

10. One off-street parking space shall be provided for each two employees.
11. All parking areas shall have adequate guards to prevent the extension or over-hanging of vehicles beyond the property lines or parking spaces.
12. All drainage, both natural and that created by the operation, shall be handled in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
13. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
14. All conditions of approval by the Board must be complied with prior to the occupancy of the property for the proposed automatic car wash facility.

No one appeared in opposition.

VERN LAING, Attorney for the applicant, appeared in support of this case and indicated that the conditions were acceptable.

MOTION: KRATZER moved, PHARES seconded and it carried unanimously that this exception for an automatic car was be approved as shown by the adoption of the following Resolution.

RESOLUTION NO. BZA 18-67

WHEREAS, Derby Refining Company, Division of Colorado Oil and Gas Corporation, P. O. Box 1030, Wichita, by Vern Laing, Attorney, appearing for C. Robert Bell, Attorney, 123 South Market, Wichita, Kansas; requests an exception as provided in Section 2.12.590.3, Code of the City of Wichita, to permit the installation or construction of an automatic car wash operation on property zoned "LC" Light Commercial and legally described as follows:

Beginning 50 feet south and 71.1 feet east of NW corner Government Lot 2, in Section 7, Township 27, Range 1 East; thence east 139.14 feet; thence south 158.71 feet; thence west 139.14 feet; thence north 158.71 feet to point of beginning being 1 acre in the NW corner of

Government Lot 2, except 21st Street and except Amidon Avenue. Generally located at the south-east corner of 21st Street and Amidon.

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 June 27, 1967, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has authority to permit an automatic car wash operation to be located in "LC" Light Commercial zoning subject to the conditions outlined in Section 28.04.183.4, 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 for installation or construction of an automatic car wash operation on property zoned "LC" Light Commercial and legally described as follows:

Beginning 50 feet south and 71.1 feet east of NW corner Government Lot 2, in Section 7, Township 27, Range 1 East; thence east 139.14 feet; thence south 158.71 feet; thence west 139.14 feet; thence north 158.71 feet to point of beginning being 1 Acre in the NW corner of Government Lot 2, except 21st Street and except Amidon Avenue. Generally located at the south-east corner of 21st Street and Amidon.

subject to the following conditions:

1. Development shall proceed in accordance with the plan approved by the Board of Zoning Appeals.
2. There shall be a minimum lot area of 2,500 square feet for each 20 lineal feet of automatic car washing structure; provided that the minimum lot area shall not be less than 7,500 square feet.

3. The car washing buildings or facilities shall set back a distance of not less than 35 feet from both Amidon and 21st Street.
4. All the area to be utilized by the washing and drying operation, including all ingress and egress areas, shall be paved with concrete, asphalt, or asphaltic concrete.
5. All lights shall be shielded to reflect or direct light away from the adjacent property. No string type lighting or banners shall be permitted.
6. No signs shall exceed 25 feet in height or be placed so as to project over any public right-of-way.
7. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
8. Off-street holding spaces shall be provided on the property in the following ratio:

Not less than 3 parking spaces for each 20 lineal feet of the automatic car washing aisle.
9. Off-street drying spaces shall be provided on the property in the following ratio:

Not less than 2 spaces for each automatic car washing aisle.
10. One off-street parking space shall be provided for each two employees.
11. All parking areas shall have adequate guards to prevent the extension or over-hanging of vehicles beyond the property lines or parking spaces.
12. All drainage, both natural and that created by the operation, shall be handled in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
13. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.

14. All conditions of approval by the Board must be complied with prior to the occupancy of the property for the proposed automatic car wash facility.

ADOPTED AT WICHITA, KANSAS, this 27th day of June, 1967.

SS/KENNETH HARTSTEIN

Kenneth Hartstein, Chairman

ATTEST:

SS/ ROBERT A. LAKIN

Robert A. Lakin

Secretary Pro Tem

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7. Case No. BZA 19-67 - Dean O. White, 152 North Battin, Wichita, Kansas, requests variance as provided in Section 2.12.590.2, Code of the City of Wichita, to reduce the side yard setback from 6 feet to 2.5 feet adjacent to the south property line and to reduce the rear yard setback from 20 feet to 5 feet adjacent to the east property line on property zoned "AA" Single Family Residential and legally described as:

Lot 2, Terrace Heights Addition, to the City of Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of First Street and Battin Avenue.

LAKIN pointed out the area on the map and reviewed the following staff report.

JURISDICTION

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.2, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.