

001063

12A 25401 - J. J. Ransley requests
exception to permit bottling works
at the southeast corner of 26th St
No. and Arkansas



No. 2-103½C

August 9, 1965

Mr. J. W. Ramsey
2364 North Richmond
Wichita, Kansas

Dear Mr. Ramsey:

Re: Case No. BZA 25-65

On July 29, 1965, we advised you that the Board of Zoning Appeals had approved your request for an exception to the Zoning Ordinance to allow a bottling works to be located on property zoned "LC" and generally located at the southeast corner of 26th Street and Arkansas.

We also advised that the Board's decision might be appealed to the City Commission, provided that such appeal was filed on or before August 6, 1965. The City Clerk has advised that no appeal was filed, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Attachment

cc: Glen Lytle, Superintendent
of Central Inspection

RESOLUTION NO. BZA 25-65

WHEREAS, J. W. Ramsey, 2364 North Richmond, Wichita, Kansas, has requested an exception, pursuant to Section 28.04.183, Code of the City of Wichita, and as authorized by Section 2.12.590.3, Code of the City of Wichita, to permit a bottling works to be located on property zoned "LC" Light Commercial, and legally described as follows:

Lots 50, 52, 54, 56, 58, 60, 62, 64, 66, and 68, on Arkansas Avenue, in McTaggart's Addition to the City of Wichita, Kansas,

generally located at the southeast corner of 26th Street North and Arkansas; and

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, in regular meeting, consider said application on July 27, 1965; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under provisions of Section 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the applicant desires to obtain an exception for a bottling plant and while his main business is retail sales of milk, there is a small bottling operation in connection therewith; and

WHEREAS, it is apparent the applicant would be burdened with undue hardship in his efforts to relocate, improve and expand his facilities, if this exception is not granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the exception requested to permit a bottling works on property zoned "LC" and legally described as follows:

Lots 50, 52, 54, 56, 58, 60, 62, 64, 66, and 68, on Arkansas Avenue, in McTaggart's Addition to the City of Wichita, Kansas,

generally located at the southeast corner of 26th Street North and Arkansas.

be approved, subject to the following:

1. The maximum building coverage of land area shall be one square foot of ground area of the building to three square feet of land area.
2. The minimum setback of any building from the property lines shall be 30 feet.
3. All materials shall be kept within a completely enclosed building (no outside storage).
4. All parking and loading areas shall be paved with concrete or asphalt and must not cover more than one-half of required open space.
5. The maximum number of employees shall be 15 per acre of net land area in any one shift.

6. No noxious odors or undue noise shall be detectible from the property lines.
7. An off-street parking plan, including points of ingress and egress, markings for channelization, etc., shall be approved by the Traffic Engineer prior to the time a permit is issued for the bottling works.
8. All of the above conditions shall be complied with within 18 months from the effective date of the approval of this application or the permit shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 27th day of July, 1965.

Harold Bauer
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

July 29, 1965

Mr. J. W. Ramsey
2364 North Richmond
Wichita, Kansas

Dear Mr. Ramsey:

Re: Case No. BZA 25-65

At its regular meeting of July 27, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to the Zoning Ordinance to allow a bottling works to be located on property zoned "LC" Light Commercial and generally located at the southeast corner of 26th Street North and Arkansas.

It was the decision of the Board to approve this request, subject to the following conditions:

1. The maximum building coverage of land area shall be one square foot of ground area of the building to three square feet of land area.
2. The minimum setback of any building from the property lines shall be 30 feet.
3. All materials shall be kept within a completely enclosed building (no outside storage).
4. All parking and loading areas shall be paved with concrete or asphalt and must not cover more than one-half of required open space.
5. The maximum number of employees shall be 15 percent of net land area in any one shift.
6. No noxious odors or undue noise shall be detectible from the property lines.

Page 2 - J. W. Ramsey
July 29, 1965

7. An off-street parking plan, including points of ingress and egress, markings for channelization, etc., shall be approved by the Traffic Engineer prior to the time a permit is issued for the bottling works.
8. All of the above conditions shall be complied with within 18 months from the effective date of the approval of this application or the permit shall be null and void.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before August 6, 1965.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If none has been filed on or before August 6, 1965, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: Glen Lytle, Superintendent
of Central Inspection

Robert Finch
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 25-65

APPLICANT: J. W. Ramsey, 2364 North Richmond

REQUEST: Exception pursuant to Section 2.12.590.3, Code of the City of Wichita, to allow a bottling works to be located on property zoned "LC" Light Commercial

LOCATION: Southeast corner of 26th Street North and Arkansas.

ZONING: Subject property is "LC". North, south and east is "A". West is "LC".

LAND USE: Subject property is single family. North is vacant; south is single family and duplex; east is single family; west is single family and ice cream and dairy and used car lot.

JURISDICTION

The Board has jurisdiction to consider the exception under the provisions outlined in Section 2.12.590.3, Code of the City of Wichita and may grant the exception providing the conditions outlined under Section 28.04.183.1, Code of the City of Wichita can be complied with.

COMMENTS BY THE SECRETARY

The applicant desires to obtain an exception for a bottling plant in an "LC" Light Commercial zone. He further states that his main business is retail sales of milk and that the bottling process is a small part of the operation.

It is the opinion of the Secretary that the use will be compatible with the other commercial uses in this area. The plot plan submitted meets the conditions outlined in the Code, except for the condition pertaining to setbacks. The minimum building setback is 30 feet from all property lines whereas the plot plan indicates a 12-foot setback from the south line of 25th Street North. It should be pointed out that there is a platted 20-foot building setback adjacent to the south side of 26th Street North and, therefore, the proposed building is located in the setback area. Although the minimum building setback is 30 feet, the Board may grant a variance to this requirement in unusual conditions as outlined in Section 28.04.183.1.4 of the Zoning Ordinance. However, it is the Secretary's opinion that the 30-foot building setback can be maintained.

RECOMMENDATION OF THE SECRETARY

It is the opinion of the Secretary that the applicant would be burdened with undue hardship if the exception is not granted and, therefore, it is recommended that the exception be approved, subject to the following conditions and requirements:

1. The maximum building coverage of land area shall be one square foot of ground area of the building to three square feet of land area.
2. The minimum setback of any building from the property lines shall be 30 feet.
3. All materials shall be kept within a completely enclosed building (no outside storage).
4. All parking and loading areas shall be paved with concrete or asphalt and must not cover more than one-half of required open space.
5. The maximum number of employees shall be 15 per acre of net land area in any one shift.
6. No noxious odors or undue noise shall be detectible from the property lines.
7. A five-foot high solid wall, masonry or louvered redwood, fence shall be constructed along the east and south property lines except that the fence shall be reduced from five feet in height to three feet in height in the front yard setback area.
8. An off-street parking plan, including points of ingress and egress, markings for channelization, etc. shall be approved by the Traffic Engineer prior to the time a permit is issued for the bottling works.
9. All of the above conditions shall be complied with within 18 months from the effective date of the approval of this resolution or the permit shall be null and void.

ARKANSAS

30' APPROACH

100'

ASPHALT PAVING

ASPHALT

DAIRY BLDG.
BOTTLENG WORKS

26TH ST NORTH

CANOPY

1/2" SCALE

BROKEN LINES INDICATE PROPERTY LINES

30' APPROACH

40'

40'

12'

60'

140'

40'

6'

5'

PORTER

Surf Clean UNIMASTER BANAMA-BEAVER Surf Clean UNIMASTER PA A

SECRETARY'S REPORT

CASE NO. BZA 25-65

APPLICANT: J. W. Ramsey, 2364 North Richmond

REQUEST: Exception pursuant to Section 2.12.590.3, Code of the City of Wichita, to allow a bottling works to be located on property zoned "LC" Light Commercial

LOCATION: Southeast corner of 26th Street North and Arkansas.

ZONING: Subject property is "LC". North, south and east is "AA". West is "LC".

LAND USE: Subject property is single family. North is vacant; south is single family and duplex; east is single family; west is single family and ice cream and dairy and used car lot.

JURISDICTION

The Board has jurisdiction to consider the exception under the provisions outlined in Section 2.12.590.3, Code of the City of Wichita and may grant the exception providing the conditions outlined under Section 28.04.183.1, Code of the City of Wichita can be complied with.

COMMENTS BY THE SECRETARY

The applicant desires to obtain an exception for a bottling plant in an "LC" Light Commercial zone. He further states that his main business is retail sales of milk and that the bottling process is a small part of the operation.

It is the opinion of the Secretary that the use will be compatible with the other commercial uses in this area. The plot plan submitted meets the conditions outlined in the Code, except for the condition pertaining to setbacks. The minimum building setback is 30 feet from all property lines whereas the plot plan indicates a 120foot setback from the south line of 25th Street North. It should be pointed out that there is a platted 20-foot building setback adjacent to the south side of 26th Street North and, therefore, the proposed building is located in the setback area. Although the minimum building setback is 30 feet, the Board may grant a variance to this requirement in unusual conditions as outlined in Section 28.04.183.1.4 of the Zoning Ordinance. However, it is the Secretary's opinion that the 30-foot building setback can be maintained.

RECOMMENDATION OF THE SECRETARY

It is the opinion of the Secretary that the applicant would be burdened with undue hardship if the exception is not granted and, therefore, it is recommended that the exception be approved, subject to the following conditions and requirements:

Page 2 - Case No. BZA 25-65
Secretary's Report

1. The maximum building coverage of land area shall be one square foot of ground area of the building to three square feet of land area.
2. The minimum setback of any building from the property lines shall be 30 feet.
3. All materials shall be kept within a completely enclosed building (no outside storage).
4. All parking and loading areas shall be paved with concrete or asphalt and must not cover more than one-half of required open space.
5. The maximum number of employees shall be 15 per acre of net land area in any one shift.
6. No noxious odors or undue noise shall be detectible from the property lines.
7. A five-foot high solid wall, masonry or louvered redwood, fence shall be constructed along the east and south property lines except that the fence shall be reduced from five feet in height to three feet in height in the front yard setback area.
8. An off-street parking plan, including points of ingress and egress, markings for channelization, etc. shall be approved by the Traffic Engineer prior to the time a permit is issued for the bottling works.
9. All of the above conditions shall be complied with within 18 months from the effective date of the approval of this resolution or the permit shall be null and void.

BZA NO. 25-65 - 23 NOTICES MAILED FOR JULY 27, 1965, MEETING

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

July 8, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 25-65

An application has been filed by J. W. Ramsey, 2364 North Richmond, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception as provided in Section 28.04.183, Code of the City of Wichita, to allow a bottling works to be located on property zoned "LC" Light Commercial and Legally described as follows:

Lots 50, 52, 54, 56, 58, 60, 62, 64, 66 and 68, on Arkansas Avenue, in McTaggart's Addition to the City of Wichita, Kansas.

Generally located at the southeast corner of 26th Street North and Arkansas.

This application has been assigned Case No. BZA 25-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 27, 1965, at 2:00 p.m., in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

JHG:bgs



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

July 8, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 25-65

An application has been filed by J. W. Ramsey, 2364 North Richmond, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception as provided in Section 28.04.183, Code of the City of Wichita, to allow a bottling works to be located on property zoned "LC" Light Commercial and legally described as follows:

Lots 50, 52, 54, 56, 58, 60, 62, 64, 66 and 68, on Arkansas Avenue, in McTaggart's Addition to the City of Wichita, Kansas.

Generally located at the southeast corner of 26th Street North and Arkansas.

This application has been assigned Case No. BZA 25-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 27, 1965, at 2:00 p.m., in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

JHG:bgs

ARKANSAS

20' APPROACH

20' APPROACH

100'

ASPHALT PAVING

40'

ASPHALT

40'

12'

ASPHALT

60'

26TH ST NORTH



1/4" SCALE

140'

40'

BROKEN LINES INDICATE PROPERTY LINES

APPLICATION FOR EXCEPTION

I. Name of Applicant J. W. RAMSEY
Mailing Address 2364 N. RICHMOND Phone TE-80186
Name of Authorized Agent _____
Mailing Address (BUSINESS) _____ Phone TE-84571
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, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of BOTTLING WORKS
_____ on property zoned
"LC", located 26th & ARKANSAS
_____ and legally described as: Lots
50, 52, 54, 56, 58, 60, 62, 64, 66 & 68 on Arkansas
Av., in McJaggart's Add., in the City of Wichita.
(Give metes and bounds description below if appropriate).

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 JWR
Authorized Agent _____

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:50 (a.m. (P.M.)), July 6, 1965, together with appropriate fee of \$50.00.

Signed JDA

Lot 70 & Lot 72, exc S 1 ft., Arkansas Ave.,

McTaggart's Addition.

*Net. & remailed
5-10-65*

✓ J. C. & Loretta M. Seavey, ux

~~2652 N. Arkansas Ave.~~
2652 N. Arkansas

S 1 ft of Lot 72, all Lots 74 & 76, Arkansas Ave.,

McTaggart's Addition.

✓✓ Lois & Ernest Woolworth, vir.

3601 N. Broadway

Lots 78 & 80, Arkansas Ave., McTaggart's Addition.

✓✓ F. L. & Mary Williams, ux

1142 S. Kansas

Lots 82 & 84, Arkansas Ave., McTaggart's Addition.

✓✓ David F. & Daisy E. Harpool, ux

2614 N. Arkansas Ave.

Lots 37 & 39, Jackson Ave., McTaggart's Addition.

✓✓ Gordon Finkenbinder, Raymond Finkenbinder & Delight Williams

436 N. Pershing Ave.

Lots 41 & 43, Jackson Ave., McTaggart's Addition.

✓✓ Clifford Edgar & Catherine C. Morton, ux

2707 Jackson Ave.

Lots 45 & 47, Jackson Ave., McTaggart's Addition.

✓✓ Administrator of Veterans Affairs,

% Loan Guaranty Officer,
Vet Adm Center, Wichita, Ka.

Lots 49, 51 & 53, Jackson Ave., McTaggart's Addition.

✓✓ Guy M. & Emma E. Cooper, ux

2645 Jackson Ave.

Lots 55 & 57, Jackson Ave., McTaggart's Addition.

✓✓ Martha A. Scott

7401 S. Broadway

Lots 59, 61, 63, Jackson Ave., McTaggart's Addition.

✓✓ James & Fannie Moore, ux

2639 Jackson Ave.

Lots 65 & 67, Jackson Ave., McTaggart's Addition.

✓✓ C. J. & Jennie Cummings, ux

2637 Jackson Ave.

Lots 69 & 71, Jackson Ave., McTaggart's Addition.

✓✓ P. P. Carrell

2611 Jackson Ave.

Lots 73 & 75, Jackson Ave., McTaggart's Addition.

✓ John C. & Judith A. Beal, ux
1010 Paige

Lots 77 & 79, Jackson Ave., McTaggart's Addition.

✓ I. C. & Bessie W. Newman, ux
2623 Jackson Ave.

Lots 81 & 83, Jackson Ave., McTaggart's Addition.

✓ Grace V. Crowe
2617 Jackson Ave.,

Lot 1, Blk A, Ramsey & Fuller Addition.

X J. W. & Naomi Ramsey, ux
831 W 32nd St. North

Lot 2, Blk A, Ramsey & Fuller Addition.

✓ Fireside Lanes, Inc.
808 W 25th St. North

Lot 2, Blk D, Woodland Heights Addition.

✓ The Prudential Insurance Company
of America
3505 East Douglas

beg 30 ft W & 482 ft N of SE cor of NW $\frac{1}{4}$
Sec 5, Twp 27, R 1 E; th W 157.5 ft; N
50 ft; E 157.5 ft; S 50 ft to beg.

X Ralph E. Gilchrist
Patrick J. Warnick
519 Beacon Bldg.

beg 532 ft N & 30 ft W of SE cor NW $\frac{1}{4}$
Sec 5, Twp 27, R 1 E; th W 157.5 ft;
N 54.5 ft; E 157.5 ft; S 54.5 ft to
beg.

✓ J. R. & Grace Louise Alexander, ux
2423 Wellington Place

S $\frac{1}{4}$ of N 4 $\frac{1}{2}$ A of S 22 A of SE $\frac{1}{4}$ NW $\frac{1}{4}$ of
Sec 5, Twp 27, R 1 E.

✓ Florence M. & C. L. Hebrew, vir.
Box 88, Paonia, Colo.

N $\frac{1}{2}$ of N 4 $\frac{1}{2}$ A of S 22 A of SE $\frac{1}{4}$ of NW $\frac{1}{4}$
Sec 5, Twp 27, R 1 E. & 12 ft adj on
the North.

X Florence M. & C. L. Hebrew, vir
Box 88, Paonia, Colo.

E 2 $\frac{1}{2}$ A of N 4 $\frac{1}{2}$ A of S 26 $\frac{1}{2}$ A of SE $\frac{1}{4}$ of
NW $\frac{1}{4}$ Sec 5, Twp 27, R 1 E.

✓ Jess & Lenore Tindall, ux
2705 Arkansas Ave.

Dated at Wichita, Kansas this 9th day
of April, 1965 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By _____ Sec. _____ OEM

Recorder # 67445



Form 723-021

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 | | |

| DESCRIPTION | AMOUNT |
|--------------------------|--------------|
| <i>Exam Applications</i> | <i>50.00</i> |

Name *J. W. Ramsey*

Address *264 N. Highland*

Type *R-712* Due Date

Comments:

Date *7-6-65* By *B. Howard*