

**ACTION**

BZA 4788 Approved 5-0 10/25/88  
DATE

200'4 Sec 11-16-88

Checked PO

Shot 1-10-89

Record ✓

574A

BZA 47-88 - Karl Solomon & Elliott Werbin request an exception to permit the sale of used motor vehicles and motorcycles in conjunction with the business

DATA SHEET

MAP NO.: 5744A

CASE NO. BZA 47-88

(CPO 3B, 10/20/88)

REQUEST: Exception to permit the sale of used motor vehicles and motorcycles in conjunction with the business of a pawn shop.

EXISTING ZONING: "LC" Light Commercial District

GENERAL LOCATION: Near the southwest corner of Pawnee and Oliver.

APPLICANT: Karl R. Solomon (owner)  
ADDRESS: 625 N. Carriage Parkway  
Wichita, KS 67208  
PHONE: 684-9611

APPLICANT: Elliott Werbin (lessee)  
ADDRESS: 101 N. Edgemoor  
Wichita, KS 67208  
PHONE: 681-2347

AGENT: Robert W. Kaplan  
ADDRESS: 430 N. Market  
Wichita, KS 67202  
PHONE: 262-5175

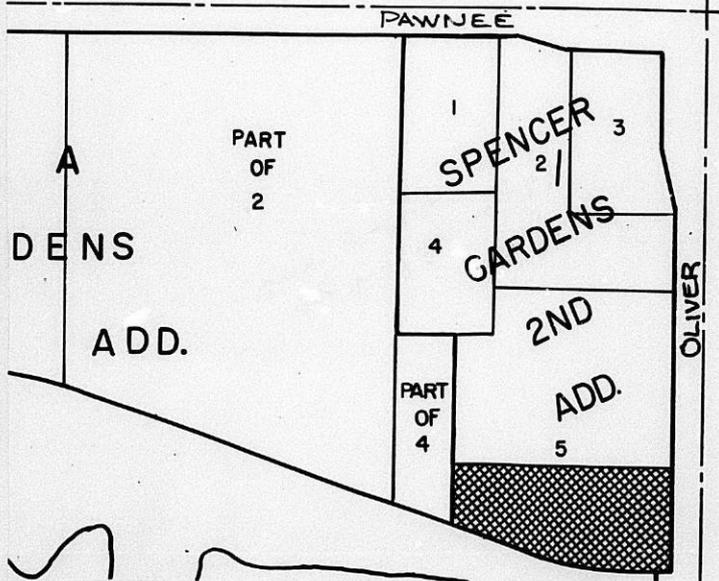
AREA DATA

Acres: \_\_\_ ft. by \_\_\_ ft.

Adjacent Zoning and Land Use:

North "LC"  
South "AA"  
East "LC"  
West "R-6"

*Larry Keason, Ralph Hannington  
B & B General Contractors  
442-7344*



LOS ANGELES-CHICAGO-LOGAN, OH  
MCKINNON, TX-LACREST GROVE, GA  
USA.

**Shepard**  
No. 2-153C

**BZA INSPECTION SHEET**

MAP NO.: 5744A

CASE NO. BZA 47-88

REQUEST: Exception to permit the sale of used motor vehicles and motorcycles in conjunction with the business of a pawn shop.

EXISTING ZONING: "LC" Light Commercial District

GENERAL LOCATION: Near the southwest corner of Pawnee and Oliver.

APPLICANT: Karl R. Solomon (owner)  
ADDRESS: 625 N. Carriage Parkway  
Wichita, KS 67208

PHONE: 684-9611

APPLICANT: Elliott Werbin (lessee)  
ADDRESS: 101 N. Edgemoor  
Wichita, KS 67208

PHONE: 681-2347

AGENT: Robert W. Kaplan  
ADDRESS: 430 N. Market  
Wichita, KS 67202

PHONE: 262-5175

HEARING DATE: October 25, 1988

BZA ACTION:

*Approved subject to conditions (see resolution)*

FOLLOW-UP DATES:

*At issuance of building permit.*

RESPONSE BY MAPD:

RESPONSE BY CID:

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1888  
(316) 268-4561

October 31, 1988

Robert Kaplan  
430 N. Market  
Wichita, KS 67202

Re: BZA 47-88 - Exception to permit the sale of used motor  
vehicles and motorcycles in conjunction with the business of  
a pawn shop (SW corner of Pawnee & Oliver).

Dear Mr. Kaplan:

Enclosed is a signed copy of the above-referenced BZA resolution  
adopted by the Board of Zoning Appeals on October 25, 1988. This  
resolution reflects the official action of the Board to grant  
your request and sets out the conditions of approval. It is  
forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be  
removed from the property. If you have any questions concerning  
this matter, please contact our office.

Sincerely,

*Louise Olivarez*  
Louise Olivarez  
Assistant Secretary  
Board of Zoning Appeals

LO/jcm  
Enclosure

cc: Elliott Werbin, 101 N. Edgemoor, Wichita, KS, 67208  
Karl R. Solomon, 625 N. Carriage Parkway, Wichita, KS, 67208  
Monty Robson, Superintendent of Central Inspection  
Joe Donnelly, Zoning Administrator, CID  
Dale Rea, Deputy City Clerk

FILE COPY

BZA RESOLUTION NO. 47-88

WHEREAS, Karl R. Solomon and Elliott Werbin, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the sale of used motor vehicles and motorcycles in conjunction with the business of a pawn shop on property zoned the "LC" Light Commercial District and legally described as follows:

All of Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas, except the north 314.81 feet thereof. Generally located on the west side of Oliver in an area south of Pawnee.

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 25, 1988, 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 sale of used motor vehicles and motorcycles 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.

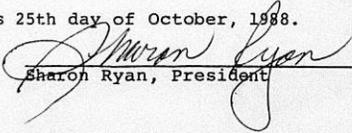
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this application be approved to permit the sale of used motor vehicles licensed for operation on City streets and motorcycles in conjunction with the primary business of a pawn shop on property zoned the "LC" Light Commercial District and legally described as follows:

All of Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas, except the north 314.81 feet thereof. Generally located on the west side of Oliver in an area south of Pawnee.

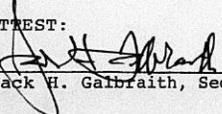
subject to the following conditions:

1. All outside storage and display areas for the motor vehicles and motorcycles shall be paved with concrete, asphalt or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. Signs shall be in accordance with the approved community unit plan for this property (DP-169).
4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
5. No repair work shall be conducted, except in an enclosed building, and further provided that no body or fender work shall be done unless "C" zoning is first obtained.
6. Development of the property shall proceed in accordance with the site plan as submitted with the application. The maximum number of motor vehicles and/or motorcycles on site for storage or sale at any one time shall not exceed 22.

ADOPTED AT WICHITA, KANSAS, this 25th day of October, 1988.

  
Sharon Ryan, President

ATTEST:

  
Jack H. Galbraith, Secretary

THE CITY OF WICHITA

DATE: October 20, 1988

TO: Louise Olivarez, Principal Planner

FROM: Barry L. Carroll, Administrative Aide *BLC*

SUBJECT: BZA 47-88: West side of Oliver  
in an area south of Pawnee.

On Thursday, October 20, 1988, CPO Southeast Neighborhood Council 3B considered the captioned request for an exception to permit the sale of used motor vehicles and motorcycles in conjunction with the business of a pawn shop on property zoned the "LC" Light Commercial District.

Council members were provided the notice to adjoining property owners, a map of the area and MAPD staff comments. After a brief discussion, the Council voted 8-0 to recommend approval of the request.

The agent, Robert Kaplan, was present to explain the specifics of the request and respond to questions from the members.

There was no one present to speak either in support of or opposition to the request.

Please provide the CPO Council's recommendation to the Board of Zoning Appeals when case BZA 47-88 is considered.

BLC:blc

**BOARD OF ZONING APPEALS  
WICHITA, KANSAS**

AGENDA ITEM NO. 4

October 25, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 47-88

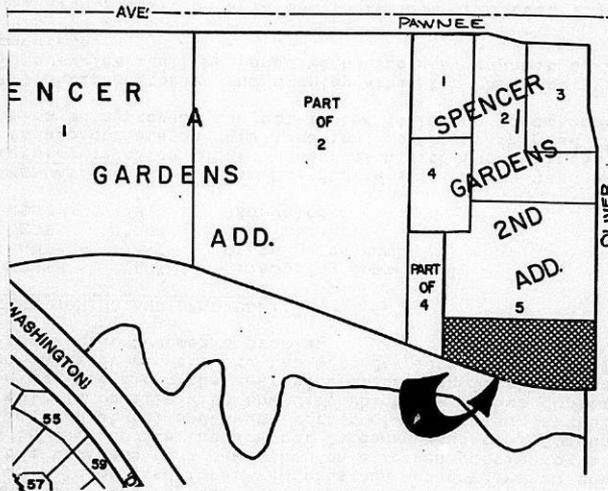
OWNER/APPLICANT/AGENT: Karl Solomon (owner)  
Elliott Werbin (applicant/lessee)  
Robert W. Kaplan (agent)

REQUEST: Exception to permit the sale of used motor vehicles and motorcycles in conjunction with the business of a pawn shop.

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 200 ft. x 400 ft. ±

LOCATION: West side of Oliver in an area south of Pawnee.



JURISDICTION: The Board has jurisdiction to consider this request under the provisions outlined in 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 can be complied with.

BACKGROUND: The applicant is requesting an exception to permit the outside sale of used motor vehicles and motorcycles in conjunction with the business of a pawn shop on a leased portion of a platted lot which is included in the Spencer Gardens Commercial Community Unit Plan located at the southwest corner of Oliver and Pawnee. A letter of credit is on file with the City which guarantees construction of a screening wall along the west side of this application area (and other areas) whenever property to the west develops residentially or whenever litter becomes a problem.

ADJACENT ZONING AND LAND USE:

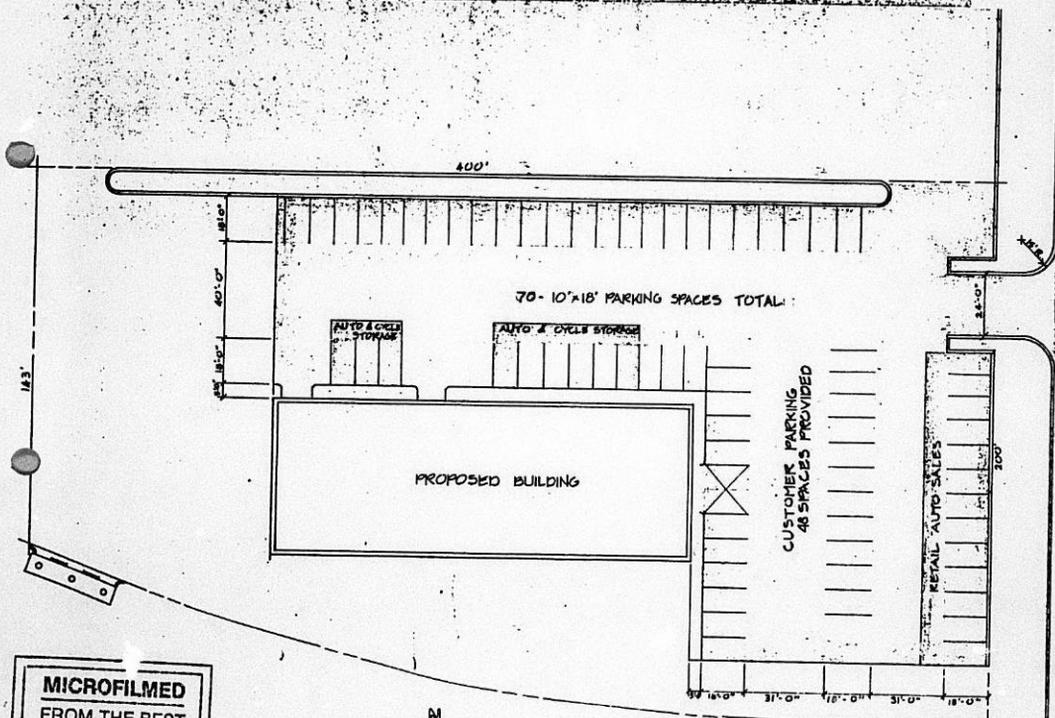
NORTH	"LC"	Developing commercial
SOUTH	"AA"	Drainage channel
EAST	"LC"	Used car lot
WEST	"R-6"	Undeveloped

RECOMMENDATION: Should the Board determine that a used motor vehicle and motorcycle sales lot in conjunction with the business of a pawn shop is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. All outside storage and display areas for the motor vehicles and motorcycles shall be paved with concrete, asphalt or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. Signs shall be in accordance with the approved community unit plan for this property (DP-169).
4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
5. No repair work shall be conducted, except in an enclosed building, and further provided that no body or fender work shall be done unless "C" zoning is first obtained.
6. Development of the property shall proceed in accordance with the site plan as submitted with the application. The maximum number of motor vehicles and/or motorcycles on site for storage or sale at any one time shall not exceed 22.

**PARKING REQUIREMENTS**

175' x 65' = 11,375 SQ. FT. RETAIL + 250 SQ. FT. = 455 PARKING SPACES  
 2,960 SQ. FT. AUTO SALES & STD. + 3,000 SQ. FT. = 1,321 PARKING SPACES  
**4,382 TOTAL**  
 47 CUSTOMER PARKING SPACES ARE PROVIDED FOR CUSTOMER PARKING REQUIREMENTS  
 4,335 SPACES ARE PROVIDED FOR RETAIL AUTO SALES



E OLIVER

**MICROFILMED**  
 FROM THE BEST  
 AVAILABLE COPY

BZA 47-88

( ) Published in The Daily Reporter, September 30, 1988

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 25th day of October, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, meeting in the Board Room, First Floor, City Hall, 455 N. Main, Wichita, Kansas, will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 45-88 - Robert Maxwell, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 12 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 4, Block A, J. H. Jarrett Addition, Sedgwick County, Kansas. Generally located at the northeast corner of 15th St. North and McComas (3740 W. 15th).

2. Case No. BZA 46-88 - Quik Trip Corporation, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the establishment of off-street parking on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lot 19 and Lot 20, Block 1, Academy Park Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Meridian in an area north of Douglas (119 N. Meridian).

3. Case No. BZA 47-88 - Elliott Werbin, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the sale of used motor vehicles and motorcycles in conjunction with the business of a pawn shop on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas, except the north 314.81 feet thereof. Generally located on the west side of Oliver in an area south of Pawnee.

4. Case No. BZA 48-88 - Larry & Cynthia Williams, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the front yard setback from 26.5 ft. to 18 ft. on property zoned the "RB" Four-Family Dwelling District and legally described as follows:

Official Notice  
Page 2

Lots 10 and 12, Dayton Ave., Glendale  
Addition to Wichita, Sedgwick County, Kansas.  
Generally located on the south side of  
Dayton, in an area east of Seneca (1033 W.  
Dayton).

5. Case No. BZA 49-88 - Kevin Daves and Greg Johnson, d/b/a The Core Group, Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the 25,000 sq. ft. minimum lot size requirement to 21,838 sq. ft. for a motel (bed and breakfast establishment) on property zoned the "BB" Office District and legally described as follows:

The east 100 feet of Lot 2, Block A, Merriman Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Douglas in an area east of Clifton (3751 E. Douglas).

6. Case No. BZA 50-88 - Kevin Daves and Greg Johnson, d/b/a The Core Group, Inc., pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the establishment of a 6.5 ft. tall closed wood screen, rather than a solid masonry wall, as screening for a bed and breakfast establishment on property zoned the "BB" Office District and legally described as follows:

The east 100 feet of Lot 2, Block A, Merriman Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Douglas in an area east of Clifton (3751 E. Douglas).

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 30th day of September, 1988.

Jack Galbraith, Secretary  
Board of Zoning Appeals

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202

September 30, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 47-88

As required by law, all property owners of record within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals are to be notified of the public hearing. An application has been filed by Elliott Werbin, requesting an exception.

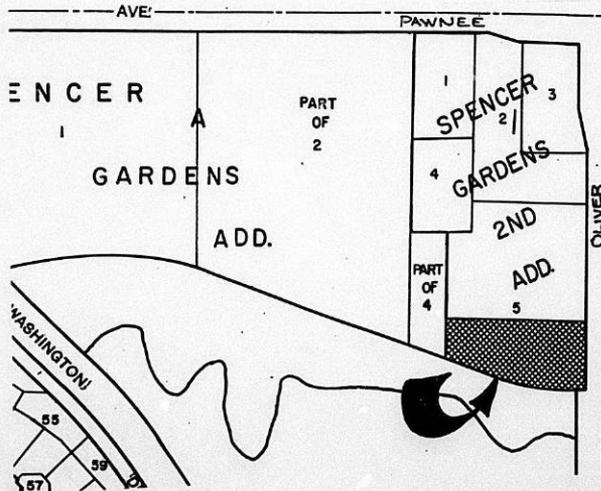
Pursuant to Section 2.12.590.C, Code of the City of Wichita, the applicant is requesting an exception to permit the sale of used motor vehicles and motorcycles in conjunction with the business of a pawn shop on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas, except the north 314.81 feet thereof. Generally located on the west side of Oliver in an area south of Pawnee.

This application has been assigned Case No. BZA 47-88. It will be considered by the Board of Zoning Appeals on Tuesday, October 25, 1988, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main, Wichita, Kansas. If you have no interest in or objections to the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so either in person or by agent or attorney.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Southeast Neighborhood Council "3B" will consider this case at their meeting to be held on Thursday, October 20, 1988, at 7:00 p.m. at the Mt. Vernon Presbyterian Church, 3700 East Mt. Vernon. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



BZA CASE NO. 47-88

- 15 LEGAL ADVERTISEMENTS SENT TO MAPC & BZA
- 3 NOTICES SENT TO APPLICANT/AGENT
- 3 NOTICES SENT TO ADJOINING PROPERTY OWNERS
- 5 NOTICES SENT TO PTA MEMBERS

NOTICES SENT 9-30-88

- 1 NOTICE SENT TO CPO
- 2 NOTICES SENT TO CITY MANAGER & CITY COUNCIL REPRESENTATIVE TO DISTRICT
- 5 NOTICES TO MAPD STAFF -

Jack Galbraith  
Louise Olivarez  
Bob Young  
Forrest Nagley  
Karen Crook

BOARD OF ZONING APPEALS

CASE NO. 47-88

CITY OF WICHITA, KANSAS

FILED 9/20/88

APPLICATION FOR EXCEPTION

KARL R. SOLOMON (*owner*)  
 I. Name of Applicant 625 North Carriage Parkway, Wichita, KS 67208  
 ELLIOTT WERBIN (*lessee*) 684-9611 (Solomon)  
 Mailing Address 101 North Edgemoor, Wichita, KS 67208 Phone 681-2347 (Werbin)  
 Name of Authorized Agent ROBERT W. KAPLAN  
430 North Market  
 Mailing Address Wichita, Kansas 67202 Phone 262-5175  
 Relationship of applicant to property is that of Karl R. Solomon-Owner  
Elliott Werbin-Lessee  
 (Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the ~~establishment~~ <sup>sale</sup> of used motor vehicles and motorcycles in conjunction with the business of a pawn shop.

\_\_\_\_\_ on property zoned Light Commercial,  
 located near Pawnee and Oliver the southwest corner of and legally described as: All of Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas, except the North 314.81 feet thereof, 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. 39-285); 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.

KARL R. SOLOMON  
 Applicant ELLIOTT WERBIN  
 Authorized Agent by: Robert W. Kaplan  
 ROBERT W. KAPLAN

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 10:00 (a.m./p.m.), Sept. 20, 1988, together with appropriate fee of \$400.00.

5744A

Signed Founey Mayley

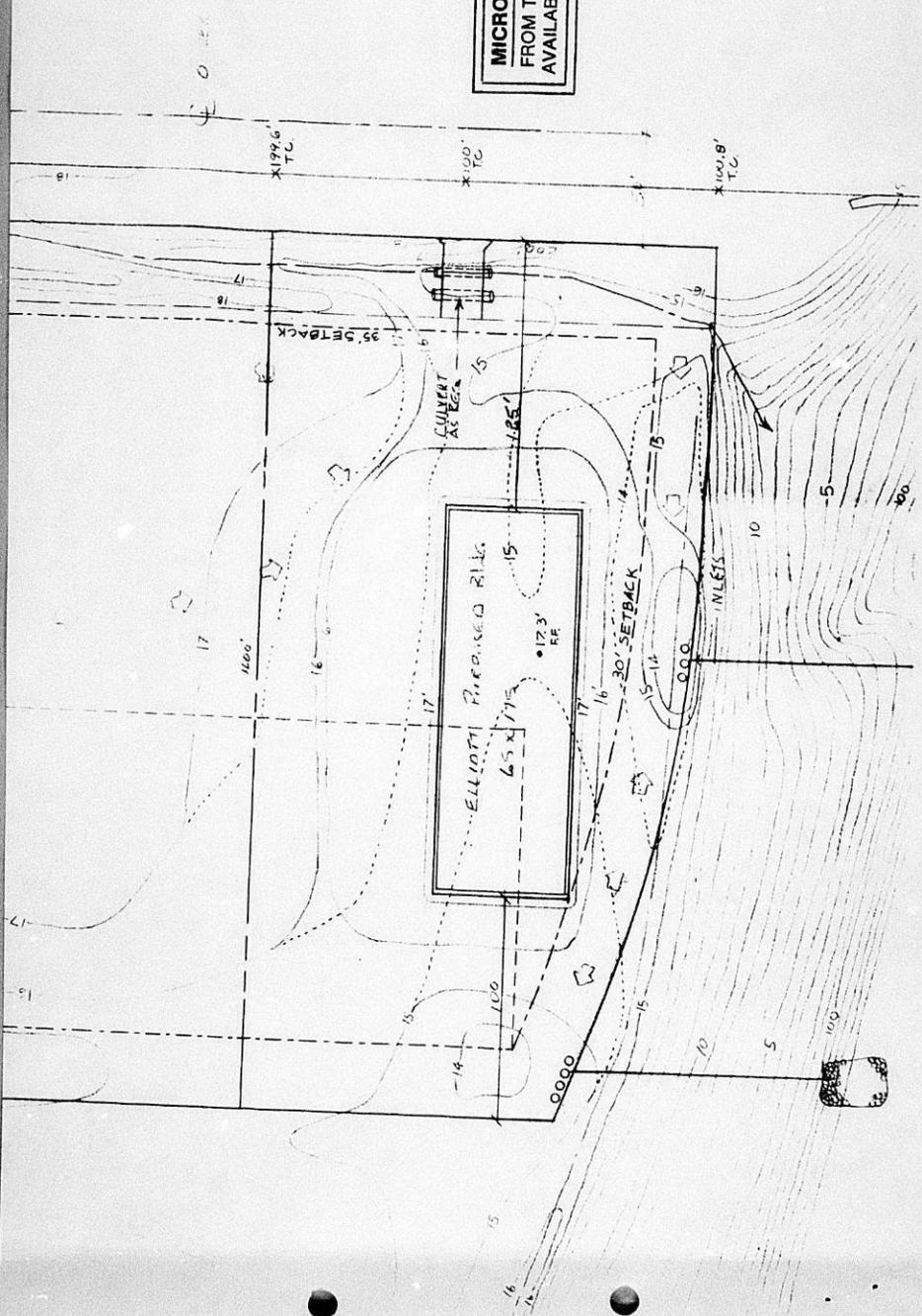
CPO 3B  
10-20

T9-403  
 MAP # 5744A (N) LC (S) AA (E) LC (W) R-6  
 (flood control dedication)

Applicants respectfully submit the following in support of their request for exception:

1. Uniqueness. It is the opinion of the applicants that the property is unique in that this area of South Oliver is improved with automobile sales lots, automobile dealers, automobile service institutions, leasing and various other vehicle services, all of which result in the display and storage of automobiles on the east side of Oliver in the area sought for the exception.
2. Adjacent Property. It is the opinion of the applicants that the granting of the exception does not adversely affect the rights of adjacent property owners inasmuch as adjacent properties are all commercial and the area is substantially devoted to businesses displaying and storing automobiles.
3. Hardship. It is the opinion of the applicants that denial of the application would create hardship to the applicant Elliott Werbin since it would eliminate the ability of Mr. Werbin in conducting his pawn shop business to deal in motorcycles and other two- and four-wheel transportation vehicles with which he would normally deal.
4. Public Interest. It is the opinion of the applicants that the requested exception does not adversely affect the public interest inasmuch as the application area and surrounding areas are totally utilized by commercial ventures and that no detrimental effect to the public from the sale of used motor vehicles and/or motorcycles can be found to exist.
5. Spirit and Intent. Applicants submit that the granting of the exception would not be contrary to the general spirit and intent of the zoning ordinance inasmuch as the use contemplated is light commercial use and the only reason for the exception is the determination by the governing authority that parking motor vehicles and/or motorcycles to be sold on the premises constitutes "outdoor storage", prohibited in the light commercial district.

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WICHITA -- SEDGWICK COUNTY

METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL -- TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1686



RECEIVED

OCT 03 1988

METROPOLITAN PLANNING

ROUTE          
       

BZA 47-88

Leonard W. & Eleanor A. Anderson  
2603 Capri-  
Wichita, KS 67210.

AND 03 02010351 FWD TIME EXPD  
ANDERSON  
2258 S MCADAM  
WICHITA KS 67218-5312  
RETURN TO SENDER



10-3-88

DELIVER: Metro Area Planning Dept.  
10th Floor - City Hall

ATTN: Louise Olivarez

RE: Ownership List - Karl Solomon

Sorry I took so long getting  
you the updated list, but the  
deed was just filed last Friday.

*Thanks  
Nina*

SECURITY ABSTRACT AND TITLE CO., INC.  
434 North Main • Wichita, Kansas 67202 • Telephone (316) 267-8371 • FAX (316) 267-8115  
SECURITY IS KNOWING

OWNERSHIP LIST

Property Description			Property Owner
A portion of the NE $\frac{1}{4}$ of Sec. 2, Twp. 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, which is now platted as Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas.			Karl Solomon 625 N. Carriage Parkway Wichita, KS 67208
Lots 2 and 4	Block A	Spencer Gardens Addition	Same As Above
Lot 6 and the North 10 feet of Lot 7	Block 2	W. P. Higgins Addition	Homer Morgan 2110 Industrial Wichita, KS 67216
The South 90 feet of Lot 7	Block 2	"	Vernon L. Warren 2528 S. Oliver Wichita, KS 67210
Lot 8	Block 2	"	Leonard W. Anderson Eleanor A. Anderson 2603 Capri Wichita, KS 67210

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas, except the North 314.81 feet thereof.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 3rd day of October, 1988, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

*Mary Kable*

By

Sr. Vice-President

Order No. 399497  
jr/nj

OWNERSHIP LIST

Legal Description	Owner
The Northeast Quarter of Section 2, Township 28, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; a part of which is now platted as Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas and a part of which is now platted as part of Lot 2 and part of Lot 4, Block A, Spencer Gardens Addition to Wichita, Sedgwick County, Kansas.	James P. Love, Deceased c/o Spencer of Jackson, Inc. 450 Summer Street Boston, Massachusetts 02210
Lot 6 and the North 10' of Lot 7, Block 2, W.P. Higgins Addition, Wichita, Sedgwick County, Kansas.	Homer Morgan 2110 Industrial Wichita, Kansas 67216
The South 90' of Lot 7, Block 2, W.P. Higgins Addition, Wichita, Sedgwick County, Kansas.	Vernon L. Warren 2528 S. Oliver Wichita, Kansas 67210
Lot 8, Block 2, W.P. Higgins Addition, Wichita, Sedgwick County, Kansas.	Leonard W. Anderson Eleanor A. Anderson 2603 Capri Wichita, Kansas 67210

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas, except the North 314.81 feet thereof.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 15th day of September, 1988, at 7:00 A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Mary Deable*  
Sr. Vice-President

Nº 00343

METROPOLITAN AREA PLANNING DEPARTMENT

Description 2 Home - Front of zoning records  
Name 1st & Market  
Address 434 N Market 19212  
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004  
(books, xerox) 755-40710-026 (microfilm)  
Amount \$6.11  
Date 9/20/88 Due Date 10/1/88 By [Signature]

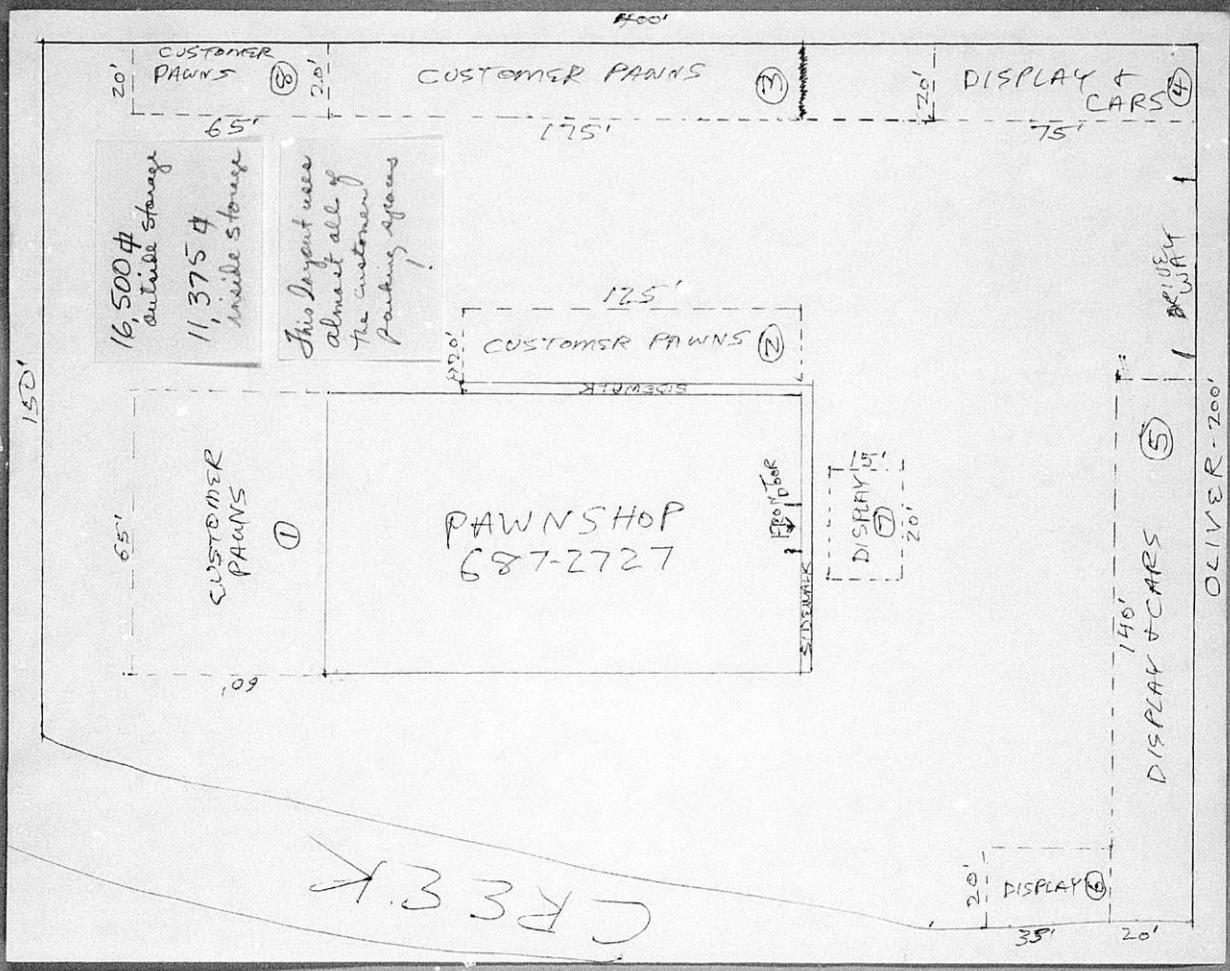
Form 00-000

Nº 00333

METROPOLITAN AREA PLANNING DEPARTMENT

Description Application for exception in "LC"  
Name Kaplan & McMillan  
Address 430 N. MARKET  
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004  
(books, xerox) 755-40710-026 (microfilm)  
Amount \$400.00  
Date 9/20/88 Due Date 9/20/88 By FEJ

Form 00-000



This was  
 discussed at  
 Dev. Rev. Mtg  
 10-20-89 and  
 staff had no  
 objection to "C"  
 zoning for this portion  
 of CUP Parcel #5.  
 CUP amendment needed  
 also. Kaplan to check w/CD  
 re parking requirement.

9/25/89

Louis:

Kaplan says his client wants to display other items outside. First, a determination needs to be made <sup>how</sup> much parking was required for this bldg. <sup>45% approx @ 1/350 #</sup> that will determine if there is an excess area for display purposes. If there is not, then needs a variance of off-street parking to create the space and then request a Var of "C" zoning.

Alternate is to determine in "LC" where items can be displayed outdoors for sale that are not moved in at night. <sup>\* First 10' next to bldg.?</sup> or in an enclosed area as has been granted for certain shopping centers. That is so rarely used that I am unsure what is applicable. <sup>Cannot be > 10% of bldg area (or 1,137.5 # in this case)</sup>

Are there other possibilities that I haven't thought of.

Please review and let's discuss after staff meeting.

✓

Richard Chamberlain in C.I.D. said that for warehousing, sometimes the parking requirement is based on 1 per 13 employees or 1 per 500 #.

\* 2304.070 (A)(1.2)(d) specifically prohibits autos, used items, etc.

\*

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

Roll # 3