

F 6

ACTION

DATE *Approved 1-25-66*

COMMITTEE *Approved*

M.A.P.C. _____

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

February 15, 1966

Mr. Robert H. Rutledge
2902 East Douglas
Wichita, Kansas

Dear Mr. Rutledge:

Re: Case No. BMA 46-65 - Request for
exception to allow sale of re-
possessed automobiles on property
zoned "IC" and generally located
at the northeast corner of Erie
and Douglas

We have completed the preparation of the Resolution adopted by the
Board of zoning Appeals in connection with the abovesubscribed case,
which was heard by the Board on January 25, 1966, and which Resolu-
tion has been signed by the Chairman and Secretary.

As indicated in our letter of February 1, 1966, we are now enclos-
ing a copy of this Resolution for your information and files. A copy
has also been provided the Superintendent of Central Inspection for
his files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:Riber
Enclosure

cc: Consumers Acceptance Company
2902 East Douglas

Glen Lytle, Superintendent
of Central Inspection

Ralph Eberly
City Clerk

R E S O L U T I O N N O . B Z A 4 6 - 6 5

WHEREAS, Consumers Acceptance Company, 2902 East Douglas, Wichita, Kansas, has requested an exception, pursuant to Section 28.04.183.2, Code of the City of Wichita, and as authorized by Section 2.12.590.3, Code of the City of Wichita, to permit the sale of new and used cars on property zoned "LC" and legally described as follows:

The South 75 feet of Lots 1, 2, and 3 of Olivers Subdivision of Lots 3 and 6, Block 7, Chautauqua Addition, in the City of Wichita, Sedgwick County, Kansas; generally located on the northeast corner of Erie and Douglas; 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 January 25, 1966; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under provisions of Section 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the applicant desires approval of this exception inasmuch as they have recently moved their business to subject property which is zoned Light Commercial, and which does not allow the sale of autos unless granted through an exception, and desires to obtain a renewal of their Dealer Certificate of Registration from the State but must have proper zoning to do so; further, the Certificate will allow the applicant to have at its disposal dealer auto tags that can be used on automobiles which are repossessed, and allows the sale of the car and proper completion of the Certificate of Title; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the exception be granted to permit the sale of automobiles stored on property zoned "LC" and described legally as follows:

The South 75 feet of Lots 1, 2, and 3 of Olivers Subdivision of Lots 3 and 6, Block 7, Chautauqua Addition, in the City of Wichita, Sedgwick County, Kansas; generally located on the northeast corner of Erie and Douglas,

subject to the following:

1. Only one repossessed automobile shall be stored on the property at any time.
2. If it should be determined by the Superintendent of Central Inspection that the storage of the repossessed automobiles is occupying other than the one designated parking space, the Superintendent of Central Inspection may request that this case be brought back before the Board for its review.

3. At such time as this property is no longer occupied by the Consumer Acceptance Company, this resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 25th day of January, 1966.

Harold Bauer
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

February 1, 1966

Mr. Robert H. Rutledge
2902 East Douglas
Wichita, Kansas

Dear Mr. Rutledge:

Re: Case No. BZA 46-65 - Request for
exception to allow sale of re-
possessed automobiles on property
zoned "IC" and generally located
at the northeast corner of Erie
and Douglas

This is to advise you that at its regular meeting of January 28,
1966, the Board of Zoning Appeals of the City of Wichita considered
the above request.

It was the action of the Board to approve the request for an exception
as described above, subject to the following:

1. Only one repossessed automobile shall be stored on the
property at any time.
2. If it should be determined by the Superintendent of
Central Inspection that the storage of the repossessed
automobiles is occupying other than the one designated
parking space, the Superintendent of Central Inspection
may request that this case be brought back before the
Board for its review.
3. At such time as this property is no longer occupied by
the Consumer Acceptance Company, this approval shall
become null and void.

A resolution effecting the action of the Board will be mailed to
you as soon as it can be prepared and signed by the Secretary and
Chairman of the Board of Zoning Appeals.

Page 2 - Mr. Robert H. Rutledge
February 1, 1966

If you have any questions concerning this matter, please let us hear from you.

Very sincerely yours,

Jack H. Galbraith
Secretary

JHG:RW:ber

cc: Consumers Acceptance Company
2902 East Douglas

Glan Lytle, Superintendent
of Central Inspection

Ralph Eberly
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 46-65

APPLICANT: Consumers Acceptance Company
2902 East Douglas

AGENT: Robert E. Rutledge, 2902 East Douglas

GENERAL LOCATION: Northeast corner of Erie and Douglas

ZONING: Existing and all surrounding zoning is "LC"

LAND USE: Existing on subject property is an office. To the north is single family; east is a cleaning establishment; west is a beauty school and south is an office

REQUEST: Exception as provided in Section 28.04.183.2, Code of the City of Wichita, to permit the installation or construction of an area for the sale of repossessed automobiles.

JURISDICTION: The Board has jurisdiction to consider the exception under the provisions outlined in Section 2.12.590.3, Code of the City of Wichita, and may grant the exception providing the conditions outlined under Section 28.04.183.2, Code of the City of Wichita can be complied with.

COMMENTS BY THE SECRETARY:

Briefly, the applicant has stated in his letter of justification that he is desirous of obtaining the exception so that his Automobile Dealers Certificate of Registration can be renewed.

The Consumers Acceptance Company has recently re-established its office on the northeast corner of Erie and Douglas on property zoned "LC". One of the requirements of obtaining a Dealer Certificate of Registration is proper zoning and they cannot comply with this requirement. Consumers Acceptance indicates that it has two main purposes for retaining the said certificate. One is that it allows the company to have dealers' auto tags which can be used on the autos being repossessed, and the other is that it allows the sale of the car and the proper completion of the Certificate of Title for the auto in question.

The applicant indicates that this is only a minor part of the business, but the lack of the certificate would create an inconvenience and hardship for the business operation. The property has only enough area to permit one repossessed car parking space over that required for employee and customer parking.

Recommendation

It is the recommendation of the Secretary that this exception be granted to allow the sale of repossessed automobiles subject to the following conditions:

1. Only one repossessed automobile shall be stored on the property at any time.
2. If it should be determined by the Superintendent of Central Inspection that the storage of the repossessed automobile is occupying other than the one designated parking space, the Superintendent of Central Inspection may request that this case be brought back before the Board for its review.
3. At such time as this property is no longer occupied by the Consumer Acceptance Company, this Resolution shall become null and void.

SECRETARY'S REPORT

CASE NO. RZA 46-65

APPLICANT: Consumers Acceptance Company
2902 East Douglas

AGENT: Robert H. Rutledge, 2902 East Douglas

GENERAL LOCATION: Northeast corner of Erie and Douglas

ZONING: Existing and all surrounding zoning is "LC"

LAND USE: Existing on subject property is an office. To the north is a family; east is a cleaning establishment; west is a beauty school and south is an office

REQUEST: Exception as provided in Section 28.04.183.2, Code of the City of Wichita, to permit the installation or construction of an area for the sale of repossessed automobiles.

JURISDICTION: The Board has jurisdiction to consider the exception under the provisions outlined in Section 2.12.590.3, Code of the City of Wichita, and may grant the exception providing the conditions outlined under Section 28.04.183.2, Code of the City of Wichita can be complied with.

RECOMMENDATION:

Briefly, the applicant has stated in his letter of justification that he is desirous of obtaining the exception so that his Automobile Dealers Certificate of Registration can be renewed.

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The applicant indicates that this is only a minor part of the business, but the lack of the certificate would create an inconvenience and hardship for the business operation. The property has only enough area to permit one repossessed car parking space over that required for employee and customer parking.

Page 2 - Case No. BZA 46-65
Secretary's Report

Recommendation

It is the recommendation of the Secretary that this exception be granted to allow the sale of repossessed automobiles subject to the following conditions:

1. Only one repossessed automobile shall be stored on the property at any time.
2. If it should be determined by the Superintendent of Central Inspection that the storage of the repossessed automobile is occupying other than the one designated parking space, the Superintendent of Central Inspection may request that this case be brought back before the Board for its review.
3. At such time as this property is no longer occupied by the Consumer Acceptance Company, this Resolution shall become null and void.

W. J. RUDRAUFF
PARTNER

JC
C. E. CAREY
PARTNER

CONSUMERS ACCEPTANCE COMPANY

TIME SALES FINANCING—AUTOMOBILE LOANS
FURNITURE LOANS · PERSONAL LOANS
TELEPHONE MU 3-6511

2902 East Douglas
WICHITA, KANSAS—67214

January 18, 1966

Board of Zoning Appeal
Room 402 City Building Annex
104 So. Main Street
Wichita, Kansas

Re. Case No. B.Z.A. 46-65

As owners of the property located at, 2902 E. Douglas, Wichita
Kansas, we would like to let you know that we approve of the request
made by, Robert H. Rutledge, agent for Consumers Acceptance Company.

This property is leased to Consumers Acceptance Company, a loan
and finance company that has operated in Wichita since 1931.

Your favorable consideration of this request will be appreciated.

Virginia S. Carey

Ruth R. Rudrauff



SERVING KANSANS SINCE 1931

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

40

December 29, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 46-65

An application has been filed by Consumers Acceptance Company, 2902 East Douglas, Wichita, Kansas, by Robert H. Rutledge, Agent, 2902 East Douglas, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception to permit the installation or construction of an area for the sale of repossessed automobiles, as provided in Section 28.04.183.2, Code of the City of Wichita, on property zoned "LC" Light Commercial and legally described as follows:

The South 75 feet of Lots 1, 2, and 3 of Olivers Sub-division of Lots 3 and 6, Block 7, Chautauqua Addition, in the City of Wichita, Sedgwick County, Kansas, generally located on the northeast corner of Erie and Douglas.

This application has been assigned Case No. BZA 46-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 25, 1966, 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.

Jack H. Galbraith
Secretary

*25 notices mailed Dec 30, + 7 to
Planning Com.*

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

December 29, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 46-65

An application has been filed by Consumers Acceptance Company, 2902 East Douglas, Wichita, Kansas, by Robert H. Rutledge, Agent, 2902 East Douglas, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception to permit the installation or construction of an area for the sale of repossessed automobiles, as provided in Section 28.04.183.2, Code of the City of Wichita, on property zoned "LC" Light Commercial and legally described as follows:

The South 75 feet of Lots 1, 2, and 3 of Olivers Sub-division of Lots 3 and 6, Block 7, Chautauqua Addition, in the City of Wichita, Sedgwick County, Kansas, generally located on the northeast corner of Erie and Douglas.

This application has been assigned Case No. BZA 46-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 25, 1966, 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.

Jack H. Galbraith
Secretary

W. J. RUDRAUFF
PARTNER

C. E. CAREY
PARTNER

 **CONSUMERS ACCEPTANCE COMPANY**

TIME SALES FINANCING—AUTOMOBILE LOANS
FURNITURE LOANS · PERSONAL LOANS
TELEPHONE MU 3-6811

2902 East Douglas

WICHITA, KANSAS—67214

December 27, 1965

Board of Zoning Appeals
City of Wichita, Kansas

Re: Application for Exception to Section 28.04.183.2 Code of the
City of Wichita, Kansas.

Gentlemen:

This statement is submitted pursuant to your Instructions on form
T9-403.

The Consumers Acceptance Company hereby respectfully requests the
kind consideration of the Board of Zoning Appeals in the above
captioned matter.

The Consumers Acceptance Company has been operating as a home owned
company in the City of Wichita since 1931.

The Company has held a Dealer Certificate of Registration in excess
of ten years, however now that we have moved to newer, more attractive
quarters in a light commercial zone, our renewal of this Certificate
has been denied because of zoning ordinances.

It is not the intention of Consumers Acceptance Company to operate a
"car lot" in conjunction with its regular loan and finance business.
However, I must point out that repossessions do sometimes occur and
when this happens, the company must be in position to sell the car,
so that their margin of loss can be held to a minimum.

The Dealer Certificate of Registration serves two main purposes in the
event of repossessions: (1) it allows the company to have at its disposal
dealer auto tags that can be used on the auto being repossessed and (2)
it allows the sale of the car and the proper completion of the Certificate
of Title to the auto in question.

You will note from the accompanying plat plan that the City Planning
Department has approved a space exclusively for a "repossessed car."

SERVING KANSANS SINCE 1931

This space is behind the Companys office building and no view of a car so parked can be seen from Douglas Avenue.

Again let me stress the fact that the Company is not operating a "car lot." There will be no signs, banners, or media used to attract attention. We have a beautiful bussiness office and we mean to keep it that way.

This exception is requested for the sole purpose of permitting the Consumers Acceptance Company to conduct its business in an expediant and profitable manner.

Your kind and reascnable consideration will be greatly appreciated.

Yours truly,

CONSUMERS ACCEPTANCE COMPANY

R. H. Rutledge
R. H. Rutledge,
Manager

RHR:bl

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant CONSUMERS ACCEPTANCE COMPANY ✓

Mailing Address 2902 East Douglas Phone MU 36511 ✓

Name of Authorized Agent Robert H. Rutledge ✓

Mailing Address 2902 East Douglas Phone MU 36511

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 or construction
of an area for the sale of Repossessed Automobiles
_____ on property zoned

Light Commercial located 2902 East Douglas
_____ and legally described as: The South

75' of Lots 1,2,3 of Olivers Subdivision of Lots 3&6, Block 7
Chautauqua 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.

Applicant CONSUMERS ACCEPTANCE COMPANY

Authorized Agent Robert H. Rutledge

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 1:30 (a.m. - (P.M)), December 28, 1965, together with appropriate fee of \$50.00.

Signed R. W. Williams

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
W 16 2/3' of 6	Douglas Ave	Merrill's Subdivision of Block 7, in Chautauqua Add.	✓ Marietta Mae Cassidy Eugene C. Cassidy 3316 Elmwood Dr.
E 8 1/3' of 6	"	"	✓ R. W. Manning Emilia C. Manning 326 Circle Dr.
7	"	"	"
8	"	"	"
9	"	"	"
10	"	"	"
11	"	"	"
2	Erie Ave.	"	✗ Billie June Wallington Address unknown
4	"	"	" <i>no address found</i>
6	"	"	✓ Lucile A. Eberhardt Dorothy Clara Eberhardt 6540 Oneida
8	"	"	"
10	"	"	✓ Lois Coon 125 N. Erie
S 75' of 1	Douglas Ave	Olivers Subdivision of lots 3 & 6, Block 7 Chautauqua Add.	✓ Virginia S. Carey ² Address unknown <i>Hillcrest Ave.</i> Ruth R. Rudrauff 112 S. Oakwood Dr.
S 75' of 2	"	"	"
S 75' of 3	"	"	"
N 65' of 1	"	"	✗ Lucy A. Kniseley <i>no</i> Address unknown <i>address found</i>
N 65' of 2	"	"	"
N 65' of 3	"	"	"
4	"	"	✗ Maud Wyatt <i>no address found</i> Address unknown
5	"	"	✓ Persis M. Bonjour 2922 E. Douglas ✓ Persis Kathryn Bonjour 2922 E. Douglas
6	"	"	"
7	"	"	"
8	"	"	"

Continued page 2

Lot	Street	Addition	Property Owner
N 40' of 9	Douglas Ave	Olivers Subdivision of lots 3 & 6, Block 7 in Chautauqua Addition	✓ Lloyd Cooper Address unknown <i>5928 E 10th</i>
N 40' of 10	"	"	"
N 40' of 11	"	"	"
9 exc N 40'	"	"	✓ H. J. Hill Heloise Hill 2936 E. Douglas
10 exc N 40'	"	"	"
11 exc N 40'	"	"	"
1	Erie Ave	"	✓ Charles F. Harris Olive M. Harris 116 N. Erie
2	"	"	"
3	"	"	✓ Alvin L. Duncan Ruth I. Duncan 118 N. Erie
4	"	"	"
5	"	"	✓ Faye T. Mains <i>120</i> B. G. Mains <i>7. Erie</i>
19	Chautauqua Ave.	"	✓ Hattie B. Archer Lois M. Archer 117 N. Chautauqua
20	"	"	"
21	"	"	✓ Parklane Savings and Loan Association, 1032 Parklane
22	"	"	"
23	"	"	✓ Ray C. Johnson Anna Marguerite Johnson 745 Brown Thrust Lane
12	Douglas	Allens Subdivision in Richland 2nd Add	✓ Merle N. Slease Adalyn M. Slease 3705 E. Murdock
14	"	"	"
16	"	"	✓ Wendell D. Waldie 2823 E. Douglas
18	"	"	"
20	"	"	"
22	"	"	"

Continued page 3

Lot	Street	Addition	Property Owner
24	Douglas Ave	Allens Subdivision in Richland 2nd Add.	✓ Ruby M. Jenkins 2903 E. Douglas
W $\frac{1}{2}$ of 26	"	"	"
E $\frac{1}{2}$ of 26	"	"	✓ Frank A. Yoder Bess V. Yoder 2907 E. Douglas
30	"	"	✓ A. L. Hollinger, Sr. Alice Hollinger 2911 E. Douglas
32	"	"	"
34	"	"	✓ P. T. Armstutz, Jr. Elinor B. Armstutz 2915 E. Douglas
36	"	"	"
38	"	"	✗ Howard L. Williams ^{no} Address unknown _{address found}
40	"	"	"
42	"	"	✓ Edgar B. Smith Mildred Lucas Smith 2925 E. Douglas
44	"	"	"

We, The Security Abstract and Title Company, Inc., Inc., hereby certify the foregoing to be a true and list of property owners within a 200 foot radius of lots 1, 2 & 3, on Douglas Avenue, in Oliver's Subdivision of lots 3 and 6, Block 7, Chautauqua Addition to Wichita, Sedgwick County, Kansas, as shown by the deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 20th day of December, 1965 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

J. R. ...

Vice-President

Order No. 131437

FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Has. Mvr.	Has. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT

Name _____

Address _____

Type _____ Due Date _____

Comments: _____

Date _____ BY _____

*

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