

5342

8/27/67
9-2-67

ACTION

DATE

By a COMMITTEE Approved 4-25-67

M.A.P.C. _____

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

BZA 6-67 - The Security Oil Company requests Exception to permit automatic car wash operation in "LC" at the southwest corner of 43rd St. So. and Seneca

May 15, 1967

Mr. Edward F. Arn, Attorney
330 Garvey Building
Wichita, Kansas 67202

Re: Case No. BZA 6-67 - Request
for an Exception

Dear Mr. Arn:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 25, 1967, in connection with your application for an Exception to permit the installation or construction of an automatic car wash on property zoned "LC" Light Commercial and generally located on the southwest corner of 43rd Street South and Seneca. This Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkj

Attachment

cc: Glen Lytle, Superintendent, Central Inspection
Ralph Eberly, City Clerk
The Security Oil Company, 920 East 19th Street

RESOLUTION NO. BZA 6-67

WHEREAS, The Security Oil Company, 920 East 19th Street, by Edward F. Arn, Attorney, 330 Garvey Building, Wichita, Kansas, requests an exception as provided in Section 28.04.183.4, Code of the City of Wichita, to permit the installation or construction of an automatic car wash on property zoned "LC" Light Commercial, and legally described as follows:

Lot 3, Block D, in Vilm Gardens Second Addition, Wichita, Kansas. Generally located on the southwest corner of 43rd Street South and Seneca.

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 April 25, 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 the installation or construction of an automatic car wash 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 on property zoned "LC" Light Commercial and legally described as follows:

Lot 3, Block D, in Vilm Gardens Second Addition, Wichita, Kansas. Generally located on the southwest corner of 43d Street South and Seneca.

subject to the following conditions:

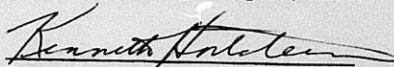
1. Development shall proceed in accordance with the plan approved by the Board of Zoning Appeals.
2. There shall be a minimum lot area of 2,500 square feet for each 20 lineal feet of automatic car washing structure, provided that the minimum lot area shall not be less than 7,500 square feet.
3. The car washing buildings or facilities shall setback a distance of not less than 35 feet from both Seneca and 43rd Street South.

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:

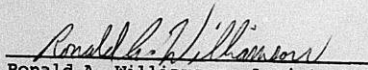
Not less than 3 parking spaces for each 20 lineal feet of the automatic car washing aisle.
9. Off-street drying spaces shall be provided on the property in the following ratio:

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. A six (6) foot high solid or semi-solid wall fence constructed of masonry, architectural tile, wood, louvered wood, or other similar materials shall be constructed along the west property line. Said fence shall be reduced to 3 feet in height within 25 feet of the south right-of-way line of 43d Street South.
12. All parking areas shall have adequate guards to prevent the extension or over-hanging of vehicles beyond the property lines or parking spaces.
13. 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.
14. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
15. 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 25th day of April, 1967.


Kenneth Hartstein, Chairman

ATTEST:


Ronald A. Williamson, Assistant Secretary

April 26, 1967

Mr. Edward F. Arn, Attorney
330 Garvey Building
Wichita, Kansas 67202

Dear Mr. Arn:

Re: Case No. BZA No. 6-67 - Request for
Exception to the Zoning Ordinance
to permit an automatic car wash on
property zoned "LC" Light Commercial

At the regular meeting of the Board of Zoning Appeals on April 25, 1967, your request for an exception to permit the installation or construction of an automatic car wash on property zoned "LC" Light Commercial, and being located on the southwest corner of 43rd Street South and Seneca, was considered.

It was the action of the Board to approve this request 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 setback a distance of not less than 35 feet from both Seneca and 43rd Street South.
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.

Mr. Edward F. Arn
Page 2 - BZA 6-67
April 26, 1967

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.
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11. A six (6) foot high solid or semi-solid wall fence constructed of masonry, architectural tile, wood, louvered wood, or other similar materials shall be constructed along the west property line. Said fence shall be reduced to 3 feet in height within 25 feet of the south right-of-way line of 43rd Street South.
12. All parking areas shall have adequate guards to prevent the extension or over-hanging of vehicles beyond the property lines or parking spaces.
13. 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.
14. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
15. 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.

Mr. Edward F. Arn
Page 3 - BZA 6-67
April 26, 1967

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the Chairman and Secretary of the Board have signed it. If you have any questions, please call.

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkq

cc: Glen Lytle, Superintendent, Central Inspection
Ralph Eberly, City Clerk
The Security Oil Company, 920 East 19th Street
H. R. Kuhn, Attorney, 330 Garvey Building

SECRETARY'S REPORT

CASE NO. BZA 6-67

APPLICANT: The Security Oil Company, 920 East 19th Street, Wichita

AGENT: H. R. Kuhn, Attorney, 330 Garvey Building, Wichita

REQUEST: Exception pursuant to Section 2.12.590.3, Code of the City of Wichita to permit the installation or construction of an automatic car wash on property zoned "LC" Light Commercial

GENERAL LOCATION: Southwest corner of 43rd Street South and Seneca

LAND USE: Subject property is a service station; to the north is an auto parts store; to the south is an animal hospital; to the west is a duplex; and east is vacant

ZONING: Subject property and that to the north, east and west is zoned "LC" Light Commercial and to the south is "AA" Single Family

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.3, Code of the City of Wichita. The Board may grant the exception providing the conditions as set out under Section 28.04.183.4 can be met.

COMMENTS BY THE SECRETARY

The applicant has requested an exception to the Ordinance in order to install an automatic car wash on property zoned "LC" Light Commercial. A service station presently occupies subject property and the applicant proposes to convert one bay of the service station for the car wash operation. It is the opinion of the Secretary that this is a logical location for a car wash facility in view of the surrounding zoning and land use. The applicant has submitted a plan indicating the proposed circulation, holding spaces, drying spaces, access points, and other additional information and this plan has been approved by the Traffic Engineer.

The duplexes located adjacent to the west are new and above average quality and it is the opinion of the Secretary that these duplexes should be protected from lights and debris which are normally generated by car wash operations.

It is the recommendation of the Secretary that the exception be approved to permit the installation of the automatic car wash 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 setback a distance of not less than 35 feet from both Seneca and 43rd Street South.
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.
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Not less than 3 parking spaces for each 20
lineal feet of the automatic car washing aisle.
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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. A six (6) foot high solid or semi-solid wall fence constructed of masonry, architectural tile, wood, louvered wood, or other similar materials shall be constructed along the west property line. Said fence shall be reduced to 3 feet in height within 25 feet of the south right-of-way line of 43d Street South.
12. All parking areas shall have adequate guards to prevent the extension or over-hanging of vehicles beyond the property lines or parking spaces.
13. 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.
14. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
15. 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.

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

April 5, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 6-67

An application has been filed by The Security Oil Company, 420 East 19th Street, Wichita, by H. R. Kuhn, Attorney, 330 Garvey Building, Wichita, Kansas, pursuant to Section 2.12.590.3, Code of the City of Wichita, requesting an exception to permit the installation or construction of an automatic car wash in conjunction with an existing service station on property zoned "LC" Light Commercial and legally described as follows:

Lot 3, Block D, in Villa Gardens Second Addition, Wichita, Kansas. Generally located on the southwest corner of 43rd Street South and Seneca.

This application has been assigned Case No. BZA 6-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 25, 1967, 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.

Jack H. Galbraith
Secretary

*Mailed 10 plus 7 Planning
Commissioners*

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. Bza 6-67
FILED 3-27-67

APPLICATION FOR EXCEPTION

I. Name of Applicant The Security Oil Company
Mailing Address 920 E. 19th St. Phone _____
Name of Authorized Agent H. R. Kuhn, Attorney
Mailing Address 330 Farvey Bldg Phone AM 7-5267
Relationship of applicant to property is that of OWNER
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28-07.183.4, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of automatic CAR wash
_____ on property zoned
L.C., located 4401 So. Seneca St.
_____ and legally described as:
Lot 3 Bl. D in Vilm Gardens Second
Addition, in the City of Wichita.
(Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

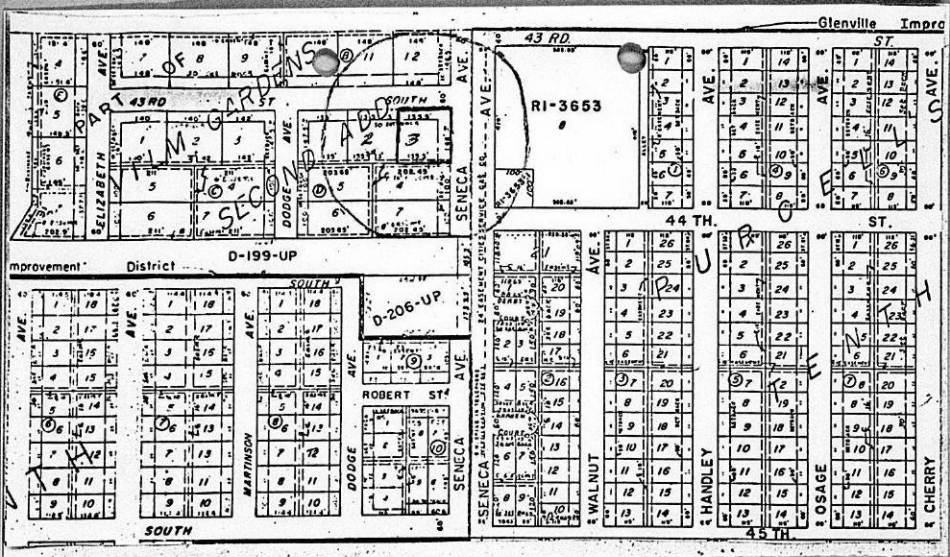
- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant Security Oil Co. by
Authorized Agent H. R. Kuhn

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 13:15 (a.m. - p.m.), March 27, 1967, together with appropriate fee of \$50.00.

Ron Williamson
previously consulted.
T9-403

Signed Jandra Allergott
Secretary



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
)
Sedgwick County,)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:
Lot 3, Block D, in Vilm Gardens Second Addition.


Fidelity
Title
Company.
inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz:

Lots 10 & 11, Blk B, in Vilm Gardens Second Add.

✓ Leon L. & Marjorie A. Woods, ux
1405 Otis 67214

Lot 12, Blk B, in Vilm Gardens Second Add.

✓ George K. & Dolores Downs, ux
5330 E. 72nd South 67236

Lots 1 & 2, Blk D, in Vilm Gardens Second Add.

✓ Commercial Savings & Loan Association
201 N. Main 67202

Lot 3, Blk D, in Vilm Gardens Second Add.

✓ The Security Oil Company,
920 E. 19th St.

Lot 4, Blk D, in Vilm Gardens Second Add.

✓ Elsie Floyd Sipes & Irene Eva Sipes
~~4417 S. Seneca~~ 67217, Oct. 4-18-67
no address found



Lot 5, Blk D, in Vilm Gardens Second Add.

✓ Ette & Gladys M. Vilm, ux
149 N. Quentin 67208

Lot 6, Blk D, in Vilm Gardens Second Add.

✓ Jesse L. Horn, Jr. & Viola Horn, ux
5160 S. Seneca 67217

Lot 7, Blk D, in Vilm Gardens Second Add.

D Jesse L. Horn, Jr. & Viola Horn, ux
5160 S. Seneca

Lot 8, Blk 1, Purcell's 10th Add., exc
W 100 ft of S 100 ft.

✓ Robert R. & Betty Jean Purcell, ux
& Laura P. Purcell
230 N. Crestway 67208

W 100 ft of S 100 ft of Lot 8, Blk
1, Purcell's 10th Add.

✓ W. H. Rex
Eldorado, Kansas. 67042

Dated at Wichita, Kansas this 20th day
of March, 1967 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elmer M. Farwell OEM
Sec.

Tracer # 80846

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

April 5, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 6-67

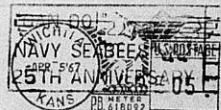
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Jack H. Galbraith
Secretary

THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS 67202



Unknown

Elsie Floyd & Irene Eva Sipes

4419 S. Seneca

Wichita, Ks. 67217



RETURN
TO
WRITER



- Moved, left no address
 - No such number
 - Moved, not forwardable
 - Addressee unknown
- 17107

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

\$ 50.00

DESCRIPTION AMOUNT

BZA Application

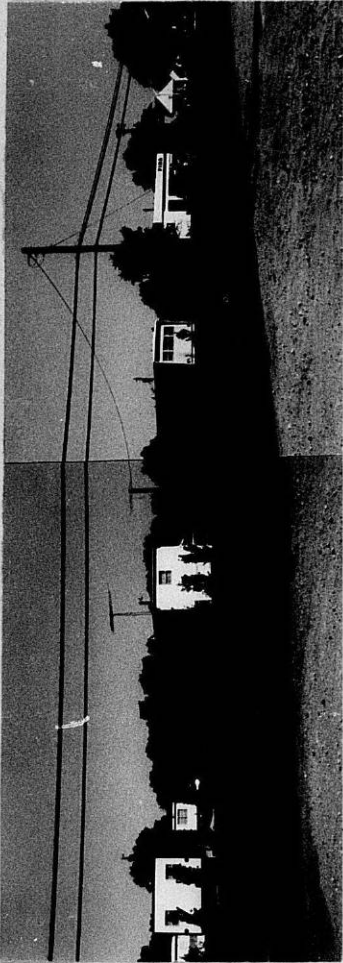
Name H. R. ...

Address ... Bldg.

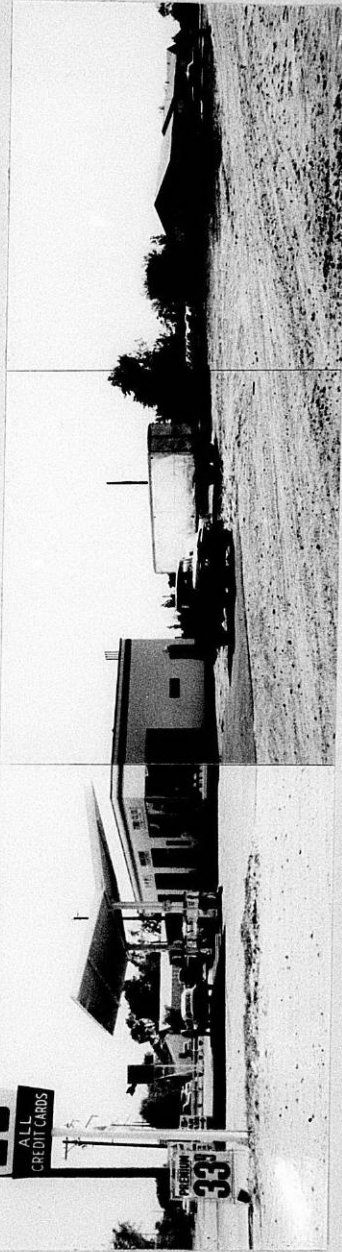
Type R-71-C Due Date 3-27-67

Comments:

Date 3-27-67 By [Signature]



2



3

Map No. _____
 Sec. _____
 Twp. _____
 Range _____

AREA DATA:
 1. Acres: _____
 2. Adjoining _____
 3. Land Use _____
 4. Sketch _____
 5. Present _____
 6. Area (3) _____

PHOTO DATA:
 Taken by _____

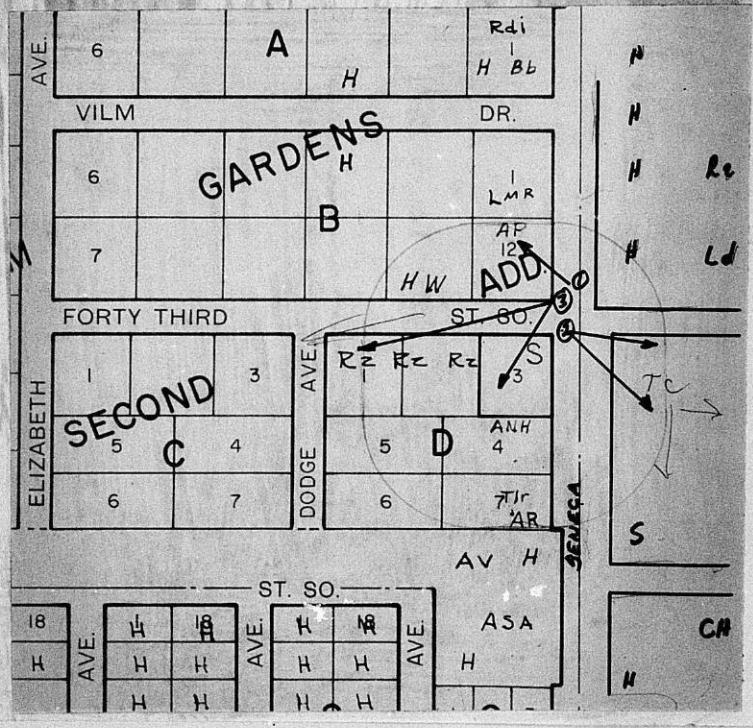


Map No. 5342
 Sec. _____
 Twp. _____
 Range _____

E2A 6-67
 SC2- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: _____ (_____ ft. by _____ ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East Vacant South Animal Hospital
 West Duplex North Auto parts
 4. Sketch Plan Land Use is for: Residential
 5. Present Land Use is for: Service Station
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



*

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