

BZA 10-62 - ISAAC BATES REQUESTS  
EXCEPTION TO ALLOW USED CAR LOT IN  
LC LOCATED ON NW CORNER OF DOUGLAS  
AND WEST STREET

# ACTION

DATE

*Bjor* COMMITTEE Ray tall 12/18/62  
1-22-63

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

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

R E S O L U T I O N   N O . 1 0 - 6 2

WHEREAS, Isaac Bates, 107 North West Street, Wichita, Kansas, by Harry W. Saums, 1008 Brown Building, attorney, Wichita, Kansas, requests 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 Lot 9, Block 24, Parkwilde Addition, in the City of Wichita, Kansas which is generally located at the northwest corner of West Street and Douglas Avenue; and

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, in regular meeting consider said application on the 18th day of December, 1962, at which time it was continued to January 22, 1963; and

WHEREAS, the said Board of Zoning Appeals did, in regular meeting, consider said application on January 22, 1963; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under the provision of Section 2.12.590 of the Code of the City of Wichita, Kansas; and

WHEREAS, the Board of Zoning Appeals determined that the location is contiguous to a major street as designated in Pattern for Thorofares, Wichita, Kansas, 1955, or amendments thereto, and that the area is zoned "LC" Light Commercial.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS of the City of Wichita, Kansas, that the request for an exception as described above for property described as

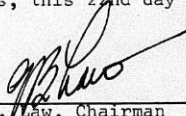
Lot 9, Block 24, Parkwilde Addition, in the City of Wichita, Kansas,

generally located on the northwest corner of West Street and Douglas Avenue, is hereby approved, and the Superintendent of Central Inspection is hereby authorized to issue a permit for a new and used car sales area, subject to the following:

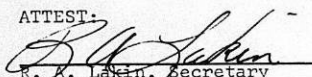
1. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No projecting signs (as defined in the Sign Ordinance) shall be permitted.
4. No sound projecting devices or loud speakers 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 done.
6. Submission of an off-street parking plan for the used car area to the Traffic Engineer for his approval.

7. Completion of construction within 6 months from the effective date of approval.
8. Should the ownership of the property change, should there be any division of the property, should Douglas Avenue be declared a major thoroughfare or be paved, this matter shall come back before the Board of Zoning Appeals for review. At such time as a review of this application is had, the applicant shall be required to provide a current abstractor's certificate showing ownership within 200 feet.
9. This approval shall apply only to the east 148 feet of the south 85 feet (except the south 25 feet thereof), of Lot 9, Block 24, Parkwilde Addition, in the City of Wichita, Kansas.

ADOPTED at Wichita, Kansas, this 22nd day of January, 1963.

  
\_\_\_\_\_  
E. B. Law, Chairman

ATTEST:

  
R. K. Lakin, Secretary

February 4, 1963

Mr. Harry W. Saums, Attorney  
1008 Brown Building  
Wichita, Kansas

Dear Mr. Saums:

Subject: BZA 10-62

On January 24, 1963, we advised you that the Board of Zoning Appeals had approved subject application for a new and used car lot on property located generally at the northwest corner West Street and Douglas Avenue. We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before February 1, 1963.

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 of Central Inspection

TO: METROPOLITAN AREA PLANNING COMMISSION  
FROM: L. L. LITTLE, DIRECTOR OF PLANNING  
SUBJECT: NEW AND USED CAR LOTS IN LIGHT COMMERCIAL DISTRICTS  
DATE: DECEMBER 31, 1962

AT ITS MEETING OF DECEMBER 18, 1962, THE BOARD OF ZONING APPEALS CONSIDERED SEVERAL CASES RELATING TO GRANTING OF EXCEPTIONS FOR NEW AND USED CAR LOTS IN THE LIGHT COMMERCIAL ZONING DISTRICT. IN ONE OF THESE CASES (BZA 10-62) THE SECRETARY OF THE BOARD OF ZONING APPEALS RECOMMENDED THAT THE BOARD NOT TAKE JURISDICTION IN THAT HE FELT THAT THE LOT AS PROPOSED WAS NOT CONTIGUOUS TO A MAJOR TRAFFIC STREET AND MERELY HAD ACCESS TO THE MAJOR TRAFFIC STREET. THE ATTORNEY FOR THE APPLICANT CITED CERTAIN CASES IN WHICH THE TERM "CONTIGUOUS" WAS DEFINED AS TOUCHING AT ANY POINT. A SKETCH OF THE GENERAL AREA IS ATTACHED FOR THE PLANNING COMMISSION'S GENERAL INFORMATION. THE BOARD OF ZONING APPEALS DEFERRED ACTION ON THIS CASE IN ORDER THAT THE PLANNING COMMISSION MIGHT ADVISE THE BOARD AS TO ITS INTENT IN THIS PARTICULAR REQUIREMENT.

THERE ARE A NUMBER OF APPLICATIONS EITHER PENDING OR PROPOSED TO BE SUBMITTED COVERING USED CAR LOTS IN LIGHT COMMERCIAL DISTRICTS. THE BOARD OF ZONING APPEALS HAS EXPRESSED ITS INTEREST AS TO THE PLANNING COMMISSION'S GENERAL FEELING AS TO WHERE THESE CAR LOTS SHOULD BE APPROVED. PARTICULARLY, WOULD IT BE IN KEEPING WITH THE PLANNING COMMISSION'S INTENT TO GRANT USED CAR LOTS ON 50 AND 75 FOOT TRACTS ADJOINING A SERVICE STATION WHEREIN THE LOT WOULD BE RUN IN CONJUNCTION WITH THE SERVICE STATION. FURTHER, ARE THERE ANY SPECIFIC STREETS SUCH AS BROADWAY, HARRY STREET, WEST STREET, ETC. WHICH MORE PARTICULARLY FIT THE PLANNING COMMISSION'S IDEA AS TO GENERAL LOCATIONS FOR THESE LOTS. THE SECRETARY OF THE BOARD, ROBERT A. LAKIN, AND THE CHAIRMAN OF THE BOARD OF ZONING APPEALS, ED LAW, WILL BE AVAILABLE TO DISCUSS THE BOARD OF ZONING APPEALS REQUEST.

L. L. LITTLE  
DIRECTOR OF PLANNING

LLL/RAL:MM  
ATTACHMENT



BZA 10-62

ATTACHMENT # 2

Board of Zoning Appeals

January 28, 1963

C. H. Funk, City Clerk

Robert A. Lakin, Secretary

Case BZA 10-62

Attached is a copy of BZA Resolution 10-62, covering action taken by the Board of Zoning Appeals on the above case.

This case was heard on January 22, 1963, and an appeal may be filed in your office on or before February 1, 1963.

If an appeal is filed, please advise.

Robert A. Lakin  
Secretary

RAL:ber

Attachment

BOARD OF ZONING APPEALS  
ROOM 402 CITY BUILDING ANNEX  
104 SOUTH MAIN  
WICHITA, KANSAS

JANUARY 4, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

CASE No. BZA 10-62

AN APPLICATION FOR AN EXCEPTION HAS BEEN FILED BY ISAAC BATES, 107 NORTH WEST STREET, BY HARRY W. SAUMS, ATTORNEY, AS PROVIDED IN SECTION 28.04.180.A.14 OF THE CODE OF THE CITY OF WICHITA, KANSAS. THE APPLICANT DESIRES AN EXCEPTION TO THE ZONING ORDINANCE TO PERMIT THE OPERATION OF A USED CAR BUSINESS ON PROPERTY LEGALLY DESCRIBED AS:

LOT 9, BLOCK 24, PARKWILDE ADDITION,  
GENERALLY LOCATED AT THE NORTHWEST CORNER OF DOUGLAS AND WEST STREET.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BXA 10-62. A RE-HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, JANUARY 22, 1963, AT 2 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.

ROBERT A. LAKIN, SECRETARY  
BOARD OF ZONING APPEALS

CASE BZA 10-62

NOTICES MAILED ~~TO~~ TO THE FOLLOWING:

HARRY W. SAUMS  
1008 BROWN BUILDING

ISAAC BATES  
107 NORTH WEST STREET

JIM V. BANNON  
~~4000 WEST DOUGLAS~~ 455 Windsor

PAUL J. SELTMANN  
115 NORTH WEST STREET

ROY H. BUDD  
MARY M. BUDD  
123 NORTH WEST STREET

THAL BANNON  
4000 WEST DOUGLAS

LESLIE G. WILSON  
FRASIER M. WILSON  
130 NORTH FLORENCE

BLANCHE YOUNG  
120 NORTH FLORENCE

LEON B. COHLMIA  
1932 UNIVERSITY

ESTHER LANTIS  
530 SOUTH TOPEKA

C. A. LEGLEITER  
MARTINA LEGLEITER  
529 NORTH GORDON

WALTER ROSS  
NELLIE ROSS  
4118 WEST DOUGLAS

L. K. CLEGHORN  
MARTHA CLEGHORN  
4114 WEST DOUGLAS

GLORICE W. RECTOR  
4104 WEST DOUGLAS

LELAND W. BALUK  
121 COLORADO

RICHARD M. KNIGHT  
FLORENCE IRENE KNIGHT  
131 COLORADO

EARL F. OGDEN  
ILDA M. OGDEN  
124 NORTH ANNA

ROY E. SCHOEB  
BOX 127  
CHEROKEE, OKLAHOMA

CHARLES D. TOWNS  
LOUISE M. TOWNS  
LELAND W. BLACK  
101 SOUTH NEVADA

PETE PSOLTIS  
3949 WEST DOUGLAS

Rehearing Jan 22, 1963

January 24, 1963

Mr. Harry W. Saums, Attorney  
1008 Brown Building  
Wichita, Kansas

Dear Mr. Saums:

Subject: BZA 10-62

This is to advise you that at its regular meeting of January 22, 1963, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to the Zoning Ordinance to permit continuation of the used car lot at the northwest corner of West Street and Douglas Avenue, on property legally described as Lot 9, Block 24, Parkside Addition.

After discussion, it was the action of the Board of Zoning Appeals to approve your request as it relates to a portion of the above described property, such approval being subject to certain conditions which will be shown in the resolution forwarded to you after the appeal period has expired.

Section 2.12.619 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 February 1, 1963.

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 February 1, 1963, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Robert A. Lakin  
Secretary

RAL:JWH:ber

cc: Isaac Bates, 107 North West Street  
C. H. Funk, City Clerk  
Glen Lytle, Supt. Central Inspection

P. S. Conditions to approval attached.

CONDITIONS TO APPROVAL OF BZA 10-62

1. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No projecting signs (as defined in the Sign Ordinance) shall be permitted.
4. No sound projecting devices or loud speakers 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 done.
6. Submission of an off-street parking plan for the used car area, to the Traffic Engineer for his approval.
7. Completion of construction within 6 months from the effective date of approval.
8. Should the ownership of the property change, should there be any division of the property, should Douglas Avenue be declared a major thoroughfare or be paved, this matter shall come back before the Board of Zoning Appeals for review. At such time as a review of this application is had, the applicant shall be required to provide a current abstractor's certificate showing ownership within 200 feet.
9. This approval shall apply only to the east 148 feet of the south 85 feet (except the south 25 feet thereof), of Lot 9, Block 24, Parkville Addition, in the City of Wichita, Kansas.

CASE BZA 10-62

NOTICES MAILED <sup>Dec 3</sup> ~~NOVEMBER 30~~, 1962 TO THE FOLLOWING:

HARRY W. SAUMS  
1008 BROWN BUILDING

ISAAC BATES  
107 NORTH WEST STREET

JIM V. BANNON  
4000 WEST DOUGLAS

PAUL J. SELTMANN  
115 NORTH WEST STREET

ROY H. BUDD  
MARY M. BUDD  
123 NORTH WEST STREET

THAL BANNON  
4000 WEST DOUGLAS

LESLIE G. WILSON  
PRESSIE M. WILSON  
130 NORTH FLORENCE

BLANCHE YOUNG  
120 NORTH FLORENCE

LEON B. COHLMIA  
1932 UNIVERSITY

ESTHER LANTIS  
530 SOUTH TOPEKA

C. A. LEGLEITER  
MARTINA LEGLIETER  
626 NORTH GORDON

WALTER ROSS  
NELLIE ROSS  
4118 WEST DOUGLAS

E. K. CLEGHORN  
MARTHA CLEGHORN  
4114 WEST DOUGLAS

CLOICE W. RECTOR  
4104 WEST DOUGLAS

LELAND W. BALCK  
121 COLORADO

RICHARD M. KNIGHT  
FLORENCE IRENE KNIGHT  
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EARL F. OGDEN  
ILDA M. OGDEN  
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ROY E. SCHOEB  
Box 127  
CHEROKEE, OKLAHOMA

CHARLES D. TOWNS  
LOUISE M. TOWNS  
LELAND W. BLACK  
101 SOUTH NEVADA

PETE PSOLTIS  
3949 WEST DOUGLAS

BOARD OF ZONING APPEALS  
ROOM 402 CITY BUILDING ANNEX  
104 SOUTH MAIN  
WICHITA, KANSAS

NOTICE TO ADJOINING PROPERTY OWNERS

NOVEMBER 29, 1962

AN APPLICATION FOR AN EXCEPTION HAS BEEN FILED BY ISAAC BATES, 107 NORTH WEST STREET, BY HARRY W. SAUMS, ATTORNEY, AS PROVIDED IN SECTION 28.04.180.A.14 OF THE CODE OF THE CITY OF WICHITA, KANSAS. THE APPLICANT DESIRES AN EXCEPTION TO THE ZONING ORDINANCE TO PERMIT THE OPERATION OF A USED CAR BUSINESS ON PROPERTY LEGALLY DESCRIBED AS:

LOT 9, BLOCK 24, PARKWILDE ADDITION,  
GENERALLY LOCATED AT THE NORTHWEST CORNER OF DOUGLAS AND WEST STREET.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 10-62. A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, DECEMBER 18, 1962, AT 2 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.

ROBERT A. LAKIN, SECRETARY  
BOARD OF ZONING APPEALS

DECEMBER 21, 1962

MR. HARRY W. SAUMS, ATTORNEY  
1008 BROWN BUILDING  
WICHITA, KANSAS

DEAR MR. SAUMS:

RE: BZA 10-52

THIS IS TO ADVISE YOU THAT AT ITS REGULAR MEETING OF DECEMBER 18, 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 ON LOT 9, BLOCK 24, PARKWILDE ADDITION, GENERALLY LOCATED ON THE NORTHWEST CORNER OF WEST STREET AND DOUGLAS.

AFTER DISCUSSION, IT WAS THE ACTION OF THE BOARD OF ZONING APPEALS TO DEFER THIS REQUEST UNTIL ITS MEETING OF JANUARY 22, 1963. THIS MATTER OF LEGISLATIVE INTENT AS TO SECTION 28.04.180.A.14 WILL BE REFERRED TO THE METROPOLITAN AREA PLANNING COMMISSION ON JANUARY 3, 1963, FOR CLARIFICATION.

IF YOU HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CALL.

SINCERELY YOURS,

ROBERT A. LAKIN  
SECRETARY

RAL:MM

CC: ISAAC BATES  
107 NORTH WEST STREET

JIM BANNON *Ret 12-28-62*  
4000 West DOUGLAS  
*Rec'd to 455 Windsor*

SECRETARY'S REPORT

CASE NO. BZA 10-62

GENERAL DESCRIPTION

THE AREA INVOLVED IN THIS CASE IS LOCATED AT THE NORTHWEST CORNER OF DOUGLAS AND WEST STREET. THE TRACT IS 300' MORE OR LESS BY 120' AND IS LOCATED WEST OF AN EXISTING TIRE REPAIR SHOP AND BARBER SHOP. ALSO ON THE TRACT ARE SOME SMALL BUILDINGS. THE AREA FOR THE CAR LOT IS LARGELY VACANT AND IS BLACK TOPPED.

TO THE NORTH AND WEST OF SUBJECT PROPERTY THERE ARE SINGLE FAMILY DWELLINGS. TO THE EAST THERE IS A SERVICE STATION, LAUNDRY, LIQUOR STORE, ICE SALES, RESTAURANT, AND SUPERMARKET. TO THE SOUTH IS A BILLIARD PARLOR, PRIVATE CLUB AND PARKING AREA.

THE PROPERTY IN QUESTION EXCEPT FOR THE WEST 30 FEET IS CURRENTLY ZONED "LC" LIGHT COMMERCIAL. EXISTING ZONING TO THE NORTH IS "AA" SINGLE FAMILY, "B" MULTIPLE FAMILY AND "LC" LIGHT COMMERCIAL. SOUTH IS "B" MULTIPLE FAMILY AND "LC" LIGHT COMMERCIAL. TO THE EAST IS "LC" LIGHT COMMERCIAL. WEST IS "AA" SINGLE FAMILY. THE METROPOLITAN AREA PLANNING COMMISSION, HOWEVER, HAS ADOPTED A POLICY OF LOOKING WITH FAVOR ON "LC" LIGHT COMMERCIAL ZONING TO A DEPTH OF 300 FEET ALONG WEST STREET UPON APPLICATION BY THE OWNERS. (SEE ATTACHMENT #1).

REQUEST

THE REQUEST IS FOR AN EXCEPTION TO ALLOW "NEW AND USED CAR

SALES" IN AN "LC" LIGHT COMMERCIAL DISTRICT AS PROVIDED IN SECTION 28.04.180.A.14. THE BOARD IS GRANTED JURISDICTION TO CONSIDER THIS TYPE OF REQUEST SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:

1. LOCATION CONTIGUOUS TO A MAJOR STREET AND DESIGNATED IN PATTERN FOR THOROFARES, 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 SPEAKERS 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 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.

IN ADDITION TO THESE REQUIREMENTS, OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 28.04.140.2.12, WHICH PROVIDES FOR ONE OFF-STREET PARKING SPACE FOR EACH 3,000 SQUARE FEET OF LOT AREA.

COMMENTS BY THE SECRETARY

IN THE LETTER OF APPLICATION (SEE ATTACHMENT #2) THE APPLICANT STATES THAT HE HAS A VALID LEASE ON THE PROPERTY IN

QUESTION, AND FURTHER STATES THAT HE HAS COMPLIED OR WILL COMPLY WITH THE PROVISIONS OF SECTION 28.04.180.A.14. IT IS A FURTHER CONTENTION OF THE APPLICANT THAT THE PROPERTY IN QUESTION IS CONTIGUOUS TO TWO MAJOR STREETS. THE MASTER PLAN FOR THOROFARES DOES NOT INCLUDE DOUGLAS WEST OF WEST STREET AS A MAJOR STREET. WEST STREET IS DESIGNATED A MAJOR TRAFFIC STREET, HOWEVER, THE ONLY PART OF SUBJECT PROPERTY THAT ABUTS WEST STREET IS THE DRIVEWAY WHICH PROVIDES ACCESS INTO AND OUT OF THE PROPERTY. THIS DRIVEWAY PROVIDES THE ONLY SERVICE TO THE TIRE SHOP AND IS USED FOR DISPLAY OF TIRES. IN THE PAST IT HAS BEEN USED AS A DRIVEWAY FOR PARKING FOR BOTH THE TIRE SHOP AND BARBER SHOP.

THE AREA ALONG THE SOUTH OF THE PROPOSED CAR LOT HAS RECENTLY BEEN SIGNED FOR OFF-STREET PARKING FOR THE TIRE SHOP AND BARBER SHOP WITH NOTATION THAT ALL OTHER CARS WILL BE TOWED AWAY AT THE OWNER'S EXPENSE. THIS PARKING IS SO DESIGNED THAT CARS MUST BACK OUT INTO DOUGLAS IN ORDER TO UTILIZE THE PARKING FACILITIES. IT IS DOUBTFUL THAT THIS PARKING AREA HAS BEEN APPROVED IN ACCORDANCE WITH THE NEW PARKING REGULATIONS. IF THIS PARKING IS TO REMAIN FOR USE OF THE BARBER SHOP AND TIRE SHOP, THIS MEANS THAT THE USED CAR SALES AREA WILL NOT BE CONTIGUOUS TO DOUGLAS (WHICH IN ANY EVENT IS NOT A MAJOR TRAFFIC STREET). THE ONLY POSSIBLE CONSTRUCTION OF THE APPLICANT'S REQUEST TO CONFORM WITH THE CONDITIONS OF THE ORDINANCE IS THAT THE SALES AREA IS CONTIGUOUS TO WEST STREET (WHICH IS A MAJOR TRAFFIC STREET). SINCE THE DRIVE AREA LEADING FROM WEST STREET IS THE PRIMARY ACCESS TO THE TIRE SHOP, AND SINCE THE PLOT PLAN FOR THE PROPOSED CAR LOT

INDICATES THAT IT WILL BE ORIENTED TOWARDS DOUGLAS, IT IS THE OPINION OF THE SECRETARY AND OF LEGAL COUNSEL FOR THE BOARD, THAT THE AREA PROPOSED FOR A USED CAR LOT DOES NOT MEET THE CONDITION REQUIRING IT TO BE CONTIGUOUS TO A MAJOR TRAFFIC STREET. FROM A PRACTICAL STANDPOINT ONLY, THE ACCESS TO THE LOT ABUTS THE MAJOR TRAFFIC STREET, AND THE SALES AREA ITSELF IS LOCATED ON THE INTERIOR OF THE LOT ABUTTING NEITHER DOUGLAS OR WEST STREETS.

IT IS THE INTERPRETATION OF THE DEPARTMENT OF LAW THAT AT LEAST ONE FULL SIDE OF THE LOT AREA SHOULD PHYSICALLY ABUT THE MAJOR TRAFFIC STREET IN ORDER TO BE CONSIDERED "CONTIGUOUS". IT WAS THE INTENT OF THOSE DRAFTING THE AMENDMENT TO THE ZONING ORDINANCE AND IT IS ASSUMED THE INTENT OF THE PLANNING COMMISSION AND GOVERNING BODY IN ADOPTING SUCH AMENDMENT THAT USED CAR SALES AREA MUST BE LOCATED CONTIGUOUS TO THE MAJOR STREET AND NOT BE ALLOWED TO SIFT INTO RESIDENTIAL AND BUFFER AREAS. TO DO SO, EVEN THROUGH AN INTERPRETATION OF THE TECHNICAL PROVISIONS OF THE ORDINANCE, WOULD VIOLATE THE INTENT AND SPIRIT OF THE ORDINANCE.

#### JURISDICTION

IT IS THE RECOMMENDATION AND OPINION OF THE SECRETARY AND LEGAL COUNSEL THAT THE BOARD NOT TAKE JURISDICTION IN THIS CASE BECAUSE NOT ALL OF THE PROVISIONS AS SET FORTH IN SECTION 28.04.180.A.14 ARE PRESENT, SPECIFICALLY THE PROVISION THAT A NEW AND USED CAR SALES LOT MUST BE LOCATED CONTIGUOUS TO A

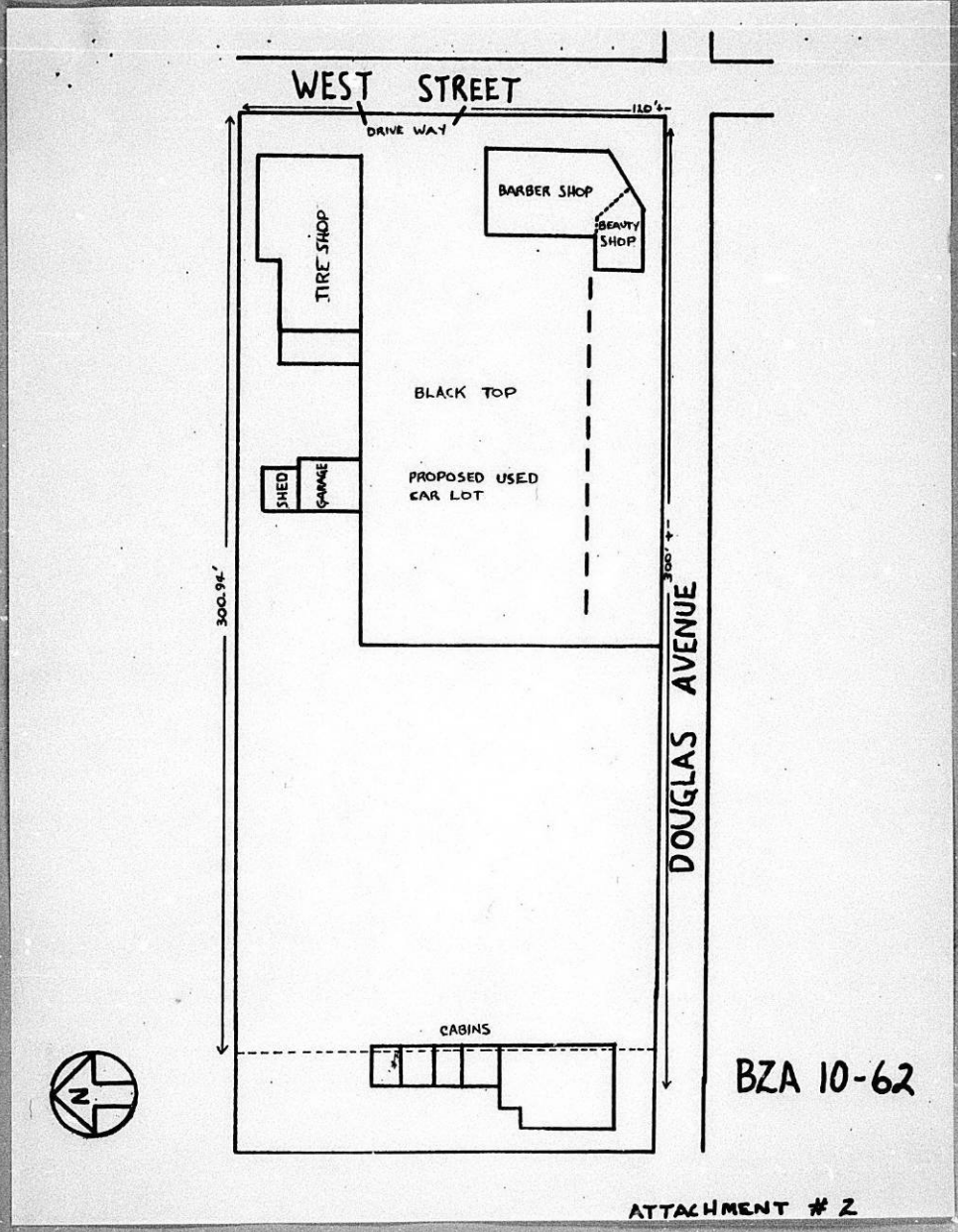
MAJOR STREET. ALL OF THE PROVISIONS AS SET FORTH IN THIS SECTION MUST BE PRESENT IN ORDER THAT THE BOARD TAKE JURISDICTION.

CONDITIONS IN EVENT OF APPROVAL

IN THE EVENT THE BOARD DOES TAKE JURISDICTION IN THIS CASE AND FINDS THE PROVISIONS AS SET FORTH IN SECTION 28.04.180.A.14 TO BE PRESENT, THE APPLICATION MAY BE GRANTED 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 REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING-TYPE LIGHTING SHALL BE PERMITTED.
3. NO PROJECTING SIGNS (AS DEFINED IN THE SIGN ORDINANCE) SHALL BE PERMITTED.
4. NO SOUND PROJECTING DEVICES OR LOUD SPEAKERS 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 IS DONE.
6. PROVIDING A HEAVY DUTY LOUVERED REDWOOD OR ARCHITECTURAL TILE TYPE FENCE ON THE WEST (LOCATED NO NEARER THAN 30 FEET TO THE WEST PROPERTY LINE) TO PROTECT ADJACENT RESIDENCES FROM BLOWING DEBRIS, LIGHT AND SOUND. THE FENCE SHALL BE AT LEAST FIVE FEET IN HEIGHT EXCEPT IT SHALL BE REDUCED FROM 5 TO 3 FEET FROM A POINT 30 FEET NORTH OF THE SOUTH PROPERTY LINE TO THE SOUTH PROPERTY LINE.

7. ~~FILING A \$1,000 CORPORATE PERFORMANCE BOND (OR OTHER SIMILAR SECURITY) WITH THE CITY CLERK WHICH WILL ENSURE THAT THE FENCE BE ERECTED (THE FORM OF THE SECURITY SHALL BE APPROVED BY THE CITY ATTORNEY)~~ *(for the used car area)*
8. SUBMISSION OF AN OFF-STREET PARKING PLAN TO THE TRAFFIC ENGINEER FOR HIS APPROVAL.
9. COMPLETION OF CONSTRUCTION WITHIN 6 MONTHS FROM THE EFFECTIVE DATE OF APPROVAL.



ATTACHMENT # 2

The statement I am submitting is as follows:

As a property owner and resident of 1050 South St. Clair I wish to appeal for a variance in the zoning code regarding to placing of a mobile home on this property. As there are a number of mobile homes in this vicinity at the present time, is one of my reasons for my appeal, along with other reasons. Also, I have contacted and got the full consent of my neighbors and property owners for asking for this variance. As this property is so situated to accommodate a mobile home but does not warrant another permanent dwelling.

Due to approaching retirement on a small pension, I would like approval of the city planning board to permit a 36 ft. 1958 model mobile home to be located on my lots according to sketch. I will sign an agreement not to use these facilities for any other purpose than for the relative in this case. When at which time it is no longer occupied by this relative I will willfully dispose of these facilities. The relative in question is my wife's mother. Also my wife is the victim of arthritis and some help from her mother is needed. And I might add that this relative is well loved throughout this neighborhood for her help with children and people needing her help or assistance. I have complied with all city code and building requirements on every building improvement that I have made, on my home or in my line of work. And I will continue to do so. But would appreciate and be grateful for this consideration in regard to placing this mobile home for my mother-in-law, who has been twice widowed by cancer, and needs us, as much as we need her.

SAUMS, STEPHAN & PIRTLE  
ATTORNEYS AT LAW  
1008 BROWN BUILDING  
WICHITA 2, KANSAS

HARRY W. SAUMS  
ROBERT T. STEPHAN  
EUGENE L. PIRTLE

November 9, 1962

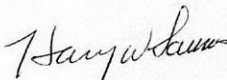
AMHERST 4-0336

*Should be Lot  
9 Block 24*

TO WHOM IT MAY CONCERN:

In re: Lot 7, Block 24, Parkwilde Addition  
to Wichita, Sedgwick County, Kansas

I find title to the above described real estate  
to be vested in Jim V. Bannon.



Harry W. Saums

HWS/wcb

BEFORE THE BOARD OF ZONING APPEALS  
FOR THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

-----oOo-----

APPLICATION FOR USED CAR LOT  
IN LIGHT COMMERCIAL ZONE

-----  
Comes now Isaac W. Bates and shows to the Board of Zoning Appeals that he operates a business known as Bates Tire Service and Bates Used Cars, located on the Northwest corner of Douglas and West Streets and legally described as:

Lot 9, Block 24, Parkwilde Addition to the  
City of Wichita, Sedgwick County, Kansas

Petitioner shows that this property is owned by Jim Bannon and that this petitioner is the tenant.

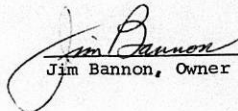
Petitioner does herewith make application to be permitted to operate a used car business as an exception in LC zoning but in conformity to Section 28.04.180 A14 of the Code of the City of Wichita, Kansas.

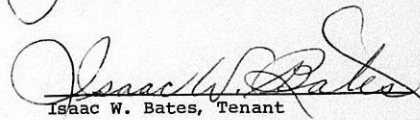
Petitioner shows that the area used for the used car business has been asphalted and that no repairs are made to automobiles and that there is no lighting of any kind, nor are there any projecting signs, nor are there any loud speakers or other noise devices.

Petitioner also shows that the area is contiguous to two main thoroughfares, same being West Street and Douglas Avenue.

Petitioner further shows that the business is not adjacent to a residential area.

Petitioner requests that the Board of Zoning Appeals set a time for the hearing of this request and requests and that said Board grant this petition.

  
Jim Bannon, Owner

  
Isaac W. Bates, Tenant

CITY OF WICHITA, KANSAS  
BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_  
FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. NAME OF APPLICANT Isaac Bates  
MAILING ADDRESS 107 N. West Street PHONE WH 3-5682  
NAME OF AUTHORIZED AGENT Harry W. Saums  
MAILING ADDRESS 1008 Brown Building PHONE AM 4-0336

(RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF tenant  
(OWNER, TENANT, LESSEE, OTHER)

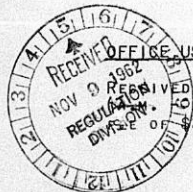
II. APPLICATION IS MADE FOR AN EXCEPTION AS PROVIDED IN SECTION  
28.04.180 a14, CODE OF THE CITY OF WICHITA, KANSAS,  
(ZONING ORDINANCE); TO PERMIT THE ~~INSTALLATION OF CONSTRUCTION~~  
~~operation~~ of used car business  
ON PROPERTY ZONED LC; LOCATED AT West St. and Douglas  
Avenue, Wichita, AND LEGALLY DESCRIBED AS LOT(S)  
9, Block(s) Block 24  
Parkwilde 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.

Isaac Bates  
APPLICANT

Harry W. Saums  
AUTHORIZED AGENT



OFFICE USE ONLY  
IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, 5:05 PM  
(P.M.) 5:05 PM, 1962, TOGETHER WITH APPROPRIATE  
DVS. # of 30.00 11-9-62

Harry W. Saums  
SIGNED

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:

All property within 200 feet of  
 Lot 9 Block 24, Parkwilde Add.



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

| LOT                       | BLOCK | ADDITION       | OWNER  |
|---------------------------|-------|----------------|--|
| N $\frac{1}{2}$ Lot 5     | 24    | Parkwilde Add. | Roy H. Budd<br>Mary M. Budd<br>123 N. West St            |
| S $\frac{1}{2}$ Lot 5     | "     | " "            | Paul J. Seltmann<br>115 N. West St                       |
| 7                         | "     | " "            | Jim. V. Bannon<br>4000 W. Douglas                        |
| 9                         | "     | " "            | Thal Bannon<br>4000 W. Douglas                           |
| N 95' 6                   | "     | " "            | Leslie G. Wilson<br>Pressie M. Wilson<br>130 N. Florence |
| S 25' 6 N 75'             | "     | " "            | Blanche Young<br>120 N. Florence                         |
| S 45' 8                   | "     | " "            | <i>dup</i><br>James Bannon<br>4000 W. Douglas            |
| E 50' 10 &<br>Vac St Adj. | "     | " "            | Leon B. Cohlmla<br>1932 University                       |



**Fidelity  
Title  
Company,  
inc.**

| LOT   | BLOCK | ADDITION           | OWNER  |
|---|-------|--------------------|--|
| W50' 10<br>& Vac St Adj   | 24    | Parkwilde          | Esther Lantis<br><i>530 S. TOPERA</i>  |
| E50' W200' 10<br>& Vac St Adj.  | "     | "                  | C.A. Legleiter<br>Martina Legleiter<br><i>636 N. GORDON</i>                    |
| W50' of E 100'<br>W150' 10 & Vac<br>St Adj.   | "     | "                  | Walter Ross<br>Nellie Ross<br><i>4118 W. Douglas</i>                           |
| E50' of W150'<br>10 & Vac St Adj.   | "     | "                  | E.K. Cleghorn<br>Martha Cleghorn<br><i>4114 W. Douglas</i>                     |
| W50' of E 100'<br>10 & Vac St Adj   | "     | "                  | Cloice W. Rector<br><i>4104 W. Douglas</i>                                     |
| 17 & S 20' 18   | 2     | Westborough 2nd    | Leland W. Balck<br><i>121 COLORADO</i>   |
| N40' 18 & S 40' 19  | "     | "                  | <i>TD 0001</i><br>Carl H. Woltz<br>Louise S. Woltz                             |
| N 20 ft 19 all<br>20  | "     | "                  | Richard M. Knight<br>Florence Irene Knight<br><i>101 COLORADO</i>              |
| Lot 21 & N 20'<br>Lot 22  | "     | "                  | Earl F. Ogden <i>12476</i><br>Ilda M. Ogden <i>anna</i>                        |
| 17, 18, 19  | 1     | "                  | Roy E. Schoeb<br><i>Box 127<br/>Cherokee, OKLA</i>                             |
| Lot 20 and N 20 ft 1<br>Lot 21  | "     | "                  | Leon B. Colhnia<br><i>1932 UNIVERSITY</i>                                      |
| Lot 5 Exc S 100'<br>of W 100'   |       | Black & Towns Add. | Charles D. Towns<br>Louise M. Towns<br>Leland W. Black<br><i>101 S. NEVADA</i> |
| Beginning at the NW Cor SW $\frac{1}{4}$ SW $\frac{1}{4}$<br>24-27-1w, East 155 ft, S 132, ft<br>W 155 ft, N 132 ft to Beg. |       |                    | Pete Psoltis<br><i>3949 W. Douglas</i>   |



Datd at Wichita, Kansas this 5th day  
of November 1962.

FIDELITY TITLE COMPANY INC.

By *C. E. Paul Kider*  
V.P.

No. 49709

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE -- FIRST FLOOR

Bld'g & Elev. \_\_\_\_\_ Elec. \_\_\_\_\_ Elev. Insp. \_\_\_\_\_  
Exam Fees \_\_\_\_\_ Hse. Mvr. \_\_\_\_\_ Hse. Moving \_\_\_\_\_  
Licse. \_\_\_\_\_ Mech. \_\_\_\_\_ Oil Well \_\_\_\_\_ Pav. Cuts \_\_\_\_\_  
Plan.  Pib'g. \_\_\_\_\_ Pib'g. Cert. \_\_\_\_\_  
Sanitation \_\_\_\_\_ Sewer \_\_\_\_\_ Signs \_\_\_\_\_ Sidewalk \_\_\_\_\_  
Street \_\_\_\_\_ Trailers \_\_\_\_\_

| DESCRIPTION                 | AMOUNT |
|-----------------------------|--------|
| B2A<br>Zoning App.<br>P 712 | 30.00  |

Name Harry Anderson

Address Bellevue Bldg.

Type \_\_\_\_\_ Due Date 11-13-62

Comments \_\_\_\_\_

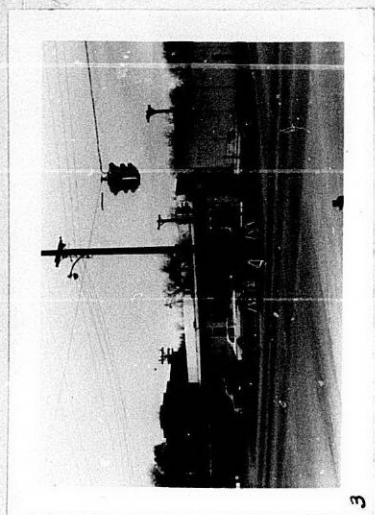
Date 11-13-62 By M. Martin



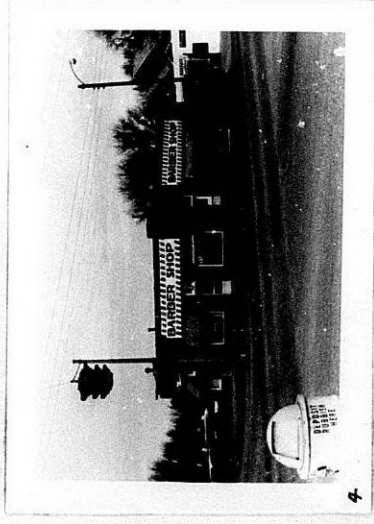
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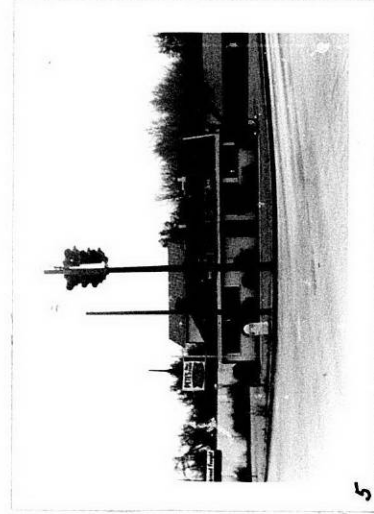
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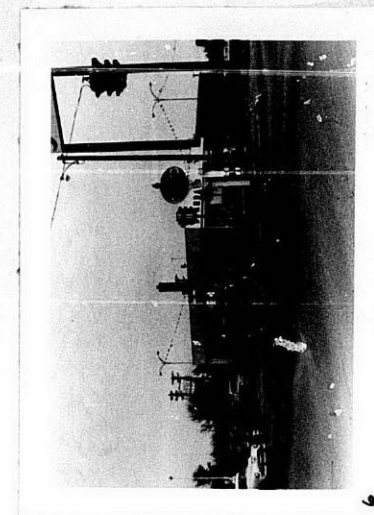
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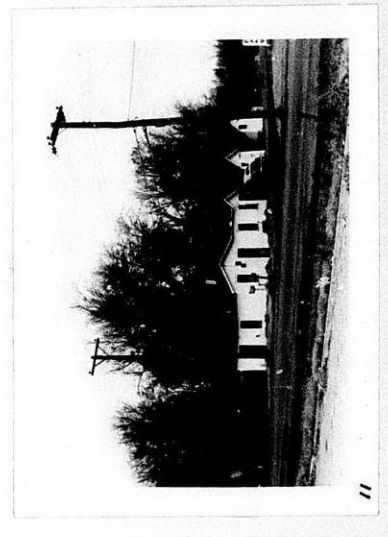
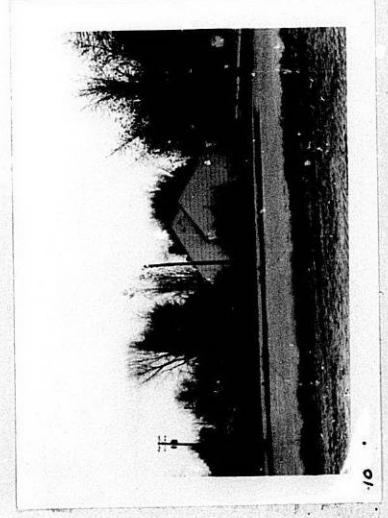
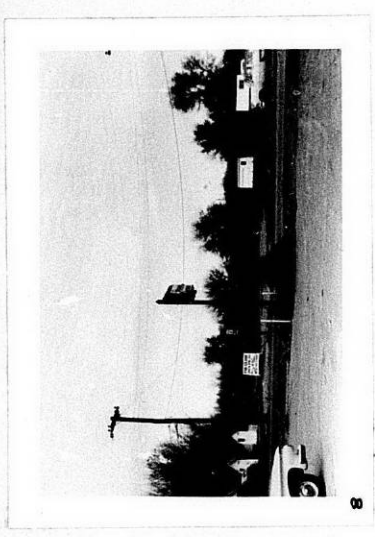
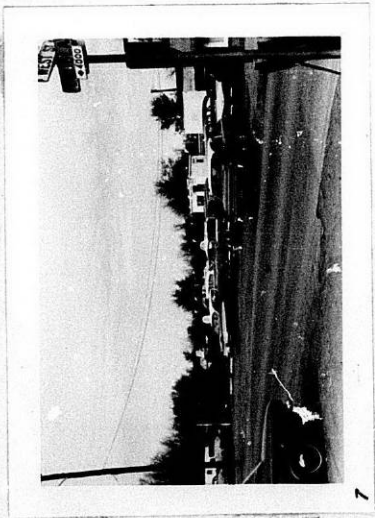
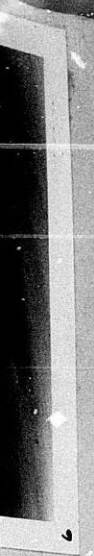


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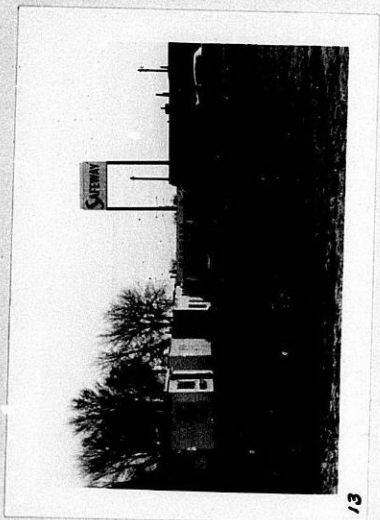


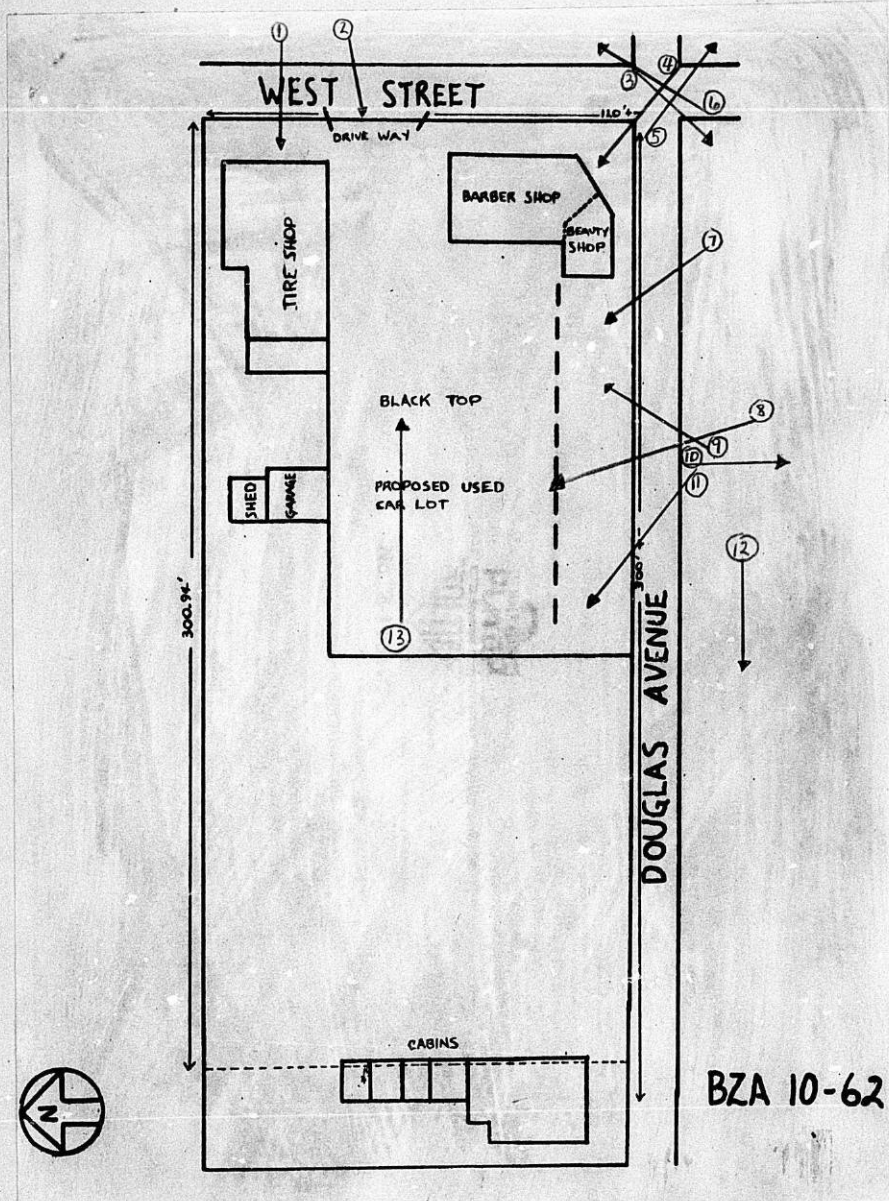
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WEST  
1000



2





BZA 10-62