

Case No. BZA 41-87 - T. G. Davis, Jr.
requests an exception to permit the
establishment of new & used car sales
on property zoned "LC" Light Commercial
& generally located on the SE corner of

BZA 41-87 Approved 5-0 10/27/87
DATE

Void
to complete
conditions within
specified
time

Posted

ACTION

B.Z.A. 41-87 Approved 5-0 10/27/87
DATE

Void
Failure to complete
conditions within
time specified

Case No. BZA 41-87 - T. G. Davis, Jr.
requests an exception to permit the
establishment of new & used car sales
on property zoned "LC" Light Commercial
& generally located on the SE corner of

DATA SHEET

MAP NO.: 5846A

CASE NO. BZA 41-87

(CPO 2B, 10/19/87)

REQUEST: Exception to permit the establishment of new and used car sales.

EXISTING ZONING: "LC" Light Commercial

GENERAL LOCATION: Southeast corner of Kellogg Drive and Lightner
(5817 E. Kellogg)

APPLICANT: T. G. Davis, Jr.
ADDRESS: P. O. Box 780047, Wichita 67278-0047

PHONE: 685-0211

AGENT: Everett C. Fettis
ADDRESS: 120 S. Market, Sutie 504, Wichita, 67202

PHONE: 267-7251

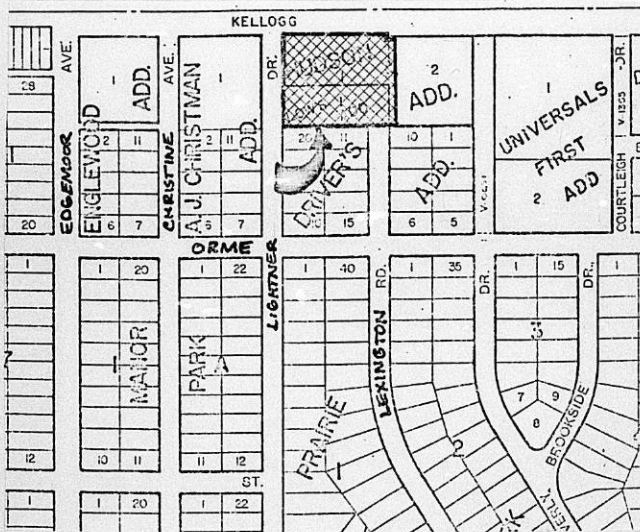
AREA DATA

Acres: (ft. by ft.) 300x161' (1.8 acres)

Adjacent Zoning and Land Use:

North	AA	<u>one family dwelling</u>
South	A	<u>one family dwelling</u>
East	LC	<u>fast food restaurants</u>
West	LC	<u>flour store; proposed vehicle sale lot</u>

Supersedes BZA 6-87



PL1-0066

No. 2-153C
 SUTHEAD
 MASTER-CITY, ADOLOGAN, OH
 MCGRONER TX, LA, UST GROVE, GA
 U.S.A.

5817 E. Kellogg

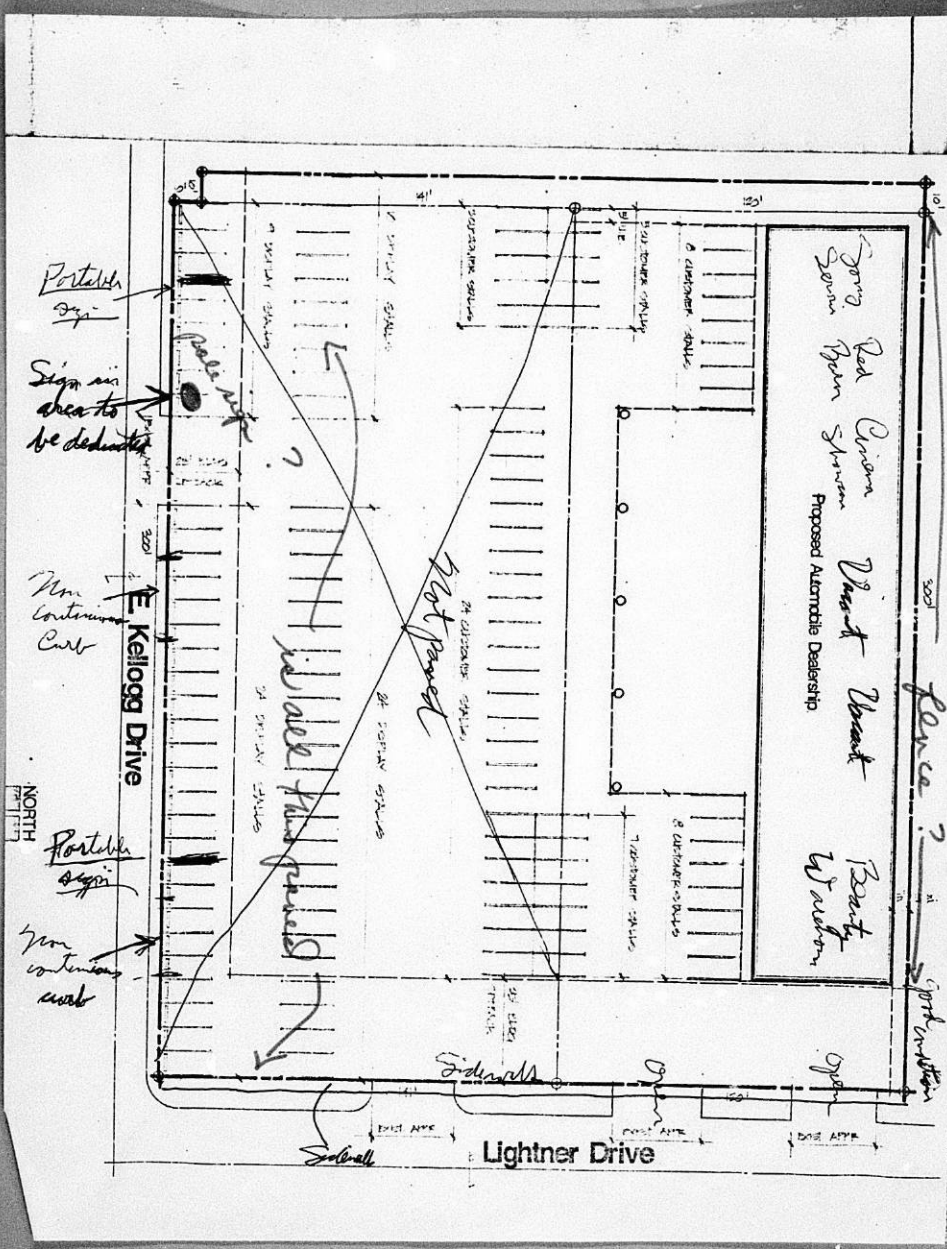
(Sony Red Baron site)

2 rows of 20 parking in front of bldg.

1. is parking lot paved all the way to Kellogg Dr. or just in front of the building?
2. is there a pole sign east of the driveway into the site from Kellogg Dr?
~~is there a sign + a utility~~
3. is there a fence along entire south line?
Condition of fence?
Yes - metal good condition

Over

There is a poor curb along the
frontage road, and in
two areas it is down
so if intended for a drive.



Postable sign

Sign area to be dedicated

Non continuous curb

NORTH

Postable sign

Non continuous curb

Kellogg Drive

Lightner Drive

John
Barn
Proposed Automobile Dealership

David
David

Barry
W. Nelson

Hot paved

No all time paved

Force ?

parking

Fiducials

Sidewalk

Open

Open

EXIST. ASPH.

EXIST. ASPH.

EXIST. ASPH.

SALES STALLS

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WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1088
(316) 266-4561

August 23, 1988

Mr. Everett Fettis
120 S. Market, Ste. 504
Wichita, KS 67202

Re: BZA 41-87 - Exception for car sales in "LC" at S.E. corner
of Kellogg Drive and Lightner

Dear Everett:

I am sure you will recall the above-referenced BZA case which was approved in October 1987, subject to several conditions being completed within specified times. One condition was that all existing uses be removed from the site within 180 days, or by April 27, 1988. Beauty Warehouse is still occupying part of this site even today. A second condition was that a revised site plan be submitted prior to release of the resolution and also within 180 days. We have never received the revised plan.

Since the BZA case was filed, your client has filed for a zone change on the two lots in Driver's Addition adjacent to the south of the BZA application area and those two lots, as well as the BZA area, have been included in a commercial C.U.P. and a replat covering all of the Davis-Moore automobile agency properties. One of the conditions of approval of the C.U.P. and of the zone change was that "use of the property covered by the zone change request is subject to approval of an exception by the Board of Zoning Appeals to allow automotive sales and related uses in the "LC" Light Commercial District."

The purpose of this letter is to notify you that BZA Resolution No. 41-87 is considered null and void, due to failure to complete all requirements within the specified 180-day period and to remind you that a new BZA application for automobile sales must be filed before this site or the two lots in Driver's Addition to the south can be utilized for auto sales purposes.

FILE COPY

Mr. Everett Fettis
August 23, 1988
Page 2

If you have any questions regarding this matter, please call me
at 268-4421.

Sincerely,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm

cc: T. G. Davis, Jr., P. O. Box 780047, Wichita, KS, 67278
Joe Donnelly, Zoning Administrator
Monty Robson, Superintendent, Central Inspection

RESOLUTION NO. BZA 41-87

WHEREAS, T. G. Davis, Jr., P. O. Box 780647, Wichita, Kansas 67278, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of new and used car sales on property zoned the "LC" Light Commercial and legally described as follows:

Lot 1, Block A, and the west 10 feet of Lot 2, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas; AND Lot 1, Low's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg Drive and Lightner (5817 E. Kellogg).

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 October 27, 1987, 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 new and used car sales on property zoned the "LC" Light Commercial 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 new and used car sales on property zoned the "LC" Light Commercial and legally described as follows:

Lot 1, Block A, and the west 10 feet of Lot 2, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas; AND Lot 1, Low's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg Drive and Lightner (5817 E. Kellogg).

subject to the following conditions:

1. No new uses other than automobile sales shall be permitted to occupy this site and existing uses shall be removed within 180 days of approval by the Board of Zoning Appeals (April 27, 1988).
2. No servicing or repair of vehicles shall occur on this site unless a new site plan is reviewed and approved by the Board of Zoning Appeals after public hearing.
3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
4. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineer's office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
5. The applicant shall dedicate ten feet of right-of-way for the frontage road prior to release of this resolution authorizing car sales at this location. Two copies of a revised site plan showing this additional right-of-way shall be submitted to the Secretary, also prior to release of the resolution.
6. As long as the property to the south remains residentially zoned, a solid fence or wall six to eight feet tall shall be maintained in good repair along the south property line. Such fence or wall may be reduced to a height of three feet within the west 25 feet of the site. There shall be no access through the fence or wall to Lexington.
7. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.

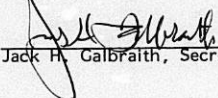
8. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
9. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
10. All requirements as set forth in this resolution shall be complied with within 180 days from the approval by the Board or the resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 27th day of October, 1987.



Danny Jenkins, President

ATTEST:



Jack H. Calbraith, Secretary

DEDICATION

received
11-6-87

D-1485 on WCC
12-8-87

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, T. G. Davis, Jr. and Norma Davis

being the owner S of the following described real estate in Sedgwick County, Kansas, to wit:

The north ten (10) feet of Lot 1, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas.

do hereby dedicate the above-described real estate to the public for street purposes.

Executed this 3 day of December, 1987.

[Signature]
T. G. Davis, Jr.

[Signature]
Norma Davis

STATE OF KANSAS)
SEDGWICK COUNTY)SS

BE IT REMEMBERED, that on this 3 day of December, 1987,
came T. G. Davis, Jr and Norma Davis

to me personally known to be the same person S who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above-written.

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,

this

City Clerk

[Signature]
Notary Public

My Commission Expires: 4-6-89

October 29, 1987

Everett C. Fettis
120 South Market, Suite 504
Wichita, Kansas 67202

Re: BZA 41-87 - Exception to permit the establishment of new and used car sales. (At the southeast corner of Kellogg Drive and Lightner)

Dear Mr. Fettis:

At the regular meeting of the Board of Zoning Appeals on October 27, 1987, your request for an exception was considered. It was the action of the Board to grant your request subject to the following conditions:

1. No new uses other than automobile sales shall be permitted to occupy this site and existing uses shall be removed within 180 days of approval by the Board of Zoning Appeals (April 27, 1988).
2. No servicing or repair of vehicles shall occur on this site unless a new site plan is reviewed and approved by the Board of Zoning Appeals after public hearing.
3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
4. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineer's office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
5. The applicant shall dedicate ten feet of right-of-way for the frontage road prior to release of this resolution authorizing car sales at this location. Two copies of a revised site plan showing this additional right-of-way shall be submitted to the Secretary, also prior to release of the resolution.
6. As long as the property to the south remains residentially zoned, a solid fence or wall six to eight feet tall shall be maintained in good repair along the south property line. Such fence or wall may be reduced to a height of three feet within the west 25 feet of the site. There shall be no access through the fence or wall to Lexington.

FILE COPY

*Beatty
Wichita
still here
7-19-88*

October 29, 1987

7. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
8. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
9. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
10. All requirements as set forth in this resolution shall be complied with within 180 days from the approval by the Board or the resolution shall become null and void.

The Resolution setting forth the official action of the Board will be released upon compliance with condition 5. Enclosed is the appropriate form to be used for the dedication. Please have the owner(s) execute this document and return it to us as soon as possible.

If you have any questions, please call our office.

Sincerely yours,

Jack H. Galbraith
Secretary

JHG/lw

cc: T. G. Davis, Jr., P. O. Box 780047, Wichita, Kansas 67278
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, T. G. Davis, Jr. *T.G.D.*

being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

The north ten (10) feet of Lot 1, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas.

do hereby dedicate the above-described real estate to the public for street purposes.

Executed this _____ day of _____, 19__.

T. G. Davis, Jr. _____

STATE OF KANSAS) SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this _____ day of _____, came _____

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above-written.

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas, this _____ City Clerk

Notary Public My Commission Expires: _____

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE October 20, 1987

TO Louise Olivarez, Principal Planner

FROM Shirley Mast, Administrative Aide III *Sm*

SUBJECT BZA 41-87 Southwest corner of
 Kellogg Drive and Lightner -
 5817 East Kellogg

On Monday, October 19, East Side CPO Council 2B considered the captioned case, a request for an exception to permit the establishment of new and used car sales on property zoned the Light Commercial District. Council members were provided the Notice of Public Hearing and the MAPD Secretary's report. After discussion, the Council voted 4-3 to recommend approval of the requested exception, subject to the conditions recommended in the MAPD Secretary's report. The Council also recommended that condition #8 of the staff report be amended to include, ground or pole signs shall not exceed the height, area or number permitted by the Zoning regulations for the Light Commercial District "and not obstruct the visibility of other business signs that currently exist". The members that voted against the motion indicated they were not opposed to the proposed car sales, but felt another condition of the exception should be subject to the tenants within the strip center (Beauty Warehouse, Red Barron, etc.) being moved before the applicant start construction.

The agent, Everett Fettis, was present to describe the request and respond to questions. Sue Sill, Manager of Arby's, 5915 East Kellogg, was present and expressed concern about increased parking congestion problems on the Kellogg Drive access road.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 41-87 is considered at the October 27 meeting.

SM:dm

SECRETARY'S REPORT

CASE NUMBER: BZA 41-87

OWNER/APPLICANT/AGENT: T. G. Davis, Jr. (applicant)
Everett C. Fettis (agent)

REQUEST: Exception pursuant to Section 28.04.183.2. Code of the City of Wichita to permit the establishment of new and used car sales.

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 1.8 acres

LOCATION: At the southeast corner of Kellogg Drive and Lightner (5817 E. Kellogg)

PROPOSED USE: Auto sales



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.

BZA 41-87 SR

BACKGROUND: The applicant is requesting an exception to permit the establishment of new and used car sales on property zoned "LC" and located at the southeast corner of Kellogg Drive and Lightner. A strip commercial center now occupies the south portion of this site. That building is proposed to be converted to the auto dealership offices. Most of the frontage of this application is within Lot 1, Block A of Hudson Addition which did not dedicate additional right-of-way for Kellogg Drive in 1967 when it was platted because of an existing service station use of the needed right-of-way. Now, however, the needed right-of-way is undeveloped and should be dedicated as a condition of approval of this exception request. The amount of right-of-way needed is 10 feet. This additional right-of-way would be consistent with the right-of-way existing to the east and west of this site.

The proposed site plan indicates 67 spaces for outdoor display of cars and 57 spaces for customer parking. This number of spaces could still be provided after dedication of the frontage road right-of-way. No area for the servicing or repair of cars is indicated on the plan, however the agent has stated that the rear half of the building will be converted to a service area while the front half will be used for the showroom and dealer offices. With the narrowness of the building (60 feet) and only five feet between the building and the south property line, use of the south half of the building for servicing of autos seems inappropriate. Based on the present site plan, servicing would have to be provided off-site at this dealer's other facilities. The applicant's agent has also stated that some of the businesses in the strip center may remain for a time after the car sales lot is established. This, however, has never been considered by staff as an appropriate mixture of land uses and most BZA car lot cases specifically prohibit unrelated uses on the site.

ADJACENT ZONING AND LAND USE:

NORTH	AA	One-family dwellings
SOUTH	A	One-family dwellings
EAST	LC	Fast food restaurants
WEST	LC	Former tire store; proposed vehicle sales lot

RECOMMENDATION: Should the Board determine that the use is appropriate at this location, then it is the recommendation of staff that the exception be approved subject to the following conditions:

1. If uses other than the car dealership are to be in this strip center, the site plan shall designate the parking spaces required for the other uses.
2. No servicing or repair of vehicles shall occur on this site unless a new site plan is reviewed and approved by the Board of Zoning Appeals after public hearing.
3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
4. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineer's office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.

5. The applicant shall dedicate ten feet of right-of-way for the frontage road prior to release of this resolution authorizing car sales at this location.
6. As long as the property to the south remains residentially zoned, a solid fence or wall six to eight feet tall shall be maintained in good repair along the south property line. Such fence or wall may be reduced to a height of three feet within the west 25 feet of the site. There shall be no access through the fence or wall to Lexington.
7. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
8. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
9. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
10. All requirements as set forth in this resolution shall be complied with within 90 days from the approval by the Board or the resolution shall become null and void.

BZA CASE NO. 41-87

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>20</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>23</u>	TOTAL NOTICES SENT <u>10/2/87</u>

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

October 2, 1987

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 41-87

As required by law, all property owners of record within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals are to be notified of the public hearing. An application has been filed by T. G. Davis, Jr. requesting an exception.

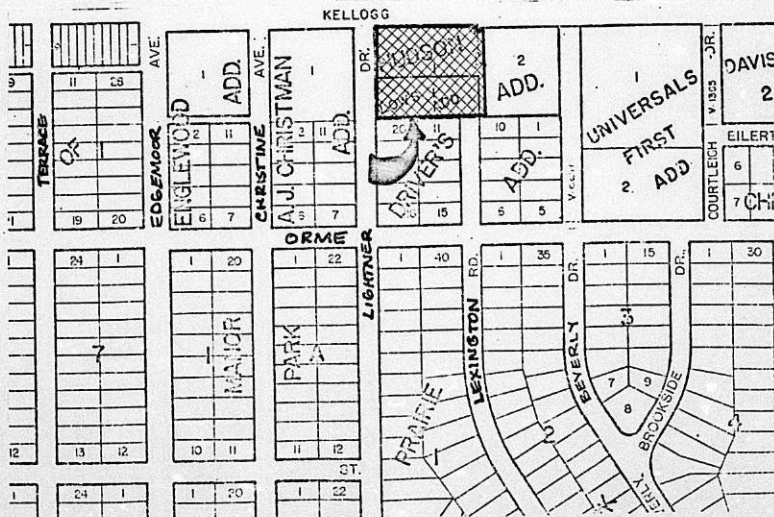
Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of new and used car sales on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 1, Block A, and the west 10 feet of Lot 2, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas; AND Lot 1, Low's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg Drive and Lightner (5817 E. Kellogg).

This application has been assigned Case No. BZA 41-87. It will be considered by the Board of Zoning Appeals on Tuesday, October 27, 1987, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest in or objections to the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so either in person or by agent or attorney.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Eastside Neighborhood Council "2B" will consider this case at their meeting to be held on Monday, October 19, 1987, at 7 p.m., at the Capitol Federal Savings and Loan Building, 8040 East Douglas. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



() Published in The Daily Record, October 2, 1987

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 27th day of October, 1987, the Board of Zoning Appeals of the City of Wichita, Kansas, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 40-87 - Independence Commons Co., 8100 East 22nd Street North, Building 506, Wichita, Kansas 67226, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a car wash as an accessory use to a service station, on property zoned the "LC" Light Commercial and legally described as follows:

A tract of land in Lot 6, Block 1, Tallgrass Commercial Third Addition to Wichita, Sedgwick County, Kansas, described as: Beginning at the SW corner of said Lot 6; thence bearing N 1°01'02" W along the west line of said Lot 6 a distance of 175.00 feet; thence continuing along said west line bearing N 15°03'12" W a distance of 5.16 feet; thence bearing N 89°06'26" E parallel to the south line of said Lot 6 a distance of 141.25 feet; thence bearing S 1°01'02" E a distance of 180.00 feet to a point in the south line of said Lot 6; thence bearing S 89°06'26" W along said south line a distance of 140.00 feet to the point of beginning. Generally located at the northeast corner of 21st Street North and Rock Road.

2. Case No. BZA 41-87 - T. G. Davis, Jr., P. O. Box 780047, Wichita, Kansas 67278, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of new and used car sales on property zoned the "LC" Light Commercial and legally described as follows:

Lot 1, Block A, and the west 10 feet of Lot 2, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas; AND Lot 1, Low's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg Drive and Lightner (5817 E. Kellogg).

3. Case No. BZA 42-87 - Eddy's Toyota of Wichita, Inc., 7333 E. Kellogg, Wichita, Kansas 67207, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of new and used car sales on property zoned the "LC" Light Commercial District and legally described as follows:

The North 138 feet of Lot 2, Jim Burns Addition AND Lot 1, Schmid Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Glendale and Elpyco (4901 & 4925 E. Kellogg).

4. Case No. BZA 43-87 - Robert Ivie, 1015 South Vine, Wichita, Kansas 67213, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the required side yard setback from 6 feet to 4 feet on property zoned the "RB" Four-family Dwelling District and legally described as follows:

Lots 6 and 7, Block 7, Replat of Part of John McCormick's Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Vine in an area south of McCormick (1015 S. Vine).

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 2nd day of October, 1987.

Jack H. Galbraith, Secretary



DELIVER: Metropolitan Area Planning
Department
City Bldg. - 10th Floor

ATTN: LOUISE OLIVAREZ

Property Owner

T. G. Davis Jr. *see application*
~~501 Tara Lane~~
Wichita, KS 67206

Arthur Lankin
953 S. Greenwich Rd.
Wichita, KS 67207

T. G. Davis Jr.
Norma J. Davis
501 Tara Lane
Wichita, KS 67206

Thanks
Norma
9-3-87

SECURITY ABSTRACT AND TITLE CO., INC.
434 North Main • Wichita, Kansas 67202 • Telephone (316) 267-6371
SECURITY IS KNOWING

Lot

*Application
John*

Lot 1 & the
West 10 feet
of Lot 2

The West 140
feet of Lot 2,
except the
West 10 feet
thereof.

Lot 2, except
the West 140
feet, together
with 60 feet
vacated Waverly
Drive on East,
except the East
30 feet of the
North 100 feet of
vacated Waverly
Drive

*Application
John*

Lot 1

Low's Addition

T. G. Davis Jr.
501 Tara Lane
Wichita, KS 67206

Driver's Addition

Same As Above

Lots 1, 2 & 3,
and the West
50 feet of
vacated Waverly
Drive on the
East

Lot 7

"

✓ Edward D. Schmidt
Otilie H. Schmidt
543 Lexington
Wichita, KS 67218

Lot 8

"

✓ John R. Cushing
542 Lexington
Wichita, KS 67218

Lot 9

"

✓ Loretta L. McElhoney
Verl C. McElhoney
536 Lexington
Wichita, KS 67218

Lot 10

"

✓ D & M Investments
6215 E. Kellogg
Wichita, KS 67216

Lot 12

"

✓ Albert Loeffler
Maureen M. Loeffler
5201 E. Elm
Wichita, KS 67208

Lot 13

"

✓ Lilas L. Daniels
Betty L. Daniels
543 Lexington
Wichita, KS 67218

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
<i>Application taken</i> Lot 1 & the West 10 feet of Lot 2	Block A	Hudson Addition	✓ T. G. Davis Jr. 501 Tara Lane Wichita, KS 67206 <i>App. Application</i>
The West 140 feet of Lot 2, except the West 10 feet thereof.	Block A	"	✓ Arthur Lankin 953 S. Greenwich Rd. Wichita, KS 67207
Lot 2, except the West 140 feet, together with 60 feet vacated Waverly Drive on East, except the East 30 feet of the North 100 feet of vacated Waverly Drive	Block A	"	<i>dup</i> T. G. Davis Jr. Norma J. Davis 501 Tara Lane Wichita, KS 67206
<i>Application taken</i> Lot 1		Low's Addition	<i>dup</i> T. G. Davis Jr. 501 Tara Lane Wichita, KS 67206
Lots 1, 2 & 3, and the West 50 feet of vacated Waverly Drive on the East		Driver's Addition	Same As Above
Lot 7		"	✓ Edward D. Schmidt Otilie H. Schmidt 548 Lexington Wichita, KS 67218
Lot 8		"	✓ John R. Cushing 542 Lexington Wichita, KS 67218
Lot 9		"	✓ Loretta L. McElhoney Verl C. McElhoney 536 Lexington Wichita, KS 67218
Lot 10		"	✓ D & M Investments 6215 E. Kellogg Wichita, KS 67218
Lot 12		"	✓ Albert Loeffler Maureen M. Loeffler 5201 E. Elm Wichita, KS 67208
Lot 13		"	✓ Lilas L. Daniels Betty L. Daniels 543 Lexington Wichita, KS 67218

Lot	Block	Addition	Property Owner
Lot 14		Driver's Addition	✓ Raymond W. Way Clara M. Way 549 Lexington Wichita, KS 67218
Lot 17		"	✓ Larry Joe Klaus 548 S. Lightner Wichita, KS 67218
Lot 18		"	✓ Guy L. Bounous Berniece I. Bounous 542 S. Lightner Wichita, KS 67218
Lot 19		"	✓ Walter W. Vorderstrasse Estella M. Vorderstrasse 536 S. Lightner Wichita, KS 67218
Lot 1, except the North 10 feet and Lot 2, except the North 10 feet		A. J. Christman Addition	✓ Byron G. Stout Jr. Trustee of Byron G. Stout Jr. Living Trust and Elmira G. Stout Living Trust 400 N. Woodlawn Wichita, KS 67208
Lot 3		"	✓ Iva E. Courser 534 S. Christine Wichita, KS 67218
Lot 8		"	✓ John E. Mosure Kerri P. Mosure 547 S. Lightner Wichita, KS 67218
Lot 9		"	✓ Marvin R. Fox Velma M. Fox 541 S. Lightner
Lot 6	Block H	Second Addition to The Village	✓ Betty T. Caro 457 S. Lexington Wichita, KS 67218
Lot 7 except the North 72 feet	Block H	"	✓ Mid Kansas Federal Savings & Loan Association of Wichita 230 S. Market Wichita, KS 67202
The North 72 feet of Lot 7 & the South 30 feet of Lot 8	Block H	"	✓ Glenn L. Richardson Jane Richardson 456 Ridgecrest Wichita, KS 67218
Lot 20		Driver's Addition	✓ T. C. Davis, Jr. 501 Tara Lane Wichita, KS 67206

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 7	Block I	Second Addition to The Village	Jameel G. Razook 458 Lexington Wichita, KS 67219
Lot 8	Block I	"	First National Bank in Wichita, Trustee of Herbert & Alma Stipe Living Trust 105 N. Main Wichita, KS 67202

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lot 1, Block A, except the East 102 feet, and the East 102 feet of Lot 1, Block A, and the West 10 feet of Lot 2, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas AND Lot 1, Low's Addition to Wichita, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 2nd day of September, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Gable

By
Sr. Vice-President

Order No. 385578
nj

for 10-27-87

BOARD OF ZONING APPEALS

CASE NO. 41-87

CITY OF WICHITA, KANSAS

FILED 9-22-87

APPLICATION FOR EXCEPTION

I. Name of Applicant T.G. DAVIS, JR.
 Mailing Address P.O. Box 780047 (67278) Phone 685-0211
 Name of Authorized Agent EVERETT C. FETTIS
 Mailing Address 120 S. Market, Suite 504 (02) Phone 267-7251
 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
~~car lot~~ new and used car sales

on property zoned LC,
located 5817 East Kellogg
and legally described as: (see attached)

_____, 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. 36-596); 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 T.G. DAVIS, JR.

Authorized Agent Everett C. Pettis

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, appropriate fee of 10 (a.m.) p.m.) 9-22-87, 19__ together with 400.00.

Signed Louise Olwan CPO 2B
10-19-87

T9-403
Mag 5846A (N) AA (S) A (F) LC (W) LC

SAV881 9M

LEGAL DESCRIPTION:

- PARCEL # 1: Lot 1, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas, EXCEPT the east 102 feet thereof.
- PARCEL # 2: The east 102 feet of Lot 1, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas.
- PARCEL # 3: The west 10 feet of Lot 2, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas.
- PARCEL # 4: Lot 1, Low's Addition to Wichita, Sedgwick County, Kansas.

STATEMENT:

The property because of its layout is best suited for an automobile agency which fits into the neighborhood.

BZA 41-87

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 9-021

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. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
BZA 11/17/37 (2000.00)	400.00
NAME	
ADDRESS	
FUND	DUE DATE
755-10110-1000	7-22-37
COMMENTS	
DATE	BY
9-22-37	SL

*

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

Roll # 3