

Board of Jimmy Appelle

ACTION

DATE *12-18-62*

Defer

By COMMITTEE

M.A.P.C.

B.C.C./D.C.C.

BZA 6-62 - JIM WAIT USED CARS
REQUESTS EXCEPTION TO ALLOW USED CAR
LGT IN LC ON THE E SIDE OF BROADWAY
BETWEEN ZIMMERLY AND BOSTON.

RESOLUTION NO. 6-62

WHEREAS, JIM WAIT USED CARS, 1442 SOUTH BROADWAY, WICHITA, KANSAS, HAS FILED AN APPLICATION FOR AN EXCEPTION TO PERMIT THE INSTALLATION OR CONSTRUCTION OF A USED CAR LOT, AS PROVIDED IN SECTION 28.04.180.A.14 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND

WHEREAS, THE ABOVE REQUEST APPLIES TO PROPERTY LEGALLY DESCRIBED AS THE SOUTH 50 FEET OF THE WEST HALF OF LOT 4, ZIMMERLY'S ADDITION, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, GENERALLY LOCATED ON THE EAST SIDE OF BROADWAY IN AN AREA BETWEEN ZIMMERLY AND BOSTON; AND

WHEREAS, PROPER NOTICE AS REQUIRED BY ORDINANCE AND BY THE RULES OF THE BOARD OF ZONING APPEALS HAS BEEN GIVEN; AND

WHEREAS, AT THE MEETING SO SCHEDULED BY THE BOARD OF ZONING APPEALS ON NOVEMBER 27, 1962, HEARING ON THIS APPLICATION WAS CONTINUED TO DECEMBER 18, 1962; AND

WHEREAS, THE SAID BOARD OF ZONING APPEALS DID, IN REGULAR MEETING, CONSIDER SAID APPLICATION ON DECEMBER 18, 1962; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS DETERMINED THAT IT HAS PROPER JURISDICTION TO CONSIDER SAID REQUEST FOR AN EXCEPTION UNDER THE PROVISIONS OF SECTION 28.04.040.A.9 AND 2.12.560 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND

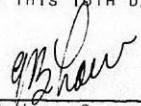
WHEREAS, THE BOARD FINDS THAT APPROVAL OF THE APPLICATION WILL NOT BE IN THE BEST INTERESTS OF THE CITY DUE TO PARKING AND TRAFFIC PROBLEMS CREATED BY LOCATION OF EXISTING STRUCTURES ON THE LOT AND BY HAVING TO BACK AUTOMOBILES IN OR OUT OF THE PROPERTY ONTO BROADWAY, AND FURTHER THAT THE PROPOSED USE WOULD NOT BE COMPATIBLE DUE TO A MIXING OF USES AND OVERCROWDING THE SITE, AND FURTHER, IT BEING THE OPINION OF THE BOARD THAT THE LEGISLATIVE INTENT OF THE PLANNING COMMISSION AND BOARD OF CITY COMMISSIONERS WILL NOT BE CARRIED OUT.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA, KANSAS, THAT THIS REQUEST FOR AN EXCEPTION TO PERMIT THE INSTALLATION OR CONSTRUCTION OF A USED CAR LOT ON PROPERTY LEGALLY DESCRIBED AS:

THE SOUTH 50 FEET OF THE WEST HALF OF LOT 4,
ZIMMERLY'S ADDITION, IN THE CITY OF WICHITA,
SEDGWICK COUNTY, KANSAS,

BE AND THE SAME IS HEREBY DENIED.

ADOPTED AT WICHITA, KANSAS, THIS 18TH DAY OF DECEMBER, 1962.



E. B. LAW, CHAIRMAN

ATTEST:



ROBERT A. LAKIN, SECRETARY

DECEMBER 26, 1962

C. H. FUNK, CITY CLERK
ROBERT A. LAKIN, SECRETARY

BZA 6-62 - JIM WAIT
USED CARS

ATTACHED IS A COPY OF BZA RESOLUTION 6-62 COVERING
ACTION TAKEN BY THE BOARD OF ZONING APPEALS ON THE
ABOVE CASE.

THIS CASE WAS HEARD ON DECEMBER 18, 1962, AND AN
APPEAL MAY BE FILED IN YOUR OFFICE ON OR BEFORE
DECEMBER 28, 1962.

IF AN APPEAL IS FILED, PLEASE ADVISE.

ROBERT A. LAKIN
SECRETARY
BOARD OF ZONING APPEALS

RAL:BER
ATTACHMENT

DECEMBER 31, 1962

MR. EVERETT FETTIS, ATTORNEY
BOARD OF TRADE BUILDING
WICHITA, KANSAS

DEAR MR. FETTIS:

RE: BZA 6-62

ON DECEMBER 21, 1962, WE ADVISED YOU THAT THE BOARD OF ZONING APPEALS HAD DENIED YOUR REQUEST FOR ESTABLISHMENT OF A USED CAR LOT ON THE EAST SIDE OF BROADWAY IN AN AREA BETWEEN ZIMMERLY AND BOSTON.

WE ALSO ADVISED THAT THE BOARD'S DECISION MIGHT BE APPEALED TO THE CITY COMMISSION PROVIDED THAT SUCH APPEAL WAS FILED ON OR BEFORE DECEMBER 28, 1962.

THE CITY CLERK HAS ADVISED THAT NO APPEAL WAS FILED ON OR BEFORE THE DATE INDICATED, AND THE DECISION OF THE BOARD OF ZONING APPEALS IS, THEREFORE, FINAL.

A COPY OF THE RESOLUTION SETTING FORTH THE ACTION OF THE BOARD IS ATTACHED FOR YOUR INFORMATION AND FILES.

VERY TRULY YOURS,

ROBERT A. LAKIN
SECRETARY

RAL:BER

ATTACHMENT

CC: GLEN LYTLE, SUPERINTENDENT
CENTRAL INSPECTION

JIM WAIT
1442 SOUTH BROADWAY

DECEMBER 21, 1962

MR. EVERETT FETTIS, ATTORNEY
BOARD OF TRADE BUILDING
WICHITA, KANSAS

DEAR MR. FETTIS:

Re: BZA 6-62

THIS IS TO ADVISE YOU THAT AT ITS REGULAR MEETING OF DECEMBER 18, 1962, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA RE-CONSIDERED YOUR REQUEST FOR AN EXCEPTION TO THE ZONING ORDINANCE TO PERMIT ESTABLISHMENT OF A USED CAR LOT ON THE SOUTH 50 FEET OF $W\frac{1}{2}$ OF LOT 4, ZIMMERLY'S ADDITION, GENERALLY LOCATED ON THE EAST SIDE OF BROADWAY IN AN AREA BETWEEN ZIMMERLY AND BOSTON.

AFTER DISCUSSION, THE BOARD OF ZONING APPEALS DENIED THIS REQUEST.

SECTION 2.12.610 OF THE CODE OF THE CITY OF WICHITA PROVIDES THAT THE DECISION OF THE BOARD OF ZONING APPEALS SHALL BE FINAL UNLESS IT IS APPEALED TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN DAYS OF THE DATE OF THE BOARD'S ACTION. ACCORDINGLY, AN APPEAL COULD BE FILED IN THIS CASE ON OR BEFORE DECEMBER 28, 1962.

SUBSEQUENT TO THE EXPIRATION OF THE APPEAL PERIOD, YOU WILL BE ADVISED WHETHER OR NOT AN APPEAL HAS BEEN FILED. IF NO APPEAL HAS BEEN FILED ON OR BEFORE DECEMBER 28, 1962, THE DECISION OF THE BOARD WILL BE FINAL.

VERY TRULY YOURS,

ROBERT A. LAKIN
SECRETARY

RAL:MM

cc: JIM WAIT
1442 SOUTH BROADWAY

SECRETARY'S REPORT

CASE BZA 6-62

GENERAL DESCRIPTION

THIS AREA IS LOCATED ON THE EAST SIDE OF BROADWAY BETWEEN ZIMMERLY AND BOSTON. THE AREA IS ZONED LIGHT COMMERCIAL ON BOTH SIDES OF BROADWAY IN THIS GENERAL VICINITY. TO THE EAST IS "RB", FOUR-FAMILY ZONING. THE APPLICATION AREA IS OCCUPIED BY A SINGLE FAMILY RESIDENCE AND A SMALL CONCRETE STRUCTURE BEING USED FOR GENERAL BUSINESS ACTIVITY. TO THE SOUTH IS A TIRE SALE AND REPAIR BUSINESS. ON THE NORTH ARE SINGLE FAMILY HOMES AND GENERAL BUSINESS ACTIVITIES AND A CHURCH. ON THE EAST ARE SINGLE FAMILY HOMES. ON THE WEST IS A CLEANING ESTABLISHMENT, A SERVICE STATION, AND HAMILTON INTERMEDIATE SCHOOL.

APPLICATION

THIS IS A REQUEST FOR AN EXCEPTION TO THE ZONING ORDINANCE UNDER PROVISION 28.04.180.A.14 TO ALLOW A USED CAR LOT IN A LIGHT COMMERCIAL DISTRICT. THE BOARD IS GRANTED JURISDICTION TO CONSIDER THESE MATTERS WHEN THE FOLLOWING CONDITIONS PREVAIL:

- A. LOCATION IS CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN THE PATTERN FOR THOROFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERETO.
- B. SUCH SCREENING FOR AREAS CONTIGUOUS TO RESIDENTIAL ZONING DISTRICTS AS MAY BE DETERMINED APPROPRIATE AND NECESSARY TO PROTECT ADJACENT PROPERTIES FROM LIGHT, DEBRIS AND NOISE AND TO PRESERVE ADJACENT PROPERTY VALUES.
- C. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
- D. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING-TYPE LIGHTING SHALL BE PERMITTED.
- E. NO PROJECTING SIGNS SHALL BE PERMITTED.

*Thorofare
is major thoroughfare
control of traffic -
2. Special ordinance*

SECRETARY'S REPORT
CASE BZA 6-62
PAGE 2

- F. NO SOUND PROJECTING DEVICES OR LOUD SPEAKER SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
- G. SUCH OTHER CONDITIONS AS THE BOARD OF ZONING APPEALS SHALL DEEM NECESSARY TO INCLUDE, BUT NOT BE RESTRICTED, PROPER SETBACKS, LANDSCAPING, AND MAINTENANCE PROVISIONS.
- H. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.

THE APPLICANT HAS SUBMITTED A STATEMENT WHICH IS ATTACHED ^{as} TO HIS PROPOSED USE OF THE PROPERTY. IT IS THE OPINION OF THE SECRETARY THAT THE APPLICANT CAN MEET ALL OF THE SPECIFIC CONDITIONS REQUIRED BY THE BOARD.

JURISDICTION

IT IS RECOMMENDED BY THE SECRETARY THAT THE BOARD TAKE JURISDICTION IN THIS CASE UNDER THE PROVISIONS OF SECTION 28.04.180. A.14.

COMMENTS BY THE SECRETARY

THE SECTION IN THE ZONING ORDINANCE WHICH GIVES THE BOARD OF ZONING APPEALS ITS AUTHORITY TO GRANT EXCEPTIONS FOR USED CAR LOTS IN LIGHT COMMERCIAL DISTRICTS WAS DEVELOPED AT THE REQUEST OF THE PLANNING COMMISSION WHEN AN APPLICATION FOR A CHANGE IN ZONING FROM "LC" TO "C", AT THE CORNER OF BROADWAY AND OSIE WAS BEFORE IT. ALTHOUGH THE GENERAL AREA ALONG BROADWAY WAS STRIPPED ZONED FOR LIGHT COMMERCIAL, IT WAS THE BELIEF THAT THE GENERAL ACTIVITY IN THE AREA WAS OF SUCH CHARACTER THAT DEVELOPMENT OF CERTAIN USES WHICH ARE PERMITTED IN THE "C" DISTRICTS SHOULD NOT BE ALLOWED. THESE USES ARE NOT COMPATIBLE WITH THE EXISTING DEVELOPMENT TAKING PLACE ALONG BROADWAY.

IT WAS THE RECOMMENDATION OF THE STAFF AND THE BELIEF OF THE PLANNING COMMISSION THAT WHEN A USED CAR LOT IS PROPERLY DEVELOPED WITH ADEQUATE SERBACKS, SCREENING AND CONTROLLED LIGHTING THAT IT COULD BE MADE COMPATIBLE WITH THE TYPE OF DEVELOPMENT NORMALLY FOUND IN SOME OF THE LIGHT COMMERCIAL DISTRICTS.

THE LIGHT COMMERCIAL CLASSIFICATION IS BASICALLY A SERVICE DISTRICT TO PROVIDE FACILITIES FOR RESIDENTIAL DEVELOPMENT. AMONG ITEMS TO CONSIDER WHEN DETERMINING WHETHER OR NOT TO ALLOW A USED CAR LOT IN A LIGHT COMMERCIAL ZONE IS:

1. WHETHER THE USES WILL BE COMPATIBLE WITH OTHER USES NORMALLY FOUND IN THAT ZONE OR ADJACENT TO THAT ZONE, THAT IS, FOOD STORES, DRUG STORES, RETAIL SHOPS, RESIDENTIAL DEVELOPMENT, ETC.
2. ARE THERE ADEQUATE TRAFFIC CONTROL PROVISIONS, INCLUDING OFF-STREET PARKING AND ELIMINATION OF ITEMS WHICH WOULD CREATE TRAFFIC CONGESTION.
3. THAT THE DEVELOPMENT WOULD NOT ADVERSELY AFFECT THE PROPERTY RIGHTS OF OTHERS NOR CONFLICT WITH THE GENERAL INTENT OF THE ZONING CLASSIFICATION IN WHICH LOCATED.

THIS PARTICULAR PROPERTY, AS SHOWN BY THE PHOTOS, AND PLOT DIAGRAM (SEE ATTACHMENT #1) IS MAINLY OCCUPIED BY A SINGLE FAMILY HOUSE AND A COMMERCIAL BUILDING WHICH IS BUILT ALONG THE FRONT PROPERTY LINE. THE ONLY AREA WHICH IS AVAILABLE FOR USE AS A USED CAR LOT IS A SURFACED AREA IMMEDIATELY NORTH OF THE COMMERCIAL STRUCTURE AND DIRECTLY IN FRONT OF THE RESIDENCE. THE ENTIRE FRONTAGE IN FRONT OF THE HOUSE HAS BEEN PAVED AND THE CURB CUT EXTENDS ALONG THE ENTIRE FRONTAGE.

IT IS GENERALLY RECOGNIZED THAT THE RESIDENCES IN THIS AREA WILL EVENTUALLY BE REPLACED BY COMMERCIAL USES. HOWEVER, IT VIOLATES GOOD PLANNING PRINCIPLES TO PERMIT THE CO-MINGLING OF USES SUCH AS A RESIDENCE AND "CAR LOT". THE CARS, IF PERMITTED, WOULD

SECRETARY'S REPORT
CASE BZA 6-62
PAGE 4

BE PARKED TO THE FRONT DOOR AND PEOPLE USING THIS PROPERTY AS A RESIDENCE WOULD HAVE THE USED CAR LOT IN THEIR FRONT ROOM. IT IS THE BELIEF OF THE SECRETARY THAT SUCH MINGLING OF USES IS INCOMPATIBLE AND UNDESIRABLE.

IN ORDER TO USE THIS PROPERTY, CARS WOULD HAVE TO BE BACKED INTO THE "LOT" OR IF DRIVEN DIRECTLY IN THEY WOULD HAVE TO BACK OUT INTO THE TRAFFIC. THIS BECOMES HAZARDOUS IN THAT THE COMMERCIAL STRUCTURE IS IMMEDIATELY ON THE FRONT LOT LINE OBSTRUCTING VIEW OF PEDESTRIAN TRAFFIC AND VEHICULAR TRAFFIC FROM THE SOUTH. IT SHOULD BE POINTED OUT THAT THE OFF-STREET PARKING REQUIRED FOR THIS LOT WOULD HAVE TO BE LOCATED AT THE REAR OF THE PROPERTY WHICH, FROM A PRACTICAL STANDPOINT, WOULD ALLOW NO CUSTOMER PARKING. BROADWAY AT THIS POINT HAS RESTRICTED PARKING DURING CERTAIN HOURS OF THE DAY ON THIS SIDE OF THE STREET, HENCE NO CURB PARKING WOULD BE ALLOWED. IT IS DOUBTFUL THAT CUSTOMERS WOULD EITHER DESIRE TO USE OR COULD FIND THE OFF-STREET PARKING PROVIDED TO THE REAR OF THIS PROPERTY, SINCE IT IS ACCESSIBLE ONLY BY GOING TO THE END OF THE BLOCK AND THEN USING THE ALLEY. THE REAR YARD PARKING AREA IS NOT ACCESSIBLE FROM THE FRONT OF THIS PROPERTY.

IT APPEARS, DUE TO THE GENERAL TYPE OF USES IN THIS AREA AND DUE TO THE FACT THAT IT COULD COMPLY WITH ALL THE CONDITIONS OF THE ORDINANCE, THAT THIS LOCATION IS ADAPTABLE FOR A USED CAR LOT. HOWEVER, DUE TO THE CONDITIONS AFFECTING THE PROPERTY WHICH IS TO BE USED, AND SINCE EXISTING STRUCTURES WILL REMAIN ON THE PROPERTY,

IT IS RECOMMENDED THAT THIS APPLICATION NOT BE APPROVED UNLESS THE RESIDENCE IS REMOVED FROM THE PROPERTY OR SO RE-ARRANGED AS TO PROVIDE SOME MEANS OF ADEQUATE OFF-STREET

SECRETARY'S REPORT
CASE BZA 6-62
PAGE 5

PARKING FOR CUSTOMERS AND TO PROVIDE SOME
MEANS OF ELIMINATING THE BACKING OUT ONTO
BROADWAY WITH CUSTOMER AND DISPLAY VEHICLES.

IT IS SUGGESTED THAT THE HOUSE COULD EITHER BE REMOVED OR SET
ON THE REAR PORTION OF THE LAND AND/OR THAT THE COMMERCIAL
STRUCTURE BE REMOVED AND THAT THE WHOLE PROPERTY BE UTILIZED FOR
USED CARS.

IT IS FURTHER SUGGESTED THAT IF THE PROPERTY OWNER IS AMENABLE
TO THIS PROPOSAL, THAT THIS CASE BE DEFERRED FOR 30 DAYS TO ALLOW
THE OWNER TO SUBMIT NEW PLANS FOR THE OPERATION OF THE LOT.

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5	6
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9	10
11	12
13 School	14
15	16
17	18
19	20
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UNLATTED	1
	2
H 1	2 NP
H 37	38
H 35	36 R
H 33	H 34 S
H 31	32

ZIMMERLY

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C ¹	H	P
C ₂	H	R ₂
H		H
Lm	H 3	H
Gb		H
Mr		H
H	4	H
H 37-38		H
Gb		H
Tr	5	H
	H	H

BOSTON

P 27	P 26
25 P	24
21	20
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P 17	P 16 P
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MARKET

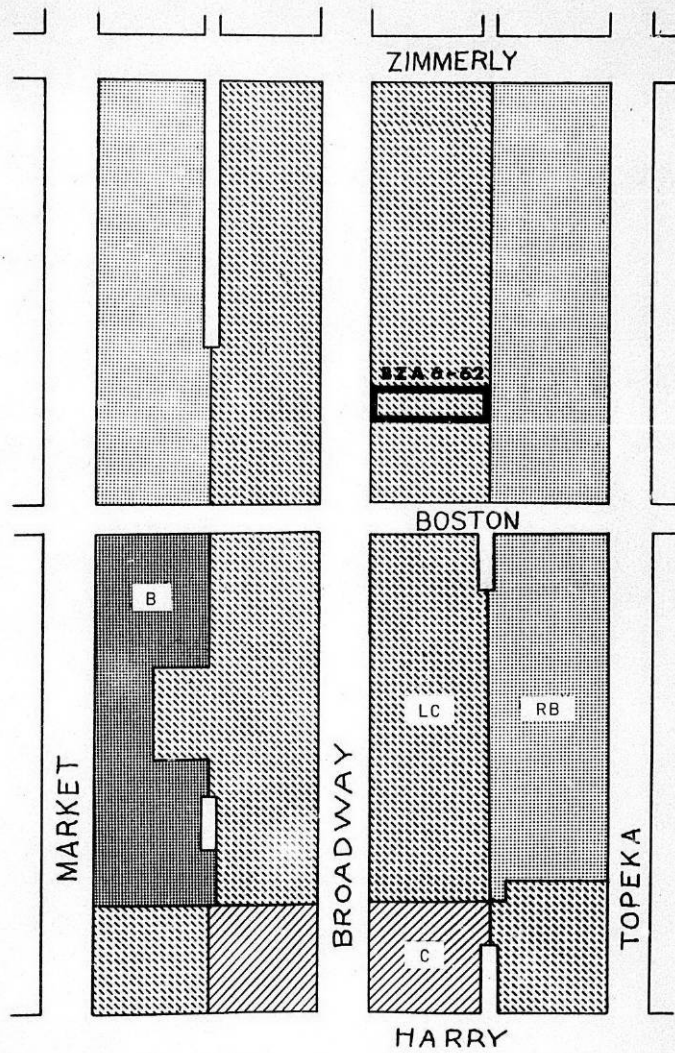
BROADWAY

TOPEKA

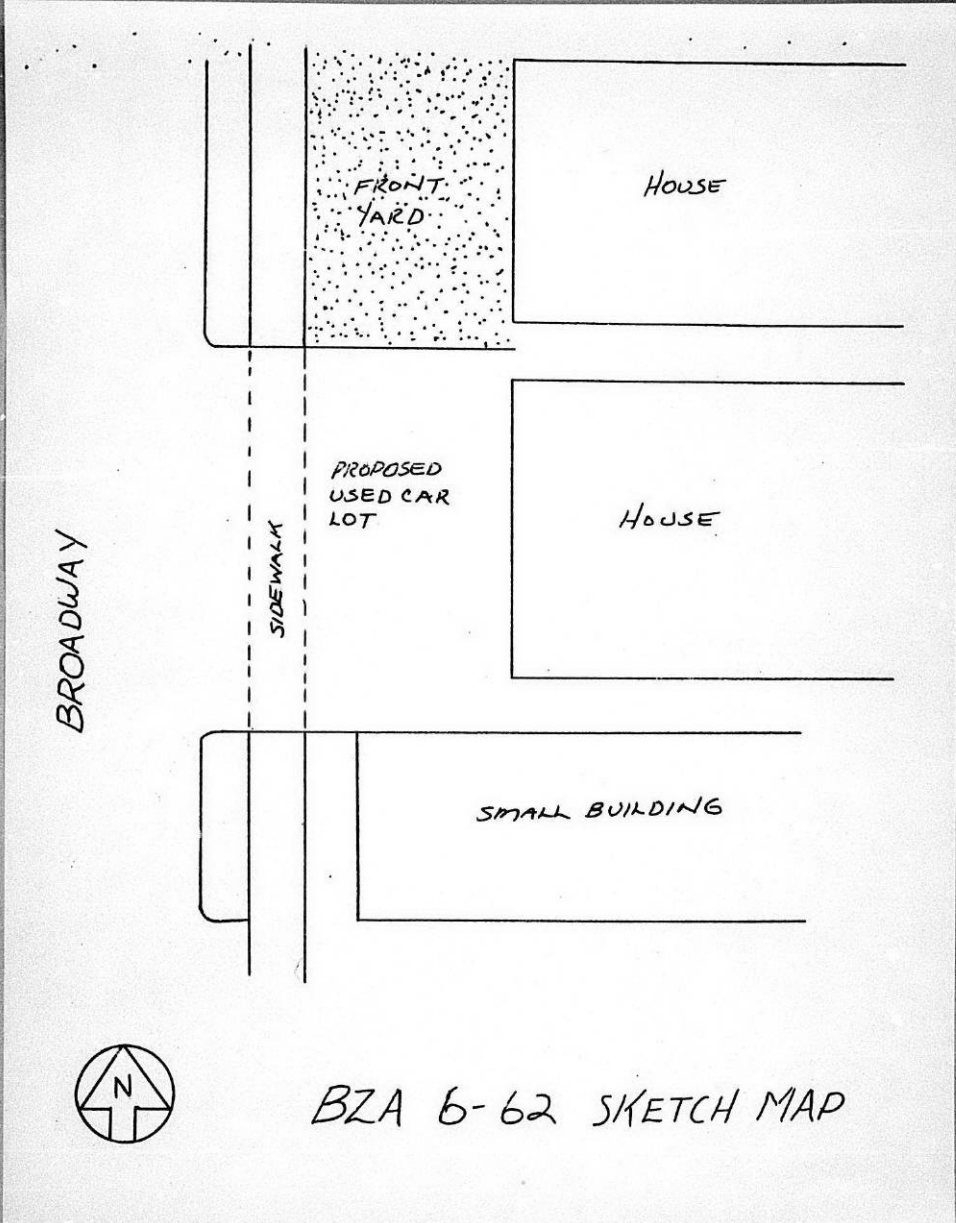
HARRY

BZA 6-62 LAND USE...

Attachment 1



BZAG-62 ZONING...



BZA 6-62 SKETCH MAP

Wichita, Kansas
October 23, 1962

Board of Zoning Appeals,
City Building,
Wichita, Kansas.

Gentlemen:

The undersigned applicant is herewith making application for a special permit granting an exception and authorizing the use of the property known as 1449 and 1442 S. Broadway for the operation of a used car sales business. This is under provision of Sec. 28.04.190 of the City Code of Wichita, as amended, and under Sec. 28.04.140 of the City Code of Wichita, as amended.

The applicant and his wife own the property in question and desire to use it for the operation of a used car lot, which is a business well known to the applicant.

The applicant has examined the ordinances above referred to as amended and states herewith that the property meets the conditions and requirements set forth in the ordinances, and in addition that the applicant will further conform to those requirements as set forth in both sections of the ordinances referred to.

There is on the property at the present time a building 20' x 40' in dimensions, which building has previously been used for commercial purposes and which building is now vacant. It is peculiarly difficult to retain tenants for the ordinary type of commercial operation because of the drainage problem on the street in front of the location. For this reason, and others, applicant feels he can make the best use of this property by utilizing it as a used car lot.

Very truly yours,

JIM WAIT

BZA 6-62

NOTICES OF RE-HEARING ON DECEMBER 18, 1962, SENT TO THE
SAME LIST AS SHOWN FOR HEARING ON NOVEMBER 27, 1962.
MAILED DECEMBER 5, 1962.

BOARD OF ZONING APPEALS
ROOM 401 CITY BUILDING ANNEX
104 SOUTH MAIN
WICHITA, KANSAS

Dec 15
NOVEMBER 8, 1962

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPLICATION HAS BEEN FILED BY JIM WATY USED CARS, 1442 SOUTH BROADWAY, BY EVERETT FETTIS, ATTORNEY, AS PROVIDED IN SECTION 2-12.550, ET SEQ.; AND SECTION 28.04.180.A.14 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

THE APPLICANT REQUESTS EXCEPTION TO PERMIT THE INSTALLATION OR CONSTRUCTION OF A USED CAR LOT ON PROPERTY LEGALLY DESCRIBED AS:

THE SOUTH 50 FEET OF THE WEST HALF OF LOT 4,
ZIMMERLY'S ADDITION, OTHERWISE KNOWN AS 1442
SOUTH BROADWAY, AND GENERALLY LOCATED ON THE
EAST SIDE OF BROADWAY IN AN AREA JUST NORTH
OF BOSTON.

SUBJECT PROPERTY IS ZONED "LC".

THE BOARD MAY GRANT APPROVAL IF IT DESIRES, SUBJECT TO THE FOLLOWING CONDITIONS:

1. LOCATION CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN THE PATTERN FOR THROUGHFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERETO.
2. SUCH SCREENING FOR AREAS CONTIGUOUS TO RESIDENTIAL ZONING DISTRICTS AS MAY BE DETERMINED APPROPRIATE AND NECESSARY TO PROTECT ADJACENT PROPERTIES FROM LIGHT, DEBRIS AND NOISE AND TO PRESERVE ADJACENT PROPERTY VALUES.
3. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
4. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING TYPE LIGHTING SHALL BE PERMITTED.
5. NO PROJECTING SIGNS SHALL BE PERMITTED.
6. NO SOUND PROJECTING DEVICES OR LOUD SPEAKER SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
7. SUCH OTHER CONDITIONS AS THE BOARD OF ZONING APPEALS SHALL DEEM NECESSARY TO INCLUDE, BUT NOT BE RESTRICTED, PROPER SETBACKS, LANDSCAPING, AND MAINTENANCE PROVISIONS.
8. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.

NOTICE TO ADJOINING PROPERTY OWNERS
CASE No. BZA 6-62

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 6-62.
A RE-HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON
TUESDAY, DECEMBER 18, 1962, AT 2:00 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, TO EXPRESS YOUR VIEWS AND WISHES IN THIS CASE.

ROBERT A. LAKIN, SECRETARY
BOARD OF ZONING APPEALS

NOTICES MAILED TO ADJOINING PROPERTY OWNERS NOVEMBER 8, 1962

B2A
6-62

JIM WAIT USED CARS (APPLICANT)
1442 SOUTH BROADWAY

IMMANUAL BAPTIST CHURCH
1400 SOUTH BROADWAY

HARRY L. MCKEAN AND
JOSEPHINE MCKEAN
1426 SOUTH BROADWAY

DE LLOYD L. MYERS
1552 PLEASANTVIEW DRIVE

C. H. NAYLOR
1427 SOUTH TOPEKA

GRACE K. HAMILTON
1425 SOUTH TOPEKA

MELVIN J. C. WALL
MERLENE WALL
1423 SOUTH TOPEKA

JAMES KENNETH WAIT
VIRGINIA R. WAIT
1503 SOUTH TOPEKA

IRA A. FROMAN
1438 SOUTH BROADWAY

WARD R. CLEMENTS AND
HILDA H. CLEMENTS
1434 SOUTH BROADWAY

ELSIE V. DEWATER
JOHN W. DEWATER
1435 SOUTH TOPEKA

JOHN C. KUJATH AND
ALFRED C. KUJATH
1439 SOUTH TOPEKA

JOHN D. MCEWEN
OWEN C. MCEWEN
ELLEN MCEWEN ENOCH
700 EAST CENTRAL

GLENN H. HALEY AND
FLORENCE C. HALEY
1441 SOUTH TOPEKA

HAROLD E. ROSS
EVELYN C. ROSS
1443 SOUTH TOPEKA

CURTIS FOSS AND
GLADYS C. FOSS
1505 SOUTH TOPEKA

LENNA A. MCCUNE
1221 SOUTH BROADWAY

BOARD OF EDUCATION
428 SOUTH BROADWAY

MAURICE REX CATES
DWIGHT SPENCER CATES
232 SOUTH MINNESOTA

METROPOLITAN LIFE INS. Co.
349 SOUTH HYDRAULIC

IVAN P. SCOTT
NINA MARIE SCOTT
220 EAST BOSTON

RALPH V. AND ROSE H. HESTER
423 SOUTH TOPEKA
new owners

NOVEMBER 29, 1962

MR. EVERETT FETTIS, ATTORNEY
BOARD OF TRADE BUILDING
WICHITA, KANSAS

DEAR MR. FETTIS:

SUBJECT: 92A 6-62

THIS IS TO ADVISE YOU THAT AT ITS REGULAR MEETING ON NOVEMBER 27, 1962, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA CONSIDERED YOUR REQUEST FOR AN EXCEPTION TO THE ZONING ORDINANCE TO PERMIT ESTABLISHMENT OF A USED CAR LOT AT 1442 SOUTH BROADWAY, WHICH PROPERTY IS LEGALLY DESCRIBED AS THE SOUTH 50 FEET OF THE WEST HALF OF LOT 4, ZIMMERLY'S ADDITION, AND IS LOCATED ON THE EAST SIDE OF BROADWAY IN AN AREA JUST NORTH OF DOSTON. AFTER DISCUSSION, IT WAS THE ACTION OF THE BOARD OF ZONING APPEALS TO DEFER A DECISION ON THIS APPLICATION UNTIL THE MEETING OF DECEMBER 18, 1962.

THE BOARD SPECIFICALLY DEFERRED THIS CASE SO THAT YOU WOULD HAVE ADEQUATE TIME TO REVIEW THE SECRETARY'S REPORT. IT ALSO INDICATED THAT THE DELAY WOULD ALLOW YOU AN OPPORTUNITY TO WORK WITH THE STAFF IN ATTEMPTING TO RESOLVE THE QUESTIONS RAISED IN THE SECRETARY'S REPORT, PARTICULARLY AS THEY RELATE TO TRAFFIC. I THINK IT WOULD BE APPROPRIATE IF WE COULD ARRANGE A MEETING BETWEEN YOURSELF, GLEN LYTLE FROM CENTRAL INSPECTION, AND PAUL GRAVES FROM TRAFFIC ENGINEERING, TO SEE JUST WHAT PROBLEMS WE WOULD HAVE IN THIS SITUATION. IF YOU WOULD LIKE TO HAVE SUCH A MEETING, PLEASE ADVISE AND I WILL SET ONE UP.

VERY TRULY YOURS,

ROBERT A. LAKIN
SECRETARY

RAL:BR

CC: JIM WAIT, 1442 SOUTH BROADWAY
GLEN LYTLE, CENTRAL INSPECTION
PAUL GRAVES, TRAFFIC ENGINEER

Wichita, Kansas
October 23, 1962

Board of Zoning Appeals,
City Building,
Wichita, Kansas.

Gentlemen:

The undersigned applicant is herewith making application for a special permit granting an exception and authorizing the use of the property known as 1440 and 1442 S. Broadway for the operation of a used car sales business. This is under provision of Sec. 28.04.180 of the City Code of Wichita, as amended, and under Sec. 28.04.140 of the City Code of Wichita, as amended.

The applicant and his wife own the property in question and desire to use it for the operation of a used car lot, which is a business well known to the applicant.

The applicant has examined the ordinances above referred to as amended and states herewith that the property meets the conditions and requirements set forth in the ordinances, and in addition that the applicant will further conform to those requirements as set forth in both sections of the ordinances referred to.

There is on the property at the present time a building 20' x 40' in dimensions, which building has previously been used for commercial purposes and which building is now vacant. It is peculiarly difficult to retain tenants for the ordinary type of commercial operation because of the drainage problem on the street in front of the location. For this reason, and others, applicant feels he can make the best use of this property by utilizing it as a used car lot.

Very truly yours,

Jim Wait
JIM WAIT

11-27-62

CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. NAME OF APPLICANT Jim Wait Used Cars
MAILING ADDRESS 1442 S. Broadway PHONE _____
NAME OF AUTHORIZED AGENT Jim Wait
MAILING ADDRESS 1442 S. Broadway PHONE _____
(RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF Owner
(OWNER, TENANT, LESSEE, OTHER)

II. APPLICATION IS MADE FOR AN EXCEPTION AS PROVIDED IN SECTION _____, CODE OF THE CITY OF WICHITA, KANSAS, (ZONING ORDINANCE); TO PERMIT THE INSTALLATION OR CONSTRUCTION OF Used Car Lot ON PROPERTY ZONED L.C.; LOCATED AT 1442 S. Broadway, AND LEGALLY DESCRIBED AS LOT(S) S. 50', W/2 Lot 4, Block(s) Zimmerly's Addition ADDITION.
(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. DECLARES THAT ALL REQUIRED SUPPORTING DOCUMENTS OR INFORMATION ARE ATTACHED HERETO AND MADE A PART OF THIS APPLICATION;
 - D. ACKNOWLEDGES THAT HE HAS BEEN ADVISED OF HIS RIGHT OF APPEAL OF THE DECISION OF THE BOARD OF ZONING APPEALS TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN (10) DAYS OF THE DATE OF THAT DECISION.

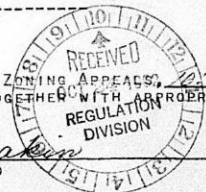
*Everett Fetterly
AM 77251*

Jim Wait Used Cars
APPLICANT
Jim Wait
AUTHORIZED AGENT

OFFICE USE ONLY

RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, 10:00
(A.M. - P.M.) October 24, 1962, TOGETHER WITH APPROPRIATE
FEE OF \$30.00

Laker
SIGNED





OWNERSHIP LIST

<u>LOP</u>	<u>STREET</u>	<u>ADDITION</u>	<u>OWNER</u>
2 (S. 50' of E $\frac{1}{2}$)		Zimmerly's	Immanuel Baptist Church 1400 S. Broadway
2 (S. 50' W $\frac{1}{2}$)		"	Same
3 (N. 64' of W $\frac{1}{2}$)		"	Harry L. McKean and Josephine McKean 1426 S. Broadway
3 (S. 50' of W $\frac{1}{2}$)		"	DeLloyd L. Myers 1552 Pleasantview Drive
3 (E. 140' of S. 38')		"	C. H. Naylor 1427 S. Topeka
3 (E. 140' of S. 38' of N. 76')		"	Grace K. Hamilton 1425 S. Topeka
3 (E. 140' of N. 38')		"	Melvin J. C. Wall Merlene Wall 1423 S. Topeka
4 (S. 50' of W $\frac{1}{2}$)		"	James Kenneth Wait Virginia R. Wait 1503 S. Topeka
4 (S. 34' of N. 64' of W $\frac{1}{2}$)		"	Ira A. Fromen 1438 S. Broadway
4 (N. 30' of W $\frac{1}{2}$)		"	Ward R. Clements and Hilda H. Clements 1434 S. Broadway
4 (N. 64' of E $\frac{1}{2}$)		"	Elsie V. De Water John W. De Water 1435 S. Topeka
4 (S. 50' of E $\frac{1}{2}$)		"	John C. Kujath and Alfred C. Kujath 1439 S. Topeka
5 (W $\frac{1}{2}$)		"	John D. McEwen Owen C. McEwen Ellen McEwen Enoch 700 E. Central
5 (N. 50' of E. 140')		"	Glenn H. Heley and Florence C. Heley 1441 S. Topeka
5 (S. 64' of E. 70')		"	Harold E. Ross Evelyn C. Ross 1443 S. Topeka
5 (S. 64' of W. 70' of E. 140')		"	Same


<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>OWNER</u>
4 (S. 11')		Tosh's Sub.	Virginia R. Wait and James K. Wait 1503 S. Topeka
6		"	Same
8 (N. 1½')		"	Same
8 (S. 37½')		"	Curtis Foss and Gladys C. Foss 1505 S. Topeka
3 (S. 11')		"	Lerna A. McCune 1221 S. Broadway
5		"	Same
7		"	Same
8	Broadway	Walnut Grove 2nd Add.	Board of Education 428 S. Broadway
10	"	"	Same
12	"	"	Same
14	"	"	Same
16	"	"	Same
18	"	"	Same
20	"	"	Same
1		E. D. Persons	Same
2		"	Same
3		"	Same
4		"	Same
1		Poppleton's	Same
2		"	Same
3		"	Maurice Rex Cates Dwight Spencer Cates 232 S. Minnesota
4		"	Same
26	Broadway	Stanley and McPhersons	Metropolitan Life Insurance Co. 349 So. Hydraulics
28	"	"	Same
32 (N. 10')	"	"	Ivan P. Scott Nina Marie Scott 220 E. Boston
34	"	"	Same

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>OWNER</u>
36	Broadway	Stanley and McPhersons	Mary Buckley X
38	"	"	Mary Buckley X

We hereby certify the foregoing to be a correct list of property owners of the lands above described, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 25th day of October A. D. 1962 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By



Vice President.

Order No. 98323.
(KPB)

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE — FIRST FLOOR

Bld'g & Elev. _____ Elec. _____ Elev. Insp. _____
 Exam Fees _____ Hse. Mvr. _____ Hse. Moving _____
 Lice. _____ Mech. _____ Oil Well _____ Pav. Cuts _____
 Plan. Pbl'g. _____ Pbl'g. Cert. _____
 Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
 Street _____ Trailers _____

DESCRIPTION	AMOUNT
<i>Wpa Application</i>	<i>50 00</i>
<i>R 712</i>	

Name *J K Witt*

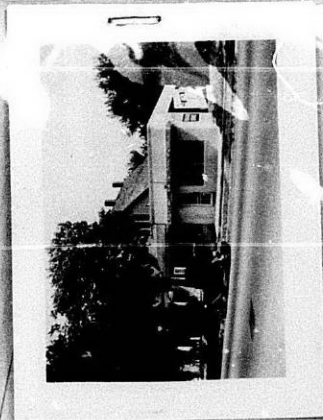
Address *1440-42 S Broadway*

Type _____ Date Date *10-24-62*

PAID TEL. #1

Comments: _____ **OCT 25 1962**

Date *10-24-62* City of Wichita By *J Witt*



1440 S Broadway
By the E.H. Henry Co.

