

Case No. BZA 31-78 - NEVETS, INC.,  
Ed. W. Steven requests an excep-  
tion to permit the establishment  
of a new and used motor vehicle  
sales agency on property generally  
located at the southwest corner

7-26-78

*Posted 8-11-78*  
*MAILED*  
*8-11-78*

**ACTION**

DATE

8-28-78  
11-28-78

approved

COMMITTEE

BZA 31-78

desired substitute hearing  
approved time extension to  
1-27-79

BZA Rehearing  
M.A.P.C.

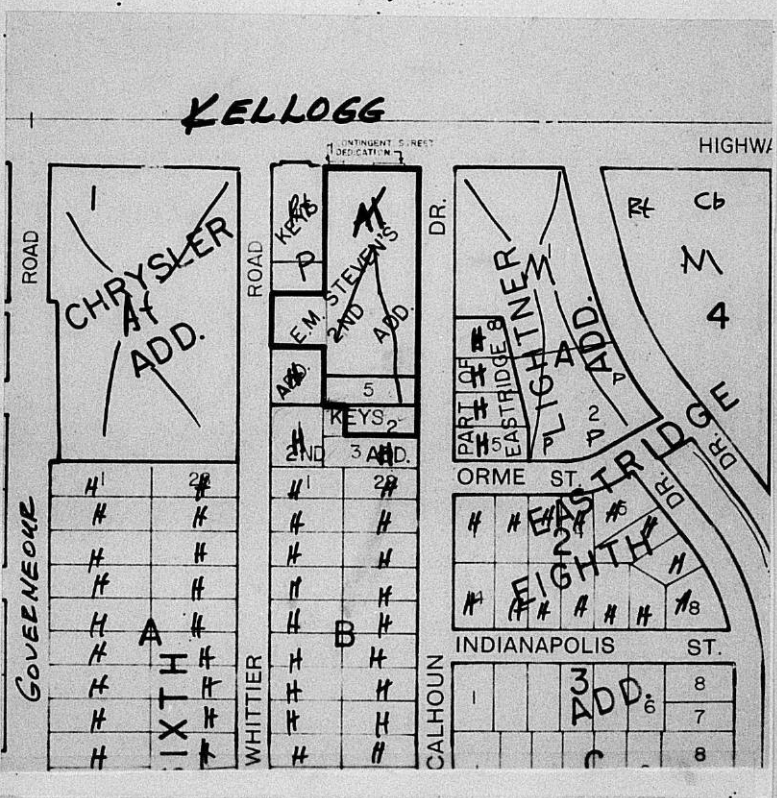
B.C.C./B. CO. C. \_\_\_\_\_

Map No. 5946  
 Sec. 30  
 Twp. 27  
 Range 2E

BZA- 31-78  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA: (IRREGULAR)  
 1. Acres: \_\_\_\_\_ ( 270 ft. by 480 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East MOTEL South SINGLE FAMI  
 West AUTO DEALER North KELLOGG  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use is for: Auto Dealer  
 6. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



No. 2153C  
 S. Smith  
 MAPPING, INC. - LOS ANGELES  
 LOAN ON - MEMORANDUM, TX, U. S. A.

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202

November 3, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 31-78

REHEARING

An application was previously approved for Nevets, Inc., 6637 E. Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, permitting an exception for the establishment of a new and used motor vehicle sales agency on property zoned the "LC" Light Commercial District, and legally described as follows:

Lot 1, E. M. Stevens Second Addition, the south 50 feet of Lot 5, Key's Addition and Lot 2, except the west 37 feet thereof, Key's Second Addition. Generally located on the south side of Kellogg in an area between Whittier and Calhoun.

On August 22, 1978, the Board of Zoning Appeals granted this exception subject to fifteen conditions. Pursuant to Article VIII, subparagraphs A and B, Nevets, Inc. has requested a rehearing of this case to consider the substitution of existing landscaping for the required wood fencing along the west 37 feet of the south line of Lot 5, Key's Addition; and also an extension of time to comply with all conditions of approval.

This rehearing will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 28, 1978, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith  
Secretary

Certified check for \$202.50  
brought in by McHenry at 5:00 P.M. on  
12/14/78

Deposited check w/ PW Admin to hold  
for paperwork supporting amount  
for planting trees



Grievance Office

April 18, 1979

~~Handwritten signature~~  
Dobson  
File

Bob Feldner, Central Inspection

Fredrick A. Linde, Grievance Officer

Holiday Inn East  
File #A-236

We have another complaint about the failure to enforce zoning regulations against both Holiday Inn East and Eddy's Toyota.

The Holiday Inn East complaint concerns the up until now failure to fill the foundations from which two houses were removed. The houses were taken away two or three weeks ago and the foundations are still open.

The complaint about Eddy's is that the newest addition to his parking lot has not yet been hard surfaced.

We hope both items can be brought into compliance at the very earliest time.

24k

Fredrick A. Linde,  
Grievance Officer

FAL:kg

cc: Bob Lakin, Planning Department ✓





31-78



December 18, 1978

Mr. Allan McHenry  
Century Plaza Building  
Wichita, Kansas

Dear Mr. McHenry:

We are sorry about the delay in completing our contract at Eddie's Toyota. There is about \$3,500.00 worth of work still to be done. Hopefully this week we'll get it completed.

Sincerely,

A handwritten signature in cursive script that reads 'Wayne Heorman'.

Wayne Heorman

WH:pm

1900 AMIDON/P.O. BOX 4048/WICHITA, KANSAS 67204/(316) 838-9301





December 12, 1978

Alan M. McHenry  
318 Century Plaza  
Wichita, Kansas 67202

Re: Case No. SEA 31-78  
Request for Rehearing

Dear Mr. McHenry:

Enclosed is a signed copy of the amendment to Resolution SEA 31-78 adopted by the Board of Zoning Appeals on November 28, 1978, in connection with your request for a rehearing to consider the substitution of existing landscaping for the required wood fencing along the west 37 feet of the south line of Lot 5, Key's Addition; and also an extension of time to comply with all conditions of approval, on property zoned the "LC" Light Commercial District and generally located on the south side of Kellogg in an area between Whittier and Calhoun.

This Resolution reflects the official action of the Board to deny the request to permit substitution of landscaping for the required wood fence and amends condition #15 to provide for an extension of time to comply with all conditions of approval.

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

Sincerely,

Larry Dobson  
Assistant Secretary

LD:bbc  
Enclosure

cc: Nevets, Inc., 6637 E. Kellogg, 67207  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

RESOLUTION NO. BZA 31-78  
(AMENDMENT)

WHEREAS, Nevets, Inc., 6637 E. Kellogg, Wichita, Kansas, requests a rehearing of Case No. BZA 31-78, to consider the substitution of existing landscaping for the required wood fencing along the west 37 feet of the south line of Lot 5, Key's Addition; and also an extension of time to comply with all conditions of approval, on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, E. M. Stevens Second Addition, the south 50 feet of Lot 5, Key's Addition and Lot 2, except the west 37 feet thereof, Key's Second Addition. Generally located on the south side of Kellogg in an area between Whittier and Calhoun.

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 November 28, 1978, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a rehearing under the provisions of Article VIII, subparagraphs A and B of the Rules and Regulations of the Board of Zoning Appeals; and

WHEREAS, the Board of Zoning Appeals has determined that the screening intent would not be met by a deciduous hedge on an adjoining property; and

WHEREAS, the Board of Zoning Appeals has determined that an extension of time to complete conditions of approval would be appropriate if satisfactory financial guarantee is provided to assure the improvements will be made.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that the request to substitute existing landscaping for the required wood fencing along the west 37 feet of the south line of Lot 5, Key's Addition be denied; and

BE IT FURTHER RESOLVED by the Board of Zoning Appeals that an extension of time, for completion of conditions of approval associated with the approved exception case BZA 41-78 on the following described property:

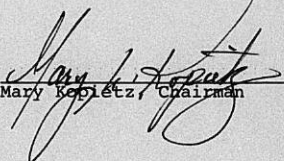
Lot 1, E. M. Stevens Second Addition, the south 50 feet of Lot 5, Key's Addition and Lot 2, except the west 37 feet thereof, Key's Second Addition. Generally located on the south side of Kellogg in an area between Whittier and Calhoun

be approved, and that Condition No. 15 of Resolution No. BZA 31-78 be amended to read as follows:

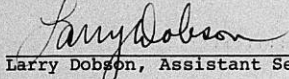
15. Unless otherwise noted all conditions of approval shall be complied with prior to the utilization of Lot 2, Key's Second Addition for the display, sale or storage of any motor vehicle and no later than January 27, 1979; and further provided that the applicant shall submit a financial guarantee in the amount of 150% of the estimated cost to surface the lot (Condition #2), construct the fence (Condition #9), plant the required trees (Condition #11) and close the existing driveway (Condition #14) and also submit an executed agreement

giving the City the right to go onto subject property to have these items completed should they not be completed by January 27, 1979. The financial guarantee and letter of agreement shall be submitted in approved form no later than December 12, 1978.

ADOPTED AT WICHITA, KANSAS, this 28th day of November, 1978.

  
\_\_\_\_\_  
Mary Kepletz, Chairman

ATTEST:

  
\_\_\_\_\_  
Larry Dobson, Assistant Secretary

**THE CITY OF WICHITA**

OFFICE OF CITIZEN PARTICIPATION

DATE November 27, 1978

TO Larry Dobson, Junior Planner

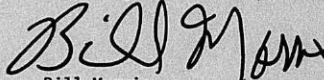
FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 31-78 (South Side of Kellogg  
Between Whittier and Calhoun)

On November 20, 1978, CPO Council "H" considered the captioned case. Mr. Alan McHenry, agent in the case, and a resident of the area were present. Council "H" voted 6-0 to recommend that (1) the fencing along the lot be constructed so as to preserve existing trees and shrubs, and (2) that no extensions of time to comply with BZA conditions be granted.

Council members commented on the many complaints that have been received as a result of the applicant's activities in the area and the need to protect the rights of adjacent residents.

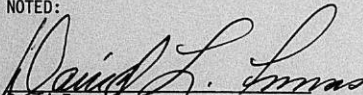
A member of Council "H" is planning on attending the BZA hearing of the case.



Bill Morris  
CPO Administrative Aide

BM/pd

NOTED:



David Furnas  
Citizen Participation Coordinator

# THE CITY OF WICHITA

*File Copy*



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
435 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4421

November 29, 1978

Alan M. McHenry  
318 Century Plaza  
Wichita, Kansas 67202

Re: Request for Rehearing  
Case No. BZA 31-78

Dear Mr. McHenry:

At the regular meeting of the Board of Zoning Appeals on November 28, 1978, the Board considered your request to substitute existing landscaping for the wood fencing along the west 37 feet of the south line of Lot 5, Keys Addition; and also the extension of time to comply with all conditions of approval as set forth in Resolution No. BZA 31-78, approved by the Board on August 22, 1978.

After considerable discussion and after listening to neighborhood complaints as to the operation and failure to comply with the conditions of approval, it was the action of the Board to deny the request to substitute the landscaping for the required wood fence. In addition, the Board granted a 60-day extension to January 27, 1979, to complete the conditions of approval and required that the applicant submit a satisfactory financial guarantee in the amount of 150% of the estimated cost to surface the lot (condition #2), construct the fence (condition #9), plant the required trees (condition #11) and close the existing driveway (condition #14); and in addition to submit an executed agreement for the City to go onto private property to have these items completed should they not be completed by January 27, 1979. The Board stipulated that the financial guarantee and letter of agreement be submitted in approved form no later than December 12, 1978.

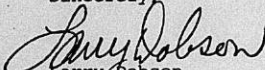
THE CITY OF WICHITA

November 29, 1978  
Alan M. McHenry  
Re: BZA 31-78

Two approved methods of providing financial guarantee are a cashier's check and an irrevocable letter of credit. Samples of an irrevocable letter of credit and a letter of agreement are enclosed for your convenience. To establish the amount of the financial guarantee you will need to provide executed contracts or bonafide bids (3 each) for the work described. Once the total cost estimate has been determined, 150 percent of the estimate will be established as the amount to be guaranteed.

An amended Resolution is being prepared and you will be mailed a copy as soon as the appropriate signatures have been obtained. If you have any questions, please call.

Sincerely,

  
Larry Dobson  
Assistant Secretary

LD:bbc

cc: Nevets, Inc., 7333 E. Kellogg, 67207  
Fred Linde, Grievance Officer, City of Wichita  
Max Eaton, 4 Laurel Drive, 67206  
Ron Clements, 555 Calhoun, 67207  
Jerry Cole, 1351 N. Emporia, 67214  
Allen Inlow, Central Inspection, City of Wichita  
Robert Feldner, Supt. of Central Inspection, City of Wichita  
Joe Donnelly, Housing & Zoning Administrator, City of Wichita  
Don Gisick, City Clerk, City of Wichita

LETTER OF AGREEMENT BETWEEN NEVETS, INC., AND CITY OF WICHITA

Nevets, Inc., 7333 E. Kellogg, Wichita, Kansas, hereinafter referred to as Owners, certify they are the fee title owners of certain real property in the City of Wichita known as Lot 1, E. M. Stevens Second Addition, the south 50 feet of Lot 5, Key's Addition and Lot 2, except the west 37 feet thereof, Key's Second Addition.

In consideration of the Board of Zoning Appeals of the City of Wichita approving an exception to permit operation of a new and used motor vehicle sales agency on the above described property, Owners hereby agree to the following provisions in order to guarantee their compliance with Resolution No. BZA 31-78.

1. To pave Lot 2, except the west 37 feet thereof, Key's Second Addition with concrete or asphalt.
2. To construct a 6 to 8 foot high solid wood fence along the west 37 feet of the south line of Lot 5, Key's Addition. The fence is to be constructed with the same materials used on the existing fence bordering Lot 2, Key's Second Addition.
3. To deposit with the City of Wichita an approved letter of credit in the amount of \$ \_\_\_\_\_ for the paving and an approved letter of credit in the amount of \$ \_\_\_\_\_ for the fence to insure installation of the paving and construction of the fence.
4. In the event the paving is not installed on or before January 27, 1979, Owners authorize the City of Wichita to execute the letter of credit in the amount of \$ \_\_\_\_\_ and secure an independent contractor who will be authorized to enter upon Owners' property for the purpose of installing the paving.
5. In the event the fence is not constructed on or before January 27, 1979, Owners authorize the City of Wichita to execute the letter of credit in the amount of \$ \_\_\_\_\_ and secure an independent contractor who will be authorized to enter upon Owners' property for the purpose of constructing the fence.
6. In the event the City is required to complete the work set forth above due to default by Owners and is required to expend additional funds over and above the amounts set forth in the approved letters of credit, Owners agree to reimburse the City of Wichita for such additional expenditures upon receipt of an itemized invoice from the City of Wichita.
7. In the event the City of Wichita is required to complete the work set forth above due to default by Owners and the amount expended is less than the amounts set forth in the approved letters of credit, the difference shall be considered liquidated damages and will be retained by the City of Wichita.

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Date)

APPROVED AS TO FORM:

\_\_\_\_\_  
John Dekker  
Director of Law

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(City Manager)

\_\_\_\_\_  
(Date)

IRREVOCABLE LETTER OF CREDIT

\_\_\_\_\_  
(Name and Address of Bank)

DATE: \_\_\_\_\_

THE CITY OF WICHITA  
ADMINISTRATIVE DIVISION  
DEPARTMENT OF PUBLIC WORKS  
455 N. MAIN STREET  
WICHITA, KANSAS 67202

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ \_\_\_\_\_ for the account of \_\_\_\_\_ (OBLIGOR) to be accepted by your signed statement that drawing is due to default or failure to perform by OBLIGOR the improvement(s) specified below on or before January 27, 1979, in Lot 1, E. M. Stevens Second Addition, the south 50 feet of Lot 5, Key's Addition and Lot 2, except the west 57 feet thereof, Key's Second Addition, in Wichita, Sedgwick County, Kansas.

1. Paving of Lot 2, except the west 37 feet thereof, Key's Second Addition with concrete or asphalt. (\$ \_\_\_\_\_ )
2. Erection of a 6 to 8 foot high solid wood fence constructed of cedar or redwood, along the west 37 feet of the south line of Lot 5, Key's Addition. (\$ \_\_\_\_\_ )
3. Planting of grass and at least five (5) trees in the public right-of-way adjacent to the east side of Lot 2 Key's Second Addition and Lot 5, Key's Addition as approved by the City Forester.
4. Removal of the existing driveway approach and return of the curb adjacent to Lot 2, Key's Second Addition. (\$ \_\_\_\_\_ )

Acting through the Superintendent of Central Inspection you will notify us when either:

1. The improvement(s) have been timely completed and the Letter of Credit may be released, or
2. The OBLIGOR has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked: "Drawn under \_\_\_\_\_ (Name of Bank) \_\_\_\_\_, Credit No. \_\_\_\_\_ Dated \_\_\_\_\_."

The amount of any draft drawn under this credit must, concurrently with negotiation be endorsed on the reverse side hereof and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.



We hereby agree with the drawers, endorsers and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before March 27, 1979.

\_\_\_\_\_  
(Name of Bank)

By: \_\_\_\_\_  
(Authorized Signature)

THE CITY OF WICHITA

OFFICE OF Central Inspection Division DATE November

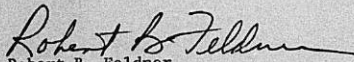


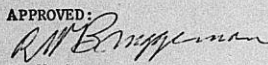
TO Robert Finch, Assistant City Manager  
FROM Robert B. Feldner, Superintendent of Central Inspection

SUBJECT Eddy's Toyota, BZA 31-78

On August 22, 1978, the Board of Zoning Appeals considered an application for an expansion of the Eddy's Toyota facility. The application was approved, subject to compliance within 60 days, of fifteen conditions. These conditions include specific screening/landscaping, paving, lighting, signage, structural and parking requirements. The approved resolution also states: "Approval of this exception is intended to incorporate and supersede previous BZA Case No. 2-78, thereby making that resolution null and void." Thus, each of the fifteen requirements and any other violations would have to be satisfactorily resolved in order to continue the new and used motor vehicle sales use of property zoned light commercial.

Throughout the 60 day period Central Inspection made numerous visits to the Eddy's Toyota facility, reminding them of the requirements and the fact that they must be complied with on or before October 20, 1978. These inspections repeatedly evinced that no effort was being made to satisfy any of the requirements. An inspection was conducted the afternoon of Friday, October 20th, and no action had been taken to meet the requirements. Based upon non-compliance, Central Inspection was prepared to initiate the necessary formal action to abate use of the premise on Monday morning, October 23, 1978. However, on Monday morning just prior to processing the notices of violation, notifications, etc., a check with the Metropolitan Area Planning Department revealed that representatives of Eddy's Toyota filed an application for amendment of the BZA action in the late afternoon of Friday, October 20, 1978. Further enforcement effort associated with these requirements will be meaningless, until the new application is acted upon by the Board of Zoning Appeals. Central Inspection has placed this file in abeyance until that time, but will continue to monitor this facility for the ongoing violations associated with their operation.

  
Robert B. Feldner  
Superintendent of Central Inspection

APPROVED:  
  
R. W. Bruggeman  
Director of Public Works

cc: Robert Lakin, Director of Planning  
Jack Galbraith, Chief Planner of Current Plans  
Fred Linde, Grievance Office



Grievance Office

October 5, 1978

Bob Feldner, Central Inspection

Fredrick Linde, Grievance Officer

Neighborhood complaints about  
Eddy's Toyota. File #9241.

Please refer to our earlier memos of September 15 and 19 on same subject. Mr. E. G. Stevens, the operator of the Toyota firm, is an applicant for a zoning variance, BZA resolution 31-78.

The main element of complaint concerns the continuing absence of the fence which was required as a condition for the most recent zoning change granted to Stevens. The fence is to be installed to screen all properties south of the Eddy's holdings on Calhoun. In particular, the fence is to be directly north of a residence at 555 Calhoun.

Last month the owner - occupant of 555 Calhoun, Mr. Ron Clements, complained about the absence of the fence and about badly focused flood lights. I have just now talked to Mr. Clements and he tells me the flood lights are no longer a problem because the firm voluntarily turns them off each evening. I believe this is in response to our letter of September 20 to Mr. Stevens.

One of the disagreeable consequences of the continuing absence of the fence is the diversion of some vehicular traffic across Mr. Clements' yard and driveway. Apparently, the traffic will not be regulated until the fence has been installed.

Are any efforts underway to require the construction of the fence?

*Zak*  
Fredrick A. Linde,  
Grievance Officer

cc: Bob Lakin, Planning Department  
✓ Jack Galbraith, Planning Department

Sent Fred  
Lunde

Agenda +  
staff report

11/20/78

SECRETARY'S REPORT  
CASE NO. BZA 31-78

REQUEST FOR REHEARING

APPLICANT: Nevets, Inc., 6637 E. Kellogg, Wichita,  
Kansas

AGENT: Alan M. McHenry, 318 Century Plaza, Wichita,  
Kansas

REQUEST: Rehearing to consider the substitution of  
existing landscaping for the required wood  
fencing along the west 37 feet of the south  
line of Lot 5, Key's Addition; and also an  
extension of time to comply with all condi-  
tions of approval.

GENERAL  
LOCATION: South side of Kellogg in an area between  
Whittier and Calhoun

ZONING: Subject property is zoned the "LC" Light  
Commercial District. South is the "AA"  
Single Family Dwelling District. East is  
the "A" Two Family Dwelling District and  
"LC" District. West is "LC", "BB" Office  
District and "AA" District. North is "LC".

LAND USE: Subject property is developed as a new and  
used motor vehicle sales agency. South is  
single family residential development. East  
is a motel and single family homes. North is  
a motor vehicle sales agency. West is a  
restaurant, single family homes and a motor  
vehicle sales agency.

JURISDICTION:

The Board has jurisdiction to hold a rehearing on a case pursuant to Article VIII, Subparagraphs A and B of the Rules and Regulations of the Board of Zoning Appeals.

COMMENTS BY THE SECRETARY:

At its meeting of August 22, 1978, the Board of Zoning Appeals approved an exception to permit the establishment of a new and used motor vehicle sales agency on subject property. The approval of this exception was made subject to fifteen conditions. The applicant is specifically requesting reconsideration of condition #9 relative to fencing and #15 which stipulated a 60-day time period for compliance of all but one of the conditions of approval.

Condition #9 required the erection of a 6 to 8 foot high cedar or redwood fence to be erected along portions of the west, south and east property lines. Adjacent to a

37 foot section of the south property line is an 8 to 10 foot tall hedge planted on the adjoining property. After viewing where the fence would be constructed, necessitating a severe cutting back of this hedge, the applicant feels the screening intent can be accomplished with the existing hedge, without the danger of damaging or destroying his neighbor's hedge.

The existing hedge is not of an evergreen variety and will, therefore, drop its foliage during cold weather, thereby losing most of its screening capability. Concern for existing mature landscaping material is to be commended and the Secretary would suggest that with extreme care the fence could be erected without damage to the hedge. The applicant might even consider moving that section of fence a foot or two onto his property in an effort to minimize the potential of damage.

Condition #15 states that "Unless otherwise noted, all conditions of approval shall be complied with prior to the utilization of Lot 2, Key's Second Addition for the display, sale or storage of any motor vehicle and within 60 days from the date of approval or this resolution shall become null and void". This 60 day time limit applied to all conditions except for #11 which deals with landscaping in the public right-of-way. This condition was given a December 31, 1978 deadline. On Friday, October 20, 1978, the day before the 60 day time limit expired, the agent for the applicant submitted this request for rehearing to the office of the Secretary, along with what were termed executed contracts for paving and fencing of the property, one dated October 2, 1978 and the other October 17, 1978. Approximately one week later, the fence, except for the 37 foot section discussed above, was constructed. Once the fence was erected, cars were immediately moved onto this unpaved area in violation of condition #15. The applicant is requesting an extension of compliance time until two weeks after final action on this rehearing.

Over the history of this applicant's operation at this location, there have been numerous instances of his apparent disregard for timely compliance with conditions attached to the operation of his business. There has been a seemingly unending stream of letters and phone calls between neighbors, various city agencies and applicant's agent concerning violations stemming from this operation. The Secretary is of the opinion that, based on the applicant's past performance, there is no reason to believe that all conditions of approval would be accomplished within two weeks or that the landscaping will be completed by December 31st. This situation is a continual enforcement hassle, which is most unfortunate for the surrounding neighborhood. It is hoped that the applicant would present a realistic time frame for complying with the conditions of approval and then diligently see to it that it is accomplished.

Case No. BZA 31-78  
November 28, 1978  
Page 3

RECOMMENDATION:

It is the recommendation of the Secretary that the fencing requirement not be amended and that an extension of time be granted for compliance of all conditions, except #11, to a time determined by the Board.

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202

November 3, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 31-78

REHEARING

An application was previously approved for Nevets, Inc., 6637 E. Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, permitting an exception for the establishment of a new and used motor vehicle sales agency on property zoned the "LC" Light Commercial District, and legally described as follows:

Lot 1, E. M. Stevens Second Addition, the south 50 feet of Lot 5, Key's Addition and Lot 2, except the west 37 feet thereof, Key's Second Addition. Generally located on the south side of Kellogg in an area between Whittier and Calhoun.

On August 22, 1978, the Board of Zoning Appeals granted this exception subject to fifteen conditions. Pursuant to Article VIII, subparagraphs A and B, Nevets, Inc. has requested a rehearing of this case to consider the substitution of existing landscaping for the required wood fencing along the west 37 feet of the south line of Lot 5, Key's Addition; and also an extension of time to comply with all conditions of approval.

This rehearing will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 28, 1978, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith  
Secretary



BZA CASE NO. 31-78

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

17 NOTICES SENT TO ADJOINING PROPERTY OWNERS

30 TOTAL NOTICES SENT 11-3-78

**Alan M. McHenry Architect  
Century Plaza Building  
Wichita, Kansas 67202**

October 20, 1978

Mr. Larry Dobson  
Assistant Secretary  
Board of Zoning Appeals  
The City of Wichita  
City Hall - Tenth Floor  
455 N. Main Street  
Wichita, KS 67202

Re: Nevets Inc.  
Edward M. Steven

Dear Mr. Dobson:

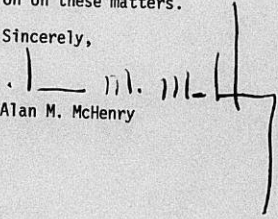
Accompanying list letter are ownership lists and an Application for Exception to permit the use of an existing landscape screen in place of the board fence required by BZA case No. BZA 31-78. This existing screen is an evergreen planting approximately 8-10' high and its density is shown by the accompanying photograph.

We are also submitting copies of the contracts for paving, fencing, etc. as requested by Central Inspection.

In order to permit action on the above described exception we are also requesting an extension of compliance time until two weeks after final action on this exception.

Thank you for your cooperation on these matters.

Sincerely,

  
Alan M. McHenry

AMM/sn

cc: Mr. Edward M. Steven

BOARD OF ZONING APPEALS

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

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant Nevelts Inc., Edw. M. Steven

Mailing Address 7333 E. Kellogg Phone 685-4201  
Wichita, Kans.

Name of Authorized Agent Alan M. McHenry

Mailing Address 318 Century Plaza Phone 265-1872  
Wichita, Kansas

Relationship of applicant to property is that of 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, to permit

the establishment of landscape screen on west 37 feet  
of the south 50 feet of lot 5 Keys Add.\* on property zoned

LC, located on the south side of Kellogg west  
of Calhoun and legally described as: E. M. Steven

Second Add., the south 50' of lot 5 Keys Add. and lot 2,

except the west 37' Keys Second Add.. All add. on to Wichita  
Sedgwick County, Kansas.

\_\_\_\_\_, 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 Edw. Steven by

Authorized Agent W. M. McHenry

OFFICE USE ONLY: Received in the office of the Secretary, Board of  
Zoning Appeals, ~~10/20~~<sup>10/30</sup> (a.m. P.M.), 10/30, 1978,  
together with appropriate fee of \$50.00

Signed Larry Johnson

T9-403

\* and an extension of compliance time until 2 weeks after final action on this exception.

**Alan M. McHenry Architect**  
**Century Plaza Building**  
**Wichita, Kansas 665-1878**

October 20, 1978

Mr. Larry Dobson  
Assistant Secretary  
Board of Zoning Appeals  
The City of Wichita  
City Hall - Tenth Floor  
455 N. Main Street  
Wichita, KS 67202

Re: Nevets Inc.  
Edward M. Steven

Dear Mr. Dobson:

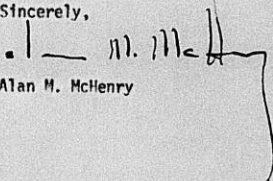
Accompanying list letter are ownership lists and an Application for Exception to permit the use of an existing landscape screen in place of the board fence required by BZA case No. BZA 31-78. This existing screen is an evergreen planting approximately 8-10' high and its density is shown by the accompanying photograph.

The extreme activity in the building industry this summer, particularly paving contractors has made accomplished results very difficult. Central Inspection has informed Mr. Stevens to submit the executed contracts for this work to you as evidence of his good faith and they are subsequently enclosed.

In order to permit action on the above described exception we are also requesting an extension of compliance time until two weeks after final action on this exception.

Thank you for your cooperation on these matters.

Sincerely,

  
Alan M. McHenry

AMM/sn

cc: Mr. Edward M. Steven

1900 AMIDON/P.O. BOX 4048/WICHITA, KANSAS 67204



## PROPOSAL

SUBMITTED TO	DATE: 10-17-78
NAME: Allan McHenry	JOB NAME: Toyota
STREET: Century Plaza Building	LOCATION: 7333 E. Kellogg
CITY, STATE: Wichita, KS.	CITY, STATE: Wichita, KS.

### SPECIFICATIONS AND ESTIMATES:

To surface parking area approximately 50' x 100'. Close 1-concrete approach and construct concrete flume from property line to curb.

We will excavate and prepare sub-base then place a 3½" hot mixed sand asphalt base course with a 1½" hot mixed asphaltic concrete wearing surface.

We will remove old concrete approach and replace the curb.

We will construct a concrete flume from the property line to the city curb. Metal cover to be furnished by others.

We will install asphalt curb for \$2.00 per lin. ft.

We will furnish labor, equipment and materials in accordance with the above specifications, for the sum of

Five thousand three hundred and forty dollars (\$ 5,340.00 )

with payment to be made as follows: upon receipt of invoice.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Signature

*E. R. Powers*  
E. R. Powers

NOTE: This proposal may be withdrawn by us if not accepted within 30 days.

### ACCEPTANCE:

The above prices, specifications, and conditions are satisfactory and are accepted. You are hereby authorized to do the work as specified. Payment will be made as outlined above.

YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE YOU SIGN AND RETURN THIS PROPOSAL FORM. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT.

DATE

SIGNATURE

*Edna M. News*

CUSTOMER COPY

838-9361  
R.H.L.

# Bolan fence company

2311 N. Arkansas, Wichita, Kansas 67204, Ph. 832-0188

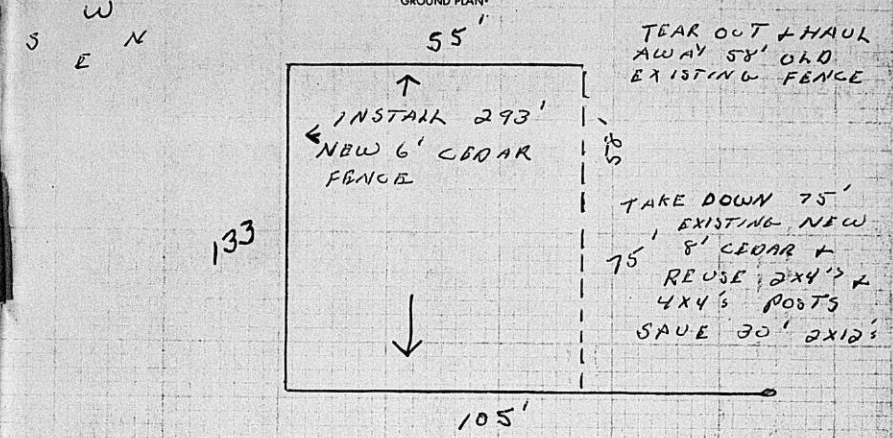
PROPOSAL DATE: 10/2/78 R/O NO. \_\_\_\_\_

PROPOSAL TO: EDDY'S TOYOTA PHONE: 265 1870 ATTN: MR MCHENRY SALESMAN

JOB ADDRESS: 7333 E KELLOGG CITY: WICHITA ST.: KS ZIP: \_\_\_\_\_

NEAR \_\_\_\_\_ LOT NO. \_\_\_\_\_ BLK. \_\_\_\_\_ TRACT \_\_\_\_\_

BILLING ADDRESS (if different) \_\_\_\_\_ CITY/ZIP \_\_\_\_\_



SPECIAL TOOLS: JACK HAMMER  CORE DRILL  AIR DRILL

SPECIAL INSTRUCTIONS: SAVE 2X4'S + 4X4 + REUSE ON NEW 6' CEDAR

INSTALL: LEVEL  STRAIGHT TOP  CONTOUR

STYLE: CEDAR BEAUTY LINK FABRIC: YES  NO  SLATS: YES  NO  "HOT DIP" GALVANIZED BEFORE WEAVING: YES  NO  PAINTED AFTER WEAVING: YES  NO  COLOR: \_\_\_\_\_

FENCE										BARBED WIRE				GATES			
FTG.	HEIGHT	GALV. FABRIC	LINE POSTS		TOP RAIL	BARBS		NO. STRS.		NO. SGLS.	NO. DBLS.	NO. ROLLS	WIDTH	HEIGHT	C/L FRAME	W/I STYLE	
			O.D.	SPACED		TIP	DOWN	UP	DOWN								
<u>293</u>	<u>72</u>	<u>WOOD</u>	<u>4X4</u>	<u>2</u>	<u>RUNNER</u>												

WROUGHT IRON							RAZOR RIBBON	
FTG.	HEIGHT	LINE POSTS		TOP RAIL	BOTTOM RAIL	PICKETS	TWISTED <input type="checkbox"/>	
		O.D.	SPACED					
				X	X	X		
				X	X	X		
				X	X	X		

POSTS			REMOVABLE STRETCH <input type="checkbox"/>		SLATS		HORSE CORRAL				
NO.	O.D. OR SIZE	TYPE			COLOR		FTG.	HEIGHT	NO. RAILS	LINE POSTS	
										O.D.	SPACED
			X		2 2 3/4						
			X								
			X								

YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT.

**TERMS**  
**CASH UPON COMPLETION**

ALL WORK PERFORMED IN A WORK-MANLIKE MANNER IN ACCORDANCE WITH STANDARD PRACTICE.

FOR THE SUM OF	DATE
\$ <u>2426 00</u>	
TAX \$ <u>74 79</u>	
BLDG. PERMIT \$	
TOTAL \$ <u>2500 79</u>	
DOWN PAYMENT \$	
BALANCE DUE \$	

PLEASE READ THE TERMS ON THE REVERSE SIDE WHICH ARE A PART OF THIS CONTRACT.

SELLER: Bolan Fence Company  
SUBMITTED BY: Ed Busch  
ACCEPTED BY (OFFICER OF SELLER): \_\_\_\_\_

BUYER(S): Eddy M. Henry  
BY: \_\_\_\_\_  
BY: \_\_\_\_\_

STATEMENT OF OWNERSHIP

STATE OF KANSAS     )  
                           )   SS  
 SEDGWICK COUNTY    )

The undersigned duly bonded and qualified abstracter 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:

Record owners within: 200 feet of the South  
 50 feet of Lot 5 KEYS ADDITION



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.)

<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS &amp; ADDRESSES</u>
The South 50' of Lot 5	KEYS ADDITION	NEVETS INC. 905 Stratford Wichita, Kansas 67206
Lots 3 & 6, Lot 5, EXCEPT the South 50'; Lot 7 EXCEPT the North 41.1'	KEYS ADDITION	NEVETS, INC. 905 Stratford Wichita, Kansas 67206
Lot 4	KEYS ADDITION	Frank W. & Meriam Jane Bucholz Adress Unknown
Lots 1 & 2	KEYS ADDITION	Pizza Hut, Inc. 10225 E. Kellogg Wichita, Kansas 67206
Lot 1 & the West 37' of Lots 2 & 3	KEYS SECOND ADDITION	Elizabeth Horning & Opal Ramsdell 542 Whittier Road Wichita, Kansas 67207



<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS &amp; ADDRESSES</u>
Lot 2 EXCEPT the West 37 feet	KEYS SECOND ADDITION	Eddy's Toyota of Wichita, Inc. 7333 E. Kellogg Wichita, Kansas 67207
Lot 3 EXCPET the West 37 feet	KEYS SECOND ADDITION	Ronald & Debra K. Clemments 555 Calhoun Wichita, Kansas 67207
Lot 1	E. M. STEVENS	NEVETS, INC. 905 Stratford Wichita, Kansas 67206
Lot 1	CHRYSLER	Magnum Realty Partners Suite 808 5944 Luther Lane Dallas, Texas 75225
Lot L & 2, Block A	LIGHTNER	Robert S. Lightner 219 N. Market Wichita, Kansas 67202 d/b/a Holiday Inn East 2201 S. Hillside Wichita, Kansas 67211
Lot 2, Block 1	EASTRIDGE 8TH ADD.	Victor H. & James R. Scholfield d/b/a Scholfied Properties 626 Rutland Road Wichita, Kansas 67206
Lot 3, Block 1	EASTRIDGE 8TH ADD.	Victor H. & James R. Scholfield d/b/a Scholfield Properties 626 Rutland Road Wichita, Kansas 67206
Lot 4, Block 1	EASTRIDGE 8TH ADD.	Thomas & Marcella Forster 538 Calhoun Wichita, Kansas 67207
Lot 5, Block 1	EASTRIDGE 8TH ADD.	Carl L. & Margaret K. Burrow 554 Calhoun Wichita, Kansas 67207
Lot 1, Block 2	EASTRIDGE 8TH ADD.	Alonzo C. Sr. & Shirley J. Smith 1514 N. Erie Wichita, Kansas 67214
Lot 1, Block B	EASTRIDGE 6TH ADD.	Frank L. & Vivian Seten Robert Ray Seten 602 Whittier Wichita, Kansas 67207
Lot 2, Block B	EASTRIDGE 6TH ADD.	Edwards Hughes & Letitia R. Phillips %United Savings & Loan 135 N. Main Wichita, Kansas 67202







-3-

<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS &amp; ADDRESSES</u>
Lot 21, Block B	EASTRIDGE 6TH ADD.	Billy R. & Wilma Popchoke 607 Calhoun Wichita, Kansas 67207
Lot 22, Block B	EASTRIDGE 6TH ADD.	Charles V. Lambertz 601 Calhoun Wichita, Kansas 67207
Lot 28, Block A	EASTRIDGE 6TH ADD.	Walter L. & Lorene B. Johnson 601 Whittier Wichita, Kansas 67207

Updated at Wichita, Kansas this 17th day of October,  
1978; 7:00 A.M.

(Seal)

FIDELITY TITLE COMPANY, INC.

By *C. E. Paul*

Vice-President

TRACER NO. 39705-A



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:

All the record owners within: 200 feet of Lot 1, E. M. STEVENS ADDITION, Sedgwick County, Kansas.



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.)

<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS &amp; ADDRESSES</u>
1	E. M. STEVENS	Nevets, Inc. 905 Stratford Wichita, Kansas 67206
1 & 2	KEYS	Pizza Hut Inc. 10225 East Kellogg Wichita, Kansas 67207
4	KEYS	Frank W. & Meriam Jane Bucholz Address Unknown
South 50 feet of Lot 5	KEYS	Nevets Inc. 7333 E. Kellogg Wichita, Kansas 67203
Lot 1 & West 37 feet of Lots 2 & 3	KEYS 2ND ADD.	Elizabeth Horning & Opal Ramsdell 542 Whittier Street Wichita, Kansas 67207



<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS &amp; ADDRESSES</u>
2 EXCEPT the West 37 Feet	KEYS SECOND ADDITION	Eddy's Toyota of Wichita, Inc. 7333 East Kellogg Wichita, Kansas 67207
3 EXCEPT the West 37 Feet	KEYS SECOND ADDITION	Ronald & Debra K. Clemments 555 Calhoun Wichita, Kansas 67207
1	CHRYSLER ADDITION	Magnum Realty Partners Suite 808 5944 Luther Lane Dallas, Texas 75225
1 and 2, Block A	LIGHTNER ADDITION	Robert S. Lightner and Eugene W. Lightner d/b/a HOLIDAY INN EAST 219 North Market Wichita, Kansas 67202
1, Block B	EASTRIDGE SIXTH	Frank L. & Vivian Seten & Robert Ray Seten 602 Whittier Wichita, Kansas 67207
22, Block B	EASTRIDGE SIXTH	Charles V. Lambertz 601 Calhoun Drive Wichita, Kansas 67207
2, Block 1 and 3, Block 1	EASTRIDGE EIGHTH	Victor H & James R Scholfield d/b/a SCHOLFIELD PROPERTIES 626 Rutland Road Wichita, Kansas 67206
4, Block 1	EASTRIDGE EIGHTH	Thomas & Marcella M Forster 548 Calhoun Wichita, Kansas 67207
5, Block 1	EASTRIDGE EIGHTH	Carl L & Margaret K Burrow 554 Calhoun Wichita, Kansas 67207
2	ROCKWOOD SOUTH FIRST	E. V. Jr. & Doreen M. Yingling 24 Via Roma Wichita, Kansas 67230
1	ROCKWOOD SOUTH THIRD	O. L. Eck 7310 East Kellogg Wichita, Kansas 67207

Updated this 20th day of October, 1978; 7:00 O'Clock A.M. at  
Wichita, Kansas.

FIDELITY TITLE COMPANY, INC.

By *C. E. Bud Fisher*  
Vice-President

Tracer No. 40067-B

*Fidelity*  *Title*  
COMPANY, INC.

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:

Record Owners within 200 feet of:

Lot 2 except the West 37 feet thereof,  
 KEY'S SECOND ADDITION,

*2 Acquit Apple  
 17 adjoining*

*11-3-78  
 trailing - as  
 compared to  
 original list*



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.)

<u>LOTS &amp; BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lot 2 except the West 37 feet	KEY'S SECOND	<input checked="" type="checkbox"/> Eddy's Toyota of Wichita, Inc 7333 East Kellogg Wichita, Kansas 67207
Lot 3 except West 37 feet	KEY'S SECOND	<input checked="" type="checkbox"/> Ronald P. & Debra K. Clement 555 Calhoun Wichita, Kansas 67207
Lots 1 & West 37 feet of Lots 2 & 3	KEY'S SECOND	<input checked="" type="checkbox"/> Elizabeth Horning <del>ADDRESS UNKNOWN</del> & Opal Ramsdell 542 Whittier Wichita, Kansas 67207
Lots 2	KEY'S	<input checked="" type="checkbox"/> Pizza Hut Inc. 10225 East Kellogg Wichita, Kansas 67207
Lot 4	KEY'S	<input checked="" type="checkbox"/> Frank W. & Meriam Jane Bucholz ADDRESS UNKNOWN

*no listing*



<u>LOTS &amp; BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS AND ADDRESSES</u>
The South 50 feet of Lot 5	KEY'S ADDITION	NEVETS, INC. 905 Stratford Wichita, Kansas 67206
Lot 1	E. M. STEVENS SECOND	NEVETS, INC. 905 Stratford Wichita, Kansas 67206
Lot 1	CHRYSLER	MAGNUM REALTY PARTNERS Suite 808 5944 Luther Lane Dallas, Texas 75225
Lot 1 & 2, Block A	LIGHTNERS ADDITION	Robert S. & Eugene W. Lightner d/b/a HOLIDAY INN EAST 219 North Market Wichita, Kansas 67202
Lot 28, Block A	EASTRIDGE SIXTH	Walter L. & Lorene B. Johnson 601 Whittier Wichita, Kansas 67207
Lot 2, Block B	EASTRIDGE SIXTH	Frank & Vivian Seten & Robert Ray Seten 602 Whittier Wichita, Kansas 67207
Lot 2, Block B	EASTRIDGE SIXTH	Edward Hughes & Letitia R Phillips <del>ADDRESS UNKNOWN</del> <i>of United S &amp; L</i>
Lot 3, Block B	EASTRIDGE SIXTH	Lee G & Johnnie M. Groddy 614 Whittier Wichita, Kansas 67207
Lot 20, Block B	EASTRIDGE SIXTH	Joseph G. & Claryce J. Simon 4325 East Lewis Wichita, Kansas 67218
Lot 21, Block B	EASTRIDGE SIXTH	Billy R. & Wilma D. Popchoke 607 Calhoun Wichita, Kansas 67207
Lot 22, Block B	EASTRIDGE SIXTH	Charles V. Lambertz 601 Calhoun Wichita, Kansas 67207
Lot 2, Block 1 & Lot 3, Block 1	EASTRIDGE EIGHTH	Victor H. & James R. Scholfield d/b/a SCHOLFIELD PROPERTIES 626 Rutland Road Wichita, Kansas 67206
Lot 4, Block 1	EASTRIDGE EIGHTH	Thomas & Marcella M. Forster 548 Calhoun Wichita, Kansas 67207
Lot 5, Block 1	EASTRIDGE EIGHTH	Carl L. & Margaret K. Burrows 554 Calhoun Wichita, Kansas 67207
Lot 1, Block 2	EASTRIDGE EIGHTH	Alonzo C. Sr. & Shirley J. Smith 1514 North Erie Wichita, Kansas 67214



LOTS & BLOCKS

Lot 2, Block 2

ADDITION

EASTRIDGE EIGHTH

OWNERS AND ADDRESSES

✓ Edmund Arthur & Lucila Woodcox  
7309 East Orme  
Wichita, Kansas 67207

Dated at Wichita, Kansas, this 17th day of October, 1978;  
at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By

*C. E. Bud Keady*

Vice-President

Tracer No. 40269-A



FORM 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

Comments:

Date

By

**LAMBERTZ COMPANY**

Established 1955  
101 N. Waco / Wichita, Kansas 67203 / (316) 265-8537

October 23, 1978

*Dobson*

**REAL ESTATE**

Shopping Centers  
Investments  
Management  
Commercial  
Counseling  
Industrial  
Offices

*Inlow is responding  
led  
10-24-78*

Re: Case No. BZA 31-78  
NEVETS INC., Edward M. Steven

Good Morning:

I wanted to check the current status on the above mentioned case.

There has been no apparent physical activity to comply with the conditions outlined in your letter, dated 8/22/78, to Mr. Alan McHenry.

I would, as a neighbor, appreciate any information you can supply.

Sincerely,

*Chuck Lambertz*  
Chuck Lambertz:jw

cc: Robert Feldner, Supt of Central Inspection  
Joe Donnelly, Housing & Zoning Administrator  
Dan Giseck, City Clerk  
Larry Dabeon, Assistant Secretary, Board of Zoning Appeals







Dobson  
JG.

Grievance Office

October 5, 1978

Bob Feldner, Central Inspection

Fredrick Linde, Grievance Officer

Neighborhood complaints about  
Eddy's Toyota. File #9241.

Please refer to our earlier memos of September 15 and 19 on same subject. Mr. E. G. Stevens, the operator of the Toyota firm, is an applicant for a zoning variance, BZA resolution 31-78.

The main element of complaint concerns the continuing absence of the fence which was required as a condition for the most recent zoning change granted to Stevens. The fence is to be installed to screen all properties south of the Eddy's holdings on Calhoun. In particular, the fence is to be directly north of a residence at 555 Calhoun.

Last month the owner - occupant of 555 Calhoun, Mr. Ron Clements, complained about the absence of the fence and about badly focused flood lights. I have just now talked to Mr. Clements and he tells me the flood lights are no longer a problem because the firm voluntarily turns them off each evening. I believe this is in response to our letter of September 20 to Mr. Stevens.

One of the disagreeable consequences of the continuing absence of the fence is the diversion of some vehicular traffic across Mr. Clements' yard and driveway. Apparently, the traffic will not be regulated until the fence has been installed.

Are any efforts underway to require the construction of the fence?

*RLK*

Fredrick A. Linde,  
Grievance Officer

cc: ✓ Bob Lakin, Planning Department  
Jack Galbraith, Planning Department

Grievance Office

September 19, 1978

Bob Feldner, Central Inspection

Fredrick Linde, Grievance Officer

Neighborhood complaints about  
Eddy's Toyota. File #9241.

Mr. Ron Clements lives at 555 Calhoun. His residence is immediately south of a lot recently cleared for expansion of the Eddy's Toyota operation. On September 15, 1978, I wrote about some of the difficulties Mr. Clements experiences with trespass by automobile because of the up-until-now failure of Eddy's to install the fence to separate Mr. Clements' property from the newly cleared lot.

We have just had another call from Mr. Clements. He tells me two flood lights on the parking lots of Eddy's are shining directly into his bedroom. He recognizes the need for the flood lights but he is most hopeful Central Inspection can prevail upon Eddy to redirect the lights or to shield them so that the light no longer intrudes into his home. He quotes section 28.04.041, paragraph 2, which requires the intensity of light and the arrangement of the reflectors to be such so as not to interfere with residential uses. Mr. Clements is not asking for a removal of the lights but rather to prevent interference with his own enjoyment of his property.

Please let me know what action is taken to respond to Mr. Clements' request.

*24*  
Fredrick A. Linde,  
Grievance Officer

FL:lrc

cc: Eugene Denton, City Manager  
✓ Bob Lakin, Planning Department



Grievance Office

September 15, 1978

Bob Feldner, Central Inspection

Fredrick Linde, Grievance Officer

BZA Resolution 31-78.  
File #9241.

On August 22 the Board of Zoning Appeals resolved to grant the E. M. Stevens (Eddy's Toyota) a variance to utilize a recently cleared lot at approximately 551 Calhoun. The restrictions of the resolution provide a number of controls including a six to eight foot solid wood or masonry fence at the south line of the property, paving, shielded lights, <sup>no</sup> sound reproducing equipment and other items. The variance was granted on August 22 with sixty days for a total compliance. Therefore, the company is to be in compliance no later than October 23.

Earlier today Mr. Ron Clements of 555 Calhoun discussed with us some continuing problems which stem from the property. In the main Mr. Clements associates the absence of the required fence with the present problem; i.e., persons, presumably employees, use the cleared but unpaved and unfenced property for parking and then trespass across Mr. Clements' lawn and driveway to reach the city street. Mr. Clements has appealed to Stevens without success. He recognizes it is not a police matter because of the occurrence on private property.

Obviously the difficulties will be immediately arrested upon the completion of the fence. I understand the firm has exhibited considerable past reluctance to comply with zoning and BZA requirements and I believe we can anticipate similar enforcement difficulties in this case. Without the completion of the required items there is no way to help Mr. Clements



Bob Feldner  
September 15, 1978  
Page Two

and perhaps others in the immediate neighborhood. It may be necessary if the sixty days pass without compliance to cite the firm for failure to meet the requirements. I suggest that Central Inspection should be prepared to take this step.

*206*  
Fredrick A. Linds,  
Grievance Officer

FL:lc

cc: Jack Galbraith, Planning Department  
✓ Larry Dobson, Planning Department  
Ron Clements, 555 Calhoun, Wichita, KS 67207

August 31, 1978

Mr. Alan M. McHenry  
318 Century Plaza Bldg.  
Wichita, Kansas 67202

Re: Case No. BZA 31-78  
Nevets Inc., Edward M. Steven  
Request for Exception


Dear Mr. McHenry:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 22, 1978, in connection with your request for an exception on property zoned "LC" Light Commercial District and generally located on the south side of Kellogg in an area between Whittier and Calhoun.

This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. 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:bbc  
Enclosure

cc: Nevets Inc., 6637 E. Kellogg, 67203  
Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Housing & Zoning Administrator  
Don Gisick, City Clerk

RESOLUTION NO. BZA 31-78

WHEREAS, Nevets, Inc., 6637 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 new and used motor vehicle sales agency on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, E. M. Stevens Second Addition, the south 50 feet of Lot 5, Key's Addition and Lot 2, except the west 37 feet thereof, Key's Second Addition. Generally located on the south side of Kellogg in an area between Whittier and Calhoun.

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, 1978, 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 motor vehicle sales agency 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 be approved to permit the establishment of a new and used motor vehicle sales agency on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, E. M. Stevens Second Addition, the south 50 feet of Lot 5, Key's Addition and Lot 2, except the west 37 feet thereof, Key's Second Addition. Generally located on the south side of Kellogg in an area between Whittier and Calhoun

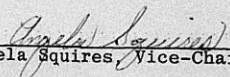
subject to the following conditions:

1. Approval of this exception is intended to incorporate and supercede previous BZA Case No. 2-78, thereby making that resolution null and void.
2. All storage and display areas shall be paved with concrete or asphalt.
3. All lights shall be shielded to direct light away from adjoining properties. No string type lighting or banners shall be permitted.
4. Any signs on subject property shall comply with the provisions of Section 28.04.139 of the City Code.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be done.
7. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.

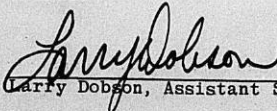
RESOLUTION NO. BZA 31-78

Page 2

8. All parking and display areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond the property lines.
  9. A 6 to 8 foot high solid fence, constructed of redwood or cedar, shall be erected beginning at the southwest corner of Lot 5, Keys Addition, thence east along the south line of said Lot 5 a distance of 37 feet; thence south on a straight line to a point on the south line of Lot 2, Key's Second Addition 37 feet east of the southwest corner of said Lot 2; thence east along the south line of said Lot 2 to the southeast corner of said Lot 2; thence north along the east line of Lot 2, Key's Second Addition and the south 50 feet of Lot 5, Key's Addition, a distance of approximately 105 feet. The above described fence shall connect with the existing fence at the southwest corner of Lot 5, Key's Addition. The existing fence and new fence shall be maintained in good repair.
  10. Appropriate barriers shall be placed adjacent to the south side of the southernmost driveway from Calhoun to prevent the parking of vehicles on the public right-of-way between the east property line and the west curb line of Calhoun.
  11. The public right-of-way adjacent to the east side of Lot 2, Keys 2nd Addition and Lot 5, Keys Addition shall remain unpaved and shall be landscaped with grass and trees. The City Forester shall be contacted relative to the appropriate type of trees to be planted. Planting of said trees, at least five in number, shall be accomplished not later than December 31, 1978. The applicant shall also be responsible for the timely replacement of any of the trees that die or are otherwise destroyed.
  12. No permanent structure (excluding the fence described above) shall be erected or placed south of the south line of Lot 5, Keys Addition.
  13. This exception shall permit the display and sale of new and used motor vehicles with a rated 1/2 ton limitation on trucks and a rated 25 foot length limitation on all other motor vehicles.
  14. The existing driveway approach adjacent to Lot 2, Key's Second Addition shall be removed and the curb returned. The City Engineer's office shall be contacted with respect to the proper method of accomplishing the curb return.
  15. Unless otherwise noted, all conditions of approval shall be complied with prior to the utilization of Lot 2, Key's Second Addition for the display, sale or storage of any motor vehicle and within 60 days from the date of approval or this resolution shall become null and void.
- ADOPTED AT WICHITA, KANSAS, this 22nd day of August, 1978.

  
\_\_\_\_\_  
Angela Squires, Vice-Chairman

ATTEST:

  
\_\_\_\_\_  
Larry Dobson, Assistant Secretary

**LAMBERTZ COMPANY**

Established 1955  
812 N. Waco / Wichita, Kansas 67203 / (316) 265-8537

August 23, 1978

Marjorie Taylor, Chairperson  
Board Members  
Board of Zoning Appeals  
455 North Main  
Wichita, Kansas 67202

*Labron*  
**REAL ESTATE**

Shopping Centers  
Investments  
Management  
Commercial  
Counseling  
Industrial  
Offices

Re: BZA 31-78

Good morning:

I want to thank you for the opportunity to speak to your board, and for the consideration you gave my remarks.

Please let me know if there is ever anything I might do to assist the Board of Zoning Appeals.

Cordially yours,

LAMBERTZ COMPANY

*Chuck Lambertz*

Chuck Lambertz: ju





*Dobson*

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** August 15, 1978

**TO** Larry Dobson, Secretary to BZA

**FROM** Bill Morris, CPO Administrative Aide

**SUBJECT** BZA 31-78 (South Side of Kellogg,  
Between Whittier and Calhoun)

On August 7, 1978, CPO Council "H" considered the captioned case. The Council's primary concerns were:

- (1) that measures be taken to prevent the applicant from illegally parking cars on the street right-of-way as has been the case in the past, and
- (2) that a quality, permanent fence be installed on the south property line to protect the adjacent residential properties.

Council "H" voted 5-0 to recommend approval of BZA 31-78 subject to the following conditions:

- (1) that a 6 foot wooden fence be installed along the south property line,
- (2) that a 3 foot masonry planter be constructed from the setback line to the property line, and
- (3) that a lower planter be installed parallel to the street along the east property line for 30 feet.

*Bill Morris*

Bill Morris  
CPO Administrative Aide

BM:rh

NOTED

*David Furnas*  
David Furnas  
Citizen Participation Coordinator



August 23, 1978

Mr. Alan M. McHenry  
318 Century Plaza Bldg.  
Wichita, Kansas 67202

Re: Case No. BZA 31-78  
Nevets Inc., Edward M. Steven

Dear Mr. McHenry:

At the regular meeting of the Board of Zoning Appeals on August 22, 1978, your request for an exception to permit the establishment of a new and used motor vehicle sales agency on property zoned the "LC" Light Commercial District and generally located on the south side of Kellogg in an area between Whittier and Calhoun was considered.

It was the action of the Board to approve your request subject to the following conditions:

1. Approval of this exception is intended to incorporate and supercede previous BZA Case No. 2-78, thereby making that resolution null and void.
2. All storage and display areas shall be paved with concrete or asphalt.
3. All lights shall be shielded to direct light away from adjoining properties. No string type lighting or banners shall be permitted.
4. Any signs on subject property shall comply with the provisions of Section 28.04.139 of the City Code.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

Page 2  
Mr. Alan M. McHenry  
August 23, 1978  
Re: BZA 31-78

6. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be done.
7. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
8. All parking and display areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond the property lines.
9. A 6 to 8 foot high solid fence, constructed of redwood or cedar, shall be erected beginning at the southwest corner of Lot 5, Keys Addition, thence east along the south line of said Lot 5 a distance of 37 feet; thence south on a straight line to a point on the south line of Lot 2, Key's Second Addition 37 feet east of the southwest corner of said Lot 2; thence east along the south line of said Lot 2 to the southeast corner of said Lot 2; thence north along the east line of Lot 2, Key's Second Addition and the south 50 feet of Lot 5, Key's Addition, a distance of approximately 105 feet. The above described fence shall connect with the existing fence at the southwest corner of Lot 5, Key's Addition. The existing fence and new fence shall be maintained in good repair.
10. Appropriate barriers shall be placed adjacent to the south side of the southernmost driveway from Calhoun to prevent the parking of vehicles on the public right-of-way between the east property line and the west curb line of Calhoun.
11. The public right-of-way adjacent to the east side of Lot 2, Key's Second Addition and Lot 5, Key's Addition shall remain unpaved and shall be landscaped with grass and trees. The City Forester shall be contacted relative to the appropriate type of trees to be planted. Planting of said trees, at least five in number, shall be accomplished not later than December 31, 1978. The applicant shall also be responsible for the timely replacement of any of the trees that die or are otherwise destroyed.

Page 3  
Mr. Alan M. McHenry  
August 23, 1978  
Re: BZA 31-78

12. No permanent structure (excluding the fence described above) shall be erected or placed south of the south line of Lot 5, Key's Addition.
13. This exception shall permit the display and sale of new and used motor vehicles with a rated 1/2 ton limitation on trucks and a rated 25 foot length limitation on all other motor vehicles.
14. The existing driveway approach adjacent to Lot 2, Key's Second Addition shall be removed and the curb returned. The City Engineer's office shall be contacted with respect to the proper method of accomplishing the curb return.
15. Unless otherwise noted, all conditions of approval shall be complied with prior to the utilization of Lot 2, Key's Second Addition for the display, sale or storage of any motor vehicle and within 60 days from the date of approval or this resolution shall become null and void.

You are reminded that the above described conditions pertaining to paving, fencing, barriers and curb return must all be accomplished within 60 days from August 22, 1978, or the Resolution will become null and void. The official Resolution is being prepared and you will receive a copy as soon as the appropriate signatures are obtained.

If you have any questions, please call our office.

Very truly yours,

Larry Dobson  
Assistant Secretary

LD:bbc

cc: Mr. Chuck Lambertz, 812 N. Waco, 67203  
Mr. Ron Clements, 555 Calhoun, 67207  
Nevets Inc., 6637 E. Kellogg, 67207  
Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Housing & Zoning Administrator  
Don Gisick, City Clerk

*A. Jackson Jack*

**LAMBERTZ COMPANY**

Established 1955  
812 N. Waco / Wichita, Kansas 67203 / (316) 265-8537  
June 26, 1978

REAL ESTATE

Shopping Centers  
Investments  
Management  
Commercial  
Counseling  
Industrial  
Offices

Secretary  
Board of Zoning Appeals  
455 North Main  
Wichita, Kansas

Good Morning:

I have enclosed ten copies of a letter concerning Zoning Case #2050.

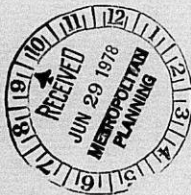
I would be most appreciative if you would distribute these copies to your committee members.

This case is scheduled for presentation to your board sometime in early July. I am hopeful that the various members of your board will have had the opportunity to review my letter prior to making their recommendations.

Many thanks for your help!

Sincerely yours,

*Chuck Lambertz*  
Chuck Lambertz



**LAMBERTZ COMPANY**

Established 1955  
812 N. Waco / Wichita, Kansas 67203 / (316) 265-8537

**REAL ESTATE**

Shopping Centers  
Investments  
Management  
Commercial  
Counseling  
Industrial  
Offices

RE: Case #2050  
AA-to-LC

Good morning:

My name is Chuck Lambertz and reside at 601 Calhoun Drive.

This letter deals with the above mentioned zoning case and its referral to the Board of Zoning Appeals. I will attempt to be as brief and concise as is possible.

I ask that the BZA require the applicant to comply with all pertinent subsections of section 28.04.090 Wichita Zoning ordinance.

It is my hope that special attention will be afforded the following: 1.2,a,b,d; 1.11; 1.28,a and b.

The applicant, in the past, has not complied with the subsections of Section 28.04.090 in an identical situation, which was confirmed by a commissioner at a recent meeting.

At present the subject property constitutes a health hazard. For the benefit of those who have not inspected the property, I will describe the current condition of same: All or part of the foundation remains, and is partially filled with debris and stagnant water. The garage, separated from the house, remains on the premises. The fence required from a prior zoning change consists of a portion of new cedar, the balance is an old redwood fence with additional redwood fencing nailed on top to meet the height requirement. This condition has existed for approximately six weeks, and needs immediate attention.

I would like, with your indulgence, to make a few other points.

- 1) That the applicant, in the erection of the required fence ENCLOSING the parking and automobile storage lots, expose the finished side of the fence or wall to the adjoining property owners, rather than the stored automobile.
- 2) In my opinion, the illuminated TOYOTA sign facing south serves no real commercial value, since it appeals only to a miniscule market, and should in an

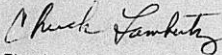
effort to be a good neighbor, be discontinued.

- 3) While I realize this is probably not in your jurisdiction, I am concerned regarding the test runs, often at excessive speeds, that are made on what remains on essentially residential street.
- 4) I feel that a proposed zoning change should be accomplished prior to the demolition or removal of structures existing in compliance with present zoning.
- 5) I am hopeful that the appropriate departments will pay particular attention to the performance and execution of those matters required of applicant.

I am still of the opinion that light commercial and residential uses can be compatible, and exist as good neighbors if a little consideration is given each other. After all, there are 160,000 or more people employed in a county with 342,000 people so half of us spend eight or more hours in a business atmosphere.

Respectfully,

LAMBERTZ COMPANY



Chuck Lambertz: jw

SECRETARY'S REPORT  
CASE NO. BZA 31-78

APPLICANT: Nevets, Inc., Edward M. Steven, 6637 E. Kellogg, Wichita, Kansas

AGENT: Alan McHenry, 318 Century Plaza Bldg., Wichita, Kansas

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

GENERAL LOCATION: South side of Kellogg between Calhoun & Whittier

ZONING: Subject property is zoned the "LC" Light Commercial District. South is the "AA" Single Family Dwelling District. East is the "A" Two Family Dwelling District and "LC" District. West is "LC", "BB" Office District and "AA" District. North is "LC".

LAND USE: Subject property is partly vacant, but mainly developed as a new and used motor vehicle sales agency. South is single family residential development. East is a motel and single family homes. North is a motor vehicle sales agency. West is a restaurant, single family homes, and a motor vehicle sales agency.

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 expansion of a new and used motor vehicle sales agency. The bulk of the application area has been previously approved by the Board of Zoning Appeals (BZA 2-78) as a new and used motor vehicle sales agency, but the applicant has recently acquired and rezoned a 54 x 133 foot tract at the southern end of the application area which he desires to incorporate into his operation. The applicant has filed this request on his total ownership so that, if approved, there will be only one set of requirements to regulate the total operation.



SECRETARY'S REPORT

Case No. BZA 31-78

Page 2

Inasmuch as the City Commission has just recently approved "LC" Light Commercial zoning for this southernmost lot of this application area the granting of the requested exception appears to be a logical and proper expansion of an existing use.

In the past there have been enforcement problems with this applicant on some of the conditions of approval associated with previous cases. Two of the more chronic problems have been the parking of cars on the public right-of-way and the use of a loud speaker system which is clearly audible in the adjacent residential neighborhood. Also of some concern is the very "temporary" nature of the required screening placed along the south property line of the previous application area. In its consideration of the latest zone change request, at the southern end of this application area, the Planning Commission recommended to the Board of Zoning Appeals that a fence of substantial fencing materials be erected up to a height of 8 feet along the south property line. It is the opinion of the Secretary that a fencing plan should be presented to the Board, depicting the design and materials to be used.

RECOMMENDATION:

It is the opinion of the Secretary that, with proper screening of adjacent residential properties, this would be a logical and proper expansion of an existing use and therefore, it is recommended that the application be approved subject to the following conditions:

1. Approval of this exception is intended to incorporate and supercede previous BZA Case No. 2-78, thereby making that resolution null and void.
2. All storage and display areas shall be paved with concrete or asphalt.
3. All lights shall be shielded to direct light away from adjoining properties. No string type lighting or banners shall be permitted.
4. Any signs on subject property shall comply with the provisions of Section 28.04.139 of the City Code.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be done.
7. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.

SECRETARY'S REPORT  
Case No. BZA 31-78  
Page 3

8. All parking and display areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond the property lines.
9. An 8 foot high solid fence shall be erected along the south and west boundaries of subject property where adjacent to a residential zoning district, except that the fence shall be reduced to 3 foot in height for the east 20 feet and west 35 feet of the south property line. The 3 foot high fence shall be continued along the east property line of Lot 2, Keys 2nd Addition and the south 50 feet of Lot 5, Keys Addition. A detailed plan detailing the fencing materials and showing the design of the fence shall be submitted to the Secretary of the Board for approval.
10. Appropriate barriers shall be placed adjacent to the south side of the southernmost driveway from Calhoun to prevent the parking of vehicles on the public right-of-way between the east property line and the west curb line of Calhoun.
11. The public right-of-way adjacent to the east side of Lot 2, Keys 2nd Addition and Lot 5, Keys Addition shall remain unpaved and shall be landscaped with grass and trees. The City Forester shall be contacted relative to the appropriate type of trees to be planted. Planting of said trees, at least five in number, shall be accomplished not later than December 31, 1978. The applicant shall also be responsible for the timely replacement of any of the trees that die or are otherwise destroyed.
12. No permanent structure (excluding the fence described above) shall be erected or placed south of the south line of Lot 5, Keys Addition.
13. This exception shall permit the display and sale of new and used motor vehicles with a rated 1/2 ton limitation on trucks and a rated 25 foot length limitation on all other motor vehicles.
14. Unless otherwise noted, all conditions of approval shall be complied with prior to the utilization of Lot 2, Keys 2nd Addition for the display, sale or storage of any motor vehicle and within 60 days from the date of approval or this resolution shall become null and void.

18 notices sent to agent, applicant, and adjoining property owners  
10 notices sent to MAPC members  
1 notice sent to CPO  
29 total notices sent on BZA 31-78, August 1, 1978

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas, 67202

August 1, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 31-78

An application has been filed by Nevets, Inc., 6637 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 new and used motor vehicle sales agency on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, E. M. Stevens Second Addition, the south 50 feet of Lot 5, Key's Addition and Lot 2, except the west 37 feet thereof, Key's Second Addition. Generally located on the south side of Kellogg in an area between Whittier and Calhoun.

This application has been assigned Case No. BZA 31-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 22, 1978, 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.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

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

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant  Nevets Inc., Edward M. Steven

Mailing Address 6637 E. Kellogg, Wichita, KS Phone 685-4201

Name of Authorized Agent  Alan M. McHenry

Mailing Address 318 Century Plaza Bldg. Phone 265-1872  
Wichita, Kansas 67202

Relationship of applicant to property is that of 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, to permit

the establishment of New and used motor vehicl sales agency. Trucks will be limited to rated 1/2 ton pick-ups. All other vehicles will be limited to a 25' rated length. on property zoned

LC, located on the south side of Kellogg west of Calhoun

\_\_\_\_\_ and legally described as: E. M. Steven second

Addition, the south 50' of Lot 5, Keys Addition and Lot 2, except the West 37' Keys second Addition. All addition on to Wichita, Sedgwick County, Kansas.

\_\_\_\_\_, 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 Edw M. Steven

Authorized Agent Alan M. McHenry

*slw corner of Kellogg & Calhoun*

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 3:50 (a.m. ~~p.m.~~), 6-26, 1978, together with appropriate fee of \$50.00

5946 Xerox ownership list from 2-2050 to make part of this application

Signed Larry Nelson

**Ann M. McHenry Architect**  
**Century Plaza Building**  
**Wichita, Kansas 665-1872**

This application is an extension of a previously approved BZA cases (no. BZA 14-74 and Z-78), which, at the request of Central Inspection, incorporates all cases in one item.

The original request is as follows:

"Application for a zoning exception is made to permit the construction of a new enlarged facility for Eddy's Toyota in "Automobile Row" on East Kellogg replacing a deteriorating old motel, and adjacent residences. It is made as provided for in Section 28.014.183.2 of the zoning ordinance. This site is across Kellogg from Rusty Eck automobile agency and between Scholfield and Gorges Automobile agencies on the south side of Kellogg. All of these agencies have been looked on with favor by the board. This application is an extension of the area in previously exempted Kellogg frontage."

## STATEMENT OF OWNERSHIP

STATE OF KANSAS     )  
                           )   SS  
 SEDGWICK COUNTY    )

The undersigned duly bonded and qualified abstracter 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:

Record Owners within: 200 feet of South  
 50 feet of Lot 5 KEYS ADDITION.



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.)

<u>LOT</u>	<u>ADDITION</u>	<u>OWNERS &amp; ADDRESSES</u>
South 50' of Lot 5	KEYS	NEVETS INC. D 7333 E. Kellogg Wichita, Kansas 67207
Lots 3 & 6 Lot 5 exc. S.50' Lot 7 exc.N. 41.1'	KEYS	D NEVETS, INC. 905 Stratford Wichita, Kansas 67206
Lot 4	KEYS	X Frank W. & Meriam Jane Bucholz Address Unknown
Lots 1 & 2	KEYS	✓ Pizza Hut, Inc. 10225 E. Kellogg Wichita, Kansas 67207
Lot 1 & W 37' Lots 2 & 3	KEYS 2ND ADD.	✓ Elizabeth Horning & Opal Ramsdell 542 Whittier Road Wichita, Kansas 67207

Fidelity  Title  
 COMPANY, INC.

<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS &amp; ADDRESSES</u>
Lot 2 exc. W. 37'	KEYS 2ND ADD.	✓ Eddy's Toyota of Wichita, Inc. 7333 E. Kellogg Wichita, Kansas 67207
Lot 3, exc. W. 37'	KEYS 2ND ADD.	✓ Ronald & Debra K. Clements 555 Calhoun Wichita, Kansas 67207
Lot 1	E. M. STEVENS	✓ Nevets, Inc. 905 Stratford Wichita, Kansas 67206
Lot 1	CHRYSLER	✗ Chrysler Realty Corp. <i>none found</i> Address Unknown
Lot 1 & 2	LIGHTNER	✓ Robert S. Lightner 219 N. Market Wichita, Kansas 67202 dba Holiday Inn East 2201 S. Hillside Wichita, Kansas 67211
Lot 2, Block 1	EASTRIDGE 8TH ADD.	✓ Lester L. & Virginia A. Toben 536 Calhoun Drive Wichita, Kansas 67207
Lot 3, Block 1	EASTRIDGE 8TH ADD.	✓ Richard Lee & Carolyn Lee Wheeler 542 Calhoun Drive Wichita, Kansas 67207
Lot 4, Block 1	EASTRIDGE 8TH ADD.	✓ Thomas & Marcella Forster 638 Calhoun Wichita, Kansas 67207
Lot 5, Block 1	EASTRIDGE 8TH ADD.	✓ Carl L. & Margaret K. Burrow 554 Calhoun Wichita, Kansas 67207
Lot 1, Block 2	EASTRIDGE 8TH ADD.	✓ Alonzo C. Sr. & Shirley J. Smith 1514 N. Erie Wichita, Kansas 67214
Lot 1, Block B	EASTRIDGE 6TH ADD.	✓ Frank L. & Vivian Seten Robert Ray Seten 602 Whittier Wichita, Kansas 67207
Lot 2, Block B	EASTRIDGE 6TH ADD.	✓ Edwards Hughes & Letitia R. Phillips %United Savings & Loan 135 N. Main Wichita, Kansas 67202





<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS &amp; ADDRESSES</u>
Lot 21, Block B	EASTRIDGE 6TH ADD.	Billy R. & Wilma Popchoke 607 Calhoun Wichita, Kansas 67207
Lot 22, Block B	EASTRIDGE 6TH ADD.	Charles V. Lambertz 601 Calhoun Wichita, Kansas 67207
Lot 28, Block A	EASTRIDGE 6TH ADD.	Walter L. & Lorene B. Johnson 601 Whittier Wichita, Kansas 67207

Updated at Wichita, Kansas this 23rd day of June,  
1978; 7:00 A.M.  
(Seal)

FIDELITY TITLE COMPANY, INC.  
By *C. E. Bud Baker*  
Vice-President

TRACER NO. 39705-A



STATEMENT OF OWNERSHIP

STATE OF KANSAS     )  
                           ) SS  
 SEDGWICK COUNTY    )

The undersigned duly bonded and qualified abstracter 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:

All the record owners within: 200 feet of Lot 1, E. M. STEVENS ADDITION, Sedgwick County, Kansas.



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.)

<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS &amp; ADDRESSES</u>
1	E. M. STEVENS	Nevets, Inc. D 905 Stratford Wichita, Kansas 67206
1 & 2	KEYS	Pizza Hut Inc. D 10225 East Kellogg Wichita, Kansas 67207
4	KEYS	D Frank W. & Meriam Jane Bucholz Address Unknown
South 50 feet of Lot 5	KEYS	Nevets Inc. D 7333 E. Kellogg Wichita, Kansas 67203
Lot 1 & West 37 feet of Lots 2 & 3	KEYS 2ND ADD.	D Elizabeth Horning & Opal Ramsdell 542 Whittier Street Wichita, Kansas 67207



<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS &amp; ADDRESSES</u>
2 exc. West 37 feet	KEYS 2ND ADD.	Eddy's Toyota of Wichita, Inc. 7333 East Kellogg Wichita, Kansas 67207
3 exc. West 37 feet	KEYS 2ND ADD.	Ronald & Debra K. Clemments 555 Calhoun Wichita, Kansas 67207
1	CHRYSLER	Chrysler Realty Corp. Address Unknown
1 & 2	LIGHTNER	Robert S. Lightner & Eugene W. Lightner dba Holiday Inn East 219 North Market Wichita, Kansas 67202
1, Block B	EASTRIDGE 6TH ADD.	Frank L. & Vivian Seten Robert Ray Seten 602 Whittier Wichita, Kansas 67207
22, Block B	EASTRIDGE 6TH ADD.	Charles V. Lambertz 601 Calhoun Drive Wichita, Kansas 67207
2, Block 1	EASTRIDGE 8TH ADD.	Lester L. & Virginia A. Toben <del>536 Calhoun</del> 7125 E. Zimmerman Wichita, Kansas 67207
3, Block 1	EASTRIDGE 8TH ADD.	Richard Lee & Carolyn Lee Wheeler 542 Calhoun Wichita, Kansas 67207
4, Block 1	EASTRIDGE 8TH ADD.	Thomas & Marcella M. Forster 548 Calhoun Wichita, Kansas 67207
5, Block 1	EASTRIDGE 8TH ADD.	Carl L. & Margaret K. Burrow 554 Calhoun Wichita, Kansas 67207
2,	ROCKWOOD SOUTH 1ST	The Estate of James Campbell Suite 500 828 Fort Street Mall Honolulu, Hawaii 96813
1	ROCKWOOD SOUTH 3RD	O. L. Eck 7310 East Kellogg Wichita, Kansas 67207

Updated this 23rd day of June, 1978; 7:00 O'Clock  
A.M. at Wichita, Kansas.

TRACER NO. 40067-A

FIDELITY TITLE COMPANY, INC.

By *C.S. and Rider*  
Vice-President



**Fidelity**  **Title**  
COMPANY, INC.

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 SEDGWICK COUNTY ) SS

The undersigned duly bonded and qualified abstracter 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:

Record Owners within 200 feet of:

Lot 2 except the West 37 feet thereof,  
 KEY'S SECOND ADDITION,



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.)

<u>LOTS &amp; BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lot 2 except the West 37 feet	KEY'S SECOND	Eddy's Toyota of Wichita, Inc. 7333 East Kellogg Wichita, Kansas 67207
Lot 3 except West 37 feet	KEY'S SECOND	✓ D Ronald P. & Debra K. Clements 555 Calhoun Wichita, Kansas 67207
Lots 1 & West 37 feet of Lots 2 & 3	KEY'S SECOND	D Elizabeth Horning ADDRESS UNKNOWN & Opal Ramsdell 542 Whittier Wichita, Kansas 67207
Lots 2	KEY'S	D Pizza Hut Inc. 10225 East Kellogg Wichita, Kansas 67207
Lot 4	KEY'S	Frank W. & Meriam Jane Bucholz D ADDRESS UNKNOWN

*Not in phone book*

**Fidelity Title**

COMPANY, INC.



<u>LOTS &amp; BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
South 50 feet of Lot 5	KEY'S	Nevets Inc. 905 Stratford Wichita, Kansas 67206
Lot 1	E. M. STEVENS SECOND	Nevets Inc. 905 Stratford Wichita, Kansas 67206
Lot 1	CHRYSLER	Chrysler Realty Corporation ADDRESS UNKNOWN <i>not in page book</i>
Lot 1 & 2, Block A	LIGHTNERS	Robert S. Lightner & Eugene W Lightner Dba Holiday Inn East 219 North Market Wichita, Kansas 67202
Lot 28, Block A	EASTRIDGE SIXTH	Walter L. & Lorene B. Johnson 601 Whittier Wichita, Kansas 67207
Lot 1, Block B	EASTRIDGE SIXTH	Frank & Vivian Seten & Robert Ray Seten 602 Whittier Wichita, Kansas 67207
Lot 2, Block B	EASTRIDGE SIXTH	Edward Hughes & Letitia R. Phillips ADDRESS UNKNOWN <i>not in page book</i>
Lot 3, Block B	EASTRIDGE SIXTH	Lee G. & Johnnie M. Groddy 614 Whittier Wichita, Kansas 67207
Lot 20, Block B	EASTRIDGE SIXTH	Joseph G. & Claryce J. Simon 4325 East Lewis Wichita, Kansas 67218
Lot 21, Block B	EASTRIDGE SIXTH	Billy R. & Wilma D. Popchoke 607 Calhoun Wichita, Kansas 67207
Lot 22, Block B	EASTRIDGE SIXTH	Charles V. Lambertz 601 Calhoun Wichita, Kansas 67207
Lot 2, Block 1	EASTRIDGE EIGHTH	Laverne D. & Wilma L. Wedel 536 Calhoun Wichita, Kansas 67207
Lot 3, Block 1	EASTRIDGE EIGHTH	Richard Lee & Carolyn Lee Wheeler 542 Calhoun Wichita, Kansas 67207
Lot 4, Block 1	EASTRIDGE EIGHTH	Thomas & Marcella M. Forster 548 Calhoun Wichita, Kansas 67207



Fidelity  Title

COMPANY, INC.

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lot 5, Block 1	EASTRIDGE EIGHTH	Carl L. & Margaret K. Burrows P/ 554 Calhoun Wichita, Kansas 67207
Lot 1, Block 2	EASTRIDGE EIGHTH	Alonzo C., Sr. & Shirley J. Smith P/ 1514 North Erie Wichita, Kansas 67214
Lot 2, Block 2	EASTRIDGE EIGHTH	Edmund Arthur & Lucila Woodcox ✓ 7309 East Orme Wichita, Kansas 67207

Dated at Wichita, Kansas, this 24th day of February, 1978;  
7:00 A.M.



FIDELITY TITLE COMPANY, INC.

By *Anita Gray*  
Asst. Sec. ag

Tracer No. 40269

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
456 NORTH MAIN STREET  
WICHITA, KANSAS 67202

*Betty*



ADDRESSEE UNKNOWN  
GMF



*6637 E. Kellogg*

Nevels, Inc.  
905 Stratford  
Wichita, Kansas 67206

**Important!**  
Notice of Hearing  
Enclosed

*8/9/78*

*Resent to  
applicant at  
6637 E Kellogg 31-78*

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
456 NORTH MAIN STREET  
WICHITA, KANSAS 67202

*Betty*



*7125 E  
Zimmerly*

*Per phone  
book*

Lester L. and Virginia A. Toben  
536 Calhoun Drive  
Wichita, Kansas 67207

**Important!**  
Notice of Hearing  
Enclosed

*resent 8-9-78  
31-78*

FORM 223 1

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev.	Cement	M.S.P.

DESCRIPTION	AMOUNT
BZA Variance	\$500
Application	
NAME Nevada, Inc	
ADDRESS 6637 E Kellam	
FUND 11-1001-001-00071	DUE DATE 3-31-1978
COMMENTS	
DATE 6-16-78	BY [Signature]



\*

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

Roll # 1