

May 11, 1964

Mr. Roy L. Rogers, Attorney
435 North Main
Wichita, Kansas

Dear Mr. Rogers:

Re: Case No. BZA 12-64

On April 30, 1964, we advised you that the Board of Zoning Appeals had approved subject application for a self-service car wash operation to be located on the northeast side of George Washington Boulevard and west of Oliver. We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before May 8, 1964.

The City Clerk has advised that no appeal was filed on or before that date, 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,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Attachment

cc: Milton Zacharias, 435 North Main
Giant Investment, Inc., 435 North Main
Glen Lytle, Superintendent of Central Inspection

Board of Zoning Appeals

May 7, 1964

Robert G. Finch, City Clerk

Jack H. Galbraith, Secretary

Case No. BZA 12-64

Attached is a copy of Resolution No. BZA 12-64, covering action taken by the Board of Zoning Appeals in connection with the above numbered case, which case was heard by the Board on April 28, 1964. An appeal may be filed in your office on or before May 8, 1964. If an appeal is filed, please advise.

**Jack H. Galbraith
Secretary**

JHG:ber

Attachment

R E S O L U T I O N N O . B Z A 1 2 - 6 4

WHEREAS, Giant Investment, Inc., 435 North Main, Wichita, Kansas, by Milton Zacharias and/or Roy L. Rogers, attorneys, 435 North Main, Wichita, Kansas, request a variance as provided in Section 2.12.590.2, Code of the City of Wichita, to permit a self-service car wash operation in an "LC" district, on property legally described as:

Beginning at the southwest corner of the unpaved area of the Giant Merchandising Association parking lot, said point being 1,338.1' south of the NE corner of Section 2, Township 28 South, Range 1 East, and 293.75' west of the east line of said NE¼ of Section 2, Township 28 South, Range 1 East, thence northwesterly 150 feet along a line parallel to and 90 feet northeasterly from the center line of George Washington Boulevard, thence 150 feet easterly along a line parallel to the south line of the unpaved area in said parking lot, thence southeasterly 150 feet parallel to the line of beginning, thence southwesterly 150 feet to point of beginning along a line 40 feet north of the service station paving, being a tract in the Northeast quarter lying north and east of George Washington Boulevard, in Section 2, Township 28 South, Range 2 East, Sedgwick County, Kansas,

generally located on northeast side of George Washington Boulevard and west of Oliver; 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 of February 25, 1964, this application was deferred until the meeting of April 28, 1964; and

WHEREAS, new written notices were mailed to all interested parties prior to said deferred hearing; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of April 28, 1964, consider said application; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the request for variance arises from a condition which is found to be unique and not ordinarily found in the same zoning district inasmuch as the property is located in an unpaved area to the south of the parking lot of the Giant Merchandising Store, and further, the property is located on a fairly steep grade which would make it unsuitable for most other types of light commercial uses.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance, as approved, would not adversely affect the rights of adjacent property owners inasmuch as the property is located in a developed commercial area and consequently the self-service car wash should be very compatible with the existing commercial development; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the applicant inasmuch as it would be very difficult to develop this property for any other light commercial use, since the property is located on a fairly steep grade, and further, the location of the Giant Store and parking to the north and the service station to the south also make property unfeasible for almost every other type of "LC" use; and

WHEREAS, the Board of Zoning Appeals has found that the variance, as approved, will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

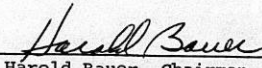
WHEREAS, as shown above, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita, to be present before a variance can be granted, has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the variance requested be approved and the Superintendent of Central Inspection be authorized to issue a building permit for the construction and operation of a car washing operation on the above described property, subject to the following:

1. There shall be a minimum lot area of three thousand five hundred (3,500) square feet for each car washing stall, provided the minimum lot area shall be not less than seven thousand five hundred (7,500) square feet.
2. All of 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.
3. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
4. No sign shall exceed twenty-five (25) feet in height.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. Off-street holding spaces shall be provided on the property in a ratio of not less than four (4) parking spaces for each car washing stall. Off-street drying spaces shall be provided on the property in a ratio of not less than two (2) parking spaces for each car washing stall. One off-street parking space shall be provided for each employee.
7. A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the time a permit is issued for such operation.

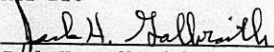
8. All drainage, both natural and that created by the operation, shall be handled on the site or in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
9. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
10. Construction shall be completed within 12 months from the effective date of the approval of this application or the permit shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of April,
1964.



Harold Bauer, Chairman

ATTEST:



Jack H. Galbraith
Secretary

April 30, 1964

Mr. Roy L. Rogers, Attorney
435 North Main
Wichita, Kansas

Dear Mr. Rogers:

Re: Case No. BZA 12-64

This is to advise you that at its regular meeting of April 28, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for a variance to permit property generally located on the northeast side of George Washington Boulevard and west of Oliver, to be used for a self-service car wash operation.

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

1. There shall be a minimum lot area of three thousand five hundred (3,500) square feet for each car washing stall, provided the minimum lot area shall be not less than seven thousand five hundred (7,500) square feet.
2. All of 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.
3. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
4. No sign shall exceed twenty-five (25) feet in height.
5. No sound projecting devices or loud speakers shall be used so as to be heard outside of any structure.
6. Off-street holding spaces shall be provided on the property in a ratio of not less than four (4) parking spaces for each car washing stall. Off-street drying spaces

Page 2 - Roy L. Rogers
April 30, 1964

shall be provided on the property in a ratio of not less than two (2) parking spaces for each car washing stall. One off-street parking space shall be provided for each employee.

7. A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the time a permit is issued for such operation.
8. All drainage, both natural and that created by the operation, shall be handled on the site or in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
9. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
10. Construction shall be completed within 12 months from the effective date of the approval of this application or the permit shall be null and void.

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 May 8, 1964.

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 May 8, 1964, 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,

Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: Milton Zacharias
435 North Main

Giant Investment, Inc.
435 North Main

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

CASE NO. BZA 12-64

6 NOTICES MAILED APRIL 9, 1964 FOR HEARING APRIL 28, 1964

Giant Investment, Inc.
435 North Main

Milton Zacharias
435 North Main

Roy L. Rogers
435 North Main

Ruth J. Love, Executrix
158 South Chautauqua

Joe E. Schuhs
Vivian Schuhs
3615 Lavon

Ray E. Dwyer
Helen F. Dwyer
20 Willowbrook

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

10
April 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 12-64

An application has been filed by Giant Investment, Inc., by Milton Zacharias and/or Roy L. Rogers, 435 North Main, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance to allow a self-service car wash operation to be permitted in an "IC" zoning classification, on property legally described as follows:

Beginning at the southwest corner of the unpaved area of the Giant Merchandising Association parking lot, said point being 1,338.1' south of the NE corner of Section 2, Township 28 South, Range 1 East, and 293.75' west of the east line of said NE $\frac{1}{4}$ of Section 2, Township 28 South, Range 1 East, thence northwesterly 150 feet along a line parallel to and 90 feet northeasterly from the center line of George Washington Boulevard, thence 150 feet easterly along a line parallel to the south line of the unpaved area in said parking lot, thence southeasterly 150 feet parallel to the line of beginning, thence southwesterly 150 feet to point of beginning along a line 40 feet north of the service station paving, being a tract in the northeast quarter lying north and east of George Washington Boulevard, in Section 2, Township 28 South, Range 2 East, Sedgwick County, Kansas. Generally located on northeast side of George Washington Boulevard and west of Oliver.

This application has been assigned Case No. BZA 12-64, and will be re-considered by the Board of Zoning Appeals on Tuesday, April 28, 1964, 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 attorney or agent.

Jack H. Galbraith
Secretary

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

April 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 12-64

An application has been filed by Giant Investment, Inc., by Milton Zacharias and/or Roy L. Rogers, 435 North Main, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance to allow a self-service car wash operation to be permitted in an "LC" zoning classification, on property legally described as follows:

Beginning at the southwest corner of the unpaved area of the Giant Merchandising Association parking lot, said point being 1,338.1' south of the NE corner of Section 2, Township 28 South, Range 1 East, and 293.75' west of the east line of said NE $\frac{1}{4}$ of Section 2, Township 28 South, Range 1 East, thence northwesterly 150 feet along a line parallel to and 90 feet northeasterly from the center line of George Washington Boulevard, thence 150 feet easterly along a line parallel to the south line of the unpaved area in said parking lot, thence southeasterly 150 feet parallel to the line of beginning, thence southwesterly 150 feet to point of beginning along a line 40 feet north of the service station paving, being a tract in the northeast quarter lying north and east of George Washington Boulevard, in Section 2, Township 28 South, Range 2 East, Sedgwick County, Kansas. Generally located on northeast side of George Washington Boulevard and west of Oliver.

This application has been assigned Case No. BZA 12-64, and will be re-considered by the Board of Zoning Appeals on Tuesday, April 28, 1964, 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 attorney or agent.

Jack H. Galbraith
Secretary

March 12, 1964

Mr. Roy L. Rogers, Attorney
435 North Main
Wichita, Kansas

Dear Mr. Rogers:

Re: Case No. BZA 12-64

On March 5, 1964, the Metropolitan Area Planning Commission, at the request of the Board of Zoning Appeals, considered the problem of self-service car washes in the "LC" Light Commercial District. The Commission directed the staff to advertise for public hearing to amend the zoning ordinance to allow the Board of Zoning Appeals to authorize as an exception the location of self-service car washes in the "LC" district, subject to certain conditions to be outlined in the ordinance.

The staff has prepared an amendment which will be advertised for a public hearing before the Planning Commission at 2 o'clock on April 2, 1964, in Room 401 City Building Annex, Wichita, Kansas. You are invited to attend this hearing and express any opinion or comments you might have on the proposed amendment.

If the Planning Commission does not defer action, its recommendation on the amendment will be forwarded to the City Commission for its consideration on April 21, 1964. If the City Commission approves the amendment, it will be published on or around May 4, 1964.

On February 25, 1964, the Board of Zoning Appeals deferred the above variance application for 60 days, in order to give the Planning Commission sufficient time to decide what should be done about amending the ordinance relative to self-service car washes. If the Planning Commission, at the hearing on April 2, approves the proposed amendment, the staff will recommend to the Board of Zoning Appeals that the above application, which was deferred until April 28, again be deferred until May 26, 1964, by which time the proposed amendment should be adopted. Our department will then initiate an application (at no expense to you)

Page 2 - Roy L. Rogers, Attorney
March 12, 1964

for an exception to the ordinance for the now pending request, which will be heard by the Board on May 26.

We are enclosing herewith a copy of the proposed amendment which will be considered by the Planning Commission on April 2.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber

Enclosure

cc: Giant Investments, Inc.,
435 North Main
Wichita, Kansas

February 27, 1964

Mr. Roy L. Rogers, Attorney
435 North Main
Wichita, Kansas

Dear Mr. Rogers:

Re: Case No. BZA 12-64

This is to advise you that at its regular meeting of February 25, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for a variance to allow a self-service car wash operation in an "LC" zoning, generally located on northeast side of George Washington Boulevard and west of Oliver.

It was pointed out at the meeting that the Board of Zoning Appeals, at the last meeting had referred the problem of self-service car washes to the Planning Commission, and asked that it provide a solution through an amendment of the zoning ordinance, if appropriate. This matter will be presented to the Planning Commission at its meeting on March 5, 1964, at 2 p.m. in Room 401 City Building Annex, and you are invited to attend that meeting, if you so desire, to discuss this matter with the Planning Commissioners.

In view of the referral to the Planning Commission, it was the action of the Board of Zoning Appeals to defer this application until such time as the Planning Commission, and possibly the City Commission, have had a chance to consider the feasibility of amending the zoning ordinance to provide a definite method of locating self-service car wash operations, but in no event would the application be deferred more than 60 days.

Very truly yours,

Robert A. Lakin
Secretary

RAL:ber

cc: Giant Investments, Inc., 435 North Main
Glen Lytle, Superintendent of Central Inspection
Robert Finch, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 12-64

APPLICANT: Giant Investment, Inc., 435 North Main

AGENT: Milton Zacharias and/or Roy L. Rogers, 435 North Main

REQUEST: Variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow a self-service car wash operation in an "LC" district.

LOCATION: Generally located in an area to the northeast of George Washington Boulevard and west of Oliver.

ZONING: Property in question is zoned "LC" Light Commercial. To the east and south is "LC"; west is "AA" and "RB"

LAND USE: Property in question is vacant. To the north is the Giant Store; east is used car sales; south is a service station; west is single family.

JURISDICTION: The Board has authority to grant the variance request when all four of the following conditions are found to exist:

1. Variance arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. Granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. Strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. Variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

GENERAL COMMENT: The applicant has submitted a statement of justification and plot plan which are included as Attachments #1 and #2 to this report.

UNIQUENESS: The applicant contends that this request is unique in view of the fact that self-service car washes were not in existence at the time the ordinance was adopted in 1958 and

further, the car wash is compatible with other light commercial uses, i.e., carry-out restaurants and service stations, which perform the same function of washing cars. He further suggests the property is unique in view of the fact that the area is surrounded by the parking lot of Giant Store; further, the property is located in a section of paved property that is presently unpaved.

The Secretary is of the opinion that this property might be considered somewhat unique in view of the fact that it is located in an unpaved area which is in an area south of the parking lot of the Giant Merchandising Store. This property also might be considered unique inasmuch as it is located on a fairly steep grade which would make it unsuitable for most other types of light commercial uses.

ADJACENT PROPERTY: The Secretary is of the opinion that because of the location of the property, that the granting of the variance should in no way adversely affect the rights of adjacent properties.

HARDSHIP: The applicant suggests a hardship would exist if the variance is not granted, inasmuch as the land is unusable for other types of light commercial use.

The Secretary is of the opinion that hardship should be so interpreted as to mean that the property could not be used for the purpose for which it is zoned. In this instance, the applicant has offered no evidence in support of the fact that the property cannot be used for the purpose for which it is zoned; however, it would appear, because of the location of the Giant Store and parking to the north, and service station to the south, that it might be very difficult to develop this property for other types of light commercial use. The property in question is also, as discussed earlier, located on a steep grade (there is a drop of 8 feet from the west line of Oliver to the east line of George Washington Boulevard), which, in the Secretary's opinion, would make this property very difficult to develop except for a use of this type.

PUBLIC INTEREST: The Secretary is of the opinion that the granting of this variance should in no way adversely affect the public interest.

RECOMMENDATION: In view of the foregoing discussion of this application, it is the opinion of the Secretary that all four conditions necessary to the granting of a variance probably can be found to exist. Although all four conditions can probably be found to exist in this particular case, it is still the belief of the

Secretary that the proper approach to this problem is either through

1. The amendment of the ordinance permitting this type of operation as a "use by right" in the "IC" district, or
2. Amending the zoning maps to a classification where there is no doubt that this use is permitted, and that is the "C" Commercial district.

If it is the desire of the Board to approve the application, it is the recommendation of the Secretary that the variance be approved, subject to the following conditions and requirements:

1. That drainage, both surface and runoff created by the operation, shall be handled in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
2. The entire area to be utilized by the washing and drying operation, as well as areas of ingress and egress, shall be hardsurfaced with either concrete, asphalt, or asphaltic concrete.
3. Adequate maintenance shall be provided by inspection twice daily for proper maintenance and removal of trash.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structures.
5. All lights shall be shielded to reflect or direct light away from the nearest residential property. No string type lighting shall be permitted.
6. Construction shall be completed within 12 months from the effective date of the approval of this application or the permit shall be null and void.

Attachments

- #1 - Statement of justification
- #2 - Plot Plan

ROY L. ROGERS
ATTORNEY AT LAW
709 BITTING BUILDING
WICHITA 2, KANSAS

FD 3-3246

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

RE: GIANT INVESTMENT, INC.

The variance requested is to permit the operation of self service car wash. The car wash will consist of four wash stalls and a pump house. Construction will be of Steel and will be roofed over concrete slab, and with asphalted approaches.

The area is surrounded by the parking lot of Giant Merchandising Association and ingress and egress to the car wash will be from the parking lot. Ingress & egress from the parking lot is from either Oliver Street or George Washington Boulevard. No traffic pile up would be anticipated.

Adequate utilities are available, and sewage disposal has been checked with the City of Wichita and with the Sedgewick County and City of Wichita Board of Health.

(A) The variance desired is unique in that (1) no self service car washes were in existence at the time of the adoption of the zoning ordinance (2) The car wash is compatible with other light commercial uses, e.g. carry out restaurants, service stations, which perform the same function of washing cars, and (3) adequate off street parking is provided for persons waiting to use the service. (4) property is located in the section of the paved parking area that is presently unpaved.

(B) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. The operation is quiet, and the movement of cars does not raise normal traffic noise adequate waste disposals will be provided to maintain normally clean operation, and could be no more offensive than other permitted uses.

(C) The strict application of the enforcement provisions of the ordinance will constitute unnecessary hardship as the land is not useable as vacant property and owner has not been able to derive revenue therefrom.

(D) The variance desired will not adversely affect the public health, safety, morals, order, conveniences of property or general welfare.

Roy L. Rogers

Case No. BZA 12-64
Attachment #1

SECRETARY'S REPORT**CASE NO. BZA 12-64****APPLICANT:** Giant Investment, Inc., 435 North Main**AGENT:** Milton Zacharias and/or Roy L. Rogers, 435 North Main**REQUEST:** Variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow a self-service car wash operation in an "LC" district.**LOCATION:** Generally located in an area to the northeast of George Washington Boulevard and west of Oliver.**ZONING:** Property in question is zoned "LC" Light Commercial. To the east and south is "LC"; west is "AA" and "RB"**LAND USE:** Property in question is vacant. To the north is the Giant Store; east is used car sales; south is a service station; west is single family.**JURISDICTION:** The Board has authority to grant the variance request when all four of the following conditions are found to exist:

1. Variance arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. Granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. Strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. Variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

GENERAL COMMENT: The applicant has submitted a statement of justification and plot plan which are included as Attachments #1 and #2 to this report.**UNIQUENESS:** The applicant contends that this request is unique in view of the fact that self-service car washes were not in existence at the time the ordinance was adopted in 1958 and

Page 2 - Secretary's Report
Case No. BZA 12-64

further, the car wash is compatible with other light commercial uses, i.e., carry-out restaurants and service stations, which perform the same function of washing cars. He further suggests the property is unique in view of the fact that the area is surrounded by the parking lot of Giant Store; further, the property is located in a section of paved property that is presently unpaved.

The Secretary is of the opinion that this property might be considered somewhat unique in view of the fact that it is located in an unpaved area which is in an area south of the parking lot of the Giant Merchandising Store. This property also might be considered unique inasmuch as it is located on a fairly steep grade which would make it unsuitable for most other types of light commercial uses.

ADJACENT PROPERTY: The Secretary is of the opinion that because of the location of the property, that the granting of the variance should in no way adversely affect the rights of adjacent properties.

HARDSHIP: The applicant suggests a hardship would exist if the variance is not granted, inasmuch as the land is unusable for other types of light commercial use.

The Secretary is of the opinion that hardship should be so interpreted as to mean that the property could not be used for the purpose for which it is zoned. In this instance, the applicant has offered no evidence in support of the fact that the property cannot be used for the purpose for which it is zoned; however, it would appear, because of the location of the Giant Store and parking to the north, and service station to the south, that it might be very difficult to develop this property for other types of light commercial use. The property in question is also, as discussed earlier, located on a steep grade (there is a drop of 8 feet from the west line of Oliver to the east line of George Washington Boulevard), which, in the Secretary's opinion, would make this property very difficult to develop except for a use of this type.

PUBLIC INTEREST: The Secretary is of the opinion that the granting of this variance should in no way adversely affect the public interest.

RECOMMENDATION: In view of the foregoing discussion of this application, it is the opinion of the Secretary that all four conditions necessary to the granting of a variance probably can be found to exist. Although all four conditions can probably be found to exist in this particular case, it is still the belief of the

Page 3 - Secretary's Report
Case No. BZA 12-64

Secretary that the proper approach to this problem is either through

1. The amendment of the ordinance permitting this type of operation as a "use by right" in the "LC" district, or
2. Amending the zoning maps to a classification where there is no doubt that this use is permitted, and that is the "C" Commercial district.

If it is the desire of the Board to approve the application, it is the recommendation of the Secretary that the variance be approved, subject to the following conditions and requirements:

1. That drainage, both surface and runoff created by the operation, shall be handled in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
2. The entire area to be utilized by the washing and drying operation, as well as areas of ingress and egress, shall be hardsurfaced with either concrete, asphalt, or asphaltic concrete.
3. Adequate maintenance shall be provided by inspection twice daily for proper maintenance and removal of trash.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structures.
5. All lights shall be shielded to reflect or direct light away from the nearest residential property. No string type lighting shall be permitted.
6. Construction shall be completed within 12 months from the effective date of the approval of this application or the permit shall be null and void.

Attachments

- #1 - Statement of justification
- #2 - Plot Plan

CASE NO. BZA 12-64

NOTICES MAILED FEBRUARY 6, 1964 FOR HEARING ON FEBRUARY 25, 1964

Giant Investment, Inc.
435 North Main

Milton Zacharias
435 North Main

Roy L. Rogers
435 North Main

Ruth J. Love, Executrix
158 South Chautauqua

Joe E. Schuhs
Vivian Schuhs
3615 Lavon

Ray E. Dwyer
Helen F. Dwyer
20 Willowbrook

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

February 6, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 12-64

An application has been filed by Giant Investment, Inc., by Milton Zacharias and/or Roy L. Rogers, 435 North Main, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance to allow a self service car wash operation to be permitted in an "RC" zoning classification, on property legally described as follows:

Beginning at the southwest corner of the unpaved area of the Giant Merchandising Association parking lot, said point being 1,338.1' south of the NE corner of Section 2, Township 28 South, Range 1 East, and 293.75' west of the east line of said NE $\frac{1}{4}$ of Section 2, Township 28 South, Range 1 East, thence northwesterly 150 feet along a line parallel to and 90 feet northeasterly from the center line of George Washington Boulevard, thence 150 feet easterly along a line parallel to the south line of the unpaved area in said parking lot, thence southeasterly 150 feet parallel to the line of beginning, thence southwesterly 150 feet to point of beginning along a line 40 feet north of the service station paving, being a tract in the northeast quarter lying north and east of George Washington Boulevard, in Section 1, Township 28 South, Range 2 East, Sedgwick County, Kansas. Generally located on northeast side of George Washington Boulevard and west of Oliver.

This application has been assigned Case No. BZA 12-64, and a hearing will be held before the Board of Zoning Appeals on Tuesday, February 25, 1964, at 2 p.m. in Room 402 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by attorney or agent.

Robert A. Lakin
Secretary

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

February 6, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 12-64

An application has been filed by Giant Investment, Inc., by Milton Zacharias and/or Roy L. Rogers, 435 North Main, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance to allow a self service car wash operation to be permitted in an "LC" zoning classification, on property legally described as follows:

Beginning at the southwest corner of the unpaved area of the Giant Merchandising Association parking lot, said point being 1,338.1' south of the NE corner of Section 2, Township 28 South, Range 1 East, and 293.75' west of the east line of said NE $\frac{1}{4}$ of Section 2, Township 28 South, Range 1 East, thence northwesterly 150 feet along a line parallel to and 90 feet northeasterly from the center line of George Washington Boulevard, thence 150 feet easterly along a line parallel to the south line of the unpaved area in said parking lot, thence southeasterly 150 feet parallel to the line of beginning, thence southwesterly 150 feet to point of beginning along a line 40 feet north of the service station paving, being a tract in the northeast quarter lying north and east of George Washington Boulevard, in Section 2, Township 28 South, Range 2 East, Sedgwick County, Kansas. Generally located on northeast side of George Washington Boulevard and west of Oliver.

This application has been assigned Case No. BZA 12-64, and a hearing will be held before the Board of Zoning Appeals on Tuesday, February 25, 1964, 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 attorney or agent.

Robert A. Lakin
Secretary

15

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 12-64
FILED _____

APPLICATION FOR VARIANCE

1. Name of Applicant GIANT INVESTMENT, INC.
Mailing Address 435 North Main Phone FO 3-7592
Name of Authorized Agent Milton Zacharias and or Roy L. Rogers
Mailing Address 435 North Main Phone FO 3-7592
Relationship of applicant to property is that of Lessee
(owner, tenant, lessee, other)

II. The variance requested is from Light Commercial to Commercial as per attached documents, ; property is not utilizesble for any present zoning and will not adversely affect any adjacent property zoning. To allow a self service car wash operation to be permitted in an "il" zoning classifie this (Section 2,12.590.2) Southwest corner of unpaved area of Giant Merchandising association, Northwest from intersection of George Washington Blvd and Oliver

and legally described as: NE 1/4 of Section 2-28-1E Lying North and East of George Wqshington Boulevard except streets. as per attached descriptions

in the City of Wichita; and which is presently zoned Light Commercial
(Give metes and bounds description below if appropriate):

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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;
 - That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
 - That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

GIANT INVESTMENT, INC.

Applicant

Roy L. Rogers

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 11:30 AM (a.m. - p.m.), Feb 5, 19 64, together with appropriate fee of \$50.00.

T21-402

James W. Howe
Signed

Beginning at the southwest corner of the unpaved area of the Giant Merchandising Association parking lot ^{said point being} ~~thence~~ ^{*} northwesterly 150 feet along a line parallel to and ~~90~~ ⁷⁰ feet northeasterly from the ~~southwest curb line of the said parking lot,~~ ^{center line of George Washington Boulevard,} thence 150 feet easterly along a line parallel to the south line of the unpaved area in said parking lot, thence southeasterly 150 feet parallel to the line of beginning, thence southwesterly 150 feet to point of beginning along a line 40 feet north of the service station paving, being a tract in the Northeast Quarter lying North and East of George Washington Boulevard, in Section 2, Township 28 South, Range 2 East, Sedgwick County, Kansas.

* 1,338.1' S of the NE corner Sec 2 TWP 28S R1E
and 293.75' W of the E line of said NE ¼
of Sec 2 TWP 28S R1E

CORRECTED LEGAL DESCRIPTION

Beginning at the southwest corner of the unpaved area of the Giant Merchandising Association parking lot, said point being 1,338.1' south of the NE corner of Section 2, Township 28 South, Range 1 East, and 293.75' West of the east line of said NE ¼ of Section 2, Township 28 South, Range 1 East, thence northwesterly 150 feet along a line parallel to and 90 feet northeasterly from the center line of George Washington Boulevard, thence 150 feet easterly along a line parallel to the south line of the unpaved area in said parking lot, thence southeasterly 150 feet parallel to the line of beginning, thence southwesterly 150 feet to point of beginning along a line 40 feet north of the service station paving, being a tract in the Northeast Quarter lying North and East of George Washington Boulevard, in Section 2, Township 28 South, Range 2 East, Sedgwick County, Kansas.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR VARIANCE

1. Name of Applicant GIANT INVESTMENT, INCORPORATED
Mailing Address 435 North Main Phone FO 3-7592
Name of Authorized Agent Milton Zacharias and/or Roy L. Rogers
Mailing Address 435 North Main Phone FO 3-7592
Relationship of applicant to property is that of Lessee
(owner, tenant, lessee, other)

II. The variance requested is From Light Commercial, to Commercial as
per attached documents. Property is utilizeable for any present zoning
and will not adversely affect any adjacent Zoning.
for property located Southwest corner of unpaved area of Giant Merchandising
association Northwest from intersection of George Washington Blvd and Oliver
and legally described as: NE 1/4 of Section 2-28-1E Lying North and east and
east of George Washington Boulevard except streets. as per attached description
in the City of Wichita; and which is presently zoned Light Commercial
(Give metes and bounds description below if appropriate):

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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;
 - That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
 - That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

GIANT INVESTMENT, INC.

Applicant

Roy L. Rogers
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
(a.m. - p.m.), _____, 19____, together with
appropriate fee of \$50.00.

T21-402

Signed _____

Beginning at the southwest corner of the unpaved area of the Giant Merchandising Association parking lot, thence northwesterly 150 feet along a line parallel to and 40 feet northeasterly from the southwest curb line of the said parking lot, thence 150 feet easterly along a line parallel to the south line of the unpaved area in said parking lot, thence southeasterly 150 feet parallel to the line of beginning, thence southwesterly 150 feet to point of beginning along a line 40 feet north of the service station paving, being a tract in the Northeast Quarter lying North and East of George Washington Boulevard, in Section 2, Township 28 South, Range 2 East, Sedgwick County, Kansas.

CORRECTED LEGAL DESCRIPTION

Beginning at the southwest corner of the unpaved area of the Giant Merchandising Association parking lot, said point being 1,338.1' south of the NE corner of Section 2, Township 28 South, Range 1 East, and 293.75' West of the east line of said NE $\frac{1}{4}$ of Section 2, Township 28 South, Range 1 East, thence northwesterly 150 feet along a line parallel to and 90 feet northeasterly from the center line of George Washington Boulevard, thence 150 feet easterly along a line parallel to the south line of the unpaved area in said parking lot, thence southeasterly 150 feet parallel to the line of beginning, thence southwesterly 150 feet to point of beginning along a line 40 feet north of the service station paving, being a tract in the Northeast Quarter lying North and East of George Washington Boulevard, in Section 2, Township 28 South, Range 2 East, Sedgwick County, Kansas.

ROY L. ROGERS
ATTORNEY AT LAW
708 BITTING BUILDING
WICHITA 2, KANSAS

FO 3-3246

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

RE: GIANT INVESTMENT, INC.

The variance requested is to permit the operation of a self service car wash. The car wash will consist of four wash stalls and a pump house. Construction will be of Steel and will be roofed over concrete slab, and with asphalted approaches.

The area is surrounded by the parking lot of Giant Merchandising Association and ingress and egress to the car wash will be from the parking lot. Ingress & egress from the parking lot is from either Oliver Street or George Washington Boulevard. No traffic pile up would be anticipated.

Adequate utilities are available, and sewage disposal has been checked with the City of Wichita and with the Sedgewick County and City of Wichita Board of Health.

- (A) The variance desired is unique in that (1) no self service car washes were in existence at the time of the adoption of the zoning ordinance (2) The car wash is compatible with other light commercial uses, e.g. carry out restaurants, service stations, which perform the same function of washing cars, and (3) adequate off street parking is provided for persons waiting to use the service. (4) property is located in the section of the paved parking area that is presently unpaved.
- (B) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. The operation is quiet, and the movement of cars does not raise normal traffic noise adequate waste disposals will be provided to maintain normally clean operation, and could be no more offensive than other permitted uses.
- (C) The strict application of the enforcement provisions of the ordinance will constitute unnecessary hardship as the land is not useable as vacant property and owner has not been able to derive revenue therefrom.
- (D) The variance desired will not adversely affect the public health, safety, morals, order, conveniences of property or general welfare.

Roy L. Rogers

Case No. BZA 12-64
Attachment #1

ROY L. ROGERS
ATTORNEY AT LAW
709 BITTING BUILDING
WICHITA 2, KANSAS

FO 3-3248

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

RE: GIANT INVESTMENT, INC.

The variance requested is to permit the operation of a self service car wash. The car wash will consist of four wash stalls and a pump house. Construction will be of Steel and will be roofed over concrete slab, and with asphalted approaches.

The area is surrounded by the parking lot of Giant Merchandising Association and ingress and egress to the car wash will be from the parking lot. Ingress & egress from the parking lot is from either Oliver Street or George Washington Boulevard. No traffic pile up would be anticipated.

Adequate utilities are available, and sewage disposal has been checked with the City of Wichita and with the Sedgewick County and City of Wichita Board of Health.

The variance desired is unique in that (1) no self service car washes were in existence at the time of the adoption of the zoning ordinance (2) The car wash is compatible with other light commercial uses, e.g. carry out restaurants, service stations, which perform the same function of washing cars, and (3) adequate off street parking is provided for persons waiting to use the service. (4) property is located in the section of the paved parking area that is presently unpaved.

(B) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. The operation is quiet, and the movement of cars does not raise normal traffic noise adequate waste disposals will be provided to maintain normally clean operation, and could be no more offensive than other permitted uses.

(C) The strict application of the enforcement provisions of the ordinance will constitute unnecessary hardship as the land is not useable as vacant property and owner has not been able to derive revenue therefrom.

(D) The variance desired will not adversely affect the public health, safety, morals, order, conveniences of property or general welfare.

G
U
A
R
A
N
T
E
E
A
B
S
T
R
A
C
T
C
O
.,
I
N
C.

CERTIFICATE OF OWNERSHIP

The GUARANTEE ABSTRACT CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds, Sedgwick County, Kansas, of the real estate within a radius of 200 feet of the following described property, and including the following described property:

Beginning at the Southwest corner of the unpaved area of the Giant Merchandising Association parking lot, thence northwesterly 150 feet along a line parallel to and 40 feet northeasterly from the southwest curb line of the said parking lot, thence 150 feet easterly along a line parallel to the south line of the unpaved area in said parking lot, thence southeasterly 150 feet parallel to the line of beginning, thence southwesterly 150 feet to point of beginning along a line 40 feet north of the service station paving, being a tract in the Northeast Quarter lying North and East of George Washington Boulevard, in Section 2, Township 28 South, Range 2 East, Sedgwick County, Kansas.

Description	Owner/Owners
The Northeast Quarter (NE $\frac{1}{4}$) of Section 2-28-1E lying north and east of George Washington Boulevard except streets.	Lillie M. Love (deceased) (Ruth J. Love, Executrix, 158 S. Chautauqua)

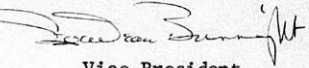
Description	Owner/Owners
G Beginning 1,475' N of SW corner of NW $\frac{1}{2}$ Sec. 1-28-1E; N 100'; E U at interior angle of 91° 30', 520'; S 100'; W 520' to beg, A except right of way for Oliver St.	Kansas Developers, Inc. <i>no add</i>
R Beginning 30' East of West line and 1475' N of SW corner of NW $\frac{1}{2}$ A Sec. 1-28-1E; N 100'; E 490'; N S 100'; W 490' to beg.	Kansas Developers, Inc.
T Beginning 1214' N of SW/cor of NW $\frac{1}{2}$ Sec. 1-28-1E; thence E at E included angle 91° 30" 307.8'; E thence SEly 200.89' to point 1014' N & 344.05' E of SW corner of NW"; thence W 344.05'; A thence N 200' to beginning, except W 50' for road.	Joe E. Schuhs Vivian Schuhs 3615 Lavon
B Beginning 1014' North of SW corner of NW $\frac{1}{2}$ of Sec. 1-28-1E; thence E at S 91° 30" angle 344.05', thence SEly 109.3' to point NWly of R/W line T of Kansas Turnpike; thence SWly along NWly R/W line of Kansas R Turnpike 22.85' to point 889' N and 348.16' E of SW/corner of A NW" Sec. 1; W 348.16'; N 125' along W line NW $\frac{1}{2}$ Sec. 1 to beginning, C except W 50' for road.	Ray E. Dwyer Helen F. Dwyer 20 Willowbrook
T That part lying within 200 feet of captioned property being a part of C NE $\frac{1}{2}$ Sec. 2-28-1E lying S & E of the part platted as Planeview Sub- O., division No. 1, and S & W of George Washington Boulevard.	Lillie M. Love (deceased) (Ruth J. Love, is Executrix) (158 S. Chautauqua)
I Beg at SW/corner of unpaved area of the Giant Merchandising Association N parking lot, thence NWly 150' along a line parallel to & 40' NEly from the C SW curb line of the said parking lot, thence 150' Easterly along a line parallel to the S line of unpaved area in said parking lot, th SEly 150' parallel	

to line of beginning, thence SWly 150'
to point of beginning along a line 40'
N of the service station paving, being
a tract in NE $\frac{1}{4}$ lying N & E of George
Washington Boulevard, in Sec. 2-28-1E,
Sedgwick County, Kansas.

G
U
A
R
A
N
T
E
E
A
B
S
T
R
A
C
T
C
O.,
I
N
C.

WITNESS our Hand and Seal this the 29th day of January,
1964, at 7:00 o'clock A. M.

GUARANTEE ABSTRACT CO., INC.

By 
Vice President

No. 57108

*

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