

ACTION

DATE

By COMMITTEE *App* 1-28-64

M.A.P.C. _____

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

BZA 39-63 - Mr. & Mrs. Ray E. Dwyer and
Mr. & Mrs. J.L. Hardesty request excep-
tion to allow used car lot in LC on
SW corner of Broadway & Clark

February 10, 1964

Mr. Robert H. Nelson, Attorney
511 Union Center Building
Wichita, Kansas

Dear Mr. Nelson:

Re: BEA Case No. 39-63

On January 29, 1964, we advised you that the Board of Zoning Appeals had approved subject application for a new and used car lot on property generally located at the southwest corner of Broadway and Clark.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before February 7, 1964. The City Clerk has advised that no appeal was filed on or before the date indicated, and the decision of the Board of Zoning Appeals is, therefore, final.

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

Very truly yours,

Robert A. Lakin
Secretary

RAL:JWE:ber
Attachment

cc: Mr. and Mrs. Ray E. Dwyer
511 Union Center Building

Mr. and Mrs. J. L. Hardesty
511 Union Center Building

Mrs. J. W. Brown
3901 South Broadway

Glen Lytle, Superintendent
of Central Inspection

Board of Zoning Appeals

February 5, 1964

Robert G. Finch, City Clerk

Robert A. Lakin, Secretary

Case No. BZA 39-63

Attached is a copy of BZA Resolution No. 39-63,
covering action taken by the Board of Zoning Appeals
on the above numbered case.

This case was heard January 28, 1964, and an appeal
may be filed in your office on or before February
7, 1964. If an appeal is filed, please advise.

Robert A. Lakin
Secretary

RAL:ber

Attachment

R E S O L U T I O N N O . B Z A 3 9 - 6 3

WHEREAS, Mr. and Mrs. Ray E. Dwyer, 511 Union Center Building, Wichita, Kansas, and Mr. and Mrs. J. L. Hardesty, 511 Union Center Building, Wichita, Kansas, by Robert H. Nelson, attorney, 511 Union Center Building, Wichita, Kansas, request an Exception to permit the sale of new and used cars as provided in Section 28.04.180.A.14 of the Code of the City of Wichita, Kansas; and

WHEREAS, the above request applies to property legally described as:

Lots 90, 92, 94 and 96 on Lawrence, now Broadway,
in English Ninth Addition, in the City of Wichita,
Sedgwick County, Kansas,

which is generally located at the southwest corner of Broadway and Clark; and

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, in regular meeting, consider said application on the 28th day of January, 1964; 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 2.12.590.2 of the Code of the City of Wichita, Kansas; and

WHEREAS, the Board of Zoning Appeals determined that the location is contiguous to a major street as designated in Pattern for Thorofares, Wichita, Kansas, 1955, and amendments thereto, and that the area is zoned "LC" Light Commercial.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the request for an Exception as described above for property described as:


Lots 90, 92, 94 and 96 on Lawrence, now Broadway,
in English Ninth Addition, in the City of Wichita,
Sedgwick County, Kansas,

generally located at the southwest corner of Broadway and Clark, be approved, subject to the following:

1. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
3. No projecting signs shall be permitted. (As defined in the sign ordinance).
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of the structure.


5. No repair work shall be conducted except within an enclosed building, and further provided that no body or fender work is done.
6. All parking spaces abutting the east, north and west property lines, and that portion of the south property line which has car spaces identified as aligning north and south, shall be provided with bumper guards so as to prevent the extension or overhang of vehicles beyond property lines or parking spaces.
7. Five foot high brick, masonry or combination thereof, or louvered redwood fence, shall be erected along the south property line to protect adjacent properties from light, blowing debris, noise, and to preserve adjacent property values.
8. A performance bond in the amount of \$800 shall be filed with the Secretary of the Board within 30 days of approval of this application to guarantee that the fence will be constructed, except that the bond shall not be required in the event the fence is erected within that time limit. (The form of the bond shall be approved by the legal counsel for the Board).
9. All off-street parking spaces shall be marked "reserved" and combined into a block in a manner which is acceptable to the Traffic Engineering Division of the Department of Public Works.
10. All improvements on the lot shall be made within 18 months from the effective date of the approval of this application or the permit shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of January, 1964.



E. B. Law, Chairman

ATTEST:



Robert A. Lakin, Secretary

January 29, 1964

Mr. Robert M. Nelson, Attorney
511 Union Center Building
Wichita, Kansas

Dear Mr. Nelson:

Re: Case No. BEA 39-63

This is to advise you that at its regular meeting of January 28, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for an Exception to permit the installation or construction of a new and used car lot on property generally located at the southwest corner of Broadway and Clark, and being legally described as:

Lots 90, 92, 94 and 96 on Lawrence, now Broadway,
in English Ninth Addition, in the City of Wichita,
Sedgwick County, Kansas.

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

1. All storage and display area shall be paved with concrete, asphalt or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
3. No projecting signs shall be permitted. (As defined in the sign ordinance).
4. No sound projecting devices or loud speaker shall be used so as to be heard outside of the structure.
5. No repair work shall be conducted except within an enclosed building and provided further that no body or fender work is done.

Page 2 - Mr. Robert M. Nelson, Attorney
January 29, 1964

6. All parking spaces abutting the east, north and west property lines, and that on portions of the south property line which has car spaces identified as aligning north and south, shall be provided with bumper guards so as to prevent the extension or overhang of vehicles beyond property lines or parking spaces.
7. Five foot high brick, masonry or combination thereof, or louvered redwood fence, shall be erected along the south property line to protect adjacent properties from light, blowing debris, noise, and to preserve adjacent property values.
8. A performance bond in the amount of \$800 shall be filed with the Secretary of the Board within 30 days of approval of this application, to guarantee that the fence will be constructed, except that the bond shall not be required in the event the fence is erected within that time limit. (The form of the bond shall be approved by the legal counsel for the Board).
9. All off-street parking spaces shall be marked "reserved" and combined into a block in a manner which is acceptable to the Traffic Engineering Division of the Department of Public Works.
10. All improvements on the lot shall be made within 18 months from the effective date of the approval of this application or the permit shall be null and void.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before February 7, 1964.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before February 7, 1964, the decision of the Board will

Page 3 - Mr. Robert H. Nelson, Attorney
January 29, 1964

be final and the Superintendent of Central Inspection will be in a
position to issue the appropriate permit.

Very truly yours,

Robert A. Lakin
Secretary

RAL:JWH:ber

cc: Mr. and Mrs. Ray E. Dayer
511 Union Center Building

Mr. and Mrs. J. L. Hardesty
511 Union Center Building

Mrs. J. W. Brown
3901 South Broadway

Robert Finch
City Clerk

Glen Lytle, Superintendent
of Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 39-63

GENERAL LOCATION

The property represented in this application is generally located at the southwest corner of Broadway and Clark Street.

EXISTING ZONING

The property in question is zoned "LC" Light Commercial. Existing zoning to the north, east, south is "LC" Light Commercial and to the west is "A" Two Family zoning.

EXISTING LAND USE

The property in question is occupied by a garage which is proposed to be used in conjunction with the used car lot. The existing land use to the north is single family and duplexes; west is vacant; east is single family and south is single family and duplexes.

REQUEST

The request is for an Exception as provided in Section 28.04.180.A.14 of the Code of the City of Wichita, to allow the installation of a new and used car lot on the property in question. The request is within the jurisdiction of the Board of Zoning Appeals to grant provided all the following conditions are found to exist:

- A. Location contiguous to a major street as designated in the Pattern for Thorofares, Wichita, Kansas, 1955, or amendments thereto.
- B. Such screening for areas contiguous to residential zoning districts as may be determined appropriate and necessary to protect adjacent properties from light, debris and noise and to preserve adjacent property values.
- C. All storage and display areas shall be paved with concrete, asphalt or other comparable material.

- D. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
- E. No projecting signs shall be permitted. (As defined in the sign ordinance).
- F. No sound projecting devices or loud speaker shall be used so as to be heard outside of any structure.
- G. Such other conditions as the Board of Zoning Appeals shall deem necessary to include, but not be restricted to, proper setbacks, landscaping, and maintenance provisions.
- H. No repair work shall be conducted except within an enclosed building, and further provided that no body or fender work is done.

The attorney for the applicant has submitted a statement of justification and plot plan, which are included as Attachments #1 and #2 to this report.

COMMENTS BY THE SECRETARY

The attorney for the applicant has pointed out that the applicants are the owners of the property located at the southwest corner of Broadway and Clark Street, with a 100 foot frontage on Broadway, and are also the owners of the lots with a 100 foot frontage immediately to the west on Market Street. It was also pointed out that the petitioners are willing that the Board enter reasonable restrictions as to screening the area immediately to the south as may be deemed appropriate and necessary. They have also agreed that any lighting that is provided will be reflected away from adjacent residential properties.

From viewing the area, it can be seen that there is a garage which is located on the southwest corner of this lot which is evidently proposed

to be used in conjunction with the used car lot. The house and all the trees which were located on this lot have been removed and the lot is now in the process of being leveled out. The lot which the applicant owns immediately to the west of the one being considered in this application is also being cleared; however, there are three or four junk car bodies on the lot which should be removed.

According to the plot plan at the present time there are two curb cuts which provide a means of ingress and egress to the lot. These two curb cuts are on Clark Street. However, in conversations with the applicant, it was determined that the existing curb cut nearest to Broadway will be eliminated and in its place the applicant proposes to have a new curb cut on Broadway. In the Secretary's opinion, this would afford an appropriate means of ingress and egress to the lot. In addition to the curb cuts as shown on the plot plan, there will also be a means of ingress and egress to the unpaved alley which abuts the rear of the lot.

The plot plan shows no interior lot circulation. However, it appears that with three access points and with the driveways that have been provided that no problems should be encountered in this respect.

In reviewing the plot plan with the Traffic Engineering Division of the Department of Public Works, it was determined that the off-street parking stalls (the off-street parking stalls appear as rectangles with X's in them on the plot plan) should not be scattered out as shown on the plot plan. It was suggested that the 5 off-street parking stalls be combined into one block and reserved for off-street parking. The Traffic

Engineering Division also suggested that all of the parking stalls which abut the property line should be provided with bumper guards to prevent the overhang or extension of vehicles beyond the property lines.

It is the opinion of the Secretary that it was the intent of the governing body at the time this exception provision was incorporated to the ordinance, that there were certain light commercial areas along Harry Street, 21st Street, West Street, East Kellogg, South Broadway, etc., which were not entirely neighborhood in character, and which could be used for used car lots if proper controls were exercised. In viewing the mile strip of light commercial zoning from Harry to Pawnee, one can see that there are an admixture of uses, some of which are permitted under the "IC" section of the ordinance and some of which are nonconforming. In view of the location, the character of the street and its development, it is the opinion of the Secretary that this particular location is acceptable for a used car lot if proper controls are exercised by the Board.

In view of the comments and considerations stated above, it is the opinion and recommendation of the Secretary that this exception be granted, subject to the following conditions and requirements:

1. All storage and display area shall be paved with concrete, asphalt or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
3. No projecting signs shall be permitted. (As defined in the sign ordinance).

4. No sound projecting devices or loud speaker shall be used so as to be heard outside of the structure.
5. No repair work shall be conducted except within an enclosed building and provided further that no body or fender work is done.
6. All parking spaces abutting the east, north, south and west property lines shall be provided with bumper guards so as to prevent the extension or overhang of vehicles beyond property lines or parking spaces.
7. Five foot high brick, masonry or combination thereof, or louvered redwood fence shall be erected along the south property line to protect adjacent properties from light, blowing debris, noise, and to preserve adjacent property values.

NOTE: Some consideration should be given to some low type planting or greenery along the east property line, except for that area occupied by the curb cut, which would make the lot more compatible for the surrounding neighborhood.

8. A performance bond in the amount of \$_____ shall be filed with the Secretary of the Board within 30 days of approval of this application to guarantee that the fence will be constructed, except that the bond shall not be required in the event the fence is erected within that time limit. (The form of the bond shall be approved by the legal counsel for the Board).

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Case No. BZA 39-63

9. All off-street parking spaces shall be marked "reserved" and combined into a block in a manner which is acceptable to the Traffic Engineering Division of the Department of Public Works.
10. All improvements on the lot shall be made within 18 months from the effective date of the approval of this application or the permit shall be null and void.

Attachments

- #1 - Statement of Justification
- #2 - Plot Plan

TO: BOARD OF ZONING APPEALS
Planning Department
City Annex Building
Wichita, Kansas

Re: Application for Exception filed
by Mr. and Mrs. Ray E. Dwyer
and Mr. and Mrs. J. L. Hardesty

STATEMENT FOR JUSTIFICATION FOR GRANTING OF
EXCEPTION

The applicants are the owners of the property located at the southwest corner of Broadway and Clark Streets with 100 feet of frontage on Broadway and they are also the owners of the lots with 100 foot frontage immediately to the west on Market Street. They are asking for the exception on the property fronting on Broadway for the purpose of establishing a new and used car sales business.

This Board has authority by virtue of 28.04.180, paragraph 14, to grant an exception so as to permit the establishment of a new and used car sales business in an LC classification. The property in question is zoned LC. The requirements as set forth in the ordinance have all been met in that the location is on a major street as so designated by the Pattern for Thoroughfares and as set forth in the plot plan attached to the petition. The petitioners are willing that the Board enter reasonable restrictions as to screening the area immediately to the south as may be deemed appropriate and necessary. The applicants are also owners of the property immediately adjacent to the west and are of the opinion that no screening is required in order to protect said property on the west. It is proposed that a six foot solid metal fence be placed on the south line of the property, which will protect the property adjacent on the south and such lighting as may be required will be properly reflected as not to interfere with the property on the south. The location of the two-story building is as set out in the plot plan and will not interfere with the property adjacent thereto.

WHEREFORE, petitioners respectfully pray for an order of this Board authorizing the exception and permitting the installation of the new and used car sales business on the property as described in the application.

Respectfully submitted,

By _____
Attorneys for Petitioners

Case No. BZA 39-63
Attachment #1

EXIST. 14' DRIVE

CLARK STREET

EXIST. DRIVE

EXIST. SIDEWALK

PROPERTY LINE

EXIST. SIDEWALK

93'-6"

75'-0"

91'-0"

BROADWAY

ALLEY

33 SALES STALLS
5' OFF-STREET PARKING

EXISTING GARAGE BLDG.

6' HIGH FENCE

PROPERTY LINE

PROPERTY LINE

80'-0"

20'-0"

10'-0"

36'-0"

90'-0"

25'-0"

10'-0"

140'-0"

NORTH



PLOT PLAN

SCALE 1" = 10'-0"

BZA Case No. 39-63

Attachment #2

MEMORANDUM

CASE NO. 2014-10-01

GENERAL LOCATION

The property represented in this application is generally located at the southwest corner of Broadway and Clark Street.

EXISTING ZONING

The property in question is zoned "LC" Light Commercial. Existing zoning to the north, east, south is "LC" Light Commercial and to the west is "A" Two Family zoning.

EXISTING LAND USE

The property in question is occupied by a garage which is proposed to be used in conjunction with the used car lot. The existing land use to the north is single family and duplexes; west is vacant; east is single family and south is single family and duplexes.

REQUEST

The request is for an Exception as provided in Section 28.04.180.A.14 of the Code of the City of Wichita, to allow the installation of a new and used car lot on the property in question. The request is within the jurisdiction of the Board of Zoning Appeals to grant provided all the following conditions are found to exist:

- A. Location contiguous to a major street as designated in the Pattern for Thorofares, Wichita, Kansas, 1955, or amendments thereto.
- B. Such screening for areas contiguous to residential zoning districts as may be determined appropriate and necessary to protect adjacent properties from light, debris and noise and to preserve adjacent property values.
- C. All storage and display areas shall be paved with concrete, asphalt or other comparable material.

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- D. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
- E. No projecting signs shall be permitted. (As defined in the sign ordinance).
- F. No sound projecting devices or loud speaker shall be used so as to be heard outside of any structure.
- G. Such other conditions as the Board of Zoning Appeals shall deem necessary to include, but not be restricted to, proper setbacks, landscaping, and maintenance provisions.
- H. No repair work shall be conducted except within an enclosed building, and further provided that no body or fender work is done.

The attorney for the applicant has submitted a statement of justification and plot plan, which are included as Attachments #1 and #2 to this report.

COMMENTS BY THE SECRETARY

The attorney for the applicant has pointed out that the applicants are the owners of the property located at the southwest corner of Broadway and Clark Street, with a 100 foot frontage on Broadway, and are also the owners of the lots with a 100 foot frontage immediately to the west on Market Street. It was also pointed out that the petitioners are willing that the Board enter reasonable restrictions as to screening the area immediately to the south as may be deemed appropriate and necessary. They have also agreed that any lighting that is provided will be reflected away from adjacent residential properties.

From viewing the area, it can be seen that there is a garage which is located on the southwest corner of this lot which is evidently proposed

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to be used in conjunction with the used car lot. The house and all the trees which were located on this lot have been removed and the lot is now in the process of being leveled out. The lot which the applicant owns immediately to the west of the one being considered in this application is also being cleared; however, there are three or four junk car bodies on the lot which should be removed.

According to the plot plan at the present time there are two curb cuts which provide a means of ingress and egress to the lot. These two curb cuts are on Clark Street. However, in conversations with the applicant, it was determined that the existing curb cut nearest to Broadway will be eliminated and in its place the applicant proposes to have a new curb cut on Broadway. In the Secretary's opinion, this would afford an appropriate means of ingress and egress to the lot. In addition to the curb cuts as shown on the plot plan, there will also be a means of ingress and egress to the unpaved alley which abuts the rear of the lot.

The plot plan shows no interior lot circulation. However, it appears that with three access points and with the driveways that have been provided that no problems should be encountered in this respect.

In reviewing the plot plan with the Traffic Engineering Division of the Department of Public Works, it was determined that the off-street parking stalls (the off-street parking stalls appear as rectangles with X's in them on the plot plan) should not be scattered out as shown on the plot plan. It was suggested that the 5 off-street parking stalls be combined into one block and reserved for off-street parking. The Traffic

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Engineering Division also suggested that all of the parking stalls which abut the property line should be provided with bumper guards to prevent the overhang or extension of vehicles beyond the property lines.

It is the opinion of the Secretary that it was the intent of the governing body at the time this exception provision was incorporated to the ordinance, that there were certain light commercial areas along Harry Street, 21st Street, West Street, East Kellogg, South Broadway, etc., which were not entirely neighborhood in character, and which could be used for used car lots if proper controls were exercised. In viewing the mile strip of light commercial zoning from Harry to Pawnee, one can see that there are an admixture of uses, some of which are permitted under the "LC" section of the ordinance and some of which are nonconforming. In view of the location, the character of the street and its development, it is the opinion of the Secretary that this particular location is acceptable for a used car lot if proper controls are exercised by the Board.

In view of the comments and considerations stated above, it is the opinion and recommendation of the Secretary that this exception be granted, subject to the following conditions and requirements:

1. All storage and display area shall be paved with concrete, asphalt or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
3. No projecting signs shall be permitted. (As defined in the sign ordinance).

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Case No. BZA 39-63

4. No sound projecting devices or loud speaker shall be used so as to be heard outside of the structure.
5. No repair work shall be conducted except within an enclosed building and provided further that no body or fender work is done.
6. All parking spaces abutting the east, north, south and west property lines shall be provided with bumper guards so as to prevent the extension or overhang of vehicles beyond property lines or parking spaces.
7. Five foot high brick, masonry or combination thereof, or louvered redwood fence shall be erected along the south property line to protect adjacent properties from light, blowing debris, noise, and to preserve adjacent property values.

NOTE: Some consideration should be given to some low type planting or greenery along the east property line, except for that area occupied by the curb cut, which would make the lot more compatible for the surrounding neighborhood.

8. A performance bond in the amount of \$_____ shall be filed with the Secretary of the Board within 30 days of approval of this application to guarantee that the fence will be constructed, except that the bond shall not be required in the event the fence is erected within that time limit. (The form of the bond shall be approved by the legal counsel for the Board).

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Case No. BZA 39-63

9. All off-street parking spaces shall be marked "reserved" and combined into a block in a manner which is acceptable to the Traffic Engineering Division of the Department of Public Works.
10. All improvements on the lot shall be made within 18 months from the effective date of the approval of this application or the permit shall be null and void.

Attachments

- #1 - Statement of Justification
- #2 - Plot Plan

TO: BOARD OF ZONING APPEALS
Planning Department
City Annex Building
Wichita, Kansas

Re: Application for Exception filed
by Mr. and Mrs. Ray E. Dwyer
and Mr. and Mrs. J. L. Hardesty

STATEMENT FOR JUSTIFICATION FOR GRANTING OF
EXCEPTION

The applicants are the owners of the property located at the southwest corner of Broadway and Clark Streets with 100 feet of frontage on Broadway and they are also the owners of the lots with 100 foot frontage immediately to the west on Market Street. They are asking for the exception on the property fronting on Broadway for the purpose of establishing a new and used car sales business.

This Board has authority by virtue of 28.04.180, paragraph 14, to grant an exception so as to permit the establishment of a new and used car sales business in an LC classification. The property in question is zoned LC. The requirements as set forth in the ordinance have all been met in that the location is on a major street as so designated by the Pattern for Thoroughfares and as set forth in the plot plan attached to the petition. The petitioners are willing that the Board enter reasonable restrictions as to screening the area immediately to the south as may be deemed appropriate and necessary. The applicants are also owners of the property immediately adjacent to the west and are of the opinion that no screening is required in order to protect said property on the west. It is proposed that a six foot solid metal fence be placed on the south line of the property, which will protect the property adjacent on the south and such lighting as may be required will be properly reflected as not to interfere with the property on the south. The location of the two-story building is as set out in the plot plan and will not interfere with the property adjacent thereto.

WHEREFORE, petitioners respectfully pray for an order of this Board authorizing the exception and permitting the installation of the new and used car sales business on the property as described in the application.

Respectfully submitted,

By


Attorneys for Petitioners

Case No. BZA 39-63
Attachment #1

TO: BOARD OF ZONING APPEALS
Planning Department
City Annex Building
Wichita, Kansas

Re: Application for Exception filed
by Mr. and Mrs. Ray E. Dwyer
and Mr. and Mrs. J. L. Hardesty

STATEMENT FOR JUSTIFICATION FOR GRANTING OF
EXCEPTION

The applicants are the owners of the property located at the southwest corner of Broadway and Clark Streets with 100 foot of frontage on Broadway and they are also the owners of the lots with 100 foot frontage immediately to the west on Market Street. They are asking for the exception on the property fronting on Broadway for the purpose of establishing a new and used car sales business.

This Board has authority by virtue of 28.04180, paragraph 14 to grant an exception so as to permit the establishment of a new and used car sales business in an LC classification. The property in question is zoned LC. The requirements as set forth in the ordinance have all been met in that the location is on a major street as so designated by the pattern for thoroughfares and as set forth in the plot plan attached to the petition. The petitioners are willing that the Board enter reasonable restrictions as to screening the area immediately to the south as may be deemed appropriate and necessary. The applicants are also owners of the property immediately adjacent to the west and are of the opinion that no screening is required in order to protect said property on the west. It is proposed that a six foot solid metal fence be placed on the south line of the property, which will protect the property adjacent on the south and such lighting as may be required will be properly reflected as not to interfere with the property on the south. The location of the two-story building is as set out in the plot plan and will not interfere with the property adjacent thereto.

WHEREFORE, petitioners respectfully pray for an order of this Board authorizing the exception and permitting the installation of the new and used car sales business on the property as described in the application.

Respectfully submitted,

By Robert H. Miller
Attorneys for Petitioners

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


25

January 9, 1963

BOARD OF ZONING APPEALS

Case No. BZA 39-63

An application has been filed by Mr. and Mrs. Ray E. Dyer and Mr. and Mrs. J. L. Hardesty, 311 Union Center Building, Wichita, Kansas, by Robert H. Nelson, attorney, 511 Union Center Building, Wichita, Kansas, requesting an exemption, pursuant to Section 28.04.100.A.10, Code of the City of Wichita, Kansas, to permit the installation or construction of a new and used car lot on property zoned "LC" Light Commercial, and legally described as:

Lots 89, 91, 92, 93 on Market Street and Lots 90, 92, 94 and 96 on Lawrence, now Broadway, in English Ninth Addition, in the City of Wichita,  County, Kansas. Generally at west corner of Broadway.

This application has been assigned Case No. BZA 39-63, and will be considered by the Board of Zoning Appeals on Tuesday, January 28, 1963, at 2 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.

Robert A. Lakin
Secretary

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

January 9, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 39-63

An application has been filed by Mr. and Mrs. Ray E. Doyere and Mr. and Mrs. J. L. Hardesty, 511 Union Center Building, Wichita, Kansas, by Robert H. Nelson, attorney, 511 Union Center Building, Wichita, Kansas, requesting an Exception pursuant to Section 28.04.180.A.14, Code of the City of Wichita, Kansas, to permit the installation or construction of a new and used car lot on property zoned "LC" Light Commercial, and legally described as:

Lots 89, 91, 92, 93 on Market Street and Lots 90, 92, 94 and 96 on Lawrence, now Broadway, in English Ninth Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Broadway and Clark.

This application has been assigned Case No. BZA 39-63, and will be considered by the Board of Zoning Appeals on Tuesday, January 22, 1963, at 2 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.

Robert H. Lakshin
Secretary

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

January 9, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 39-63

An application has been filed by Mr. and Mrs. Ray E. Dwyer and Mr. and Mrs. J. L. Hardesty, 511 Union Center Building, Wichita, Kansas, by Robert H. Nelson, attorney, 511 Union Center Building, Wichita, Kansas, requesting an Exception, pursuant to Section 28.04.180.A.14, Code of the City of Wichita, Kansas, to permit the installation or construction of a new and used car lot on property zoned "LC" Light Commercial, and legally described as:

Lots 89, 91, 92, 93 on Market Street and Lots 90, 92, 94 and 96 on Lawrence, now Broadway, in English Ninth Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Broadway and Clark.

This application has been assigned Case No. BZA 39-63, and will be considered by the Board of Zoning Appeals on Tuesday, January 28, 1964, at 2 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.

Robert A. Lakin
Secretary

NOTICES MAILED JANUARY 9, 1964 for HEARING JANUARY 28, 1964:

CASE NO. BZA 39-63

2)

Robert H. Nelson
511 Union Center Building

Martin K. Eby Company
610 North Main

Mr. and Mrs. J. L. Hardesty
511 Union Center Building

Edna M. Fell
2119 South Broadway

Mr. and Mrs. Ray E. Dwyer
511 Union Center Building

Ray E. Dwyer and Helen F. Dwyer
J. L. and Blanche L. Hardesty
1148 South Broadway

A. Loraine Vaughn
2333 South Mosley

J. W. Brown

Wesley G. Ward
Marie Ann Ward
2140 South Broadway

Hazel Brown
2030 South Market
Ant 1-21-64
3901 S. Broadway
Wilfred E. Rutledge
Chloe G. Rutledge
2046 South Market

Marjorie Wilson
2122 South Broadway

First Wesleyan Methodist Church
1700 South Broadway

Ethel M. Gouldy
Duane Gouldy
2116 South Broadway

Lillie M. Burrows
2043 South Broadway

Grace Daniels
2106 South Broadway

Shui H. Mar
Frank S. Mar
2147 South Broadway

M. W. Sing
2102 South Broadway

Gerald R. Canny
Connie M. Canny
2128 South Market

Administrator of Veterans Affairs
5500 East Kellogg

Alva E. Smith
Pauline C. Smith
216 North Terrace

Benjamin R. Alyea
Ruth E. Alyea
2518 North Fountain

KAHRS, NELSON, FANNING & HITE

ATTORNEYS AT LAW

UNION CENTER BUILDING

WICHITA 2, KANSAS

AUSTIN M. COWAN (1885-1948)

W. A. KAHRS

ROBERT H. NELSON

H. W. FANNING

RICHARD C. HITE

DARRELL D. KELLOGG

TELEPHONES
AMHERST 2-3441
AMHERST 2-3442

December 20, 1963

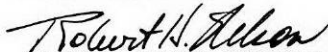
Board of Zoning Appeals
Planning Department
City Annex Building
Wichita, Kansas

Attention: Mr. Howe

Dear Jim:

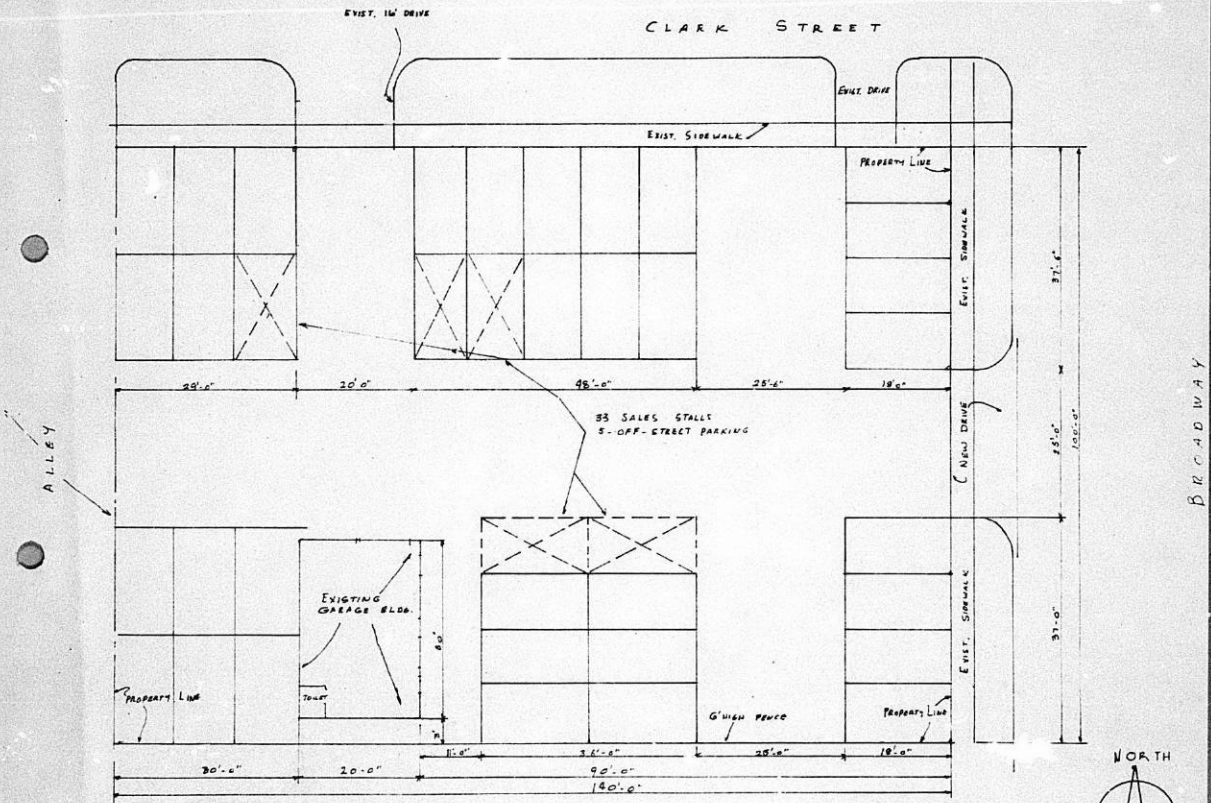
I am enclosing herewith Application for Exception for the purpose of the installation of a new and used car lot on the property described therein located on the southwest corner of Broadway and Clark Street, together with check in the amount of \$50.00 in payment of the fee, certificate of Security Abstract Company showing the ownership list and the plot plan. I will furnish you with a statement in connection therewith shortly.

Yours very truly,



OF KAHRS, NELSON, FANNING & HITE

RHN:blc

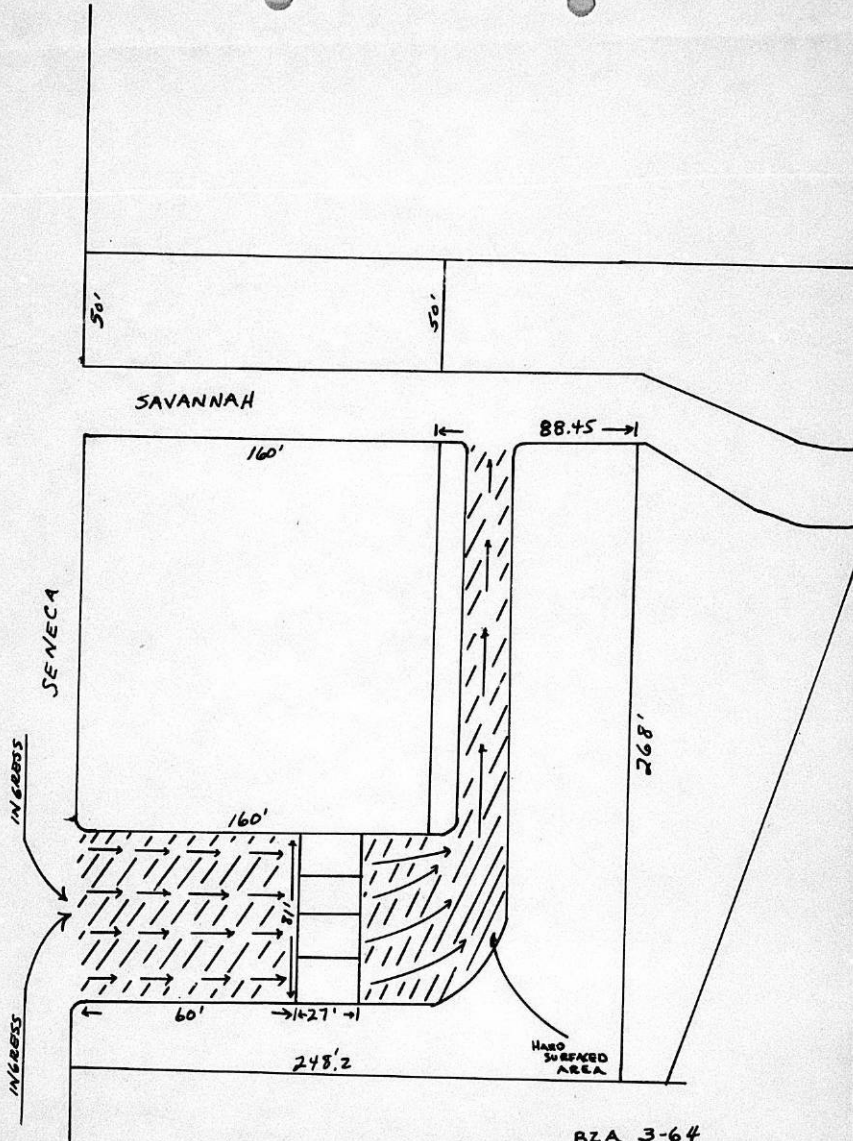


PLOT PLAN
SCALE 1" = 10'-0"

BZA Case No. 39-63
Attachment #2



PAWNEE



BZA 3-64

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. NAME OF APPLICANT Mr. & Mrs. Ray E. Dwyer & Mr. & Mrs. J. L. Hardesty

MAILING ADDRESS 511 Union Center Building PHONE _____

NAME OF AUTHORIZED AGENT Robert H. Nelson

MAILING ADDRESS 511 Union Center Building PHONE AM 2-3441

RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF _____
(OWNER, TENANT, LESSEE, OTHER).

II. APPLICATION IS MADE FOR AN EXCEPTION AS PROVIDED IN SECTION

28.04.180 Par.14, CODE OF THE CITY OF WICHITA, KANSAS (ZONING
New and
ORDINANCE); TO PERMIT THE INSTALLATION OR CONSTRUCTION OF Used

Car Lot ON PROPERTY ZONED LC, LOCATED AT

Southwest corner of Broadway and AND LEGALLY DESCRIBED AS:

Lots 89, 91, 92, 93 on Market Street & Lots 90, 92, 94
96 on Lawrence, now Broadway, in English Ninth Addition to
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.

Mr. and Mrs. Ray E. Dwyer
Mr. and Mrs. J. L. Hardesty
APPLICANT

Robert H. Nelson
AUTHORIZED AGENT

OFFICE USE ONLY: RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, 9:45 (A.M. - P.M.), 12-23, 1963, TOGETHER WITH APPROPRIATE FEE OF \$50.00.

A. Mauts
SIGNED

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
3	Broadway Ave.	E. E. Marshall's Addition	Shui H. Mar Frank S. Mar 2147 S. Broadway
5	"	"	Lillie M. Burrows 2043 S. Broadway
7	"	"	"
9	"	"	First Wesleyan Methodist Church 1700 S. Broadway
11	"	"	"
13	"	"	"
4	Market Street	"	Wilfred E. Rutledge Chloe G. Rutledge 2046 S. Market
6	"	"	First Wesleyan Methodist Church 1700 S. Broadway
8	"	"	"
10	"	"	"
12	"	"	J. W. Brown Hazel Brown 2080 S. Market 3901 S. Broadway
14	"	"	"
90	Broadway Ave.	English's 9th Addition	Ray E. Dwyer Helen F. Dwyer J. L. Hardesty Blanche L. Hardesty 1148 S. Broadway
92	"	"	"
94	"	"	"
96	"	"	"
98	"	"	Edna M. Fell 2119 S. Broadway
100	"	"	"
102	"	"	S. H. Shaver 2105 S. Broadway
104	"	"	Martin K. Day Co. N. Main St.

Continued page 2

Lot	Street	Addition	Property Owner
106	Broadway Ave.	English's 9th Addition	N. W. Vaughn A. Loraine Vaughn-2333 <i>do. Masley(?)</i> Address unknown
108	"	"	"
110	"	"	Benjamin R. Alyea Ruth E. Alyea 2518 N. Fountain
112	"	"	"
89	Market St.	"	Ray E. Dwyer Helen F. Dwyer J. L. Hardesty Blanche L. Hardesty 1148 S. Broadway
91	"	"	"
93	"	"	"
95	"	"	"
97	"	"	Alva E. Smith Pauline C. Smith 216 N. Terrace
99	"	"	"
101	"	"	Administrator of Veterans Affairs 5500 E. Kellogg
103	"	"	"
105	"	"	Paula L. Garren <i>no</i> Address unknown <i>address</i>
107	"	"	"
109	"	"	Gerald R. Canny Connie M. Canny 2128 S. Market
111	"	"	"
4	Broadway Ave.	Turley's Addition	Myrtie P. Fieser Address unknown <i>no address</i>
5	"	"	"
6	"	"	"
1	Broadway Ave.	Farnum's Sub- division	M. W. Sing 2102 S. Broadway
3	"	"	"
5	"	"	Grace Daniels 2106 S. Broadway
7	"	"	"

Continued page 3

Lot	Street	Addition	Peoperty Owner
9	Broadway Ave.	Farnum's Sub- division	Harry M. Browner Alberta Mae Fuska <i>no</i> Address unknown <i>address</i>
11	"	"	"
13	"	"	Ethel M. Gouldy Duane Gouldy 2116 S. Broadway
15	"	"	"
17	"	"	Marjorie Wilson 2122 S. Broadway
19	"	"	"
21	"	"	Wesley G. Ward Marie Ann Ward 2140 S. Broadway
23	"	"	"

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:

Lots 90, 92, 94 and 96, on Broadway Avenue, in English's 9th
Addition to Wichita, Sedgwick County, Kansas.

as shown by the deeds on file in the Office of the Register of Deeds of
Sedgwick County, Kansas, on this 4th day of December, 1963 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

J. W. W. W.
Vice-President

Order No. 109322

PAYMENT NOTICE
 City of Wichita
PAY AT TREASURER'S OFFICE — FIRST FLOOR

Bid'g & Elev. _____ Elec. _____ Elev. Insp. _____
 Exam Fees _____ Hse. Mvr. _____ Hse. Moving _____
 Licse. _____ Mech. _____ Oil Well _____ Pav. Cuts _____
 Plan. X _____ Plb'g. _____ Plb'g. Cert. _____
 Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
 Street _____ Trailers _____

DESCRIPTION	AMOUNT
<u>24</u>	
<u>712</u>	

Name _____
 Address 511 Grand
 Type _____ Due Date _____
 Comments _____

Date 12-23-63 By _____
 20M 5-60

①



Houses on west side of Broadway and south of property in question

②



Existing garage on property in question

③



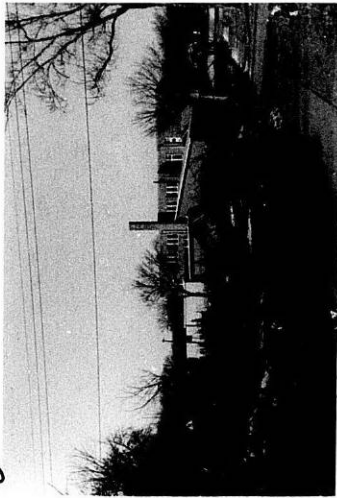
Two houses immediately east of property in question

④



Existing house at NW corner of Broadway & Mt. Vernon

⑤



Existing School to west of property in question

⑥

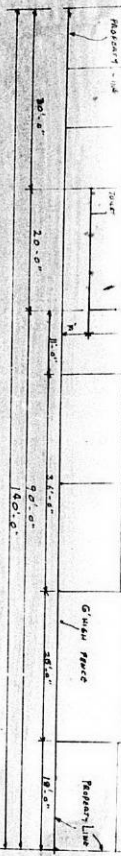
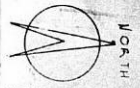


House at northeast corner of Broadway & Mt. Vernon



PLOT PLAN
SCALE 1" = 10'-0"
Attachment #

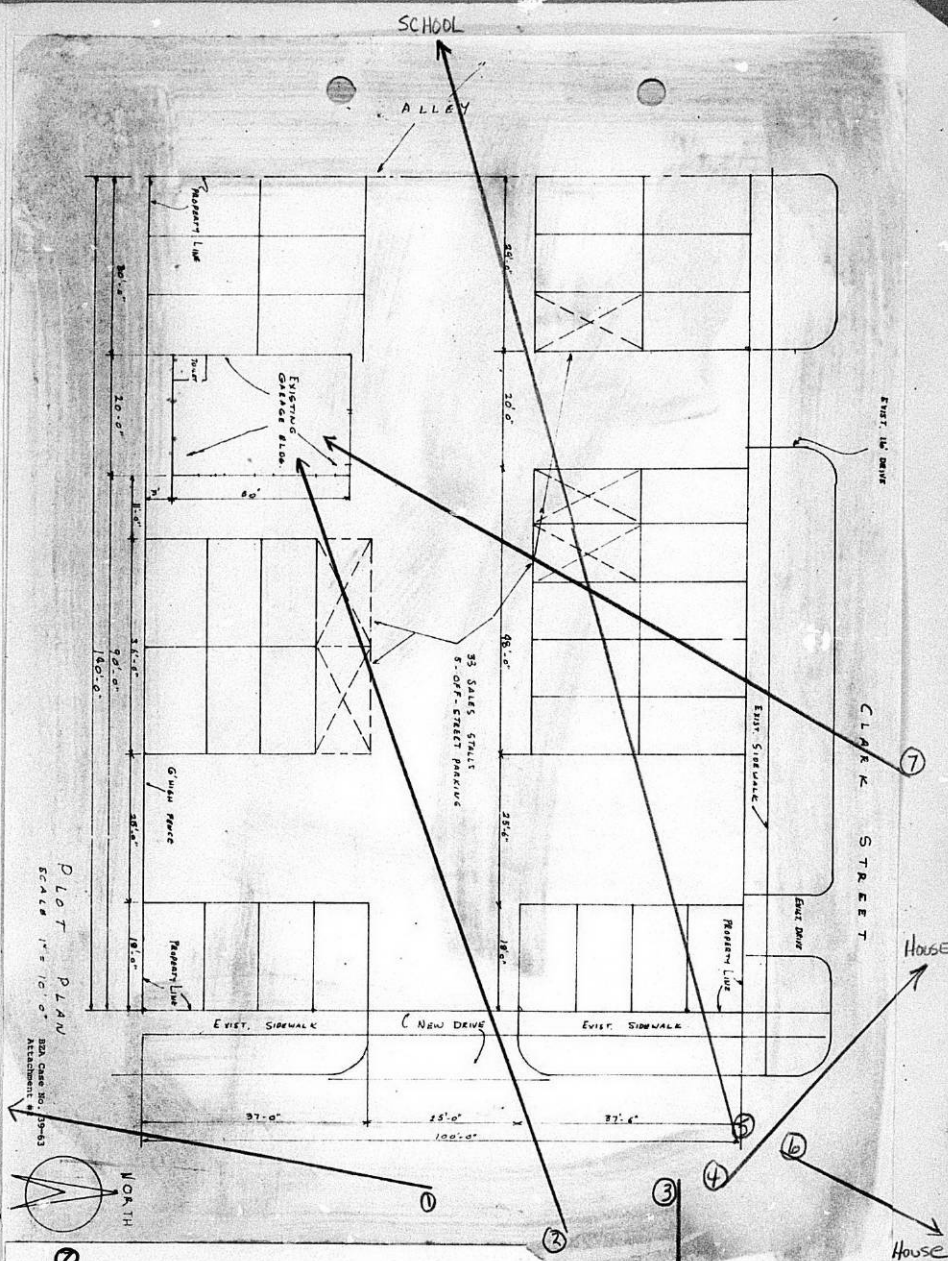
RD# CASE NO. 09-63



House at Northeast corner of Broadway & Mt. Vernon

Existing School to west of property in question

Existing house at NW corner of Broadway & Mt. Vernon



PLOT PLAN
 SCALE 1/8" = 10'-0"
 BSA CASE NO. 35-43
 ATTACHMENT #



HOUSE HOUSE

*

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