

Case NO. BZA 74-79 - James R. &  
Victor Scholfield - requests an  
exception to permit the estab-  
lishment of a new and used car  
agency (eliminate previous  
condition of no opening in wall)

Record  
300' / 1/2 SEC 3-12-80  
300' / 1/2 SEC 3-12-80  
300' / 1/2 SEC 3-12-80

✓

Posted  
12-21-79

~~Filed  
12-21-79~~

BZA  
74-79

# ACTION

COMMITTEE Approved DATE 1-22-80

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

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

200' MPO 3-12-80  
✓ 200' C1 3-12-80  
200' 1/4 SEC. 3-12-80  
RECORD \_\_\_\_\_

Case NO. BZA 74-79 - James R. E. Victor Schollfield - requests an exception to permit the establishment of a new and used car agency (eliminate previous condition of no opening in wall)



March 7, 1980

Everett C. Pettis  
120 South Market  
Suite #504  
Wichita, Kansas 67202

Re: Case No. BZA 74-79  
Request for Exception

Dear Mr. Pettis:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 26, 1980, in connection with your request for an exception to permit the establishment of a new and used car sales agency (eliminate previous condition of no opening in wall) on property zoned "LC" Light Commercial and generally located at the northeast corner of Orme Street and Armour.

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

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

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
Enclosure

cc: James R. & Victor H. Scholfield, 7633 East Kellogg 67207  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

RESOLUTION NO. BZA 74-79

WHEREAS, James R. and Victor H. Scholfield, 7633 East Kellogg, Wichita, Kansas requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a new and used car sales agency (eliminate previous condition of no opening in wall) on property zoned "LC" Light Commercial, and legally described as follows:

Lots 2 and 3, Block 1, Replat of Block 1, Kellogg Crest Addition to Wichita, and that part of Block 4, Eastridge 8th Addition, described as beginning at the SE corner thereof; thence north along the east line of said Block 4, 105.98 feet to a point 36.24 feet north of the NW corner of said Lot 2, Block 1; thence west parallel with the north line of said Lots 2 and 3, Block 1, 31.51 feet; thence SWly 41.68 feet to the SWly line of said Block 4 to a point 87.17 feet NWly from the place of beginning; thence SEly along the SWly line of said Block 4, 87.17 feet to the place of beginning. Generally located at the northeast corner of Orme Street and Armour.

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 February 26, 1980, 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 establishment of a new and used car agency on property zoned "LC" Light Commercial 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 establishment of a new and used car agency and to eliminate previous condition of no opening in wall on property zoned the "LC" Light Commercial District and legally described as follows:

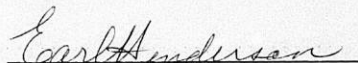
Lots 2 and 3, Block 1, Replat of Block 1, Kellogg Crest Addition to Wichita, and that part of Block 4, Eastridge 8th Addition, described as beginning at the SE corner thereof; thence north along the east line of said Block 4, 105.98 feet to a point 36.24 feet north of the NW corner of said Lot 2, Block 1; thence west parallel with the north line of said Lots 2 and 3, Block 1, 31.51 feet; thence SWly 41.68 feet to the SWly line of said Block 4 to a point 87.17 feet NWly from the place of beginning; thence SEly along the SWly line of said Block 4, 87.17 feet to the place of beginning. Generally located at the northeast corner of Orme Street and Armour.

subject to the following conditions:

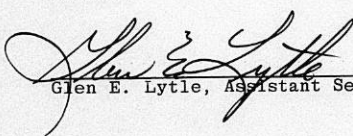
1. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.

3. No signs shall be permitted on subject property.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be permitted.
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 wall constructed of masonry shall be erected along the east, south and west lines of subject property provided, however, the wall along the west line shall be permitted to have one opening not to exceed 20 feet in width, and such opening shall be protected by a gate providing a visual screen the same height as the solid wall and shall be kept closed except as provided below.
8. The 20 foot opening in the wall along the west line of subject property shall be utilized solely and strictly for emergency and snow removal purposes only and in no event shall it be used for the loading and unloading of vehicles.
9. No curb cuts shall be permitted along the east, south and west lines of subject property.
10. Resolution No. BZA 1-79 is hereby declared null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of February, 1980.

  
\_\_\_\_\_  
Earl Henderson, Chairman

ATTEST:

  
\_\_\_\_\_  
Glen E. Lytle, Assistant Secretary

# THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4421

February 27, 1980

Everett C. Fettis  
120 South Market  
Suite #504  
Wichita, Kansas 67202

Re: Case No. BZA 74-79  
Request for Exception

Dear Mr. Fettis:

At the regular meeting of the Board of Zoning Appeals on February 26, 1980, your request for an exception to permit the establishment of a new and used car sales operation on property zoned the "LC" Light Commercial District and generally located at the northeast corner of Armour Drive and Orme was considered.

It was the action of the Board to approve the request subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
3. No signs shall be permitted on subject property.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be permitted.
6. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.

THE CITY OF WICHITA

BZA 74-79

7. A 5 to 8 foot high solid wall constructed of masonry shall be erected along the east, south and west lines of subject property provided, however, the wall along the west line shall be permitted to have one opening not to exceed 20 feet in width, and such opening shall be protected by a gate providing a visual screen the same height as the solid wall and shall be kept closed except as provided below.
8. The 20 foot opening in the wall along the west line of subject property shall be utilized solely and strictly for emergency and snow removal purposes only and in no event shall it be used for the loading and unloading of vehicles.
9. No curb cuts shall be permitted along the east, south and west lines of subject property.
10. Resolution No. BZA 1-79 is hereby declared null and void.

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.

I would like to point out to you that the Board did express some concern over the pile of earth that is in the parking area along Armour Drive, and hoped that you would make every effort to set an example by maintaining the parking area along Armour and Orme in a manner that all the neighbors would be pleased with.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:sad

CC: Victor H. & James R. Scholfield, 7633 East Kellogg 67207  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE January 9, 1980

RECEIVED

JAN 09 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Bill Morris, CPO Administrative Aide

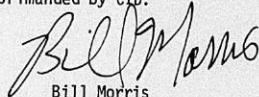
METROPOLITAN PLANNING  
ROUTE  *Eastbridge*

SUBJECT BZA 74-79: Northeast corner of *GL*  
Orme and Armour

On January 7, 1980, CPO Council "H" considered the captioned case. Everett Fettis, agent for the applicant, was present as was a resident of the notification district. Mr. Fettis explained that the wall opening was needed to remove snow from the Scholfield property. He acknowledged that the existing opening violates City Code and that the BZA exception request should have been filed sooner.

CPO Council "H" voted 7-1 to recommend denial of the exception. The Council members felt that the applicant had not acted in good faith and with reasonable dispatch in correcting the violation once it was brought to their attention. In addition, although the applicant is agreeable to not loading or unloading vehicles through the opening, the Council is doubtful that this condition would ever be enforced.

This is based on the fact that numerous complaints have been received from residents of the neighborhood about car agencies who regularly unload vehicles on residential streets without being reprimanded by CID.



Bill Morris  
CPO Administrative Aide

BM:m1

Noted:



Sarah Gilbert  
Assistant CP Coordinator

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

January 14, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 74-79

An application has been filed by James R. & Victor H. Scholfield, 7633 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a new and used car agency (eliminate previous condition of no opening in wall) on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 2 and 3, Block 1, Replat of Block 1, Kellogg Crest Addition to Wichita, and that part of Block 4, Eastridge 8th Addition, described as beginning at the SE corner thereof; thence north along the east line of said Block 4, 105.98 feet to a point 36.24 feet north of the NW corner of said Lot 2, Block 1; thence west parallel with the north line of said Lots 2 and 3, Block 1, 31.51 feet; thence SWly 41.68 feet to the SWly line of said Block 4 to a point 87.17 feet NWly from the place of beginning; thence SEly along the SWly line of said Block 4, 87.17 feet to the place of beginning. Generally located at the northeast corner of Orme Street and Armour.

This application has been assigned case No. BZA 74-79, and was scheduled to be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 22, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

At the request of the applicant, this case has been deferred to the regularly scheduled meeting on Tuesday, February 26, 1980 at 1:30 p.m.

Jack H. Galbraith  
Secretary

BZA CASE NO. 74-79

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

13 NOTICES SENT TO ADJOINING PROPERTY OWNERS

26 TOTAL NOTICES SENT 1-14-80

SECRETARY'S REPORT  
CASE NO. BZA 74-79

APPLICANT: James R. and Victor H. Scholfield, 7633  
East Kellogg, Wichita, Kansas

AGENT: Everett C. Fettis, 504 One Twenty Bldg.,  
Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.C,  
Code of the City of Wichita to permit the  
establishment of a new and used car sales  
agency (eliminate previous condition of no  
opening in wall).

GENERAL LOCATION: Northeast corner of Orme Street and Armour

ZONING: Subject property and properties to the  
north are zoned "LC" Light Commercial  
Properties to the east, west and south are  
zoned "AA" Single-family.

LAND USE: Subject property is utilized for new and  
used car storage, except for a small buildin  
in the northwest corner. Properties to the  
north are developed with a car agency and a  
motel. Properties to the east, west and  
south are all developed with single-family  
residences.

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 23.04.133.2 can be complied with.

COMMENTS BY THE SECRETARY:

On February 27, 1979, the Board of Zoning Appeals considered a request for an exception (BZA Case No. 1-79) to permit the establishment of a new and used car sales operation on the area contained in this application. Action of the Board was to approve the request subject to several conditions one of which was as follows:

"7. A 5 to 8 foot high solid wall constructed of masonry shall be erected along the east, south and west property lines of subject property. (The intent is to have a wall constructed that will, as close as possible, resemble the existing wall on the property at the northwest corner of Longfellow and Orme.)"

Subject to approval of the previous case by the Board, the applicant proceeded to construct the required walls, however, a 20 foot chain link fence gate with metal slats was installed in the wall along Armour and has been the object of several complains by area residents.

When the attorney for the applicants was contacted concerning the violation, he explained it was to be utilized solely and strictly for emergency and snow removal purposes and has filed this application hoping to eliminate the previous condition established that no opening be permitted in the wall.

RECOMMENDATION:

Should the Board determine that the existing opening provides proper screening and recommends approval of the application, it should be approved subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
3. No signs shall be permitted on subject property.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be permitted.
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 wall constructed of masonry shall be erected along the east, south and west lines of subject property provided, however, the wall along the west line shall be permitted to have one opening not to exceed 20 feet in width, and such opening shall be protected by a gate providing a visual screen the same height as the solid wall and shall be kept closed except as provided below.
8. The 20 foot opening in the wall along the west line of subject property shall be utilized solely and strictly for emergency and snow removal purposes only and in no event shall it be used for the loading and unloading of vehicles.

Page 3  
EZA AGENDA  
1-22-80

9. No curb cuts shall be permitted along the east, south and west lines of subject property.
10. Resolution No. EZA 1-79 is hereby declared null and void.

BZA CASE NO. 74-79

3 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

12 NOTICES SENT TO ADJOINING PROPERTY OWNERS

26 TOTAL NOTICES SENT 1-2-80

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

January 2, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 74-79

An application has been filed by James R. & Victor H. Scholfield, 7633 K. Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a new and used car agency (eliminate previous condition of no opening in wall) on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 2 and 3, Block 1, Replat of Block 1, Kellogg Crest Addition to Wichita, and that part of Block 4, Eastridge 8th Addition, described as beginning at the SE corner thereof; thence north along the east line of said Block 4, 105.98 feet to a point 36.24 feet north of the NW corner of said Lot 2, Block 1; thence west parallel with the north line of said Lots 2 and 3, Block 1, 31.51 feet; thence SWly 41.68 feet to the SWly line of said Block 4 to a point 87.17 feet NWly from the place of beginning; thence SEly along the SWly line of said Block 4, 87.17 feet to the place of beginning. Generally located at the northeast corner of Orme Street and Armour.

This application has been assigned case No. BZA 74-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 22, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4421 and ask for Lynn Shirkey or Glen Lytle.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. 74-79

CITY OF WICHITA, KANSAS

FILED 12-18-79

APPLICATION FOR EXCEPTION

I. Name of Applicant JAMES R. SCHOLFIELD & VICTOR H. SCHOLFIELD

Mailing Address 7633 E. Kellogg Phone 684-2841

Name of Authorized Agent Everett C. Feltis

Mailing Address 504 One Twenty Bldg Phone 267-7251

Relationship of applicant to property is that of Owner (partners)  
(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 of a new and used car agency (eliminate  
previous condition of no opening in wall)  
masonry wall on the SW portion of the said ~~xxx~~ property zoned

LC, located at the northeast corner of Orme  
Street and Armour and legally described as: \_\_\_\_\_

see attached legal description on ownership list.

\_\_\_\_\_, 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.

JAMES R. SCHOLFIELD and  
Applicant VICTOR H. SCHOLFIELD

Authorized Agent Everett C. Feltis  
-----  
Everett C. Feltis

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 2:15 (a.m. - p.m.), December 18, 1979, together with appropriate fee of \$50.00

Signed J. Lynn Shockey

WRITTEN STATEMENT

Applicants request the within exception for a gate opening in the middle of the masonry wall on the southwest portion of the subject property for the reason that such gate opening would be used solely and strictly for emergency and snow removal purposes, this request being made pursuant to and as provided in Section \_\_\_\_\_, City Code of Wichita, Kansas.

Lots 2 and 3, Block 1, Replat of Block 1, Kellogg Crest Addition to Wichita, Sedgwick County, Kansas, and that part of Block 4, Eastridge Eighth Addition to Wichita, Kansas, described as beginning at the S.E. Corner thereof; thence north along the east line of said Block 4, 105.98 feet to a point 36.24 feet north of the N.W. Corner of said Lot 2, Block 1; thence west parallel with the north line of said Lots 2 and 3, Block 1, 31.51 feet; thence southwesterly 41.68 feet to the southwesterly line of said Block 4 to a point 87.17 feet northwesterly from the place of beginning; thence southeasterly along the southwesterly line of said Block 4, 87.17 feet to the place of beginning, Sedgwick County, Kansas.

OWNERSHIP LIST

Lot	Addition	Property Owner
Block 4	Eastridge 8th Addition	✓ ✓ Robert S. Lightner and Eugene W. Lightner 219 North Market 67202
lot 2, Block A	Lightner Addition	Same
lot 5, Block 2	Eastridge 8th Addition	✓ ✓ Edward L. Radell & Mauricia 7327 East Orme 67207
lot 6, Block 5	Same	Rt. 3 ✓ ✓ Helen Y. White & Lois Tefft ? Wabita Address Unknown
lot 7, Block 2	Same	✓ ✓ Lawrence E. Lybarger & Helen L. 2214 South Rutan 67218
lot 8, Block 2	Same	✓ ✓ Sidney L. Foulston Jr. and Ruth Helen Foulston 625 South Armour 67207
lot 1 and west 2 ft lot 2 Block 4	Eastridge 11th Addition	✓ ✓ Eugene O. Schenck & Kujako 7503 East Orme 67207
lot 2 except west 2 ft Block 4	Same	? Carter Hart Jr. & Mozelle Address Unknown
lot 3, Blk 4	Same	✓ ✓ Valerian J. Greiving & Margaret A. 7515 East Orme 67207
lot 4, Block 4	Same	Walter A. Guillaume Martha L. Guillaume Address Unknown
lot 5 except south 4 ft Block 4	Same	✓ ✓ Marcelline A. Wright 603 Longfellow 67207
South 4 ft lot 5, all lot 6 Block 4	Same	✓ ✓ Robert B. Walker & Nadine 609 Longfellow 67207
lot 10, Blk 4	Same	✓ ✓ Barry L. Matthews & Lana M. 7516 East Indianapolis 67207
lot 11, Blk 4	Same	✓ ✓ Sam Heinze & Laura A. 7510 East Indianapolis 67207
lot 12, Blk 4	Same	✓ ✓ Sam A. Lessley & Mildred J. 7504 East Indianapolis 67207
lot 4, Blk 2	Same	Dup ✓ ✓ Victor H. Schofield & James R. 7633 East Kellogg 67207

Lot	Addition	Property Owner
lot 5, Blk 2	Eastridge 11th Addition	✓ Koakish W. Cleaton and Glenysse M. Cleaton 7604 East Orme 67207
lot 1	East Side Center	<i>Duf.</i> Victor H. Scholfield and James Richard Scholfield 7633 East Kellogg 67207
lot 1, Blk 1	Replat of Block 1 Kellogg Crest Addition	Same

We hereby certify the foregoing to be a true and correct list of the property owners of:

*use as legal*

A 200 foot radius of: [Lots 2 and 3, Block 1, Replat of Block 1, Kellogg Crest Addition to Wichita, and that part of Block 4, Eastridge 8th Addition, described as beginning at the SE corner thereof; thence north along the east line of said Block 4, 105.98 feet to a point 36.24 feet north of the NW corner of said lot 2, Block 1; thence west parallel with the north line of said lots 2 and 3, Block 1, 31.51 feet; thence SWly 41.68 feet to the SWly line of said Block 4 to a point 87.17 feet NWly from the place of beginning; thence SEly along the SWly line of said Block 4, 87.17 feet to the place of beginning]

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 6th day of December, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Mary Stable*

Vice President

Order No. 283908  
wh

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 29-1 PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

---

DESCRIPTION	AMOUNT
<i>12/14/79</i>	<i>1.00</i>

NAME *Smith Carter*

ADDRESS *100 S. Main St*

FUND *11/15/79* DUE DATE *1-15-80*

COMMENTS

DATE *12/14/79* BY *[Signature]*

WICHITA - SEDGWICK COUNTY

**W S C**  
74-79

BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

ADDRESS UNKNOWN  
RETURN TO SENDER

WICHITA  
KANSAS  
JAN 15  
1980

*Shuler*

Helen Y. White  
Route 3  
Wichita, Kansas

*[Signature]*

WICHITA  
JAN 14 80  
KANE  
U.S. POST OFFICE  
15  
PD 65072





