

ACTION

BZA COMMITTEE Approved DATE 1.22.74
Subj. to conditions

M.A.P.G. _____

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

BZA Case No. 44-73 - Harold Woodworth requests an exception to permit the installation of a U-Haul trailer rental operation to be operated in conjunction with an existing service station at the SE corner of Pawnee Av. & Grove St

5654

POSTED
1-11-74
MKPO-
CI 4
7-22-74

ACTION

BZA COMMITTEE	<u>Approved</u>	DATE <u>1.22.74</u>
	<u>Subj. to conditions</u>	
M.A.P.C.	_____	_____
B.C.C./B. CO. C.	_____	_____

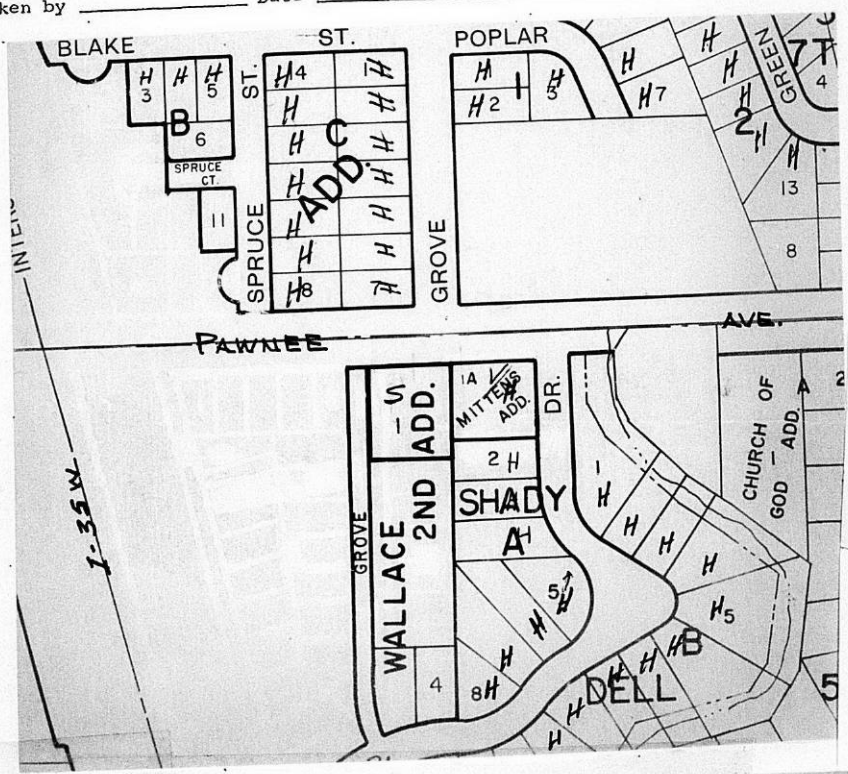
BZA Case No. 44-73 - Harold Wood-
 worth requests an exception to
 permit the installation of a U-
 Haul trailer rental operation to
 be operated in conjunction with
 an existing service station at the
 SE corner of Pawnee Av. & Grove St

Map No. 5644
 Sec. _____
 Twp. _____
 Range _____

BZA- 44-73
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.55 (150 ft. by 160 ft.)
 2. Adjoining Zoning: ELC-AA s R5 W AA N AA
 3. Land Use: East SINGLE FARM South UNDEVELOPED
 West T-35W + Drainage canal North SINGLE FARM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: SERVICE STATION.
 6. Area (is) (is not) platted. _____

PHOTO DATA:
 Taken by _____ Date _____ Time _____



March 6, 1974

Mr. Bob L. Crahan
c/o U-Haul Company
7038 East Orme
Wichita, Kansas 67207

Subject: Case No. BZA 44-73
Request for Exception

Dear Mr. Crahan:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 22, 1974, in connection with your request to permit the installation of an U-Haul trailer rental operation to be operated in conjunction with an existing service station on property zoned the "LC" Light Commercial District and generally located at the southeast corner of Pawnee Avenue and Grove Street.

This Resolution reflects the official action of the Board and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:js
Encl.

cc: Harold Woodworth, 2401 E. Pawnee, 67211
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

R E S O L U T I O N No. BZA 44-73

WHEREAS, Mr. Harold Woodworth, 2401 East Pawnee, Wichita, Kansas, by Mr. Bob L. Crahan, % U-Haul Company, 7038 East Orme, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita to permit the installation of an U-Haul trailer rental operation to be operated in conjunction with an existing service station on property zoned "LC" Light Commercial District, and legally described as follows:

Lot 1, in Wallace 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Pawnee Avenue and Grove Street.

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 January 22, 1974, 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 U-Haul trailer rental operation to be operated in conjunction with an existing service station, on property zoned the "LC" Light Commercial District, subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the installation of a U-Haul trailer rental operation to be operated in conjunction with an existing service station, on property zoned the "LC" Light Commercial District, and legally described as follows:

Lot 1, in Wallace 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Pawnee Avenue and Grove Street.

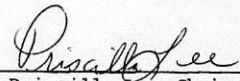
subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All trailers shall be stored in the designated area to the southwest of the service station as designated on the approved plan by the Traffic Engineer.
3. No more than four (4) trailers may be displayed at this location at any time and no trailer shall exceed six feet by 14 feet in size.

Resolution No. BZA 44-73
Page Two


4. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
5. No free-standing signs related to rental of trailers shall be permitted on the premises.
6. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
7. A 5 to 8 foot high solid or semi-solid fence constructed of masonry, architectural tile, wood, louvered wood or other similar materials shall be constructed along the entire south boundary line and adjacent to the south twenty feet of the east boundary of the property.

ADOPTED AT WICHITA, KANSAS, this 22nd day of January, 1974.



Priscilla Lee, Chairman

ATTEST:



Jack H. Galbraith, Secretary



U-HAUL CO. OF KANSAS CITY, INC.
401 SOUTH 42ND STREET • KANSAS CITY, KANSAS 66106 • PHONE: (913) 621-4040

" P E T I T I O N "

This petition is comprised of neighboring residents and Texaco officials who recognize the need for a U-Haul dealership in this Texaco service station and understand it would be operated under certain controls as to quantity, appearance and display of all U-Haul equipment at all times as required and set forth by THE BOARD OF ZONING APPEALS, *(outlined in letter of justification).*

We hereby endorse the above statement of intent.

" T E X A C O O F F I C I A L S "

Refer to inclosed letter from U-Haul Inc.

" N E I G H B O R H O O D R E S I D E N T S "

Q. R. Kokosal - 2508 So Minnesota

J. R. Stungelman

Jesse Soper 2407 S. Poplar

Provided a fence be constructed as outlined in item seven in secretary's report BZA case no. 44-73 Page 3.

Mr & Mrs D. L. Jelliff 2407 S. Poplar



PETROLEUM PRODUCTS

WICHITA DISTRICT
W. J. PHILLIPS
DISTRICT SALES MANAGER

November 27, 1973

TEXACO INC.
P. O. BOX 18048
SOUTHEAST STATION
WICHITA, KANSAS 67218

TO WHOM IT MAY CONCERN

Re: U-Haul Trailers

Retailer Harold W. Woodworth's desire to place a small number of U - Haul Trailers at the service station which he holds under lease from us at 2401 E. Pawnee, in order to enhance profits from this retail business, is acceptable to Texaco Inc. This assumes that Retailer Woodworth complies with all terms of his lease with us.

Yours very truly,

TEXACO INC.

W. J. Phillips
District Sales Manager

WJP:bc

January 23, 1974

MR. Bob L. Crahan
c/o U-Haul Company
7038 East Orme
Wichita, Kansas 67207

Subject: Case No. BSA 44-73
Request for Exception

Dear Mr. Crahan:

It was the action of the Board to approve Case No. BSA 44-73, subject to the conditions listed in the Secretary's report, with condition #5 amended to read that no free-standing signs related to rental of trailers shall be permitted on the premises. Condition #7 was amended to require the screening fence to be constructed along the entire south boundary line and adjacent to the south 20 feet of the east boundary of the property.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rne

cc: Harold Woodworth, 2401 East Pawnee, 67211
Mr. & Mrs. Clarence Morgan, 2332 South Grove, 67211
Mr. & Mrs. T. G. Breaseal, 2363 South Grove, 67211
Mr. & Mrs. Dewey Billins, 2338 South Grove, 67211
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

Mr. Jack H. Galbraith, Secretary
Board of Zoning Appeals
Room 402 City Bldg. Annex
104 S. Main St.
Wichita, Kansas 67202

Dear Sirs:

We are very much opposed to Case No. EZA 44-73
in which they are requesting an exception to permit the installation
of a U-Haul trailer rental operation to be operated in conjunction
with an existing service station on property zoned the "LC" Light
Commercial District and Legally described as follows:

Lot 1, in Wallace 2nd Addition to Wichita, Sedgwick
County, Kansas. Generally located at the Southeast
corner of Pawnee Avenue and Grove Street.

We do not want any business increased in our residential area.

PROPERTY OWNER AT BELOW ADDRESS
2332 South GROVE

Pauline L Morgan
Name Pauline L Morgan



Mr. Jack H. Galbraith, Secretary
Board of Zoning Appeals
Room 402 City Bldg. Annex
104 S. Main St.
Wichita, Kansas 67202

Dear Sirs:

We are very much opposed to Case No. BZA 44-73
in which they are requesting an exception to permit the installation
of a U-Haul trailer rental operation to be operated in conjunction
with an existing service station on property zoned the "LC" Light
Commercial District and Legally described as follows:

Lot 1, in Wallace 2nd Addition to Wichita, Sedgwick
County, Kansas. Generally located at the Southeast
corner of Pawnee Avenue and Grove Street.

We do not want any business increased in our residential area.

PROPERTY OWNER AT BELOW ADDRESS

2363 South Grove

Jerrill L. & Florence M. Brezinski
Name



Mr. Jack H. Galbraith, Secretary
Board of Zoning Appeals
Room 402 City Bldg. Annex
104 S. Main St.
Wichita, Kansas 67202

Dear Sirs:

We are very much opposed to Case No. BZA 44-73
in which they are requesting an exception to permit the installation
of a U-Haul trailer rental operation to be operated in conjunction
with an existing service station on property zoned the "LC" Light
Commercial District and Legally described as follows:

Lot 1, in Wallace 2nd Addition to Wichita, Sedgwick
County, Kansas. Generally located at the Southeast
corner of Pawnee Avenue and Grove Street.

We do not want any business increased in our residential area.

PROPERTY OWNER AT BELOW ADDRESS

Mr & Mrs Duway Billins
2338 S. Grove

Name



SECRETARY'S REPORT
CASE NO. DZA 44-73

APPLICANT: Mr. Harold Woodworth, 2401 East Pawnee, Wichita, Kansas, 67211.

AGENT: Mr. Bob L. Crahan, % U-Haul Company, 7038 East Orme, Wichita, Kansas, 67207.

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita to permit the installation of a U-Haul trailer rental operation to be operated in conjunction with an existing service station.

GENERAL LOCATION: At the Southeast corner of Pawnee Avenue and Grove Street.

LAND USE: Subject property contains a service station. The property to the south is undeveloped. To the east is a vacant house and single family homes. To the north there are single family homes and undeveloped property, and to the west is an off-ramp for I-35W.

ZONING: Subject property is zoned the "LC" Light Commercial District. The properties to the north and west are zoned the "AA" Single Family Dwelling District. There is "LC" and "AA" zoning to the east, and to the south is the "R-5" General Residence District.

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 provided the conditions set out in Section 28.04.183.2, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the installation of a U-Haul trailer rental operation to be operated in conjunction with an existing service station. The statement of justification submitted by the agent for the applicant states that the parking and display of trailers would be confined to the 20 foot by 40 foot area designated on the plot plan. The plot plan has been submitted by the Traffic Engineering Division.

Secretary's Report
BZA Case No. 44-73
Page 2

The agent further states that no more than four trailers will be on display at any time, and these trailers would be limited in size varying from 4 feet to 6 feet to 6 feet by 14 feet. It should be noted that the designated display area is beneath a 50 foot sign, and the trailers would be parked between the 3 steel forms supporting the sign.

The agent for the applicant emphasizes that the U-Haul Company, Texaco and the applicant have agreed that the rental operation will be only an accessory or sideline which would in no way interfere with the primary purpose of this business location as being a service station, not a rental lot. In addition to restricting display to the designated area and limiting the size and number of trailers as previously indicated the applicant has expressed willingness to comply with any additional conditions or restrictions the Board might deem necessary.

The agent further points out that the Board has approved two similar requests for limited trailer display in this general area: at the southeast corner of Pawnee and Hydraulic (BZA Case No. 6-69) and at the northeast corner of Pawnee and Hillside (BZA Case No. 5-70). Presently neither of these locations is displaying trailers.

In viewing the property from the field it was noted that an off ramp for I-35W adjoins subject property to the west, and the sign and display area indicated on the plot plan are also adjacent to the I-35W exit and right-of-way. The property to the south, which the agent for the applicant states is owned by Texaco, is undeveloped, although zoned the "R-5" General Residential District. The residential property to the east is screened by a row of trees, and the houses to the north side into Pawnee. (There is a vacant house on light commercially zoned property to the east which is not screened from view by trees.)

While this is not the type of use which has been encouraged to develop at random throughout the city in light commercial areas, the use of subject property for limited display of rental equipment beneath the existing 50 foot sign would not appear to be inappropriate in view of the proximity of the off ramp from

Secretary's Report
BZA Case No. 44-73
Page 3

I-35W as long as the display area is screened from adjacent residential zoning districts.

RECOMMENDATION:

It is the recommendation of the Secretary that if the Board concurs that this use is appropriate in this area, approval of the exception be subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All trailers shall be stored in the designated area to the southwest of the service station as designated on the approved plan by the Traffic Engineer.
3. No more than four (4) trailers may be displayed at this location at any time and no trailer shall exceed 6 feet by 14 feet in size.
4. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
5. No sign related to rental of trailers shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
6. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
7. A 5 to 8 foot high solid or semi-solid fence constructed of masonry, architectural tile, wood, louvered wood or other similar materials shall be constructed along the south and east boundaries of the display area. (Note: The Board may also desire to consider requiring screening adjacent to the off ramp of I-35W.)

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

January 2, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

An application has been filed by Harold Woodworth, 2401 East Pawnee, Wichita, Kansas, 67211, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of a U-Haul trailer rental operation to be operated in conjunction with an existing service station on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, in Wallace 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located at the Southeast corner of Pawnee Avenue and Grove Street.

This application has been assigned Case No. BZA 44-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 22, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting when this matter will be considered.

If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith
Secretary

16 notices sent to Property Owners 1-2-74
10 " " " Plng Comm "

BOARD OF ZONING APPEALS

CASE NO. 44-73

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Mr. Harold Woodward

Mailing Address 2401 E. Pawnee, Wichita 67211 Phone 686-9981

Name of Authorized Agent Bob L. Crahan & U-Haul Co.

Mailing Address 703A E. Orma, Wichita 67207 Phone 685-6615

Relationship of applicant to property is that of Lessee
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section

28.04.183.2, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation ^{and operation} or construction
of a U-Haul trailer rental dealer as outlined in Letter of Justification
^{operation to be operated in conjunction with}
an existing service station
and Intent. _____ on property zoned

L.C., located at 2401 E. Pawnee, south & east of Pawnee

and I 35 W. and legally described as: Lot 1, in

Wallace 2nd Addition to Wichita, Sedgwick County, Kansas, as described

in attached Certificate of Ownership.

_____, in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant Harold Woodward

Authorized Agent Bob L. Crahan

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, _____ (a.m. - p.m.), _____, 19_____, together with appropriate fee of \$50.00.

T9-403

Signed _____



AMERCO MARKETING COMPANY

813 S. SAN PABLO, BOX 10287 • WICHITA, KANSAS 67218

PHONE: (316) 685-6615

685-6615

BOB CRAHAN

AREA FIELDMAN



IL CO. OF KANSAS CITY, INC.
KANSAS CITY, KANSAS 66106 • PHONE: (913) 621-4040

A MARKETING SERVICE COMPANY FOR
U-HAUL, YA TO 2 RENTALS, ARCO, KAR-GO, AVAL, URBICO, WAHS, MUSE, IPONDHOSA, A & M

Board of Zoning Appeals
City Building Annex
104 S. Main
Wichita, Kansas 67202

December 17, 1973

Dear Sir,

Subject: "Application For Exception"
Letter of Justification &
Intent:

As the authorized agent for the applicant Mr. Harold Woodwerth, and on behalf of U-Haul Co. and Texaco Oil Co., I am able to justify this application for the following reasons as required for such an exception under section 28.04.183.2 of Wichita Zoning Ordinances.

U-Haul Co. and Texaco Oil Co., along with applicant Mr. Woodwerth have clearly outlined an understanding with one another that the U-Haul trailer rental operation would be only an added accessory or sideline to supplement the applicants income and would in no way interfere with the primary purpose of this business location being, first and foremost a Texaco dealer identifying with the public and their needs in this manner and not as a Rental Lot.

Once established, this location would be a small trailer dealer with the following restrictions agreed upon by applicant, Texaco Oil Co. and myself, with strict enforcement of these restrictions.

#1. No more than four trailers will be on display at any time, with sizes varying from 4 by 6 to 6 by 14 as illustrated in photos submitted with application.

#2. The trailers on display will be lined up in the designated area on plot plan according to size, and will at all times be kept neat and clean.

#3. To comply with any additional restrictions not outlined in this letter of justification that the Board may deem necessary.

This location is also just east of I35 W. and south of Pawnee. To the south a large undeveloped lot owned by Texaco Oil Co. To the east residents screened by a row of trees and north of Pawnee residents and another large undeveloped lot. The general proximity of this location and surrounding seem to be appropriate for the limited trailer display we are requesting.

In the past the Board has approved two similar such requests for limited trailer display within a 1 mile radius of subject location. The first at 1703 E. Pawnee, S. E. corner of Pawnee & Hydraulic, BZA case No. 5-78,6-69. The second at 2350 S. Hillside, N. E. corner of Pawnee & Hillside, BZA case No. 5-78. Presently neither one of these locations are displaying U-Haul trailers.

In view of subject location and the overall prevailing picture as outlined, I feel this exception should be justified by the secretary and approved by the Board of Zoning Appeals.

Sincerely,

Bob L. Crahan

A TRANSPORTATION SERVICE COMPANY OF AMERCO 

 CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, within a 200 foot radius of and including the following described property, viz:

Lot 1, in Wallace 2nd Addition
 to Wichita, Sedgwick County, Kansas.

<u>DESCRIPTION</u>	<u>OWNER/OWNERS/ADDRESS</u>	
<u>WALLACE 2ND ADDITION</u>		
Lot 1	Texaco, Inc. 332 S. Michigan Ave. Chicago, Ill.	60604
Lot 2 (N 200')	Texaco, Inc. 332 S. Michigan Ave. Chicago, Ill.	60604
<u>WALLACE ADDITION</u>		
<u>Block A</u>		
Lots 3-4-5-6-7-8-9-10-20 21-22-23	City of Wichita 204 S. Main	67202
<u>SHADY DELL ADDITION</u>		
<u>Block A</u>		
Lot 2 (N 52')	Jess & Evelyn Luper 2407 S. Poplar	67216
S 18' of Lot 2 & N 34' of Lot 3	Dellman LeeRoy & Ruth Edna Jolliff 2411 S. Poplar	67216
S 36' of Lot 3 & N 16' of Lot 4	Gerald Wayne & Helen C. Powell 2413 S. Poplar	67216
S 54' of Lot 4	James W. & Betty J. Rea 2415 S. Poplar	67216
Lot 5	Loren F. & Selma C. Silvey 2419 S. Poplar	67216
Lot 6	Russell Ray, Jr. & Janice K. Brown 2423 S. Poplar	67216
Lot 7	Tom K. & Mary Sue Ashcraft 2431 S. Poplar	67216
Beg at SW cor of SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 34-27-1E; N 366.85'; E 492.85'; SE to point E of beg; W 628.64' to beg, Except W 40' & S 50' for Street	N/A Frank E. Heinrich John Heinrich 2530 E. Pawnee	67211

W. M. SIDLES ADDITION

BLOCK C

Lot 6	Terrell G. & Florence M. Breazeale 2363 S. Grove	67211
Lot 7	Ray C. & Gloria A. Cline 2369 S. Grove	67211
Lot 8	Alvin & Virginia Brewer 2368 S. Spruce	67211
Lot 9	Charles W. & Betty L. Orindgreff 2363 S. Spruce	67211

Dated this 30th day of November, 1973 at 7:00 o'clock A.M.

GUARANTEE TITLE CO., INC.

No. 50030/f

By *Don R. Harkin*
Vice-President

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
BZA	15000

Name _____
 Address _____
 Type A 407103 Due Date _____
 Comments: _____
 Date 12-17-73 By _____

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

RETURN
TO
WRITER



WIA
Frank E. Heinrich
John Heinrich
2530 E. Pawnee
Wichita, Kansas 67211



BZA 44-73





*

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