

M.A.P.C.

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

*DI ✓*  
*M.A.P.V ✓*  
*12/15/69*

BZA 36-68 - Harold Fogle requests exception to permit installation of mobile home on property zoned "C" and located on northeast corner of Lawrence Rd. and Carp St.

POSTED  
12/15/68

# ACTION

BZA COMMITTEE approved DATE 12-17-68

M.A.P.C. \_\_\_\_\_

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

CIV  
M.A.P.V  
12/15/69

BZA 36-68 - Harold Fogle requests exception to permit installation of mobile home on property zoned "C" and located on northeast corner of Lawrence Rd. and Carp St.

R E S O L U T I O N No. BZA 36-68

WHEREAS, Harold L. Fogle, 230 East Carp, Wichita, Kansas, by George D. McCarthy, 327 Beacon Building, Wichita, Kansas, requests an exception as provided in Section 28.04.182.3, Code of the City of Wichita, to permit the installation of a mobile home for a temporary period of time on property zoned "C" Commercial, and legally described ss follows:

Beginning on the east right of way line of Old U.S. Highway 81, and 2037.5 feet north of the south line of the southeast quarter of Section 5, Township 28 South, Range 1 East, thence north and easterly along said right of way line to the right bank of the Arkansas River, thence southeasterly along said River Bank to the west line of New U.S. Highway 81, thence southerly along said west line of New U.S. Highway 81 to a point 2037.5 feet north of the south line of said southeast quarter, thence west to point of beginning. Generally located on the northeast corner of Lawrence Road and Carp Street.

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 December 17, 1968, 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, after public hearing of this application, determined that a hardship does exist inasmuch as the applicant needs to live on the premises to protect his property and prevent vandalism.

WHEREAS, the Board of Zoning Appeals has authority to permit a mobile home, on property zoned "C" Commercial, subject to conditions outlined in Title 26, Code of the City of Wichita.

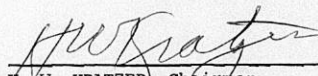
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved for installation of a mobile home, on property zoned "C" Commercial, and legally described as follows:

Beginning on the east right of way line of Old U.S. Highway 81, and 2037.5 feet north of the south line of the southeast quarter of Section 5, Township 28 South, Range 1 East, thence north and easterly along said right of way line to the right bank of the Arkansas River, thence southeasterly along said River Bank to the west line of New U.S. Highway 81, thence southerly along said west line of New U.S. Highway 81 to a point 2037.5 feet north of the south line of said southeast quarter, thence west to point of beginning. Generally located on the northeast corner of Lawrence Road and Carp Street.


subject to the following conditions:

1. The mobile home may remain on the property as long as it is occupied by the applicant, Mr. Harold L. Fogle, and the slot car and/or go-cart tracks remain in operation. At such time as the applicant ceases to occupy the mobile home as his residence or at such time as the slot car and go-cart tracks cease to operate and/or be under his ownership, the mobile home shall be removed from the lot.
2. The applicant shall report annually (January 1) to the Central Inspection Division as to whether or not he still occupies the mobile home and operates the slot car and go cart tracks.
3. The location of the mobile home shall conform to all requirements of Title 26 - Mobile Home Code.

ADOPTED AT WICHITA, KANSAS, this 17th day of December, 1968.

  
\_\_\_\_\_  
H. W. KRATZER, Chairman

ATTEST:

  
\_\_\_\_\_  
JACK H. GALBRAITH, Secretary

January 15, 1969

Mr. Bryson Mills  
327 Beacon Building  
Wichita, Kansas 67202

Subject: BZA 36-68 - Request  
for an Exception

Dear Mr. Mills:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 17, 1968, in connection with your request for an exception to permit the installation of a mobile home on property zoned "C" Commercial and located on the north-east corner of Lawrence Road and Carp Street.

This Resolution reflects the official action of the Board and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith  
Secretary

JHG:js

cc: -Harold L. Fogle, 230 East Carp, Wichita, Kansas 67216  
Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk

December 18, 1968

Bryson Mills  
327 Beacon Building  
Wichita, Kansas 67202

Subject: BZA 36-68 - Request for  
an Exception

Dear Mr. Mills:

At the regular meeting of the Board of Zoning Appeals on December 17, 1968, your request for an Exception to permit the installation of a mobile home on property zoned "C" Commercial, and generally located on the northeast corner of Lawrence Road and Carp Street, was considered.

It was the action of the Board to approve this request, subject to the three conditions recommended in the Secretary's Report.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:sjs

cc: George D. McCarthy, 327 Beacon Bldg., Wichita, Kansas 67202  
Harold L. Fogle, 230 East Carp, Wichita, Kansas 67216  
Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 36-68

APPLICANT: Harold L. Fogle, 230 East Carp, Wichita, Kansas.  
AGENT: George D. McCarthy, 327 Beacon Building, Wichita, Kansas  
REQUEST: Exception pursuant to Section 28.04.182.3, Code of the City of Wichita, to permit the installation of a mobil home on property zoned "C" Commercial.

GENERAL LOCATION: Northeast corner of Lawrence Road and Carp St.

LAND USE: Subject property is occupied by a Go-Cart Track and a building housing a slot-car race track; to the north is vacant and the Arkansas River; to the south is residential and an ice plant; to the west is Watson Park and to the east is a used car lot.

ZONING: Subject property is zoned "C" as is that to the north, east and south. Property to the west is zoned "AA" Single Family.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided that hardship can be found to exist. It is also provided that if the exception is granted, it may be granted for only a temporary period of time.

COMMENTS BY THE SECRETARY

The applicant in his statement of justification indicates that the building housing the slot-car track has been broken into several times and money and merchandise have been stolen and in addition, the go-cart track has been broken into on occasion. The applicant points out that he is also in the boat rental business and during the winter months will be storing boats on the premises. The applicant feels that he needs to live on the premises in order to prevent further break-ins and vandalism and be in close proximity to his business.

RECOMMENDATION

It is the opinion of the Secretary that a hardship can be found in this instance and it is, therefore, recommended that the Exception be approved subject to the following conditions.

Page 2 - Secretary's Report  
Case No. BZA 36-68

1. The mobile home may remain on the property as long as it is occupied by the applicant, Mr. Harold L. Fogle, and the slot-car and/or go-cart tracks remain in operation. At such time as the applicant ceases to occupy the mobile home as his residence or at such time as the slot-car and go-cart tracks cease to operate and/or be under his ownership, the mobile home shall be removed from the lot.
2. The applicant shall report annually (January 1) to the Central Inspection Division as to whether or not he still occupies the mobile home and operates the slot-car and go-cart tracks.
3. The location of the mobile home shall conform to all requirements of Title 26 - Mobile Home Code.

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

December 2, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 36-68

An application has been filed by Harold L. Fogle, 230 East Carp, by George D. McCarthy, 327 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of a mobile home on property zoned "C" Commercial District and legally described as follows:

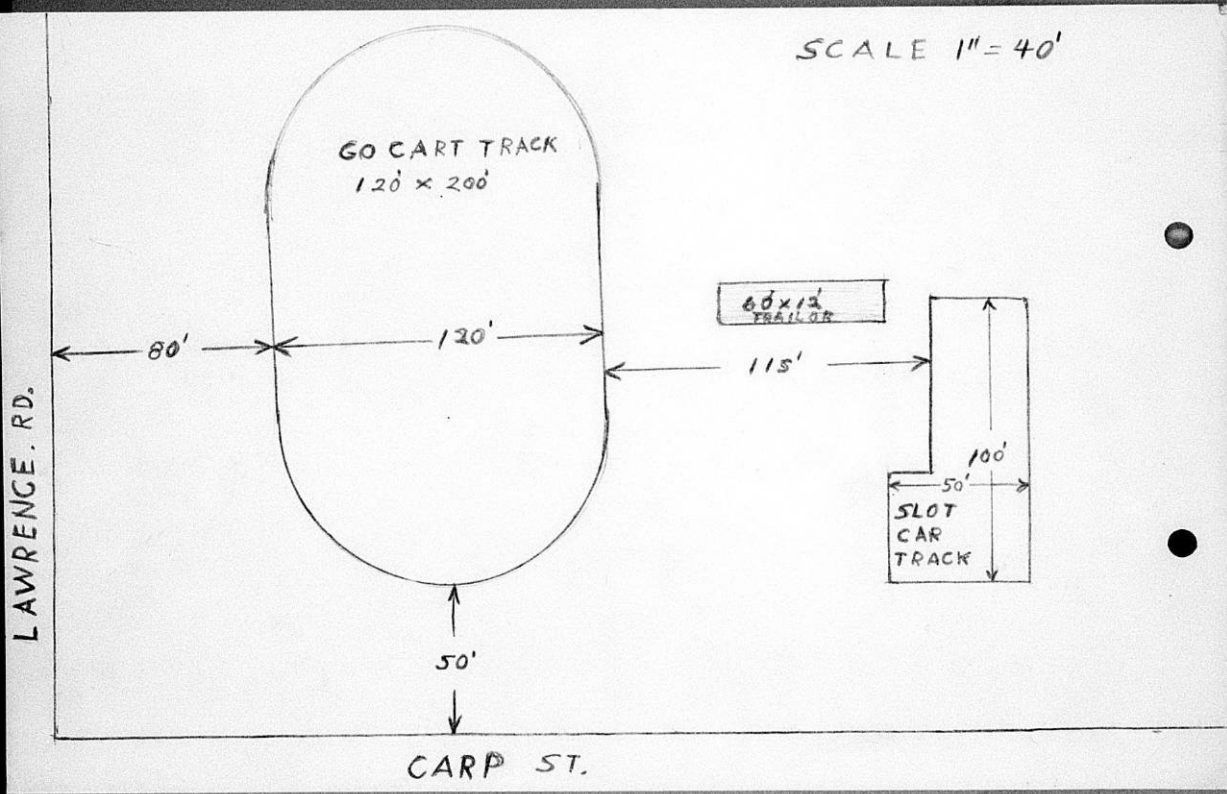
Beginning on the east right of way line of Old U.S. Highway 81, and 2037.5 feet north of the south line of the southeast Quarter of Section 5, Township 28 South, Range 1 East, thence north and easterly along said right of way line to the right bank of the Arkansas River, thence southeasterly along said River Bank to the west line of New U. S. Highway 81, thence southerly along said west line of New U.S. Highway 81 to a point 2037.5 feet north of the south line of said southeast Quarter, thence west to point of beginning. Generally located on the northeast corner of Lawrence Road and Carp Street.

This application has been assigned Case No. BZA 36-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 17, 1968, at 1:30 p.m., in Room 201 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH  
Secretary

*15 Notices mailed 12-2-68*

SCALE 1" = 40'



60 CART TRACK  
120' x 200'

60x12  
TRAILOR

SLOT  
CAR  
TRACK

LAWRENCE RD.

CARP ST.

80'

120'

115'

100'

50'

50'

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 36-68  
FILED 11-25-68

APPLICATION FOR EXCEPTION

I. Name of Applicant  Harold L. Fogle  
Mailing Address 230 East Carp, Wichita, Kansas 16 Phone LY 1-9951  
Name of Authorized Agent  George D. McCarthy  
Mailing Address 327 Beacon Building, Wichita, Ks. Phone AM 2-3489  
Relationship of applicant to property is that of Lessee  
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section  
28.04 182(3), Code of the City of Wichita, Kansas  
(Zoning Ordinance); to permit the installation or construction  
of a mobile home  
\_\_\_\_\_ on property zoned  
commercial, located at 230 East Carp, Wichita, Kansas  
\_\_\_\_\_ and legally described as: \_\_\_\_\_  
\_\_\_\_\_, in the City of Wichita.  
(Give metes and bounds description below if appropriate).

(See description on attached sheet).

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant Harold L. Fogle  
Authorized Agent George D. McCarthy

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:05 (a.m. - 6:00), Nov. 25, 1968, together with appropriate fee of \$50.00.

Signed Joyce Smith

Application for Exception

Name of Applicant : Harold L. Fogle

Property located at 230 East Carp, Wichita, Kansas  
and legally described as:

Beginning on the East Right-of-Way line of Old U.S. Highway 81, and 2037.5 feet North of the South line of the Southeast Quarter of Section 5, Township 28 South, Range 1 East, thence North and Easterly along said Right-of-Way line to the right bank of the Arkansas River, thence Southeasterly along said River Bank to the West line of New U.S. Highway 81, thence Southerly along said West line of New U.S. Highway 81 to a point 2037.5 feet North of the South line of said Southeast Quarter, thence West to beginning.

November 19, 1968

The Board of Zoning Appeals  
of the City of Wichita, Kansas

Gentlemen:

The attached application for the granting of an exception in the commercially zoned district located at 230 East Carp, Wichita, Kansas, is needed for the following reasons:

1. The applicant operates a slot car track and a gocart track on said premises. The building housing the slot car track has been broken into several times and money and merchandise have been stolen. The gocart track has been broken into on occasion, but nothing of value has been taken that the applicant knows of. If applicant lives on the premises, he can protect his property and discourage or prevent any further break-ins.
2. The applicant needs to live at said premises as both the slot car track and gocart track are family operations and he needs to be in close proximity to the businesses.
3. Applicant is also in the boat rental business and during the winter months will be storing boats on said premises and needs to be able to protect the same from thievery and vandalism.

Respectfully submitted,

*Harold L. Fogle*  
Harold L. Fogle, Applicant

HLF:tm

OWNERSHIP LIST

Description

Property Owner

Beginning 729.2' W. and 2007.5' N at an included angle of  $90^{\circ} 09'$  from the Southeast corner of Sec. 5-28-1E, thence East parallel with the S. line of Sec. 5, 250', thence S. 188', thence W on a line parallel with the S. line of said Sec. 5, 250', thence N 188' to the place of beginning

✓ Malcon, Inc.  
 ✓ Address unknown

The S. 90' of the E. 60' of Beginning 729.2' W. and 2007.5' N. at an included angle of  $90^{\circ} 09'$  from the SE corner of Sec. 5-28-1E, thence E. 380.4' to the W. line of NEW U. S. Highway 81, thence Southeasterly along said highway 188', thence W. 396.4', thence N. 188' to beginning

✓ Violet J. Steven  
 ✓ Address unknown

Beginning at the NW corner of Lot 5, in the SE $\frac{1}{4}$  of Sec. 5-28-1E, thence S. on the W. line of lot 5, 843.8', thence E. 336.12', to the W. line of County road, thence N. along said road 478.4', thence N  $25^{\circ}$  E. along the W. line of said County road 400' to the N line of Lot 4 extended, thence W. 486.84' to beginning

✓ Board of Park Commissioners  
 ✓ City Building

Beginning 729.2' W and 2007.5' N at an included angle of  $90^{\circ} 09'$  from the SE corner of Sec. 5-28-1E, thence E. 380.5' to the W line of New U. S Highway 81, thence Southeastrly along said highway right of way 188', thence W. 396.4' thence N. 188' to beginning, except the S. 90' of the E. 60' thereof and except the W. 250' thereof

✓ Sam Steven  
 ✓ Address unknown

*1610 So. Minnesota 11*

Beginning 249.5' W & 2037.5' N at an included angle of  $90^{\circ} 9'$  from the SE corner of the SE $\frac{1}{4}$  of Sec. 5-28-1E, thence E. to the Arkansas River, thence Southeasterly along the right bank of said river to a point 149' S. and 332.8' E. of beginning, thence W. to the E. line of the right of way line of U. S. Highway 81, thence Northwesterly to beginning, except the S. 60' thereof

✓ Edward M. Steven  
 905 Stratford Road  
 Wichita, Kansas, 67206

Beginning 904.2' W. & 2007.5' N at an included angle of  $90^{\circ} 09'$  from the SE corner of the SE $\frac{1}{4}$  of Sec. 5-28-1E, thence E. 175', thence S. 90', thence W. 175', thence N. 90' to beginning

✓ Glee A. Roy  
 3049 S. Lawrence Road  
 Wichita, Kansas, 67216

Continued page 2

Description

Property Owner

Beginning 904.2' W. and 1917.5' N at an included angle of  $90^{\circ} 09'$  from the SE corner of the SE $\frac{1}{4}$  of Sec. 5-28-1E, thence S. 90', thence E. 175', thence N. 90', thence W. 175' to beginning

✓ Glee A. Roy & Betty Jane Roy  
3049 S. Lawrence Road  
Wichita, Kansas, 67216

The S. 60' of a tract beginning 249.5' W. & 2037.5' N. of the SE corner of Sec 5-28-1E, thence E. to the right bank of the Arkansas River, thence Southeasterly along said bank to a point 140' S. and 332.3' E. of beginning, thence W. to the E. line of U. S. Highway 81, thence Northwesterly along said right of way to beginning

✓ Joe Novacek and Lillian T. Novacek, 2856 S. Broadway  
Wichita, Kansas, 67216

Beginning on the E. line of U. S. Highway 81 & 1777.5' N. of the S. line of Sec. 5, thence E. to the Arkansas River, thence Northwesterly along said river to a point 1897.5' N of the S. line of Sec. 5, thence W. to the W. right of way of U. S. Highway 81, thence Southerly along said right of way to beginning

✓ Joe Novacek & Lillian T. Novacek, 2856 S. Broadway  
Wichita, Kansas, 67216

Beginning on the East Right of way line of Old U. S. Highway 81, & 2037.5' N. of the S. line of the SE $\frac{1}{4}$  of Sec. 5-28-1E, thence North and Easterly along said right of way to the right bank of the Arkansas River, thence Southeasterly along said River Bank to the W. line of New U. S. Highway 81, thence Southerly along said right of way to a point 2037.5' N. of the S. line of said SE $\frac{1}{4}$ , thence W. to beginning

✓ Delbert F. Shepler  
Address unknown

Beginning at a point on the Section line between Sections 4 and 5, Tp. 28 S, Rg. 1 E, & 2037.5' N. of the SE corner of S $\frac{1}{4}$  Sec. 5, thence W. parallel to the S. line of Sec. 5, 223.5' more or less to the E. line of U. S. Highway 81 right of way, thence North along said right of way line 257' more or less to the right bank of the Arkansas River, thence Southeasterly along said right bank of river to a point 2037.5' N. of the S. line of said Sec. 5, thence West to beginning

✓ E. Christopherson and Ann Christopherson  
Address unknown

1722 So. Jopoka "

We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of the following described tract of land to-wit:

Beginning on the East Right of way line of Old U. S. Highway 81, and 2037.5 feet North of the South line of the SE $\frac{1}{4}$  of Section 5, Township 28 South, Range 1 East, thence North and Easterly along said right of way line to the right bank of the Arkansas River, thence Southeasterly along said River Bank to the West line of New U. S. Highway 81, thence Southerly along said West line of New U. S. Highway 81 to a point 2037.5' N. of the South line of said SE $\frac{1}{4}$ , thence West to beginning

as shown by the last deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 21st day of November, 1968 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Lucille Schroeder*

Vice-President

Order No. 158938

FORM 220-1

**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		\$50.00

DESCRIPTION AMOUNT

B3a application for  
Harold Ingle

Name

George W. Carthy

Address

327 Beacon Bldg.

Type R71C Due Date

Comments:

Date

11-25-68

By

George Smith

Map No. 5444  
 Sec. 5  
 Twp. 28  
 Range 1E

BZA 36-68  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

- AREA DATA:
1. Acres: 9.0 ( 500 ft. by 700 ft.)
  2. Adjoining Zoning: F \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
  3. Land Use: East HIGHWAY & VAC South SINGLE FARM DRIVE IN DEVELOPING VALLEY  
 West VAC North RECREATION AVENUE
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use is for: GO CART, AUTO SERV, AUTO SALES
  6. Area (is) (is not) platted.

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

