

BZA 12-69 - Jobbers Air Cond. & Heating, Inc., request exception to permit display of mobile homes on property zoned "LC" in an area N of Kellogg and east of Greenwich Rd.

POSTED
6-17-69

ACTION

COMMITTEE Approve DATE 7-22-69

~~MARC~~

Discarded

POSTED
6-22-69
BZM
10-6-69

Map No. 6247
 Sec. 22
 Twp. 27
 Range 2E

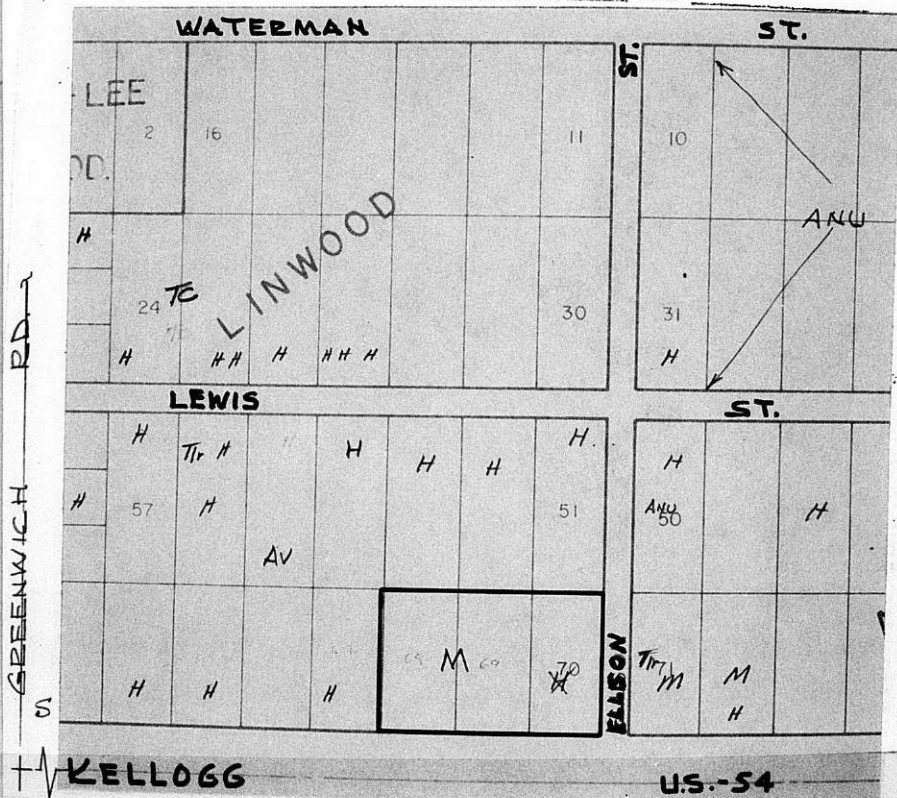
ERA 12-69
 SCZ-
 CU-
 Filed

AREA DATA:

1. Acres: 2.7 (308 ft. by 383 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East MOBILE HOME MOTEL South US 54 HIGHWAY & VC
 West SINGLE FARM North SINGLE FARM, MESSY UPDATE 4/11/78
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: VAC & MOTEL
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



R E S O L U T I O N N O . B Z A 1 2 - 6 9

WHEREAS, Jobbers Air Conditioning & Heating, Inc., 1223 South Santa Fe, by R. D. Davis, 1101 North Pinecrest, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a mobile home sales lot on property zoned "LC" Light Commercial and legally described as follows:

East 2 feet of Lot 67 and all of Lots 68, 69 and 70, Linwood Acres Addition, Sedgwick County, Kansas. Generally located in an area north of Kellogg and east of Greenwich Road.

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 July 22, 1969, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the installation of a mobile home sales lot on property zoned "LC" Light Commercial, subject to the conditions outlined in Section 28.04.183.2, 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 to permit the installation of a mobile home sales lot on property zoned "LC" Light Commercial, and legally described as follows:

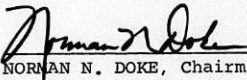
East 2 feet of Lot 67 and all of Lots 68, 69 and 70, Linwood Acres Addition, Sedgwick County, Kansas. Generally located in an area north of Kellogg and east of Greenwich Road.

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 direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
4. No sound projecting devices or loudspeakers shall be used (so as to be heard outside any structure).

5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. All parking spaces abutting property lines shall have adequate guards, to prevent the extension or overhanging of vehicles or mobile homes beyond property lines. All parking areas shall have adequate markings for channelization and movement of vehicles.
7. No mobile home on subject property shall be occupied as a residence as long as the site is utilized for mobile home sales.
8. No repair work of mobile homes shall be conducted as a part of the mobile home sales operation.
9. The applicant shall install all of the required improvements prior to occupancy of the site for a mobile home sales lot.

ADOPTED AT WICHITA, KANSAS, this 22nd day of July,
1969.


NORMAN N. DOKE, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

July 25, 1969

Mr. R. D. Davis
1101 North Pinecrest
Wichita, Kansas 67208

Dear Mr. Davis:

Subject: Case No. BZA 12-69
Request for Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 22, 1969, in connection with your request for an exception to permit the installation of a mobile home sales lot on property zoned "LC" Light Commercial and generally located at the northwest corner of Ellson and Kellogg.

This Resolution reflects the official action of the Board and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:so

Enclosure

cc: Jobbers Air Conditioning & Heating, Inc., 1223 S. Santa Fe
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

July 22, 1969

Mr. R. D. Davis
1101 North Pinecrest
Wichita, Kansas 67208

Dear Mr. Davis:

Subject: Case No. BZA 12-69
Request for Exception

At the regular meeting of the Board of Zoning Appeals on July 22, 1969, your request for an exception to permit the installation of a mobile home sales lot on property zoned "LC" Light Commercial and generally located at the northwest corner of Ellison and Kellogg was considered.

It was the action of the Board to approve this request, subject to the nine conditions set forth in the Secretary's Report.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:so

cc: Jobbers Air Conditioning & Heating, Inc., 1223 S. Santa Fe
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 12-69

APPLICANT: Jobbers Air Conditioning & Heating, Inc., 1223 South Santa Fe.

AGENT: R. D. Davis, 1101 North Pinecrest

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita, to permit the installation of a mobile home sales lot.

GENERAL LOCATION: Northwest corner of Ellson and Kellogg.

LAND USE: Subject property is occupied in part by a vacant motel, east is a motel, to the north and west is single family, south is vacant.

ZONING: Subject property is zoned "LC" as are those properties to the north, south, east and west.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception to permit the installation of a mobile home sales lot providing the conditions under Section 28.04.183.2, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to the Zoning Ordinance to permit the installation of a mobile home sales lot on property zoned "LC" Light Commercial. Although the Board has jurisdiction and may grant an exception for Mobile Home Sales in the light commercial district, it is recognized that this use is not logical or proper in all light commercial districts or the use would be permitted outright without the Board's approval.

Mobile home sales lots are highway oriented uses and usually other similar uses such as new and used car lots, boat

and marina sales, and trailer, vehicle and equipment rental operations congregate in the same area. The majority of these uses are located on North and South Broadway and East and West Kellogg which are two of the major highways of the City.

A considerable amount of thought was given to the proper and logical location of mobile home sales lots when the preliminary draft of the prototype zoning ordinance was prepared. It was the conclusion of the consultants that mobile home sales lots are highway oriented uses and that extreme care should be given in assigning locations because over-use could easily produce commercial blight.

It is the opinion of the Secretary that this is a logical and proper use for the area inasmuch as subject property is located adjacent to a major highway.

RECOMMENDATION

It is the recommendation of the Secretary that the application to permit the installation of a Mobile Home Sales Lot be approved 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 direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
4. No sound projecting devices or loudspeakers shall be used (so as to be heard outside any structure).
5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. All parking spaces abutting property lines shall have adequate guards, to prevent the extension or over-

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BZA 12-69

hanging of vehicles or mobile homes beyond property lines. All parking areas shall have adequate markings for channelization and movement of vehicles.

7. No mobile home on subject property shall be occupied as a residence as long as the site is utilized for mobile home sales.
8. No repair work of mobile homes shall be conducted as a part of the mobile home sales operation.
9. The applicant shall install all of the required improvements prior to occupancy of the site for a mobile home sales lot.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

July 2, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 12-69

An application has been filed by Jobbers Air Conditioning & Heating, Inc., 1223 South Santa Fe, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of a mobile home sales lot on property zoned "LC" Light Commercial, and legally described as follows:

East 2 feet of Lot 67 and all of Lots 68, 69, and 70, Linwood Acres Addition, Sedgwick County, Kansas. Generally located in an area north of Kellogg and east of Greenwich Road.

This application has been assigned Case No. BZA 12-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 22, 1969, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

JOBBERS



AIR CONDITIONING & HEATING INC.
WHOLESALE DISTRIBUTORS

AM 7-4254—FO 3-0723 / 1223 SOUTH SANTA FE / BOX 11284 / WICHITA, KANSAS 67211



June 16, 1969

JACK H. GALBRAITH
SEC. BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main
Wichita, Kansas

Dear Mr. Galbraith:

Please find enclosed an Application for Exception to ^{for a mobile} ~~change~~
~~the Zoning from Light Commercial to Commercial.~~
Home Sales Lot.

We believe this property is suited for the use in which we intend to use it for; which is the Sale of Mobile Homes. This would improve the Area as it is now in a run down condition.

Also there is three Mobile Home Sales Lots at Greenwich Road and Kellogg.

We believe you have Jurisdiction under Section 2.12.580.2, Code of the City of Wichita, Kansas.

Enclosed please find a Scale Drawing of the Property in question and a Layout of how we would like to Display the Mobile Homes. Your prompt Attention to this matter will be Appreciated.

Thank You,

Handwritten signature of R. D. Davis in cursive.

R. D. Davis

RDD/vjd enclosure;

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant JOBBERS AIR CONDITIONING & HEATING, INC.
Mailing Address 1223 South Santa Fe ⁶¹²⁴ Phone AM 74254-55
Name of Authorized Agent R. D. Davis
Mailing Address 1101 North Pinecrest ⁶⁷²⁰⁶ Phone MU 40422
Relationship of applicant to property is that of LESSEE
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.183.2 ~~2-18-500-2~~, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the ~~INSTALLATION OF A MOBILE HOME SALES LOT~~

installation of a MOBILE HOME SALES Lot on property zoned

"L.C.", located ~~at 11516 East Kellogg~~ *at the northwest corner of Kellogg and Ellison* and legally described as: ~~East 2 Feet of Lot 67, All of Lot 68, the West 121 Feet of Lot 69, Linwood Acres Addition, East 6 Feet of Lot 69, and All of Lot 70, Linwood Acres Addition~~ in the City of Wichita.

Use legal front ownership list

(Give metes and bounds description below if appropriate).
KEY: 34770, 34771, 34772, 34773

- 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 JOBBERS AIR COND. & HTG., INC.
Authorized Agent R. D. Davis

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:00 (a.m. - p.m.), 6-16, 1969, together with appropriate fee of \$50.00.

Signed Jack H. Galbraith
50

OWNERSHIP LIST

Lot	Addition	Property Owner
49	Linwood Acres	✓ J. R. Boyce Carol Boyce 11627 E. Kellogg Wichita, Kansas 67207
50	"	✓ Frank L. Brazill Hettie Brazill 11605 E. Lewis Wichita, Kansas 67207
51, exc S 130 ft	"	✓ H. H. Cline Jessie A. Cline 11529 E. Lewis Wichita, Kansas 67207
S 130 ft Lot 51	"	✓ Barbara D. Doan Robert C. Doan 429 Ellison Avenue Wichita, Kansas 67206
52	"	✓ Jerome F. Mayer Virginia R. Mayer 11505 E. Lewis Wichita, Kansas 67207
53	"	✓ Claude C. Arnold Margaret R. Arnold 11431 E. Lewis Wichita, Kansas 67207
54	"	✓ Chester L. Stroud Addie Stroud 11328 E. Lewis Wichita, Kansas 67207
55	"	Same
E 84.66 ft Lot 66	"	✓ Charles G. Casey Maye A. Casey 11332 E. Kellogg Wichita, Kansas 67207
W 125 ft Lot 67	"	✓ Gordon J. Clark Alvia Clark 13707 E. Kellogg Wichita, Kansas 67207
E 2 ft Lot 67, all Lot 68, & W 121 ft Lot 69	"	✓ Ray A. Phillips Elsie E. Phillips 11516 E. Kellogg Wichita, Kansas 67207
E 6 ft Lot 69, all Lot 70	"	Same

Lot	Addition	Property Owner
71	Linwood Acres	X Faye C. Dauffenbach Address unknown
72	"	✓ Sas-nak Enterprises, Inc. 530 N. Market Wichita, Kansas 67214

Description

N 200 ft of NW¼, exc E 157 ft thereof, and exc portion taken for highway, in Sec 27-27-2E

✓ Gladys H. G. Weidemann & The Fourth National Bank & Trust Company, Wichita, Kansas, Testamentary Trustees under the Will of K. T. Weidemann, Dec.

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 Ft. radius of following property to-wit:

Use by legal East 2 feet of Lot 67 and all of Lots 68, 69 and 70, Linwood Acres, Addition, Sedgwick County, Kansas, as shown by the last deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 11th day of June, 1969, at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Lucile Schneider

Vice President

Order No. 163948
jwp

Form 273-001

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	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		<u>150.00</u>

DESCRIPTION	AMOUNT
<u>BZA - Exception</u>	

Name R.D. Davis

Address 1223 S. Santa Fe

Type R-71-C Due Date

Comments:

Date 6-16-69 By SO