

BZA 27-76 - DEWEY D. GARRISON
requests Exception to permit the
establishment of a used car sales
lot and related activities on
property generally located at the

POSTED
7-21-76
[Signature]

ACTION

BZA 27-76 COMMITTEE

Denied

DATE
8-24-76

M.A.P.C. _____

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

BZA 27-76 - DENEY D. GARRISON
requests Exception to permit the
establishment of a used car sales
lot and related activities on the
property generally located at the

RESOLUTION NO. BZA 27-76

WHEREAS, Dewey D. Garrison, 2335 South Spruce, 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 new and used car sales lot on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 1 and 2, except the west 150 feet thereof, Butler's 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Hillside and Conamore Streets.

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 24, 1976, 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 new and used car sales lot 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 new and used car sales lot on property zoned the "LC" Light Commercial District, and legally described as follows:

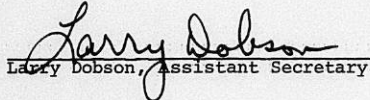
Lots 1 and 2, except the west 150 feet thereof, Butler's 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Hillside and Conamore Streets,

be denied.

ADOPTED AT WICHITA, KANSAS, this 24th day of August, 1976.


Marjorie L. Taylor, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Tenth Floor, City Hall
455 North Main Street

September 3, 1976

Mr. Dewey D. Garrison
2335 South Spruce
Wichita, Kansas 67211

Subject: Case No. BZA 27-76
Request for Exception

Dear Mr. Garrison:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 24, 1976, in connection with your request for an exception to permit the establishment of a new and used car sales lot on property ~~located~~ the "LC" Light Commercial District and generally located at the northwest corner of Hillside and Conamore Street.

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

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

Sincerely,

Larry Dobson
Assistant Secretary

LD:bh
Encl.

cc: Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Tenth Floor, City Hall
455 North Main

August 25, 1976

Mr. Dewey D. Garrison
2335 South Spruce
Wichita, Kansas 67211

Subject: Case No. BIA 27-76
Request for Exception

Dear Mr. Garrison:

At the regular meeting of the Board of Zoning Appeals on Tuesday, August 24, 1976, your request for an exception to permit the establishment of a new and used car sales lot on property zoned the "LC" Light Commercial District, and generally located at the northwest corner of Hillside and Conamore Street 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.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:bh/cc:
Mr. Hubert Rainbolt, c/o 2335 South Spruce
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE August 17, 1976



TO Board of Zoning Appeals

FROM David Furnas, Citizen Participation Coordinator

SUBJECT BZA 27-76

At their August 12, 1976, meeting, CPO Neighborhood Council D considered BZA 27-76, the request for an exception to permit a new and used car sales lot on property located at the northwest corner of Hillside and Conamore Streets.

Because the Council did not know the feeling of adjacent property owners, they decided not to make any recommendation on this case.


David Furnas
Citizen Participation Coordinator

DF:LN:sm



RE: AGENDA ITEM NO.

SECRETARY'S REPORT
CASE NO. BZA 27-76

APPLICANT: Dewey D. Garrison, 2335 S. Spruce, Wichita, Kansas.

AGENT: None.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the establishment of a new and used car sales lot.

GENERAL LOCATION: Northwest corner of Hillside and Conamore Streets.

LAND USE: Subject property contains a vacant service station. North is a light manufacturing business; west is vacant, undeveloped property; south is a lawnmower repair shop and a vacant service station; east is developed with a service station and commercial businesses.

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 establishment of a car sales lot on property zoned the "LC" Light Commercial District. The site is located at the northwest corner of Hillside and Conamore Streets, which is just southeast of Joyland Amusement Park.

The property is on a major street, as required by ordinance and has been developed with a service station which is now vacant.

New and used car sales lots are not outright permitted uses in the "LC" District, but may be permitted as exceptions subject to conditions and requirements outlined in the zoning ordinance. The reason for this is that car sales lots are not considered as an appropriate use for every light commercial area in the City, and it is to be determined by the Board of Zoning Appeals where they should be located.

SECRETARY'S REPORT
CASE NO. BZA 27-76

Page 2

Car lots are highway oriented uses and usually other similar uses, such as mobile home sales, boat and marine sales, motorcycle sales and other uses of a heavier commercial nature, congregate in the same area. Basically, the majority of these uses are located on north and south Broadway, and east and west Kellogg.

Although the above situation does not describe subject property, this south Hillside area is influenced by the presence of Joyland Amusement Park on the west side of Hillside and Plainview to the east. There are several vacant service stations and other commercial buildings in the general area and a non-conforming light manufacturing establishment is located immediately north of the application area. A vacant 150 feet of "LC" zoned property separates subject property from the nearest residential development to the west.

The applicant's submitted plot plan has been reviewed by the Traffic Engineer's Office and approved subject to the removal of two existing pump islands and the paving of the entire property.

RECOMMENDATION:

If the Board determines this to be an appropriate location for a new and used car sales lot, it is recommended that the exception 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 reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
 3. Placement or erection of any sign shall comply with the requirements of the zoning ordinance.
 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, and further provided that no body or fender work is done.
 6. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
 7. Parking areas shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces.
 8. The existing gasoline pump islands shall be removed prior to occupancy as a car sales lot.
-

13 notices sent to agent, applicant and adjoining property owners
10 notices sent to members of MAPC
23 total notices sent on BZA 27-76, August 3, 1976

BOARD OF ZONING APPEALS
TENTH FLOOR, CITY HALL
455 North Main, Wichita, Kansas 67202

August 3, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 27-76

An application has been filed by Dewey D. Garrison, 2335 South Spruce, Wichita, Kansas pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a new and used car sales lot on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 1 and 2, except the west 150 feet thereof, Butler's 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Hillside and Conamore Streets.

This application has been assigned Case No. BZA 27-76, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 24, 1976, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North 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

*13-2-76
10/1/76*

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant ✓ Dewey D. Garrison

Mailing Address 2335 S. Spruce Phone 264-1868

Name of Authorized Agent self

Mailing Address 2335 S. Spruce Phone 264-1868

Relationship of applicant to property is that of Owner (Contract purchase)
(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 a used car sales lot and related activities on property zoned LC, located Northwest corner of Hillside and Conamore Street and legally described as: Lots 1 and 2 except the West 150 feet thereof in Butler Second Addition, 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 Dewey D. Garrison
Dewey D. Garrison
Authorized Agent self

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 2:00 (a.m. - ~~p.m.~~), 7-7, 1976, together with appropriate fee of \$50.00

Signed Larry Nelson

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
1 West 150 feet	150	Butler's 2nd Addition	Paul L. Thompson ✓ Buena Mae Thompson 2468 Cheyenne Blvd. 67216
1 East 100 feet	100	Same	Dean E. Pittenger ✓ Beulah B. Pittenger 2616 Manhattan Dr. 67204
2 West 150 feet	150	Same	Paul L. Thompson D Buena Mae Thompson 2468 Cheyenne Blvd. 67216
2 East 100 feet	100	Same	Dean E. Pittenger D Beulah B. Pittenger 2616 Manhattan Dr. 67204
3 West ½	½	Same	Robert B. Hughes ✓ Florence M. Hughes 3018 Conamore St. 67216
3 East ½	½	Same	Charles Leslie Lloyd ✓ Margaret Lloyd 3024 Conamore St. 67216
20 West ½	½	Same	William E. Gibbs ✓ Wanda Darlene Gibbs 3017 Conamore St. 67216
20 East ½	½	Same	Edwin A. Turner ✓ Lela May Turner 3023 Conamore St. 67216
21		Same	James E. Ismert ✓ Priscilla M. Ismert 254 Courtleigh Dr. 67218
22		Same	✓ H. L. Chapman 753 Chautauqua 67211
1 South 74 C feet	C	Planeview Subdivision No.2	K-K Humphrey's Investment Address unkown
1 North 76 feet of South 150 feet	Same	Same	Bonnie North Inc. Address unknown <i>not in CD not in SD not in CD not in SD</i>
1 Except above described	Same	Same	D Paul Thompson Buena Mae Thompson 2468 Cheyenne Blvd. 67216

Lot	Block	Addition	Property Owner
2	C	Planeview Subdivision NO.2	Elmer E. Hunt Shirley M. Hunt 1248 S Wichita St. 67213
4	Same	Same	Earl T. Blanchard Hope E. Blanchard 3279 Ross Pkwy 67210
57	Same	Same	Church Extension Plan Address Unknown <i>not in phone book</i> <i>not in CO</i> <i>not in SD</i>
1	All of Lot 1, Block K, except that part lying North of Permanent Right of Way for Street and incidental Drainage Purposes.	Planeview Subdivision NO. 1	Karefree Nursing Center Inc. 2840 S Hillside
	A tract Beg. 550 feet South of NE corner of SE $\frac{1}{2}$, thence West 700 feet, South 223 feet East 700 feet, North 223 feet to Beg. in Section 3, Township 28, Range 1E. Except North 90 feet, East 300 feet thereof.		Griffin Products Inc. Address unkown <i>not in phone book</i> <i>not in CO</i> <i>not in SD</i>
	A tract Beg. 550 feet South of NE corner of SE $\frac{1}{2}$ in Section 3, Township 28, Range 1E., thence West 500 feet, South 90 feet, East 300 feet, North 90 feet to Beg.		Audra E. Turner 264 S Roosevelt 67210 Richard N. Dawson Joan Dawson 2847 S Hillside 67216



b

434 NORTH MAIN
WICHITA, KANSAS 67202
267-8371

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

200 feet radius of: Lot 1 and Lot 2, except the West 150 feet thereof, Butler's 2nd Addition, Sedgwick County, Kansas.

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 29th day of June, 1976 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By *Mary Cable*

Vice President

Order No. 239198
SS

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	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT

Name

Address

Type	Due Date
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Comments:

Date	By
------	----

*

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

Roll # 1