

BZA 3-67 - J. W. Ramsey requests Ex-  
ception to permit used car lot in LC  
on the west side of Arkansas in an  
area between 25th & 26th as extended

Rec'd  
2-15-67  
PC  
21

ACTION

BYA COMMITTEE *Approved 7-28-67*

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

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

March 15, 1967

Mr. J. W. Ramsey  
2652 North Arkansas  
Wichita, Kansas

Dear Mr. Ramsey:

Re: Case No. BZA 3-67 - Request for  
an Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 28, 1967, in connection with your application for an Exception to permit the installation or construction of a used car lot on property zoned "LC" Light Commercial and generally located on the west side of Arkansas in an area near 26th Street North. 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:kkq  
cc: Stephen Lester, 403 Beacon Building  
Glen Lytle, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Attachment

RESOLUTION NO. BZA 3-67

WHEREAS, J. W. Ramsey, 2652 North Arkansas, Wichita, Kansas, by Stephen Lester, 403 Beacon Building, Wichita, Kansas, requests an exception as provided in Section 28.04.183.2, Code of the City of Wichita, to permit a used car lot to be located on property zoned "LC" Light Commercial, and legally described as follows:

The East 300 ft. of the S $\frac{1}{2}$  of the North 4 $\frac{1}{2}$  Acres of South 22 Acres of SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec. 5, Twp. 27, Range 1 East. Generally located on the west side of Arkansas Avenue near 26th 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 February 28, 1967, 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 2.12.590.3, Code of the City of Wichita; and

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

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

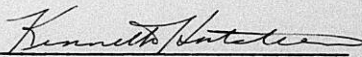
The East 300 ft. of the S $\frac{1}{2}$  of the North 4 $\frac{1}{2}$  Acres of South 22 Acres of SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec. 5, Twp. 27, Range 1 East. Generally located on the west side of Arkansas Avenue near 26th Street.

subject to the following:

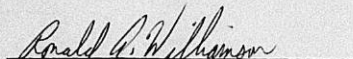
1. The applicant dedicating an additional 20 feet of right-of-way for Arkansas.
2. A 6-foot high solid wall or fence of masonry, architectural tile, louvered wood or other similar material shall be constructed adjacent to the west property line and adjacent to the south property line from the west property line east 130 feet.

3. Any future structures placed or erected on subject property shall maintain a 35 foot setback from Arkansas Avenue.
4. All storage and display area, 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 areas 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 the occupancy of the site for a new and used car sales lot.

ADOPTED AT WICHITA, KANSAS, this 28th day of February, 1967.

  
Kenneth Hartstein, Chairman

ATTEST:

  
Ronald A. Williamson  
Assistant Secretary

February 28, 1967

Mr. J. W. Ramsey  
2652 North Arkansas  
Wichita, Kansas

Dear Mr. Ramsey:

Re: Case No. BZA 3-67 - Request for  
an exception to the zoning ordi-  
nance to permit a used car lot  
to be located in an "LC" Light  
Commercial zone

At the regular meeting of the Board of Zoning Appeals on February 28, 1967, your request for an exception to permit the installation or construction of a used car lot on property zoned "LC" Light Commercial, and being located on the west side of Arkansas in an area near 26th Street North, was considered.

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

1. The applicant dedicating an additional 20 feet of right-of-way for Arkansas.
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 west property line and adjacent to the south property line from the west property line east 130 feet.
3. Any future structures placed or erected on subject property shall maintain a 35 foot setback from Arkansas Avenue.
4. All storage and display area, including all ingress and egress areas, shall be paved with concrete, asphalt, or other comparable material.

February 28, 1967

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 areas 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 the occupancy of the site for a new and used car sales lot.

NOTE: Although it was not pointed out at the meeting, the property in question is unplatted and it will be necessary to plat in order to obtain a building permit. If you have further questions as to the platting of the property, please contact our office.

A Resolution setting forth the official action of the Board is being prepared and a copy thereof will be mailed to you following receipt of the dedication. If you have any questions, please call.

Very truly yours,

Ronald A. Williamson  
Assistant Secretary

RAW:kgg

cc: Stephen Lester, 403 Beacon Building  
Glen Lytle, Superintendent of Central Inspection  
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 3-67

APPLICANT: J. W. Ramsey, 2652 North Arkansas, Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.2, Code of the City of Wichita to permit the installation or construction of a used car lot on property zoned "LC"

GENERAL LOCATION: Generally located on the west side of Arkansas in an area near 26th Street North

LAND USE: Subject property and that to the south is single-family to the east is a dairy, to the north is a greenhouse and single-family and to the west is vacant

ZONING: Subject property and that to the north, south and east is "LC" Light Commercial to the west is "AA" single-family

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 the 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 the zoning ordinance to permit the establishment of a used car lot on property zoned "LC" Light Commercial. The site has residential structures on it, but for the most part is vacant.

The applicant points out in his statement of justification that he has a used car lot a short distance to the south which he plans to discontinue if this request is approved. The existing used car lot is nonconforming.

The Board may grant exceptions in the "LC" Light Commercial District to permit the establishment of new and used car lots if it first finds that the location is logical and proper. It is the responsibility of the Board to determine what light commercial areas are suitable for the establishment of new and used car lots and to consider applications accordingly.

New and used car lots, by their nature of being primarily outdoor display areas, are not the type of uses which should be encouraged in neighborhood and many strip commercial areas. In addition to the outdoor display there are such things as night lighting, signs and advertising banners and streamers which make this an undesirable use which should not be permitted in all areas of the City. The visual appearance of new and used car lots is not the most aesthetically pleasing and, therefore, the use should be limited to only certain commercial areas which tend to have similar uses of a heavier commercial nature. Indiscriminate approval of car lots tends to create commercial blight which adversely affects the entire neighborhood.

New and used car lots are highway oriented uses and usually other similar uses such as mobile home sales, boat and marina sales, trailer, vehicle and equipment rental operations and camping equipment sales congregate in the same area. Basically, the majority of these uses are located on North and South Broadway and East and West Kellogg which are two of the major highways in the City.

A considerable amount of thought was given to the proper and logical locations of new and used car lots when the preliminary draft of the prototype zoning ordinance was prepared. It was the conclusion of the consultants that new and used car lots are highway oriented uses and that extreme care should be given in assigning locations because over use could easily produce commercial blight.

It should also be pointed out that if this request were approved, it would certainly encourage additional requests in the area some of which certainly would be for used car lots in conjunction with service stations and other uses.

#### RECOMMENDATION

It is the recommendation of the Secretary that the exception to permit the establishment of the new and used car lot not be approved inasmuch as car lots are not the type of uses that should be encouraged in neighborhood commercial areas such as this but are, in fact, a highway oriented use and, therefore, should be located where the majority of the other new and used car lots are which is on either North or South Broadway or East or West Kellogg.

BOARD OF ZONING APPEALS  
Room 401 City Building Annex  
104 South Main  
Wichita, Kansas

January 9, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 3-67

An application has been filed by J. W. Ramsey, 2652 North Arkansas, 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 used car lot on property zoned "LC" Light Commercial and legally described as follows:

The East 300 ft. of the S $\frac{1}{2}$  of the North 4 $\frac{1}{2}$  Acres of South 22 Acres of SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec. 5, Twp. 27, Range 1 East. Generally located on the west side of Arkansas Avenue near 26th Street.

This application has been assigned Case No. BZA 3-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 28, 1967, 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.

Jack H. Galbraith  
Secretary

January 31, 1967

Mr. Jack Galbraith, Secretary  
Wichita Board of Zoning Appeals  
City Building  
204 South Main  
Wichita, Kansas

Dear Mr. Galbraith:

Attached hereto is an application for a variance in the use of property at 2651 North Arkansas.

I am presently operating a used car lot at 2633 North Arkansas which is not in compliance and a non-conforming use. I desire to obtain permission to install a used car operation at 2651 in accordance with my attached petition and if this permission is granted I will cease operating the lot at 2633. The new facility will be blacktopped and constructed in accordance with the code and will be maintained as such.

It is therefore respectfully requested that a variance be granted and I be permitted to bring the new lot in compliance and transfer my operation.

Respectfully submitted,

J. W. Ramsey, Owner

A handwritten signature in cursive script, appearing to read "J. W. Ramsey".

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. Bga. 3-67  
FILED 1-31-67

**APPLICATION FOR EXCEPTION**

I. Name of Applicant J.W. Ramsey  
Mailing Address 2652 N. Arkansas Phone TE 84571  
Name of Authorized Agent \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_  
Relationship of applicant to property is that of owner  
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section  
21.12: 580.2, Code of the City of Wichita, Kansas  
(Zoning Ordinance); to permit the installation or construction  
of R & S Motor Used Car Lot  
\_\_\_\_\_ on property zoned

Light Commercial, located 2651 North Arkansas  
Wichita Kansas and legally described as: The East  
300 Ft. of the S 1/2 of the North 4 1/2 acre of S 22 acre of S E 1/2 of  
N W 1/4 Sec. 5 TWP 27 R 1 East, 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 J.W. Ramsey  
Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 4:00 (a.m. P.M.), Jan 31, 1967, together with appropriate fee of \$50.00.

Signed Ronald G. Williamson

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
                          )  
Sedgwick County, )

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:

The East 300 ft of the S $\frac{1}{2}$  of the North 4 $\frac{1}{2}$  Acres of South 22 Acres of SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec 5, Twp 27, R 1 East.

  
**Fidelity**  
**Title**  
**Company.**  
**inc.**

And from such examination find that the owners thereof are as set opposite the description of the property below, viz:

A-8679-48

E 2 $\frac{1}{2}$  A of N 4 $\frac{1}{2}$  A of S 26 $\frac{1}{2}$  A of SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 5-27-1E.

✓ Jess & Lenore Tindall, ux  
2705 N. Arkansas

67204

A-8679-55

Beg 532 ft N & 30 ft W of SE cor NW $\frac{1}{4}$  Sec 5-27-1E; W 157.5 ft; N 54.5 ft; E 157.5 ft; S 54.5 ft to beg.

✓ J. R. Alexander, Grace Alexander & Louise Alexander, jt.  
3423 Wellington Pl.

67204

A-8679-62

Beg 187.5 ft W & 532 ft N of SE cor NW $\frac{1}{4}$  Sec 5-27-1E; W 132.5 ft; N 54.5 ft; E 132.5 ft; S to beg.

✓ Robert L. Scott  
726 Alex

67204



A-8679-54

Beg 320 ft W & 532 ft N of SE cor NW $\frac{1}{4}$   
Sec 5-27-1E; W 118.75 ft; N 54.5 ft;  
E 118.75 ft; S 54.5 ft to beg.

✓ Chester A. & Lilly H. Miles, ux  
102 Michigan, Winfield, Ks.  
67156

A-8679-53

Beg 438.75 ft W & 532 ft N of SE cor  
NW $\frac{1}{4}$  Sec 5-27-1E; W 78.75 ft; N 54.5 ft;  
E 78.75 ft; S 54.5 ft to beg.

✓ Flossie Powell  
814 Alex Dr. 67204

A-8679-52

Beg 502.5 ft W & 532 ft N of SE cor  
NW $\frac{1}{4}$  Sec 5-27-1E; W 157.5 ft; N 54.5 ft;  
E 157.5 ft; S 54.5 ft to beg., exc E  
15 ft.

✓ Florence M. Miller  
824 Alex Dr. 67204

A-8679-59

Beg 502.5 ft W & 482 ft N of SE cor  
NW $\frac{1}{4}$  Sec 5-27-1E; W 157.5 ft; N 50 ft;  
E 157.5 ft; S 50 ft to beg.

✓ Joseph E. Waterman *ret. 2-15-67*  
~~2637 N. Arkansas~~ 67204  
2660 Mascot

A-8679-63

Beg 345 ft W & 482 ft N of SE cor NW $\frac{1}{4}$   
Sec 5-27-1E; W 157.5 ft; N 50 ft; E  
157.5 ft; S to beg.

✓ Mary M. Mey *ret. 2-16-67*  
~~2637 N. Arkansas~~ 67204  
805 Alex

A-8679-61

Beg 237.5 ft W & 482 ft N of SE cor  
NW $\frac{1}{4}$  Sec 5-27-1E; W 107.5 ft; N 50 ft;  
E 107.5 ft; S to beg.

✓ Ester & Oliver Williams, vir.  
2638 N. Shelton 67204

A-8679-61A

Beg 187.5 ft W & 482 ft N of SE cor  
NW $\frac{1}{4}$  Sec 5-27-1E; W 50 ft; N 50 ft; E 50 ft;  
S to beg., exc N 15 ft for rd.

✓ Delbert & Virgie Williams, ux  
2447 N. Waco 67204

A-8679-58

Beg 30 ft W & 482 ft N of SE cor NW $\frac{1}{4}$   
Sec 5-27-1E; W 157.5 ft; N 50 ft; E  
157.5 ft; S 50 ft to beg.

✓ Ralph E. Gilchrist  $\frac{1}{2}$  int.  
Patrick J. Warnick  $\frac{1}{2}$  int  
Beacon Bldg. 67202

A-8679-51

Beg 502.5 ft W & 435 ft N of SE cor NW $\frac{1}{4}$   
Sec 5-27-1E; W 157.5 ft; N 47 ft; E 157.5  
ft; S 47 ft to beg., exc ROW.

✓ Glenn W. Richardson  
Box 82, Kingman, Ks. 67068

A-8679-60

Beg 345 ft W & 435 ft N of SE cor NW $\frac{1}{4}$   
Sec 5-27-1E; W 157.5 ft; N 47 ft; E 157.5 ft;  
S to beg.

✓ Frank W. & Norma E. Bentley, ux  
2452 Ida Ave. 67216

A-8679-56

Beg 435 ft N & 187.5 ft W of SE cor  
NW $\frac{1}{4}$  Sec 5-27-1E; W 157.5 ft; N 47 ft;  
E 157.5 ft; S 47 ft to beg., exc E  
50 ft.

✓ Jack F. & Pearl L. Ingram, ux  
2634 Shelton 67204

A-8679-57

Beg 187.5 ft W & 435 ft N of SE cor  
NW $\frac{1}{4}$  Sec 5-27-1E; W 50 ft; N 47 ft; E  
50 ft; S 47 ft to beg.

✓ Fireside Lanes, Inc.  
Box 2407, Wichita, Ks. 67213

A-8679-38

Beg 359.25 ft N & 175 ft W of SE cor  
NW $\frac{1}{4}$  Sec 5-27-1E; W to AVI ROW; N 75.75  
ft; E to pt N of beg; S to beg.

D Fireside Lanes, Inc.  
Box 2407, Wichita, Ks.

Lot 1, Blk A, Ramsey & Fuller Addition.

D Fireside Lanes, Inc.  
Box 2407, Wichita, Ks.

A-8679-69

N $\frac{1}{2}$  of N 4 $\frac{1}{2}$  A of S 22 A of SE $\frac{1}{4}$  NW $\frac{1}{4}$  of  
Sec 5-27-1E & 12 ft adj on North.

✓ Florence M. & C. L. Hebrew, vir.  
Box 88, Paonia, Colo.

A-8679-70

S $\frac{1}{2}$  of N 4 $\frac{1}{2}$  A of S 22 A of SE $\frac{1}{4}$  NW $\frac{1}{4}$   
Sec 5-27-1E.

D Florence M. & C. L. Hebrew, vir.  
Box 88, Paonia, Colo.

S $\frac{1}{2}$  of Ramsey's Replet of Part of  
McTaggart's Addition.

✓ John & Betty Briesing, ux  
2322 Payne 67204

N $\frac{1}{2}$  of Ramsey's Replet of Part of  
McTaggart's Addition.

✓ J. W. & Naomi Ramsey, ux  
2364 N. Richmond 67213

Lots 34 & 36, Arkansas Ave., McTaggart's  
Addition.

✓ Ire Abshier  
2712 N. Arkansas 67204

Lots 38 & 40, Arkansas Ave., McTaggart's  
Addition.

✓ Clark Eugene Abshier  
11710 E 45th Terrace,  
Kansas City, 33 Mo.

Lots 42, 44, 46, 48, Arkansas Ave., in  
McTaggart's Addition.

✓ L. S. & Alice A. Mast, ux  
2708 N. Arkansas. 67204

Dated at Wichita, Kansas this 25th day  
of January, 1967 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elmer M. Farrell Sec. ORM

Tracer # 79868

FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

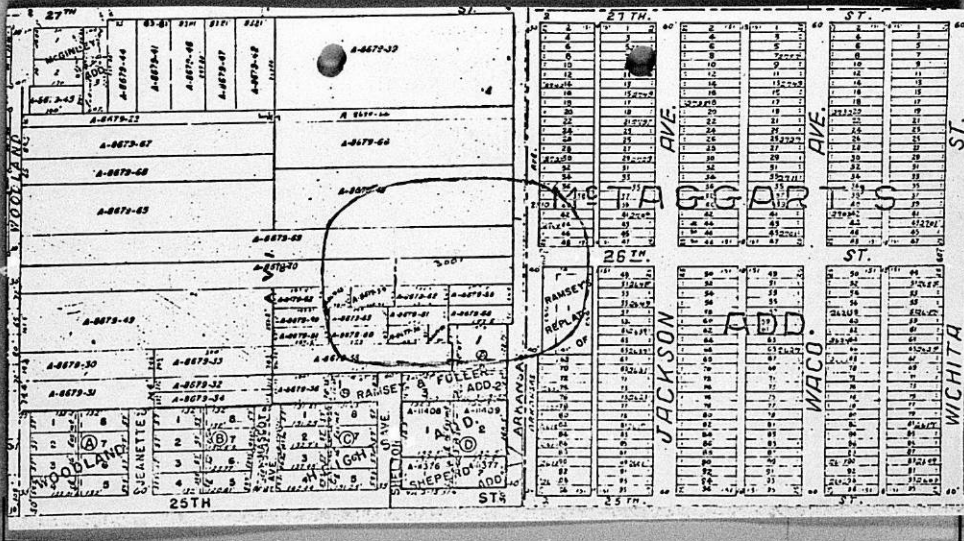
Bldg. & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION AMOUNT  
 BZA \$50.00

Name J. W. Ramsey  
 Address 2652 N. Arkansas  
 Type Due Date

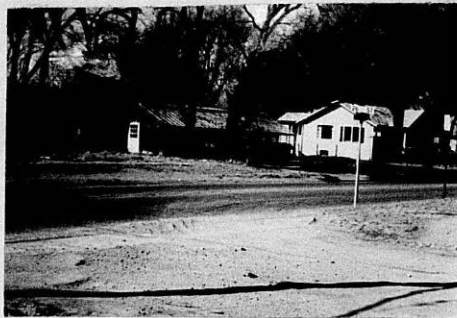
Comments:  
 R-712

Date 1-31-67 By H. Gallorey





1.



2.

Map No. 5450  
 Sec. 5  
 Twp. 27  
 Range 1E

AREA DATA:

1. Acres:
2. Adjoining Zone:
3. Land Use: Res. Wee
4. Sketch Plan La
5. Present Land U
6. Area (is) (is

PHOTO DATA:

Taken by \_\_\_\_\_



3.



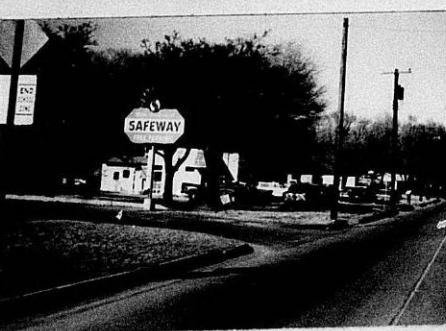
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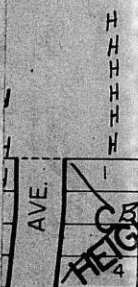
5.



6.



7.

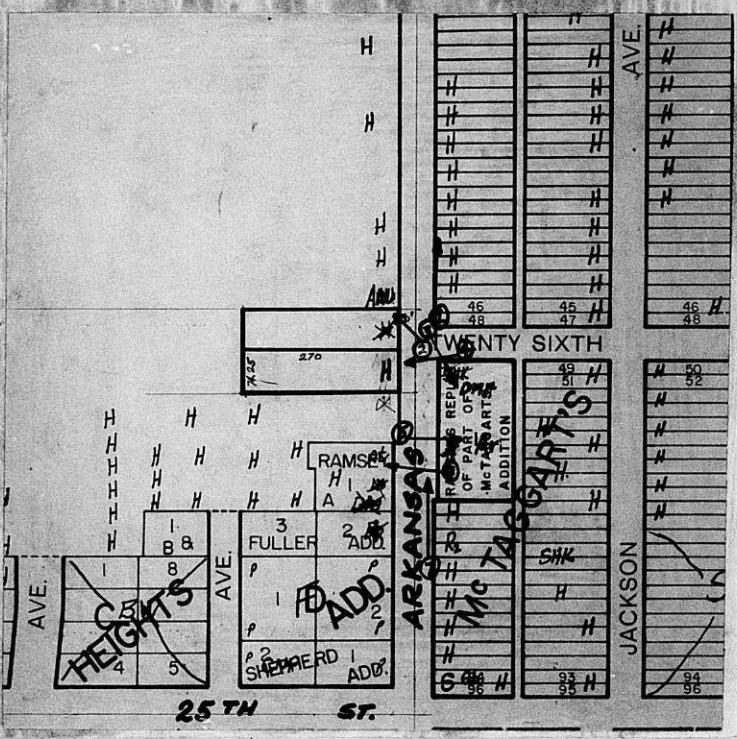


Map No. 5450  
 Sec. 5  
 Twp. 27  
 Range 1E

D&A 3-67  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 0.46 ( 74.25 ft. by 270 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East SHK South Meat's  
 West Vacant North Single family  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use is for: Single family  
 6. Area (is) (is not) platted.

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



\*

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