

BZA 14-75 - William Fry requests
Exception to permit U-Haul trailer
rental at NW corner Kellogg
and Bonnie Brae.

Pos 750
4-4-75
[Signature]

ACTION

DATE

4-22-75

Amend

B30 COMMITTEE

M.A.P.C.

B.C.C./B. C.C.C.

4-22-75

Map No. 6047
Sec. 20
Twp. 27
Range 2E

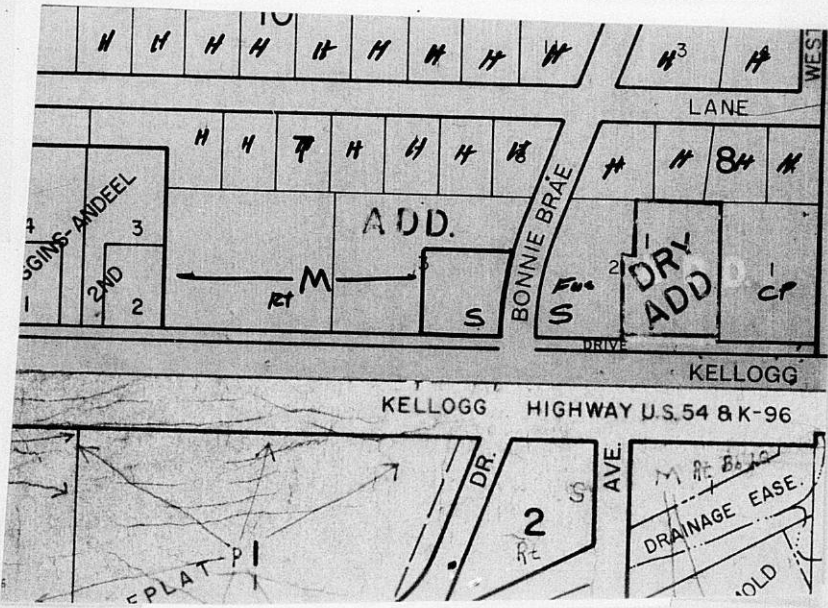
BZA- 1A-75
SCZ- _____
CU- _____
Filed _____

AREA DATA:

1. Acres: 0.54 (153 ft. by 154 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SERVICE STATE FURNITURE STORE South US-54
West MOTEL North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: _____
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____




 No. 2153C
 HASTINGS, MIN. LOS ANGELES
 LOGAN, OH - MADISON, TX U. S. A.

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

March 31, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 14-75

An application has been filed by William Fry, 8330 E. Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a trailer rental agency for U-Haul trailers on property zoned the "LC" Light Commercial District, and legally described as follows:

Lot 3, except the north 100 feet and except the west 155.7 feet, in Ruth Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Kellogg and Bonnie Brae.

This application has been assigned Case No. BZA 14-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 22, 1975, 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

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
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Jack H. Galbraith
Secretary

B2A
14-75



U-HAUL CO. OF KANSAS, INC.
401 SOUTH 42ND STREET • KANSAS CITY, KANSAS 66106 • PHONE: (913) 621-4040

P E T I T I O N

The following signatures are individuals who represent the various local business firms which surround Eastgate Derby, located on the north-west corner of East Kellogg and Bonnie Bras. These local Businessmen and women are well aware of U-Haul Companies intentions at subject location, as outlined in "Letter of Justification and Intent". As not to infringe on the rights of these individuals and their business interests, U-Haul Company has obtained permission from them to do business as outlined in above letter and as illustrated on designated plot plan. Both letter and plot plan have been submitted to the Wichita Area Zoning Board, 104 S. Main Wichita 67202, in order to obtain a conditional use permit as required.

K. Johnson - 8335 E Kellogg
J. Stapp 8402 E. Kellogg
Edward John
Ransale Jan 8300 E Kellogg.

June 2, 1975

Mr. Bob Crahan
7038 East Orme
Wichita, Kansas 67207

Subject: Case No. BZA 14-75
Request for Exception

Dear Mr. Crahan:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 22 1975, in connection with your request for an exception to permit the establishment of a trailer rental agency for U-Haul trailers on property zoned the "LC" Light Commercial district and generally located on the north-west corner of Kellogg and Bonnie Brae.

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your information and files.

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

Sincerely,

Larry Dobson
Assistant Secretary

LD:mb
cc: William Fry, 8330 E. Kellogg, 67207
Robert Feldner, Supt. of Central Inspection
Don C. Gisick, City Clerk
Joe Donnelly, Central Inspection
Enclosure

RESOLUTION NO. BZA 14-75

WHEREAS, William Fry, 8330 E. Kellogg, Wichita, Kansas requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a trailer rental agency for U-Haul trailers on property zoned the "LC" Light Commercial District, and legally described as follows:

Lot 3, except the north 100 feet and except the west 155.7 feet, in Ruth Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Kellogg and Bonnie Brae.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of April 22, 1975, 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 a trailer rental agency for U-Haul trailers 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 to permit the establishment of a trailer rental agency for U-Haul trailers on property zoned the "LC" Light Commercial District and legally described as follows:


Lot 3, except the north 100 feet and except the west 155.7 feet, in Ruth Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Kellogg and Bonnie Brae.

be denied.

ADOPTED AT WICHITA, KANSAS, this 22nd day of April, 1975.


James Richardson, Vice Chairman

ATTEST:


Larry Dobson, Assistant Secretary

April 22, 1975

Mr. Bob Crahan
7038 East Orme
Wichita, Kansas 67207

Subject: Case No. BZA 14-75 -
Request for Exception

Dear Mr. Crahan:

At the regular meeting of the Board of Zoning Appeals on April 22, 1975, your request for an exception to permit the establishment of a trailer rental agency for U-Haul trailers on property zoned the "LC" Light Commercial district and generally located on the north-west corner of Kellogg and Bonnie Brae, was considered.

It was the action of the Board to deny this request.

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,

Larry Dobson
Assistant Secretary

LD:js

cc: William Fry, 8330 E. Kellogg, 67207
Robert Feldner, Supt. of Central Inspection
Don C. Gisick, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 14-75

APPLICANT: William Fry, 8330 E. Kellogg, Wichita, Kansas

AGENT: Bob Crahan, 7038 East Orme, Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the establishment of a trailer rental agency for U-Haul trailers

GENERAL LOCATION: Northwest corner of Kellogg and Bonnie Brae.

LAND USE: Subject property is occupied by a service station; north and west is a motel; east is a service station; south across Kellogg is the Eastgate shopping center.

ZONING: Subject property and all surrounding properties are zoned the "LC" Light Commercial district.

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 to permit the installation of a U-Haul trailer rental agency on property zoned "LC" Light Commercial. In his statement of justification, the applicant states that the display of trailers would be limited to not more than eight trailers and would be confined to a 15 foot by 55 foot area as indicated on the plot plan submitted with his application. He further states that the largest trailer displayed would be 6x12 foot.

The submitted plot plan was approved by the Office of Traffic Engineering but after a check of the site in the field some changes to the plan are in order. However these changes are not related to the suitability of the site for the proposed use.

Secretary's Report
Case No. BZA 14-75
Page Two

Subject property is located at the northwest corner of Kellogg (frontage road) and Bonnie Brae. It is developed as a service station, which would continue as the primary use of the property. Property to the east is also a service station. Property to the north and west is a motel. Across Kellogg to the south is the Eastgate Shopping Center.

It should be noted that a similar U-Haul Trailer Rental Agency is located at a service station approximately one mile west of subject property on the south side of Kellogg, and a larger U-Haul Truck/Trailer Rental Agency is located approximately one-half mile east on Kellogg at the intersection of Kellogg and Webb Road.

It is the opinion of the Secretary that the outdoor display and storage of trailers should not be encouraged at random throughout the City in the Light Commercial District. Although similar uses have been established in this area, it is perhaps to the point, where considering the proximity of these similar uses, adequate service to the public is already available.

RECOMMENDATION

Should the Board find this use acceptable at this location, the approval of the request should be subject to the following conditions:

1. Approval shall apply only to that 15 foot by 55 foot area designated on the applicant's plot plan as "Limited Trailer Parking".
2. Trailer display shall be limited to not more than eight trailers at any time, and they shall be arranged in a neat and orderly manner.
3. A 6 foot by 12 foot size trailer shall be the largest trailer permitted to be displayed on subject property.
4. The storage and display area shall be paved with concrete, asphalt or other comparable material.
5. No signs shall be permitted to project over public right-of-way.
6. All lights shall be shielded to direct lights away from adjoining property. No string type lighting or banners shall be permitted.

Secretary's Report
Case No. BZA 14-75
Page Three

7. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
8. No repair work shall be conducted except in an enclosed building.
9. The applicant shall submit a revised plot plan to the Office of the Traffic Engineer for their approval, showing parking barriers adjacent to all public property.

April 14, 1975

Bob Crahan
7038 E. Orme
Wichita, Kansas 67207

Subject: Case No. BZA 14-75 -
Request for Exception

Dear Mr. Crahan

At our request, representatives from the Office of the Traffic Engineer made a visual inspection of the site involved in your request for exception to permit the installation of a U-Haul Trailer Rental Agency.

Their report to us indicates that the off-street parking, labeled on your plot plan as customer parking, needs to be relocated to assure proper circulation on the site; and also, that parking barriers be installed on the site adjacent to public property.

You will note in the attached Secretary's Report that should the Board vote to grant this exception, we are suggesting a condition of approval (#9) that requires the submission of a revised plot plan to the office of Traffic Engineering for their approval.

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

Sincerely,

Larry Dobson
Assistant Secretary

LD:js

cc: William Fry, 8330 E. Kellogg, 67207

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

March 31, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

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Jack H. Galbraith
Secretary

3/31/75 sent 12 notices to adjoining property owners + Derby Refining
" 10 " MAPC Members



U-HAUL CO. OF KANSAS, INC.

401 SOUTH 42ND STREET • KANSAS CITY, KANSAS 66106 • PHONE: (913) 621-4040

Board of Zoning Appeals
City Building Annex
104 S. Main
City of Wichita, Kans 67202

March 25, 1975

Subject:
"Application for Exception"
Letter of Justification and
Intent:

Dear Sir,

Acting as agent for applicant Mr. William Fry, and on behalf of U-Haul Company and Derby Oil Corp., acting lessor to lessee Mr. Fry, I am able to justify this application for the following reasons, as required for such an exception request under section 28.04.183.2 of Code Book, The City of Wichita Zoning Ordinances.

U-Haul Company and myself, along with Mr. Fry and Derby Oil Corp. have a mutual understanding with one-another, that the U-Haul Trailers displayed at this location will be secondary in business nature, and in no way would interfere with the primary service objective of this Derby service station, but in fact would be a most compatible and acceptable sideline for all concerned. The primary service objective of this service station represented by Derby is parallel to that of U-Haul Companies. To provide a better and better service and petroleum product, to more and more people at a lower and lower production cost. U-Haul Companies interest at this location is to serve the publics moving needs. This can best be done at neighborhood service station locations such as Eastgate Derby. Located on a main thru-affair such as East Kellogg or 54Hwy along with numerous other businesses requiring outdoor storage, much heavier in nature, we feel our limited request is most reasonable, and equitable.

As outlined in plot plan, this location will be a small trailer dealer only, with the following restrictions governing its existence.

- A. No more than eight trailers will be allowed on display at any point in time, with sizes varying from 4 by 6 to 6 by 12.
- B. The eight trailers on display will be lined up in the designated area on plot plan according to size, and will be kept neat and clean within this 15' by 55' area.
- C. All restrictions set forth by the Traffic Engineering Division will be in compliance at subject location.
- D. The area designated for trailer display will be properly policed through inspections by U-Haul Co. and lessee, Mr. Fry, for the proper maintenance and removal of trash.

U-Haul Co. will comply with any additional restrictions, upon the approval of Derby Oil Corp., not outlined in this letter of justification.

A TRANSPORTATION SERVICE COMPANY OF AMERCO



U-HAUL CO. OF KANSAS, INC.

401 SOUTH 42ND STREET • KANSAS CITY, KANSAS 66106 • PHONE: (913) 621-4040

Subject location is zoned "LC" Light Commercial District, at the north west corner of East Kellogg and Bonnie Brae. Adjacent subject property to the north and west is the Ramada Inn, to the east or the north east corner of E. Kellogg and Bonnie Brae is an existing Texaco service station. Across Kellogg to the south and east is a Mobil service station and to the west of Mobil lies a Budget rent a car location, established in Eastgate Shopping Centers parking lot.

The general proximity of this location and surrounding seem to be most appropriate for the limited trailer display we are requesting, in accordance with outlined restrictions on page one.

In view of subject location and overall prevailing picture as outlined, I sincerely feel this exception should be justified by the secretary and approved by The Board of Zoning Appeals.

Please feel free to call on me at any time concerning this case or any previously approved case, where I may be in violation of a zoning ordinance or use condition. My business phone is 800-232-4074 and my home phone is 316-685-6615. Neighborhood U-Haul dealers provide an essential service in your community.

Thank you...

Sincerely,

Bob L. Crahan

Bob L. Crahan AFM 15-067
Agent for applicant

*Derby Refining Co.
cc. Mr. Bill Cardin (sales representative)
202 W. 1st
Wichita, Mo. 67302
Bus. 267-0361
Ho. 788-3381*

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE 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 of Sedgwick County, Kansas, within a 200 foot radius of and including the following described property, viz:

Lot 3, except the North 100 feet
and except the West 155.7 feet, in Ruth
Addition to Wichita, Sedgwick County, Kansas.

<u>DESCRIPTION</u>	<u>OWNER/OWNERS/ADDRESS</u>	
<u>BONNIE BRAE ADDITION</u>		
<u>Block 8</u>		
Lot 1	✓ Cy L. & Jane P. Finley 5102 E. English	67218
<u>Block 7</u>		
Lot 4	✓ Archie L. & Marie H. Stover 8301 Peach Tree Lane	67207
Lot 5	✓ Clark V. Britton, Jr. & Regina J. Britton 8307 Peach Tree Lane	67207
Lot 6	✓ B. S. & Phyllis Breckbill 8315 Peach Tree Lane	67207
Lot 7	✓ Charles B. & Hazel G. Myers 8321 Peach Tree Lane <i>returned 4-8-75</i>	67207
Lot 8	✓ Paul L. & Dorothy Cook 405 Bonnie Brae	67207
<u>RUTH ADDITION</u>		
Lot 3 (Exc N 100' & W 155.7')	✓ Gary K. Edminster Box 84A-4, RR #2 Derby, Kansas	67037
Lot 3 (W 155') and all of Lot 4	✓ Ralph E. Jett 6314 3 15th St Tulsa, Okla	74112
Lot 3 (N 100', Exc W 155')	Ralph E. Jett 6314 3 15th St. Tulsa, Okla	74112
<u>DRY'S ADDITION</u>		
Lot 1	✓ J. R. & Verda S. Dry J. R. Dry, Jr. 1425 Willow Road	67208
<u>REPLAT OF BLOCK 1, SUNNY BROOK ADDITION</u>		
<u>Block 1</u>		
Lot 1	✓ Gen Real Estate Shares 3150 Republic Blvd Toledo, Ohio	43615

SUNNY BROOK ADDITION

Block 2

All of Block 2 except Beg NW cor of Blk 2,
SW 75'; SE to a pt 120' S of NE cor of
Blk 2; N 120' to NE cor; W to beg.

✓ Wm Levitt
Box 18185 SE Station
Wichita, Kansas. 67218

Beg NW cor Blk 2; SW 75'; SE to a pt 120'
S of NE cor of Blk 2; N 120' to NE cor
Blk 2; W to beg.

Socony Mobil Oil Co.
✓ Box 900
Dallas, Texas 75221

Dated this 20th day of March, 1975 at 7:00 o'clock A. M.

No. 823

GUARANTEE TITLE CO., INC.

By

James A. Zewlen
Vice-President

Form 222-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer	150.00	

DESCRIPTION	AMOUNT
BZA Sanitation implication	150.00

Name: Pete Grabe

Address: 7038 E. Orange

Type: AA 407103 Due Date: 3/26/75

Comments:

Date: 3/21/75 By: led

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 E. MAIN ST
WICHITA, KANSAS 67202

RETURN TO
ADDRESS UNKNOWN
SOUTHEND



Handwritten signature: Charles B. & Hazel G. Myers

Charles B. & Hazel G. Myers
8321 Peach Tree Lane
Wichita, Ks. 67207

BZA
14-75



*

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

Roll # 1