

BZA 23-72 Marc F. Gorges reqsts  
exception for installation of a  
bicycle & motor cycle & sales lot

Postcard  
8-3-72  
MADU  
C.I.V  
11-14-72

ACTION

BZA COMMITTEE <sup>DATE</sup> 8-22-72  
Approved & recommended  
M.A.P.C. \_\_\_\_\_  
G.C.V.B.-CO.-C. \_\_\_\_\_



RESOLUTION NO. BZA 23-72

WHEREAS, Marc F. Gorges, 2650 South Oliver, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a bicycle and motorcycle sales lot on property zoned "LC" Light Commercial and legally described as follows:

Lot 1, Block "A" in Gorges Addition to Wichita, Sedgwick County, Kansas. Generally located on the East side of Oliver north of the Kansas Turnpike.

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 August 22, 1972, 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 bicycle and motorcycle 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 bicycle and motorcycle sales lot on property zoned "LC" Light Commercial and legally described as follows:

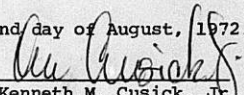
Lot 1, Block "A", In Gorges Addition to Wichita, Sedgwick County, Kansas. Generally located on the East side of Oliver north of the Kansas Turnpike.

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. No repair work shall be conducted except in an enclosed building.
7. All parking spaces abutting property lines shall have adequate guards to prevent the extension of overhanging of vehicles, equipment, or trailers beyond property lines of parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.

8. The applicant shall install all of the required improvements prior to the occupancy of the site for a bicycle and motorcycle sales lot.

ADOPTED AT WICHITA, KANSAS, this 22nd day of August, 1972.

  
Kenneth M. Cusick, Jr.  
Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

September 25, 1972

Mr. Marc F. Gorges  
2650 South Oliver  
Wichita, Kansas 67210

Subject: Case No. BZA 23-72  
Request for Exception

Dear Mr. Gorges:

Last week a copy of the Resolution associated with the above captioned case was sent to you without cover memorandum. We would appreciate your checking your files and if you do not have a copy of this Resolution, let us know, and we will send you a xerox copy.

The Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:rw

cc: Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

August 23, 1972

Mr. Marc F. Gorges  
2650 South Oliver  
Wichita, Kansas 67210

Subject: Case No. 23-72  
Request for Exception

Dear Mr. Gorges:

At the regular meeting of the Board of Zoning Appeals on August 22, 1972, your request for an exception to permit the installation of a bicycle and motorcycle sales lot was considered.

It was the action of the Board to approve this request subject to the eight (8) 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,

JG:rw

Jack H. Galbraith  
Secretary

cc: Robert Feldner Superintendent of Central Inspection  
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 23-72

APPLICANT:

Marc F Gorges

AGENT:

None

REQUEST: Exception pursuant to Section 2 12.590.C, Code of the City of Wichita to permit the installation of a bicycle and motorcycle sales lot

GENERAL LOCATION:

East side of Oliver north of Kansas Turnpike

LAND USE: Subject property is occupied by a vacant commercial building. north is automobile sales lot, west is shopping center parking lot, south and east is Kansas Turnpike.

ZONING: Subject property is zoned "LC" Light Commercial as are those properties to the north and west, south and east is "AA" Single family

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, 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 bicycle and motorcycle sales lot on property zoned "LC" Light Commercial located on the east side of Oliver and north of the Kansas Turnpike. Although the Board has jurisdiction and may grant an exception for Bicycle and Motorcycle 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.

In viewing the general area in the field, it may be seen that there is no residential development in the immediate area. The Giant Department Store lies to the northwest, a service station exists to the southwest and a used car lot is adjacent on the north

of the application area. It should be pointed out that subject property is located on a major street and is bounded on the south and east by the Kansas Turnpike.

It is the opinion of the Secretary that this request is not the type of development that should be encouraged at random throughout the City in the light commercial areas, however, in view of the existing development in the immediate area it is the opinion of the Secretary that the granting of the request in this instance would be proper.

RECOMMENDATION

It is the recommendation of the Secretary that the exception to permit the operation of a bicycle and motorcycle sales business on property zoned "LC" light commercial 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. No repair work shall be conducted except in an enclosed building.
7. All parking spaces abutting property lines shall have adequate guards to prevent the extension of overhanging of vehicles, equipment or trailers beyond property lines of parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.

BZA Case No. 2302  
Secretary's Report  
Page 3

8. The applicant shall install all of the required improvements prior to the occupancy of the site for a bicycle and motorcycle sales lot.

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant MARC F. GORGES

Mailing Address 2650 S. OLIVER Phone 685-1474

Name of Authorized Agent \_\_\_\_\_

Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_

Relationship of applicant to property is that of Part OWNER  
(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

(Zoning Ordinance); to permit the installation or ~~construction~~

of ~~outside display of a bicycle and~~  
motor cycle sales lot on property zoned

L/C, located 2660 S OLIVER

and legally described as: GORGES

*Use legal form  
ownership list  
Addition Lot 1*

\_\_\_\_\_

\_\_\_\_\_, 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. 24-606); 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 Marc Gorges

Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in office of Secretary Board of Zoning Appeals, 4:40 (a.m. - P.M.), July 25, 1972, together with appropriate fee of \$50.00.

T9-403

Signed J. Lynn Sherry

GORGES



*Chrysler-Plymouth-VOLVO*

7127 EAST KELLOGG

WICHITA, KANSAS 67207

TELEPHONE: (316) 685-2201

July 27, 1972

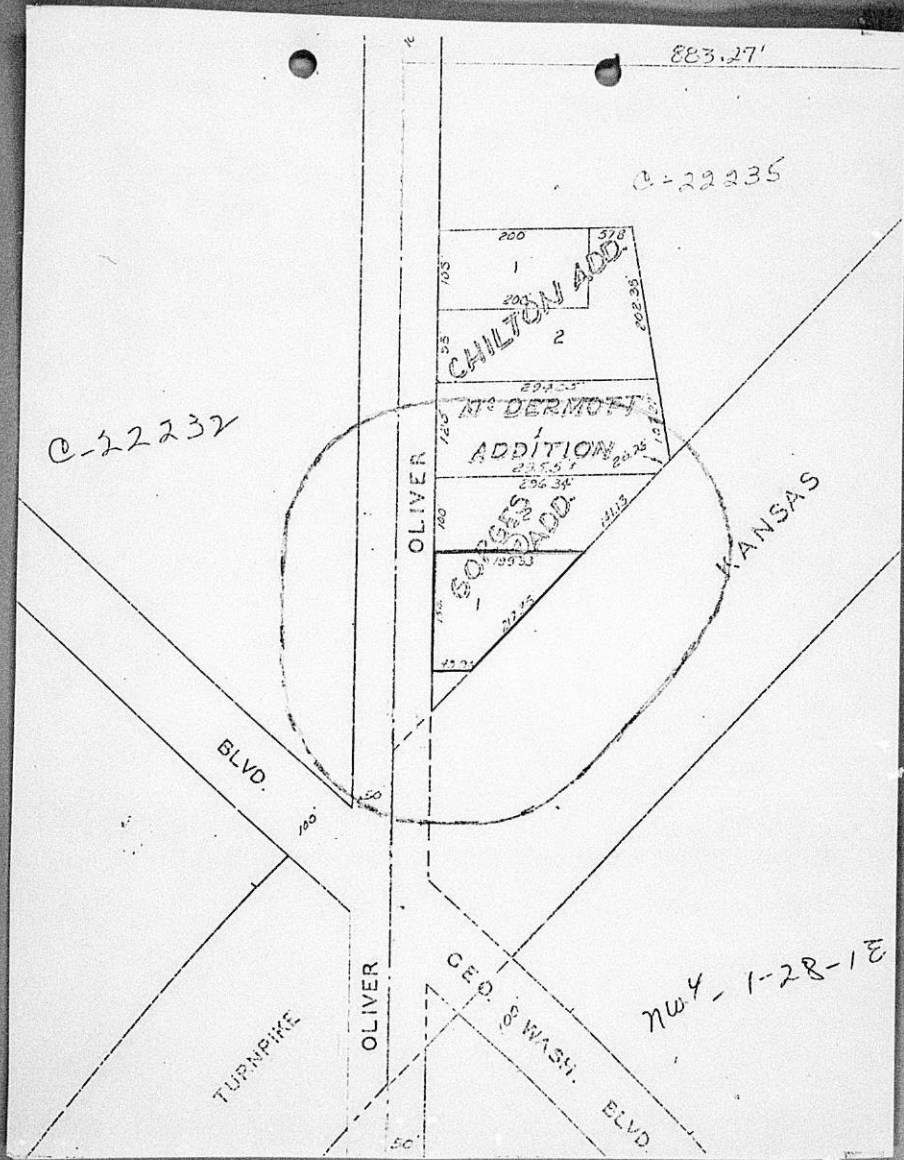
Gorges Chaporral believes that we should be granted exception on external display of bicycles and motorcycles because: Our location is bordered by a used automobile lot on the North border of our location, the east and south border of our property is the Kansas Turnpike and Oliver street borders the West side.

There is no residential property in the immediate area. Immediate area business constitutes the Giant Department Store, a Vickers service station, a closed restaurant and a building containing offices and apartments for rent.

We believe however, that our strongest justification for a minimal outside display is that our only bordering business neighbor is a used automobile lot which of course has extensive external display.

We wish to thank the board for consideration of our statement.

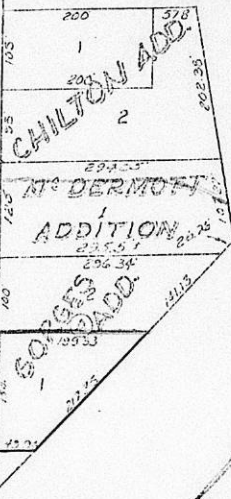
YOU NEVER PAY TOO MUCH AT GORGES—*Never!*



883.27'

C-22235

C-22232



BLVD.

OLIVER

KANSAS

TURNPIKE

OLIVER

GEO. S. WASH. BLVD.

NWY-1-28-1E

## STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
 SEDGWICK COUNTY )

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:

Lot 1, Block "A", in Gorges Addition to Wichita,  
 Sedgwick County, Kansas.

*use for legal*

**Fidelity  
 Title  
 Company,  
 inc.**

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

Lot 1, Blk A, Gorges Addition.

✓ *Mark F. Marc M., Fred M. Gorges*  
 Pizza Parlor, Inc.  
 Res. Apt. I. D. Brown,  
 412-416 Biting Bldg. 67202  
 2650 South O. Ave. 26210

Lot 2, Blk A, Gorges Addition.

✓ Fred M. & Ruth Ann Gorges, ux  
 Marcus W. & Corrine Gorges, ux  
 Alphonse J. & Genevieve  
 Gorges, ux  
 201 Burr Oak Rd. 67206

Lot 1, McDermott Addition.

✓ Jack & Louise McDermott, ux  
 4510 E. Mt. Vernon Rd. 67218

C-22235: Beg 1575 ft N of SW cor NW $\frac{1}{4}$   
 Sec 1-28-1E; th E 520 ft; S  
 506.6 ft to NW ROW line of  
 Ks. Turnpike; SW 227.5 ft;  
 NW 310 ft; W 307.8 ft; th N  
 361 ft to beg., exc N 100 ft.

✓ Wichita Aerie # 132, Fraternal  
 Order of Eagles,  
 2600 S. Oliver 67210

C-22232: All that part of NE $\frac{1}{4}$  Sec 2-  
 Twp 28 R 1 E lying N & E of  
 George Washington Blvd.

✓ Lillian M. Love, decd.  
 Ruth J. Love, Adm. 67211  
 Mildred M. Guyot,  
 Mabel N. Wilson  
 Olive M. Hupp



Dated at Wichita, Kansas this 18th day of  
July, 1972 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elmer M. Farrell OEM  
Sec.

Tracer # 15472

FORM 223.021

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

DESCRIPTION	AMOUNT
<i>HKA Grafton</i>	<i>\$50.00</i>

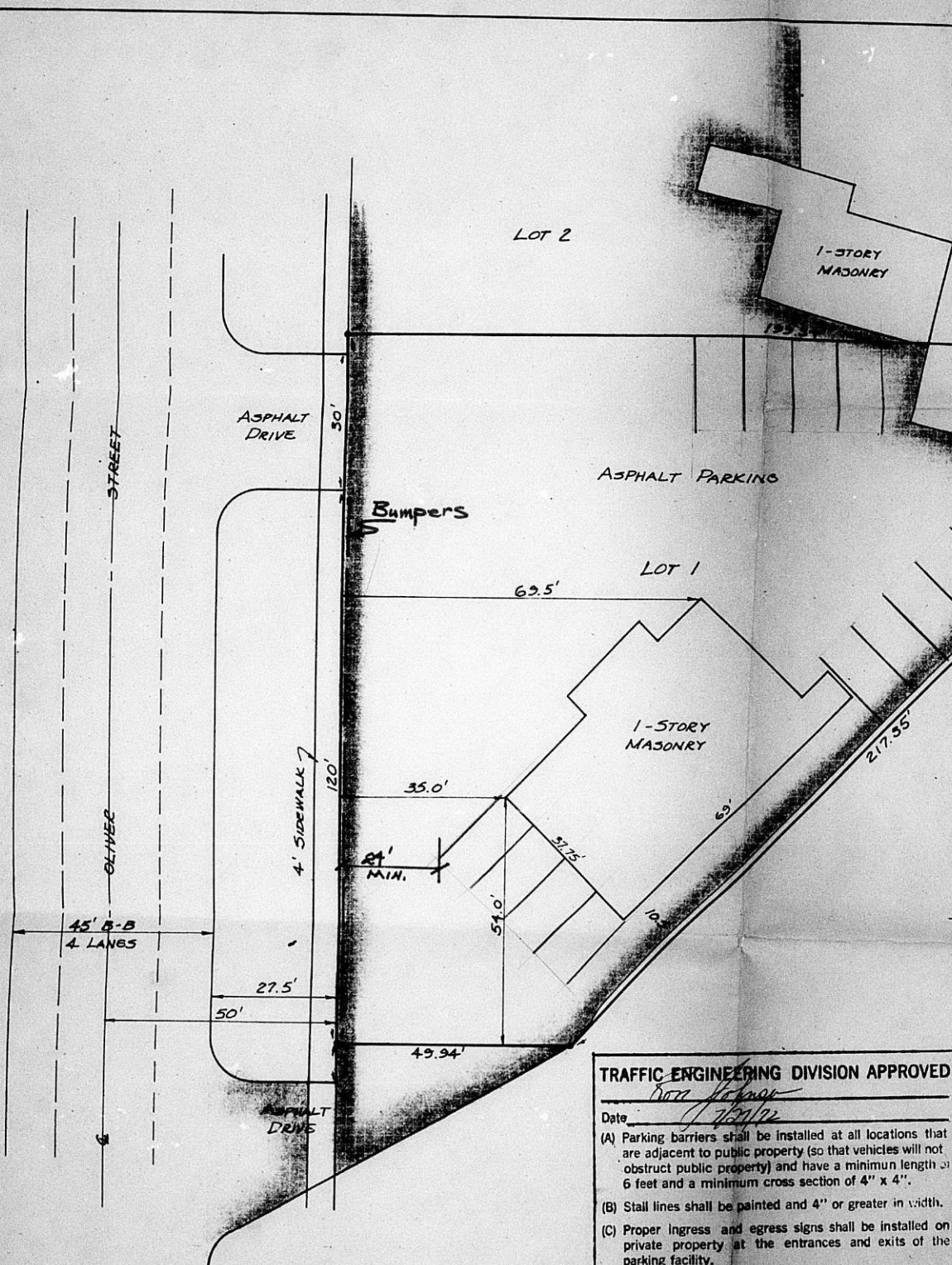
Name *Wynne Chaparral*

Address *2000 South Oliver*

Type *SA-457103* Due Date

Comments:

Date *1-25-12* BY *WMC*



LA  
AD  
CO

DON C. I  
314 BRO  
FILE NO.

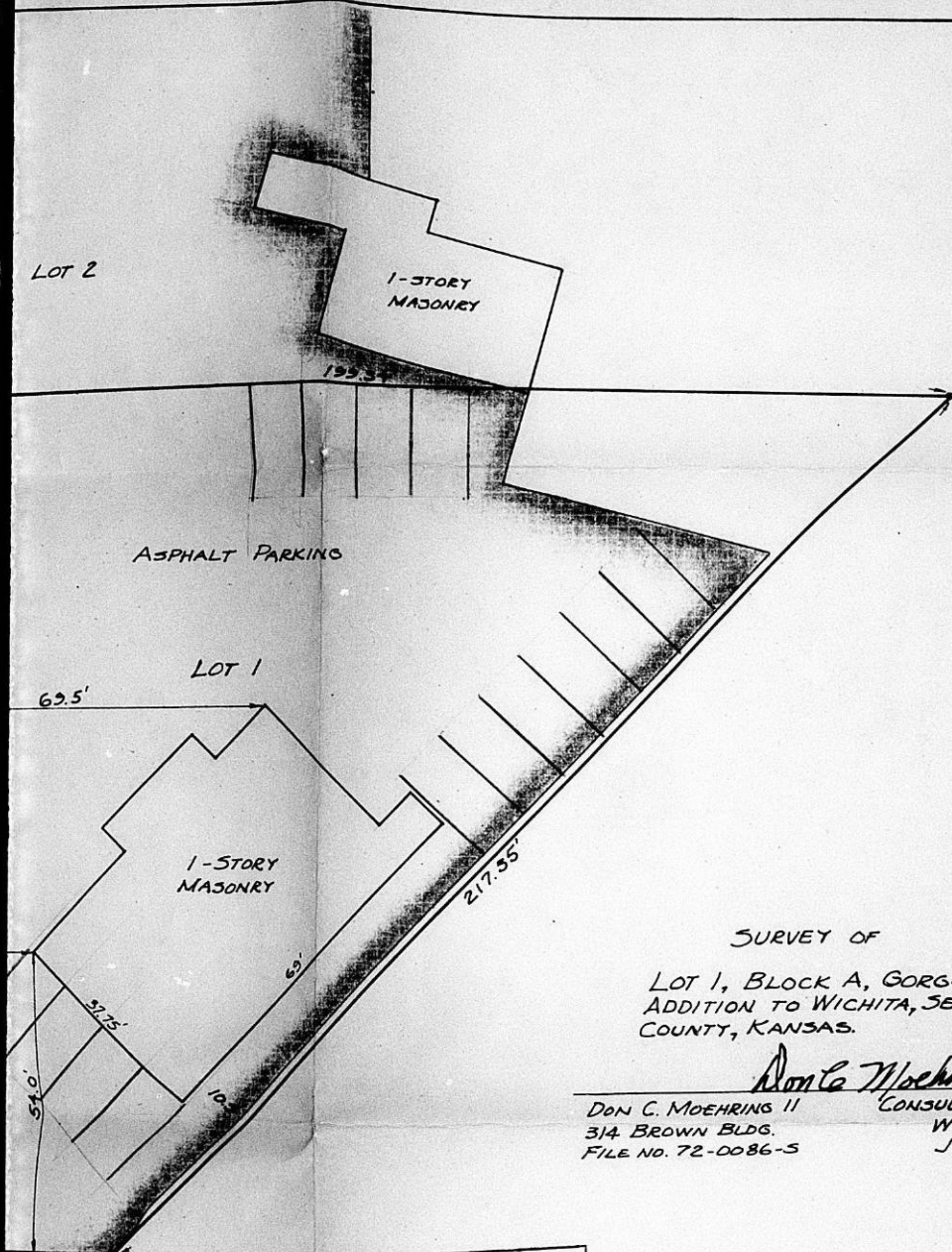
**TRAFFIC ENGINEERING DIVISION APPROVED**

Date 7/29/72

(A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".

(B) Stall lines shall be painted and 4" or greater in width.

(C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.



SURVEY OF  
 LOT 1, BLOCK A, GORGES  
 ADDITION TO WICHITA, SEDGWICK  
 COUNTY, KANSAS.

*Don C. Moehring II*  
 DON C. MOEHRING II  
 314 BROWN BLDG.  
 FILE NO. 72-0086-5  
 CONSULTING ENGINEER  
 WICHITA, KANSAS  
 JULY 24, 1972



**TRAFFIC ENGINEERING DIVISION APPROVED**

Date: *Don C. Moehring II*  
*7/24/72*

(A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".

(B) Stall lines shall be painted and 4" or greater in width.

(C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.