

POSTED
10/9/69
MARR
C.I.V

BZA 10-28-69 approved
in part

SUPERCEDED
BY RESOLUTION 7-83

BZA 22-69 - Glenn L. Richardson, dba
AAA Rental requests EXCEPTION to
permit tool rental in "LC" - 1415
West 31st St. So.

RESOLUTION NO. BZA 22-69

WHEREAS, Glenn L. Richardson dba AAA Rental, 3101 East Boston Avenue, Wichita, Kansas, by David W. Kennedy, Attorney, 1400 Wichita Plaza, Wichita, Kansas requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the operation of a tool rental business (including trailers), on property zoned "LC" - Light Commercial, and legally described as follows:

The west 130 feet of Lot #3 of the Bassett Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 31st Street South in an area west of Seneca.

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 October 28, 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 operation of a tool rental business (including trailers) 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 operation of a tool rental business (including trailers), on property zoned "LC" - Light Commercial, and legally described as follows:

The south 155.7 feet and the west 10 feet of the north 100 feet of the application area being the west 130 feet of Lot #3 of the Bassett Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 31st Street South in an area west of Seneca.

subject to the following conditions:


1. That all storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No signs shall be permitted to project over public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

5. No repair work shall be conducted except in an enclosed building.
6. A 5 to 8 foot fence shall be constructed adjacent to the south and east property lines as indicated on the plot plan and a 5 to 8 foot fence constructed adjacent to the west property line to within 25 feet of the north property line thence reduced to 3 feet in height and extended to the north property line. Said fences shall be constructed of a solid or semi-solid masonry, architectural tile, staggered or louvered redwood or rough sawed cedar material.
7. No access shall be permitted to Gibson Street.

ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1969.


Norman N. Doke, Chairman

ATTEST:


Jack H. Galbraith, Secretary

November 3, 1969

David W. Kennedy, Attorney
1400 Wichita Plaza
Wichita, Kansas

Dear Mr. Kennedy:

Subject: Case No. BZA 22-69
Request for Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 28, 1969, in connection with your request for an exception to permit the operation of a tool rental business (including trailers).

This Resolution reflects the official action of the Board and indicates 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.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

Enclosure

cc Glenn L. Richardson, dba AAA Rental
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

October 28, 1969

David W. Kennedy, Attorney
1400 Wichita Plaza
Wichita, Kansas

Dear Mr. Kennedy:

Subject: Case No. BZA 22-69
Request for Exception

At the regular meeting of the Board of Zoning Appeals on October 28, 1969, your request for an exception to permit the operation of a tool rental business on the property (including trailers) zoned "LC" - Light Commercial, and generally located on the south side of 31st Street in an area west of Seneca, was considered.

It was the action of the Board to approve this request for only the south 155.7 feet and the west 10 feet of the north 100 feet of the application area being the west 130 feet of Lot 3, Bassett Second Addition, subject to the seven conditions listed 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.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

cc Glenn L. Richardson, dba AAA Rental
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. 52A-22-62

APPLICANT: Glenn L. Richardson, dba AAA Rental, 3101
East Boston Avenue, Wichita, Kansas 67211

AGENT: David J. Kennedy, Attorney, 1400 Wichita Plaza,
Wichita, Kansas 67202

REQUEST: Exception pursuant to Section 2.12.590.C, Code
of the City of Wichita to permit the operation
of a tool rental business (trailers included)

GENERAL LOCATION: South side of 31st Street South in an area
west of Seneca

LAND USE: Subject property is undeveloped-to the
north, south, and west is single family
with general business and parking lot to
the east

ZONING: Subject property is zoned "LC" as is that to the east,
to the north, south and west is "AA"

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 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 permit outdoor display for a tool and trailer rental operation on property zoned "LC" and located on the south side of 31st Street South between Elizabeth and Martinson as extended from the north. Section 28.04.183.2 of the City Zoning Ordinance permits this type of operation in the "LC" zone subject to certain conditions and approval by the Board of Zoning Appeals.

Page 2 - Secretary's Report
Case No. BZA 22-69
October 28, 1969

On April 30, 1969, the applicant filed an application (Case No. BZA 17-68) requesting an exception to permit a tool and trailer rental operation on Lot 1, Bassett Second Addition which lies approximately 230 feet east of the area contained in this request. The Board of Zoning Appeals at its meeting on June 25, 1968, approved the application subject to certain conditions one of which limited the number of trailers to be displayed along 31st Street. The scaled development plan submitted by the applicant for the application area proposes a service station, with circulation drives on the north 100 feet. If this area is to be developed as a service station, then the open display of equipment should be confined to the south 205.7 feet of the application area. The applicant states that within the last twelve to eighteen months, the great demand for rental tools has caused a sharp increase in business which has necessitated the need for expansion of his operation.

It is the opinion of the Secretary that this request is not the type of use that should be encouraged at random throughout the City in the light commercial areas, however, in view of the granting of the previous request by the Board, it is possible that if the number of rental units are limited and an area is described within which the storage of trailers and heavier tool rental equipment such as cement mixers, etc. are confined, that this would exercise the necessary controls as to the appearance and magnitude of the operation. It should be pointed out that this type of control was required by the Board as a condition of approval of BZA Case No. 17-68.

RECOMMENDATION

It is the recommendation of the Secretary that this request for an exception to permit the operation of a tool and trailer rental business on property zoned "LC" light commercial be approved on only the south 205.7 feet of the application area, subject to the following conditions:

1. That all storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No signs shall be permitted to project over public right-of-way.

Page 3 - Secretary's Report
Case No. BEP 10-49
October 28, 1950

4. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except in an enclosed building.
6. A 5 to 8 foot fence shall be constructed adjacent to the south and east property lines as indicated on the plot plan and a 5 to 8 foot fence constructed adjacent to the west property to within 25 feet of the north property line thence reduced to 3 feet in height and extended to the north property line. Said fences shall be constructed of a solid or semi-solid masonry, architectural tile, staggered or louvered redwood or rough sawed cedar.
7. No access shall be permitted to Gibson Street.

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

October 8, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No BZA 22-69

An application has been filed by Glenn L. Richardson. dba AAA Rental, 3101 East Boston Avenue, Wichita, Kansas 67211 pursuant to Section 2.12.590 C. Code of the City of Wichita, requesting an EXCEPTION to permit the operation of a tool rental business (including trailers), on property zoned "LC" - Light Commercial and legally described as follows:

The west 130 feet of Lot 3. Bassett Second Addition.
in the City of Wichita. Sedgwick County, Kansas.
Generally located on the south side of 31st Street
South in an area west of Seneca.

This application has been assigned Case No. BZA 22-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday October 28, 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

17 NOTICES MAILED OCTOBER 8, 1969.

BOARD OF ZONING APPEALS

CASE NO. BZA 22-69

CITY OF WICHITA, KANSAS

FILED 9-29-69

APPLICATION FOR EXCEPTION

I. Name of Applicant Glenn L. Richardson d/b/a AAA Rental
 Mailing Address 3101 East Boston Ave. 67211 Phone MU 3-8842
 Name of Authorized Agent David W. Kennedy, Attorney
 Mailing Address 1400 Wichita Plaza, Wichita, Ks. Phone AM 4-6363
 Relationship of applicant to property is that of Owner
 (owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.183 (2), Code of the City of Wichita, Kansas
 operation of a tool rental
 (Zoning Ordinance); to permit the ~~use of a tool rental~~
~~business on the property (including trailers)~~
 on property zoned
LC, located West of 1415 West 31st St. South
 and legally described as:

 _____, in the City of Wichita.

(Give metes and bounds description below if appropriate).

The West 130' of Lot #3
Bassett Second Addition
to Wichita, Sedgwick County, Kansas

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.

Glenn L. Richardson
 Applicant d/b/a AAA Rental Company
 Authorized Agent By: David W. Kennedy

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:55 (a.m. - p.m.), September 29, 1969, together with appropriate fee of \$50.00.

Signed G. Lynn Shirley

STATEMENT JUSTIFYING EXCEPTION

Glenn L. Richardson, d/b/a AAA Rental Company,
of Wichita, Kansas, has engaged in the tool and equipment
rental business since 1963.

This business is presently being conducted from a
fire proof, metal building generally located 285' east of the
site of the proposed exception, commonly known as 1301 West
31st Street South.

The tool rental business serves the public and is
of great convenience and necessity to it. Within the last
twelve to eighteen months, the great demand for rental tools
has caused a sharp increase in business which has resulted in
the need to construct a larger cinder block building which
would replace the present metal building; however, there will
still be a need for tools and equipment to be displayed and
offered for rent outside of the cinder block building.

Inasmuch as this property is zoned "LC", which
prohibits a display of tools and equipment outside of the
building, pursuant to Section 28.04.183 (2) of the Code of the
City of Wichita, Wichita, Kansas, this applicant hereby
requests an exception to this zoning provision which will allow him
to conduct his business to meet the needs of the public which are
his customers.

Respectfully submitted,

GLENN L. RICHARDSON
d/b/a AAA Rental

Applicant

By: David W Kennedy
Authorized Agent

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
5	1	Carlans	Louis H. Longstreet & Mary L. Longstreet Address unknown <i>no address found</i>
6	"	"	✓ Rachael Ann Werner 1529 West 31st Street South Wichita, Kansas 67217 & John J. Werner & Loretta C. Werner ✓ 2401 Lulu Wichita, Kansas 67216
7	"	"	✓ Administrator of Veterans Affairs 5500 E. Kellogg Wichita, Kansas 67218
8	"	"	✓ John W. Spickard & Marjorie I. Spickard 1519 West 31st Street South Wichita, Kansas 67217
9	"	"	✓ Administrator of Veterans Affairs 5500 E. Kellogg Wichita, Kansas 67218
10	"	"	✓ Charles F. Thomas & Donna S. Thomas 2035 S. Chautauqua Wichita, Kansas 67211
11	"	"	Ivan R. Welsh & Doris E. Welsh Address unknown <i>no address found</i>
12	"	"	✓ Larry Richard Brown & Linda F. Brown 1602 Gibson Street Wichita, Kansas 67217
1	2	"	✓ Administrator of Veterans Affairs 5500 E. Kellogg Wichita, Kansas 67218
2	"	"	Same
3	"	"	Same

Lot	Block	Addition	Property Owner
1 & 2	1	Bassett	✓ O. B. Cantrell & Cleo Cantrell 4813 W. Central Wichita, Kansas 67212
1 & 2	2	"	✓ Dick Kunkle Building & Investment Corp. 1201 S. Broadway Wichita, Kansas 67211
3	"	"	✓ Samuel E. Pipkin & Margret F. Pipkin 418 S. Vine Wichita, Kansas 67213
2 & 3		Bassett 2nd	✓ Glenn L. Richardson 304 S. Brookside Wichita, Kansas 67218
7	B	Loma Linda Gardens	Warren R. Trekell & Shirley R. Trekell Address unknown <i>no address found</i>
1	C	"	✓ Administrator of Veterans Affairs 5500 E. Kellogg Wichita, Kansas 67218
11	H	"	✓ Clyde Alexander Connor & Lois Eldon Connor 1528 W. 31st Street South Wichita, Kansas 67217
12	"	"	✓ Administrator of Veterans Affairs 5500 E. Kellogg Wichita, Kansas 67218
13	"	"	Aljoe C. Watters & Mary Belle Watters Address unknown <i>no address found</i>
9	9	Replat of Iva Fultz Gardens	✓ Dale D. Ridgway & Dale S. Ridgway 3150 S. Elizabeth Wichita, Kansas 67217
10	"	"	✓ Harold Crays, Jr. & Dorothy R. Crays 3156 S. Elizabeth Wichita, Kansas 67217

Lot	Block	Addition	Property Owner
11	9	Replat of Iva Fultz Gardens	✓ Lyle L. Mallernee & Lola I. Mallernee 3151 S. Martinson Wichita, Kansas 67217
12	"	"	✓ James F. Baker & Ursula M. Baker 3147 S. Martinson Wichita, Kansas 67217

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

The West 130 feet of Lot 3, Bassett Second Addition to Wichita, Kansas,

as shown by the last deeds on file in the Office of the Office of the Register of Deeds of Sedgwick County, Kansas, on this 29th day of August, 1969 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Lucille Schraeder

Vice President

Order No. 166182
jwp

FORM 220

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		

DESCRIPTION	AMOUNT
BZA	50.00
#	

Name _____

Address 3101 - *Barber*

Type A-71-C Due Date _____

Comments: _____

Date 1-29-69 By *HL*