

22A 30-66 - N. J. Abraham requests
Exception to permit new & used car
lot on S side of Kellogg in an area
between Woodlawn & Hunter Street

5996

Postel
1-2-67
P.C.

ACTION

By COMMITTEE ^{DATE} Approved 1-24-67

M.A.P.C.

B.C.C./B. CO. C.

February 15, 1967

Mr. Kent Frizzell
701 Petroleum Bldg.
Wichita, Ks. 67202

Dear Mr. Frizzell:

Re: Case No. BZA 38-66 - Request
for an Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 24, 1967, in connection with your application for an Exception to permit the installation of a parking lot to display and sell new and used cars on property zoned "LC" Light Commercial and generally located on the south side of Kellogg in an area between Woodlawn and Hunter Street. This Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkg

cc: N. J. Abraham, 1800 East Douglas, Wichita
Glen Lytle, Superintendent of Central Inspection
Ralph Eberly, City Clerk

RESOLUTION NO. BZA 38-66

WHEREAS, N. J. Abraham, 1800 East Douglas, Wichita, by Kent Frizzell, 701 Petroleum Building, Wichita, requests an exception as provided in Section 28.04.183.2, Code of the City of Wichita, to permit the installation of a parking lot to display and sell new and used cars on property zoned "LC" Light Commercial, and legally described as follows:

Lot 1, Bird Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg in an area between Woodlawn and Hunter 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 January 24, 1967, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has authority to permit a new and used car sales lot to be located in "LC" Light Commercial zoning subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved for the installation of a new and used car sales lot on property zoned "LC" Light Commercial and legally described as follows:

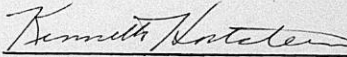
Lot 1, Bird Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg in an area between Woodlawn and Hunter Street.

subject to the following conditions:

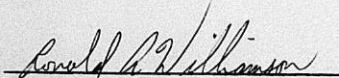
1. All buildings shall maintain a minimum 32 foot front setback from Kellogg Drive.
2. A 6-foot high solid wall or fence of masonry, architectural tile, louvered wood or other similar material shall be constructed adjacent to the south property line and adjacent to the east property line from the south property line north to the existing structure.
3. All storage and display areas, including all ingress and egress areas, shall be paved with concrete, asphalt, or other comparable material.

4. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
5. No sign shall exceed 25 feet in height or be placed so as to project over any public right-of-way.
6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.
8. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines.
9. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
10. The applicant shall install all improvements required by the Board prior to occupancy of the site for a new and used car sales lot.

APPROVED AT WICHITA, KANSAS, this 24th day of January, 1967.


Kenneth Hartstein, Chairman

ATTEST:


Ronald A. Williamson
Assistant Secretary

January 30, 1967

Mr. Kent Frizzell
701 Petroleum Bldg.
Wichita, Kansas 67202

Dear Mr. Frizzell:

Re: Case No. BZA 38-66 - Request for an Exception to the zoning ordinance to permit the installation of a parking lot to display and sell new and used cars to be located in an "LC" zone.

At the regular meeting of the Board of Zoning Appeals on January 24, 1967, your request for an Exception to permit the installation of a parking lot to display and sell new and used cars in an area zoned "LC" Light Commercial, and being located on the south side of Kellogg in an area between Woodlawn and Hunter Street, was considered.

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

1. All buildings shall maintain a minimum 32 foot front setback from Kellogg Drive.
2. A 6-foot high solid wall or fence of masonry, architectural tile, louvered wood or other similar material shall be constructed adjacent to the south property line and adjacent to the east property line from the south property line north to the existing structure.
3. All storage and display areas, including all ingress and egress areas, shall be paved with concrete, asphalt, or other comparable material.

Kent Frizzell
Case No. BZA 38-66

2

January 30, 1967

4. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
5. No sign shall exceed 25 feet in height or be placed so as to project over any public right-of-way.
6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.
8. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines.
9. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
10. The applicant shall install all improvements required by the Board prior to occupancy of the site for a new and used car sales lot.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the Chairman and Secretary of the Board have signed it. If you have any questions, please call.

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkq

cc: N. J. Abraham, 1800 East Douglas, Wichita
Glen Lytle, Superintendent of Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 38-66

APPLICANT: N. J. Abraham, 1800 East Douglas, Wichita, Kansas

AGENT: Kent Frizzell, 701 Petroleum Bldg, Wichita, Kansas

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita, to permit the installation of a parking lot to display and sell new and used cars

GENERAL LOCATION: Southeast corner of Kellogg Drive and Hampton Road in an area between Woodlawn and Hunter Street

LAND USE: Subject property is occupied by a vacant lumber yard, to the east is an animal hospital, to the west is a new car sales lot, to the north are single family residences with multiple family residences to the south

ZONING: Subject property is zoned "LC" as is that to the west, to the east is zoned "A" with "B" zoning to the south, north is the City of Eastborough

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.3, Code of the City of Wichita. The Board may grant this exception providing the conditions outlined under Section 28.04.183.2, Code of the City of Wichita, can be met.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to permit the installation of a new and used car sales lot on property zoned "LC" Light Commercial. The plot plan as submitted appears to meet the requirements of the ordinance, however, the plan does not show three additional buildings which now exist on subject property and which will need to be removed in order to provide the parking spaces along the west property line and the south property line.

The Engineering Division of the Department of Public Works has indicated that an additional 10 feet of street right-of-way for Kellogg Drive will need to be dedicated in order to provide ample space for sidewalks, signing, utilities and other public

purposes. It should be pointed out that Hampton Road, which is along the west property line, is not open and the applicant should explore the possibility of vacating the street inasmuch as it is of no practical value for the vehicular circulation in the area.

The Board has approved several similar requests in this general area along Kellogg and it is the opinion of the Secretary that the development of a new and used car sales lot at this location would be compatible with the existing uses in the area.

RECOMMENDATION

It is the recommendation of the Secretary that the exception to permit the installation of a new and used car sales lot be approved subject to the following conditions:

1. Prior to the signing of the Resolution effectuating the exception the applicant shall submit a dedication of 10 feet of additional right-of-way for Kellogg Drive.
2. All buildings shall maintain a minimum 32 foot front setback from Kellogg Drive.
3. A 6-foot high solid wall or fence of masonry, architectural tile, louvered wood or other similar material shall be constructed adjacent to the south property line and adjacent to the east property line from the south property line north to the existing structure.
4. All storage and display areas, including all ingress and egress areas, shall be paved with concrete, asphalt, or other comparable material.
5. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
6. No sign shall exceed 25 feet in height or be placed so as to project over any public right-of-way.
7. No Sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
8. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.

9. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines.
10. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
11. The applicant shall install all improvements required by the Board prior to occupancy of the site for a new and used car sales lot.

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

January 13, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 38-66

An application has been filed by N. J. Abraham, 1800 East Douglas, Wichita, Kansas, by Kent Frizzell, 701 Petroleum Bldg., Wichita, Kansas, pursuant to Section 2.12.590.3, Code of the City of Wichita, requesting an exception to permit the installation or construction of a new and used car lot on property zoned "LC" Light Commercial and legally described as follows:

Lot 1, Bird Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg in an area between Woodlawn and Hunter Street.

This application has been assigned Case No. BZA 38-66, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 24, 1967, 2:00 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

Mailed 17 113-67

LAW OFFICES OF
McCARTER FRIZZELL & WETTIG
SUITE 701 PETROLEUM BUILDING
WICHITA, KANSAS 67202

CHARLES C. McCARTER
KENT FRIZZELL
CARL L. WETTIG
JAMES R. SCHMITT

AREA CODE 316
AMHERST 7-2671

January 3, 1967



Secretary
Board of Zoning Appeals
City Annex
104 South Main
Wichita, Kansas

Re: Application for Exception;
N. J. Abraham, 6601 E. Kellogg

Gentlemen:

I am enclosing the detailed plot plan which should be filed in the above captioned case. The application, ownership list and fee were filed with your office on December 27, 1966.

If there are any questions that need to be discussed prior to the hearing date of January 24, please contact me.

Sincerely,

A handwritten signature in cursive that reads "Kent Frizzell".

Kent Frizzell
of McCARTER, FRIZZELL & WETTIG

KF:ns

Enclosure

LAW OFFICES OF
McCARTER FRIZZELL & WETTIG
SUITE 701 PETROLEUM BUILDING
WICHITA, KANSAS 67202

CHARLES C. McCARTER
KENT FRIZZELL
CARL L. WETTIG
JAMES R. SCHMITT

AREA CODE 316
AMHERST 7-2871

December 27, 1966

Board of Zoning Appeals
City of Wichita, Kansas
4th Floor, City Annex
Wichita, Kansas

Re: Application for Exception, N. J. Abraham,
6601 East Kellogg

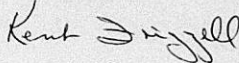
Gentlemen:

This office represents the above captioned applicant, N. J. Abraham, in his application for an exception to permit a new and used car lot at 6601 East Kellogg, Wichita, Kansas. The property is presently zoned "LC" and an exception is necessary for the applicant to engage in the business of a car lot.

It is our opinion that the Board of Zoning Appeals has jurisdiction over this type of request to grant an exception under Section 28.04.183(2), Code of the City of Wichita, Kansas. Justification for the proposed exception lies in the fact that applicant's requested use would be compatible with the adjacent area. Similar new and used car sales are being conducted both in the immediate vicinity of this request and at other locations on East Kellogg extending east and west of the proposed location. Applicant, of course, is willing to comply with all conditions and requirements of the ordinance should the application be granted.

Thank you for your consideration of this request and application.

Respectfully,



Kent Frizzell

KF/lv

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. Bza 38-66
FILED 12-27-66

APPLICATION FOR EXCEPTION

I. Name of Applicant N. J. Abraham
Mailing Address 1800 East Douglas, Wichita, Kansas Phone AM 53281
Name of Authorized Agent Kent Frizzell
Mailing Address 701 Petroleum Bldg., Wichita, Kans. Phone AM 7-2871
Relationship of applicant to property is that of Lessee
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.183(2), Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of a new and used car lot

on property zoned
"LC" located on S side of Kellogg in area lot
~~located at~~ Woodlawn & Hunter st
and legally described as:
Lot 1, in Bird Addition, to Wichita, Kansas.

in the City of Wichita.
(Give metes and bounds description below if appropriate).

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

Applicant N. J. Abraham
N. J. Abraham
Authorized Agent Kent Frizzell
Kent Frizzell

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 5:00 (a.m. P.M.), Dec 27, 1966, together with appropriate fee of \$50.00.

Signed Ronald L. Williamson

OWNERSHIP LIST

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
5 (W. 110 ft. & E $\frac{1}{2}$ vac alley, exc S. 25 ft. for Street	CZ	Eastborough 3rd	✓ Marilyn L. Reiss 4005 E. Kellogg 67218
5 (E. 25 ft, exc. S. 25 ft for St.)	CZ	"	✓ Farris G. Jabara and Helen Jabara # 6, Kellogg, Eastborough 67206
6, exc. S. 25 ft for Street	CZ	"	D Same
7, exc. S. 25 ft for Street	CZ	"	X Mable Adams and Frances Lillian Adams <i>No address found</i>
8 exc. S. 5 ft.	CZ	"	✓ Frances M. Brady and Nellie Brady 26 Lakeside Blvd Eastborough 67206
3		Englewood 2nd	✓ First National Bank, Trustee 67202
4		"	D Same
1		Bird Add.	✓ Richard E. Bird, Jr. 609 Rutland Rd 67206
Beg. on S. line of Hwy 54, and 800 ft. W. of W. line of Mission Road Extended; thence S. 280 ft; thence W. 100 ft; thence N. 280 ft; thence E to beg.			✓ Robert H. Gump and Edith M. Gump 6701 E. Kellogg 67207
1, except N. 200 ft. of E. 100 ft.		Gant Add.	✓ Caro Co. Inc. 6331-A East Kellogg 67218
N. 200 ft. of E. 100 ft. Lot 1		"	✓ Stella L. Sagerty 521 S. Poplar 67211
Reserve A,		Eastridge 2nd	✓ Eastridge Apartments, Inc. # 1 6535 C. Lincoln 67207

Page 2

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 feet of:

Lot 1, Bird Addition to the City of Wichita
Sedgwick County, Kansas,

as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 23rd. day of December A. D. 1966 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Lucille Schradt*
Vice President.

Order No. 140233.
(KPB)

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION

AMOUNT

Exp. Application 50⁰⁰

Name

A. J. Abraham

Address

1800 East Douglas

Type

R-712

Due Date

12-27-66

Comments:

PAID TEL. #1

DEC 29 1966

City of Wichita

Date

12-27-66

By

B. Howell

Map No. 594
 Sec. _____
 Twp. _____
 Range _____



1.



2.



3.

AREA DATA:
 1. Acres _____
 2. Adjoining _____
 3. Land _____
 4. Sketch _____
 5. Present Use _____
 6. Area (is) _____

PHOTO DATA:
 Taken by Mc

BZH



16' DRAINAGE EASEMENT



R₂
R₃

COTTON

R₄

R₄ RES

R₄

Map No. 5946
 Sec. _____
 Twp. _____
 Range _____

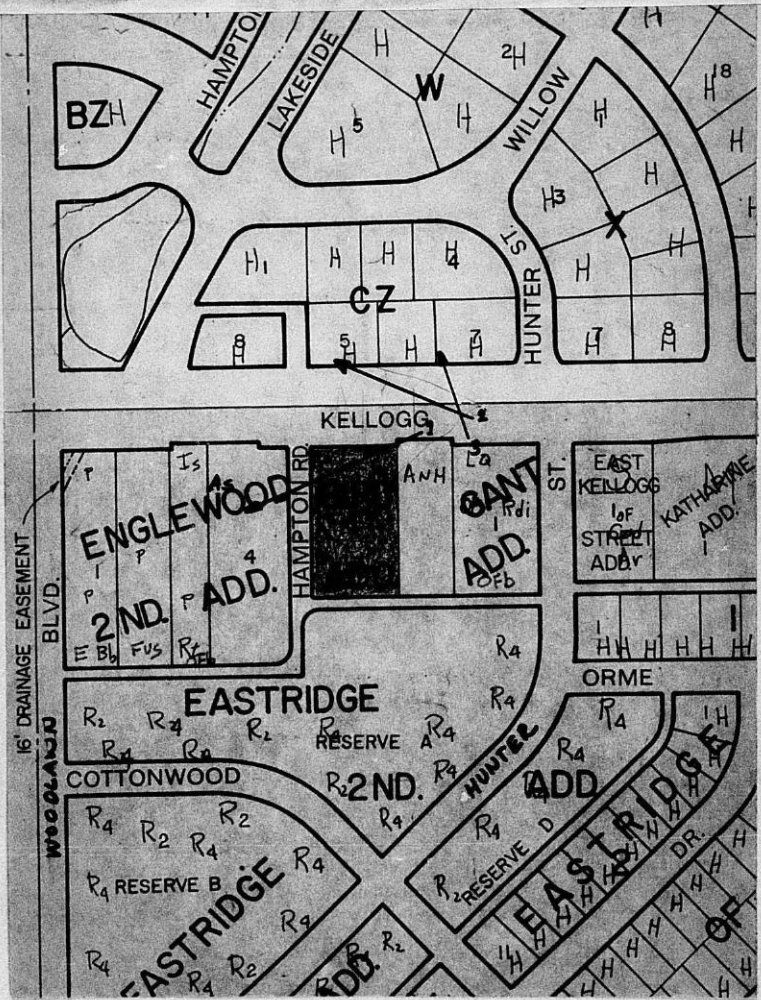
BZA 38-66
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: _____ ft. by _____ ft.
2. Adjoining zoning: E _____ S _____ W _____ N _____
3. Land Use: East Animal husbandry South Apts.
 West Auto sales North Single family
4. Sketch Plan Land Use is for: Residential
5. Present Land Use is for: Lumber yard
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by Manafos Date 1-5-67 Time 3:00 P.M.



*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1