

ACTION

BZA 12-85 APPROVED 3-30-85
DATE

200' Sec 4-9-85
Sub 5-2
Record ✓

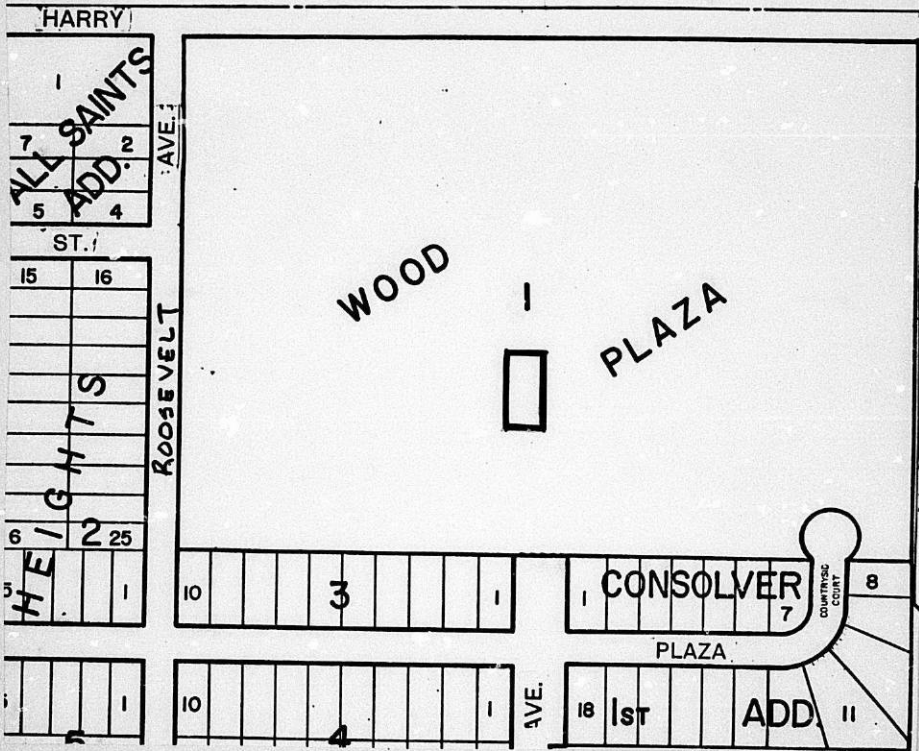
Case No. BZA 12-85 - Leasland
U.S.A. - requests an exception
to permit the establishment of
an automobile leasing business
on property zoned the "LC" Light
Commercial District and generally

Map No. 5745 A&D

BZA 12-85
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E LC S LC W LC N LC
3. Land Use: East Comm South Comm
West Comm North Comm
4. Area (is) (~~is not~~) platted.



LOS ANGELES COUNTY
REGISTERED
MORNINGTON, TEXAS
MOORESON, TEXAS
U.S.A.

Shaw
No. 2153C

March 4, 1985

Leaseland, U.S.A.
8 Harry Funke
P. O. Box 7239
Wichita, Ks. 67218

Re: BZA 12-85 - Request for Exception

Dear Mr. Funke:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 26, 1985.

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

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sar
Encl.

cc: Jim Jorgensen, Acting Superintendent of Central Inspection (2)
Don Gisick, City Clerk
Alan McHenry, 432 Corona, Denver, Colorado 80218

RESOLUTION NO. BZA 12-85

WHEREAS, Leaseland, U.S.A., § Harry Funke, P. O. Box 7239, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an automobile leasing business on property zoned the "LC" Light Commercial District and legally described as follows:

A space designated as H-1 within the Wichita Mall which is located on Lot 1, Wood Plaza Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Harry and east of Roosevelt (4165 East Harry).

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 February 26, 1985, 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 establishment of an automobile leasing business on property zoned the "LC" Light Commercial District 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 establishment of an automobile leasing business on property zoned the "LC" Light Commercial District legally described as follows:

A space designated as H-1 within the Wichita Mall which is located on Lot 1, Wood Plaza Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Harry and east of Roosevelt (4165 East Harry).

subject to the following conditions:

1. Storage and display of any vehicles shall be within the enclosed space as indicated by the site plan as space H-1 at 4165 East Harry.
2. The approval of this request shall terminate upon the termination or expiration of the lease by this applicant.

ADOPTED AT WICHITA, KANSAS, this 26th day of February, 1985.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE February 25, 1985

TO Glen Lytle, Special Assistant for Zoning

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 12-85 Within the main buildings
of the Wichita Mall Shopping Center
at 4165 East Harry

On Thursday, February 21, CPO Neighborhood Council "F" considered the captioned case a request for an exception to permit the establishment of an automobile leasing business in the "LC" Light Commercial District. After discussion the Council voted 5-0 to recommend approval of the request.

Harry Funke, applicant, was present to describe the request to Council members and respond to questions.

There were no citizens present to speak either in support or in opposition to the request.

Council members were provided with the notice to adjoining property owners, a map of the area, and MAPD staff comments.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 12-85 is considered on Tuesday, February 26.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

FEB 25 1985

METROPOLITAN PLANNING

ROUTE

RE: AGENDA ITEM NO. 12

SECRETARY'S REPORT
CASE NO. EZA 12-85

APPLICANT: Leaseland, U.S.A., & Harry Funke, P. O. Box 7239, Wichita, Kansas.

AGENT: Alan McHenry, 432 Corona, Denver, Colorado

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita to permit the establishment of an automobile leasing business in the "LC" Light Commercial District.

GENERAL LOCATION: Within the main buildings of the Wichita Mall Shopping Center at 4165 East Harry.

ZONING: Subject property is zoned the "LC" Light Commercial District and a Community Unit Plan as is all of the shopping center.

LAND USE: A Shopping Center.

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 provided the conditions set out in Section 28.04.183.2 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception in order to establish an automobile leasing business within the "LC" Light Commercial District. This facility will be operated primarily as a leasing office that will deal with the leasing of automobiles on a 3-5 year long term lease and will not be operated as a car rental business such as "Hertz, Avis, etc." The business would not provide automobiles that will be leased from this location, but the automobiles will be picked up at the various dealerships represented by this leasing agency. Due to the fact that they will maintain a showroom for the display of automobiles that represent the type of automobiles that can be leased thru the agency, it is necessary to seek approval thru the Board of Zoning Appeals.

The applicant states that automobiles at this location will only be displayed indoors and will not be the vehicles that will be leased to the customers. No storage or demonstrations of the vehicles will be outside of the leased area within the shopping center building.

RECOMMENDATION:

It is the recommendation of the Secretary that the use as proposed by the application is appropriate and the application should be approved subject to the following conditions:

1. Storage and display of any vehicles shall be within the enclosed space as indicated by the site plan as space H-1 at 4165 East Harry.
2. The approval of this request shall terminate upon the termination or expiration of the lease by this applicant.

BZA CASE NO. 12-85

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>1</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>4</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>7</u>	TOTAL NOTICES SENT <u>2-5-85</u>

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

February 5, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 12-85

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Leaseland USA., c/o Edward Steven, 7333 East Kellogg, Wichita, Kansas requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting a exception to permit the establishment of an automobile leasing business on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

A space designated as H-1 within the Wichita Mall which is located on Lot 1, Wood Plaza Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Harry and east of Roosevelt (4165 East Harry).

This application has been assigned Case BZA 12-85. It will be considered by the Board of Zoning Appeals on February 26, 1985 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

February 5, 1985

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Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Leaseland, U.S.A.; % Mr. Harry Funke
 Mailing Address P.O. Box 7239, Wichita Ks 67218 Phone 685-4010
 Name of Authorized Agent Alan M. McHenry
 Mailing Address 432 Corona Denver, Co. 80218 Phone (303)871-0224
 Relationship of applicant to property is that of Lessee
 (Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section 2.12.590.C,
 Code of the City of Wichita, Kansas, to permit the establishment of
vehicle rental agency

 on property zoned LC
 located 4165 E. Harry
 and legally described as: _____
space H-1 Wichita Mall,
Block 1 Wood Plaza - Addition to Wichita, Sedgwick County Ks.
 _____, in the City of Wichita.

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
 - b. 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. 36-596); and that the appropriate fee is herewith tendered;
 - c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
 - d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant HARRY FUNKE

Authorized Agent Alan M. McHenry

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
1:15 (a.m./p.m.), Feb 2, 1988, together with
 appropriate fee of 200.00.

Signed [Signature]

OWNERSHIP LIST

Property Description

Property Owner

Lot 1, Wood Plaza, an Addition
to Wichita, Sedgwick County,
Kansas.

✓ George P. Consolver
7531 Rockwood Road
67206

✓ James L. Consolver
11421 East Harry Street
67207

✓ Beal G. Consolver
3620 Country Club Place
67208

✓ Walter C. Hilke
147 North Bleckley Drive
67208

We hereby certify the foregoing to be a true and
correct list of the property owners of:

Lot 1, Wood Plaza, an
Addition to Wichita,
Sedgwick County, Kansas

as shown by the last deed of record on file in the office of the
Register of Deeds, Sedgwick County, Kansas, on this 6th day of
February, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
CO., INC.

By

Mary Isable
Sr. Vice-President

Order No: 343145
ap

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 2-021

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Pbkg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
City B70 Excav	207.00

NAME Casselond, U.S.A.

ADDRESS P.O. Box 7239 S.W.K.

FUND 165-40710-00 DUE DATE 3

COMMENTS

DATE Feb 7, 1985 BY [Signature]