generally located on the south side of Kellogg between Christine and Lightner Drive.

It was the decision of the Board to approve this request, subject to the following conditions:

1. The new and used car sales lot shall not be conducted in addition to or in conjunction with any other use.
Example: The sale of new and used cars on the same lot with a gasoline service station, garage, restaurant, etc. However, minor repair work on those vehicles for sale may be conducted within an enclosed building, provided that no body or fender work is done.
2. There shall be a building setback for any new structure of not less than 35 feet from Christine Avenue, the Kellogg Street access road and from Lightner Drive.
3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted. Moving displays, such as banners, pennants, etc., shall be prohibited.
5. No sign shall exceed 25 feet in height or be placed so as to project over any public right of way.

6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the time a permit is issued for the new and used car sales operation.
8. Parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines, required setbacks, or parking spaces, and off-street customer parking areas shall have adequate markings for channelization and movement of vehicles.
9. A six foot high solid wall masonry, louvered wood or architectural tile fence shall be constructed along the north line of that portion of the alley (along the south property line) which is unpaved. A fence shall not be required adjacent to the north line of the east 50 feet and the west 50 feet of the dedicated alley, since this area has been paved.
10. A performance bond in the amount of \$1,500 shall be submitted to the City Clerk within 60 days from the effective date of the approval of this resolution to guarantee that the lot will be paved and that the fence will be constructed. The form of the bond is to be approved by Legal Counsel for the Board. At such time as the Central Inspection Division of the Department of Public Works notifies the City Clerk that all of the requirements as set out in this resolution have been complied with, the performance bond may be released.
11. All requirements as set out in this resolution shall be complied with within 24 months from the date of the effective date of the approval of this resolution or the permit shall be null and void. In any event, all of the above conditions shall be complied with within six months from the date of issuance of a permit or the permit shall be null and void.

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 November 6, 1944.

Page 3 - Robert H. Nelson, Attorney
October 29, 1964

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If none has been filed on or before November 6, 1964, the decision of the Board of zoning Appeals will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JMS:JMK:ler

cc: Safeway Stores, Inc.
511 Union Center Building

Bob Thiele
4041 East First

Paul Viets
1732 Drollinger

Mrs. Hugh Claypool
5762 East Kellogg Drive

Donald Jansson
401 South Ridgcrest

John P. Sheffield
547 Christine

Jesse Kunkel
401 South Ridgcrest

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

WICHITA LUTHERAN SCHOOLS

(The Lutheran School Association of Wichita)

DONALD A. JANSSEN, PRINCIPAL
720 WEST 27TH STREET SOUTH
WICHITA, KANSAS 67217
PHONES: RES. AMHERST 7-3588
OFF. MURRAY 2-2846

EAST AND BUSINESS OFFICE
401 RIDGECREST ROAD
WICHITA, KANSAS 67218
PHONE: MURRAY 2-2846

HENRY J. DREVLON, ACTING PRINCIPAL
1418 DALLAS
WICHITA, KANSAS 67217
PHONES: RES. AMHERST 8-7101
OFF. AMHERST 7-6091

SOUTHWEST
2600 SOUTH SENECA
WICHITA, KANSAS 67217
PHONE: AMHERST 7-6091

October 23, 1964

Mr. Jack H. Galbraith, Secretary
Board of Zoning Appeals
Room 402, City Building
104 South Main
Wichita, Kansas 67202

Dear Mr. Galbraith:

The Notice to Adjoining Property Owners for Case No. BZA 44-64 has been received. This case has been discussed with the Executive Board of the Lutheran School Association. As an organization, we are opposed to this petition (request) for the following reasons:

1. A member of our faculty, Mr. Jesse Kunkel, lives at 529 Christine Road, a residence owned by the Lutheran School Association of Wichita and provided for his comfort and enjoyment. It is our contention that to grant this request would interfere with the privacy of the Kunkel family and other families living in the area.
2. Additional traffic incumbent with the proposed business endeavor would increase the traffic hazards for the many children living in the immediate area.
3. The extensive lighting required for a business venture of this type would certainly detract from the comfort and convenience of those residing in the area.
4. The presence of a business of this nature would undoubtedly cause property values in the vicinity to decrease.

The Lutheran School Association of Wichita will be represented at the hearing on October 27 by Mr. Jesse Kunkel and Mr. Donald A. Janssen, Principal of the Wichita Lutheran Schools.

Sincerely yours,

Roy H. Rohloff

Roy H. Rohloff, President
Lutheran School Association

Glen Hohman
Glen Hohman, Vice President



Where Children and Teachers Grow Together in Christ

SECRETARY'S REPORT

CASE NO. BZA 44-64

APPLICANT: Safeway Stores, Inc.

AGENT: Robert H. Nelson, Attorney, 511 Union Center Building

REQUEST: Exception pursuant to Section 28.04.180 of the Code of the City of Wichita, to allow the property to be used for a new and used car sales lot.

ZONING: Property in question - "LC" Light Commercial
North - "B" Multiple family and "AA" Single Family
East - "A" Two family
South - "A" Two family
West - "LC" Light Commercial

LAND USE: Property in question: Vacant building
North - Single family and church
East - Service station and vacant parking lot
South - Duplex and single family
West - Service station and single family

JURISDICTION: The Board has jurisdiction to consider this request under the provisions as set out in Section 28.04.180 of the Code of the City of Wichita.

COMMENTS BY THE SECRETARY

This is a request on behalf of Safeway Stores, Inc., by Robert H. Nelson, attorney, for permission to utilize the property on the south side of Kellogg between Christine and Lightner for a new and used car sales lot. There is presently a building located on the property which has in the past been used for a Safeway Store. All of the area around the existing building is blacktopped and would appear to meet the hardsurfacing requirements set out in the ordinance.

There are six existing curb cuts which provide access to this property so consequently, there should be no problem as far as traffic circulation and maneuverability is concerned.

There is an existing 20 foot alley adjacent to the south property line of the Safeway Store. The alley is unpaved except for a 20' by 50' strip at the east and west ends of the alley, which has been paved. A fence should be erected along the north side of the unpaved portion of the alley in order to help protect the adjacent residential property from lights and blowing debris and to help preserve adjacent property values.

The traffic circulation pattern and the width of driveways and location of parking spaces as shown on the plot plan appear to meet the recommendations of the Traffic Engineer.

Recommendation:

In view of the foregoing comments on this case, it is the recommendation of the Secretary that the exception be approved, subject to the following conditions and requirements:

1. The new and used car sales lot shall not be conducted in addition to or in conjunction with any other use. (Example: The sale of new and used cars on the same lot with a gasoline service station, garage, restaurant, etc.) However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.
2. There shall be a building setback for any new structure of not less than 35 feet from Christine Avenue, the Kellogg Street access road and from Lightner Drive.
3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
5. No sign shall exceed 25 feet in height or be placed so as to project over any public right of way.
6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the time a permit is issued for the new and used car sales operation.
8. Parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines, required setbacks, or parking spaces, and off-street customer parking areas shall have adequate markings for channelization and movement of vehicles.

9. A six-foot high solid wall masonry, louvered wood or architectural tile fence shall be constructed along the north line of that portion of the alley (along the south property line) which is unpaved. A fence shall not be required adjacent to the north line of the East 50 feet and the West 50 feet of the dedicated alley, since this area has been paved.
10. A performance bond in the amount of \$_____ shall be submitted to the City Clerk within 60 days from the effective date of the approval of this resolution to guarantee that the lot will be paved and that the fence will be constructed. The form of the bond is to be approved by Legal Counsel for the Board. At such time as the Central Inspection Division of the Department of Public Works notifies the City Clerk that all of the requirements as set out in this resolution have been complied with, the performance bond may be released.
11. All requirements as set out in this resolution shall be complied with within 24 months from the date of the effective date of the approval of this resolution or the permit shall be null and void. In any event, all of the above conditions shall be complied with within six months from the date of issuance of a permit or the permit shall be null and void.

SECRETARY'S REPORT

CASE NO. BZA 44-64

APPLICANT: Safeway Stores, Inc.

ATTORNEY: Robert H. Nelson, Attorney, 511 Union Center Building

REQUEST: Exception pursuant to Section 28.04.180 of the Code of the City of Wichita, to allow the property to be used for a new and used car sales lot.

PROPERTY: Property in question - "LC" Light Commercial
North - "B" Multiple family and "AA" Single family
East - "A" Two family
South - "A" Two family
West - "LC" Light Commercial

LAND USE: Property in question: Vacant building
North - Single family and church
East - Service station and vacant parking lot
South - Duplex and single family
West - Service station and single family

JURISDICTION: The Board has jurisdiction to consider this request under the provisions as set out in Section 28.04.180 of the Code of the City of Wichita.

COMMENTS BY THE SECRETARY

This is a request on behalf of Safeway Stores, Inc., by Robert H. Nelson, attorney, for permission to utilize the property on the south side of Kellogg between Christine and Lightner for a new and used car sales lot. There is presently a building located on the property which has in the past been used for a Safeway Store. All of the area around the existing building is blacktopped and would appear to meet the hardsurfacing requirements set out in the ordinance.

There are six existing curb cuts which provide access to this property so consequently, there should be no problem as far as traffic circulation and maneuverability is concerned.

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Page 2 - Secretary's Report
Case No. BZA 44-64

The traffic circulation pattern and the width of driveways and location of parking spaces as shown on the plot plan appear to meet the recommendations of the Traffic Engineer.

Recommendation:

In view of the foregoing comments on this case, it is the recommendation of the Secretary that the exception be approved, subject to the following conditions and requirements:

1. The new and used car sales lot shall not be conducted in addition to or in conjunction with any other use. (Example: The sale of new and used cars on the same lot with a gasoline service station, garage, restaurant, etc.) However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.
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Case No. BZA 44-64

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CASE NO. BZA 44-64

28 NOTICES MAILED OCTOBER 8, 1964 for MEETING OCTOBER 27, 1964

Safeway Stores, Inc.
511 Union Center

Robert H. Nelson
511 Union Center

W. A. Michaelis, Jr.
211 North Broadway

Neal D. Campbell
Delores J. Campbell
2713 Menlo Drive

Herkus M. Greer
Marjorie L. Greer
538 South Edgemoor

John P. Scheffield
Lona M. Scheffield
547 South Christine

W. F. Barton
543 South Christine

James H. Fisher
Dorothy J. Fisher
537 South Christine

Lutheran School Assn. of Wichita
401 South Ridgecrest

O. C. Frey *Ret 10-13-64
Resent to
1738 Lexington*
3215 East Kellogg

John T. Doherty
Betty Lou Doherty
540 South Christine

T. J. Johnson
Una Johnson
546 South Christine

Francis J. Langston *Ret 10-13-64
no other address
found*
Olive V. Langston
547 Lightner Drive

Home Mission Board of Church of
Nazarene, 457 Lexington

Carl H. Lundberg
Ida P. Lundberg
541 South Lightner

Violet L. Lake
537 South Lightner

George A. Butler
531 South Lexington

Lyle W. Howard
Norma E. Howard
537 Lexington

Guy L. Bounous
Berniece I. Bounous
542 South Lightner

Walter W. Vordenstrasse
Estella M. Vordenstrasse
536 South Lightner

Bessie Alice Thiele
4041 East 1st Street

Redeemer Evangelical Lutheran
Church of Wichita
5620 East Kellogg

Frances H. Finch
5704 East Kellogg

Hugh H. Claypool
Laura F. Claypool
5702 East Kellogg

Elmer A. Ferguson
Lelah R. Ferguson
456 Ridgecrest

Hudson Oil Co. of Missouri
1112 Southeast Blvd.
Kansas City, Missouri

County of Sedgwick
Courthouse

Safeway Stores, Inc.
826 East 1st Street

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

October 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 44-64

An application has been filed by Safeway Stores, Inc., 511 Union Center Building, Wichita, Kansas, by Robert H. Nelson, Attorney, 511 Union Center Building, Wichita, Kansas, requesting an EXCEPTION, pursuant to Section 28.04.180. Code of the City of Wichita, Kansas, to permit installation or construction of a new and used car sales lot on property zoned "LC" and legally described as follows:

Lot 1 and the north 40 feet of Lots 2-11, in A. J. Christman's Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Christine and Lightner Drive.

The application has been assigned Case No. BZA 44-64, and will be considered by the Board of Zoning Appeals on Tuesday, October 27, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you desire, either in person or by a gent or attorney.

Jack H. Galbraith
Secretary

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

35

October 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 44-64

An application has been filed by Safeway Stores, Inc., 511 Union Center Building, Wichita, Kansas, by Robert H. Nelson, Attorney, 511 Union Center Building, Wichita, Kansas, requesting an **EXCEPTION**, pursuant to Section 28.04.180. Code of the City of Wichita, Kansas, to permit installation or construction of a new and used car sales lot on property zoned "LC" and legally described as follows:

Lot 1 and the north 40 feet of Lots 2-11, in A. J. Christman's Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Christine and Lightner Drive.

The application has been assigned Case No. BZA 44-64, and will be considered by the Board of Zoning Appeals on Tuesday, October 27, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you desire, either in person or by a agent or attorney.

Jack H. Galbraith
Secretary

KAHRS, NELSON, FANNING & HITE

ATTORNEYS AT LAW

UNION CENTER BUILDING

WICHITA, KANSAS 67202

AUSTIN M. COWAN (1885-1949)

W. A. KAHRB

ROBERT H. NELSON

H. W. FANNING

RICHARD C. HITE

DARRELL D. KELLOGG

ROGER H. SHERWOOD

TELEPHONES
AMHERST 2-3441
AMHERST 2-3442

September 28, 1964

Board of Zoning Appeals
City of Wichita
City Annex Building
Wichita, Kansas

Re: BZA: Application of
Safeway Stores, Inc.,
Lot 1 and the N 40 ft.
of Lots 2-11, Christman's
Addition, Wichita, Kansas

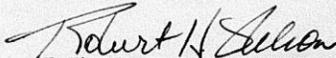
Gentlemen:

Enclosed herewith is the application for an exception filed on behalf of Safeway Stores, Inc., directed to the Board of Zoning Appeals for authority to operate a new and used car sales lot on the above described property.

Also enclosed is the certificate of the abstractor of the ownership of the property within the radius of 200 feet from the above described property together with a check in the amount of \$50.00 payable to the City of Wichita for the cost of filing same.

Will you please advise the date this matter is set for hearing before the Board of Zoning Appeals.

Yours very truly,


OF KAHRS, NELSON, FANNING & HITE

RHN:dmn

Encl.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Safeway Stores, Inc.
Mailing Address 511 Union Center Building Phone _____
Name of Authorized Agent Robert H. Nelson
Mailing Address 511 Union Center Building Phone AMherst 2-3441
Relationship of applicant to property is that of _____
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04180 (14), Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of new and used car sales and lot
_____ on property zoned
LC, located S. side East Kellogg bet. Christine
& Lightner Dr. and legally described as: Lot 1 and
the North 40 feet of lots 2-11 in A. J. Christman's Addition
to Wichita, Sedgwick County, Kansas, 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 Safeway Stores, Inc
Authorized Agent Robert H. Nelson
By Robert H. Nelson

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:35 (a.m. - p.m.), 9-28, 1964, together with appropriate fee of \$50.00.

Signed L. Showers, PAI

OWNERSHIP LIST

Lot	Addition	Property Owner
1	Englewood Addition	W. A. Michaelis, Jr. ✓ 211 N. Broadway H. R. Michaelis Address unknown
2	"	Neal D. Campbell ✓ Delores J. Campbell ✓ 2713 Menlo Drive
3	"	Herkus M. Greer ✓ Marjorie L. Greer ✓ 538 S. Edgemoor
8	"	John P. Scheffield ✓ Lona M. Scheffield ✓ 547 S. Christine
9	"	W. F. Barton ✓ 543 S. Christine
10	"	James H. Fisher ✓ Dorothy J. Fisher ✓ 537 S. Christine
11	"	Lutheran School Association ✓ of Wichita, 401 S. Ridgecrest
1 exc. N. 10' for Kellogg	A. J. Christman Addition	Safeway Stores, Inc. ✓ 826 E. 1st St.
N 40' of 2	"	"
S 20' of 2	"	County of Sedgwick ✓ Court House
3	"	O. C. Frey ✓ 3215 E. Kellogg.
4	"	John T. Doherty ✓ Betty Lou Doherty ✓ 540 S. Christine
5	"	T. J. Johnson ✓ Una Johnson ✓ 546 S. Christine
8	"	Francis J. Langston ✓ Olive V. Langston ✓ 547 Lightner Dr.
9	"	Carl H. Lundberg ✓ Ida P. Lundberg ✓ 541 S. Lightner
10	"	Violet L. Lake ✓ 537 S. Lightner
S. 20' of 11	"	County of Sedgwick ✓ Court House
N 40' of 11	"	Safeway Stores, Inc. ✓ 826 E. 1st St.

Continued page 2

Lot	Addition	Property Owner
11	Driver's Addition	George A. Butler ✓ 531 S. Lexington
12	"	Lyle W. Howard ✓ Norma E. Howard ✓ 537 Lexington
17	"	<i>no address</i> Cecelia M. Liepman Address unknown
18	"	Guy L. Bounous ✓ Berniece I. Bounous ✓ 542 S. Lightner
19	"	Walter W. Vordenstrasse ✓ Estella M. Vordenstrasse ✓ 536 S. Lightner
20	"	Bessie Alice Thiele ✓ 4041 E. 1st St.
S 200' of Res. D.	Blk G Second Addition to the Village	Redeemer Evangelical Lutheran Church of Wichita ✓ 5620 E. Kellogg
6	Blk H	"
7 exc. N 72'	"	"
		Francis H. Finch ✓ 5704 E. Kellogg Hugh H. Claypool ✓ Laura F. Claypool ✓ 5702 E. Kellogg
N 72' of 7	"	"
		Elmer A. Ferguson ✓ Lelah R. Ferguson ✓ 456 Ridgecrest

Beginning at the NW corner of Driver's Addition thence N. along the E. line of Lightner Drive 120', thence E. parallel with the N line of lot 20, Drivers Addition, 300', thence S. parallel with the E. line of Lightner Drive, 120', thence W. along the N. line of Driver's Addition to the place of beginning

✓ Safeway Stores, Inc.
826 E. 1st St.

Beginning 630' E. of the NW corner of the NE $\frac{1}{4}$ of Sec. 25-27-1E, thence S. 330', thence E. 570', thence N. 330', thence W. 570' to the place of beginning, exc. the S. 120' and except that part condemned for Kellogg

Hudson Oil Co. of Missouri
1112 Southeast Blvd., ✓
Kansas City, Missouri

FORM 223-021 **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
<i>Bya Application</i>	<i>50⁰⁰</i>

Name: *Robert Nelson*
 Address: *511 Harmon Center Bldg.*
 Type: *R-712* Due Date: _____
 Comments: _____
 Date: *9-28-64* By: *L. Howell*

THE CITY OF WICHITA, KANSAS
 BOARD OF ZONING APPEALS
 104 SOUTH MAIN
 WICHITA, KANSAS
 ZIP CODE 67202

WICHITA KANSAS
 OCT-9'64
 U.S. POSTAGE
 05
 PH 101865

Moved, left no address
 No cash number
 Moved, no new address
 Addressee unknown

44-64

1807
 O. C. Frey
 1738 Lexington Rd.
 3215 East Kellogg
 Wichita, Kansas

RETURN TO
 WALTER

WICHITA
 OCT 12
 PM
 1964
 KANS.

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

October 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 44-64

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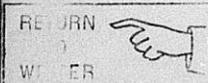
THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS
ZIP CODE 67202



- Moved, left no address
 No such number
 Moved, not forwardable
 Addressee unknown

44-64

Francis J. Langston
Olive V. Langston
547 Lightner Drive
Wichita, Kansas



*

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