

6-5  
Bureau  
3-5-65

ACTION

By COMMITTEE *Approve* 7-23-65

M.A.P.C.

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

BZA 4-65 - William Nichols requests  
exception to permit outdoor display  
at the NE Cor of Harry & Pattie

March 8, 1965

Mr. Walter A. Sawhill, Attorney  
1029 Beacon Building  
Wichita, Kansas

Dear Mr. Sawhill:

Re: Case No. BZA 4-65

On March 1, 1965, we advised you that the Board of Zoning Appeals had approved your application for an Exception to permit a portion of a vacant building to be utilized for new and used sales and rental of motorcycles on property zoned "LC" and generally located at the northeast corner of Harry and Pattie.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before March 5, 1965. The City Clerk has advised that no appeal was filed 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,

Jack H. Galbraith  
Secretary

JHG:JWH:ber  
Attachment

cc: William Nichols  
623 West Douglas

Glen Lytle, Superintendent  
of Central Inspection

R E S O L U T I O N N O . B Z A 4 - 6 5

WHEREAS, Walter Nichols, 623 West Douglas, Wichita, Kansas, by Walter A. Sawhill, Attorney, 1029 Beacon Building, Wichita, Kansas, requests an exception, as provided in Section 28.04.183.2, Code of the City of Wichita, to allow a portion of a vacant building to be utilized for new and used sales and rental of motorcycles; and

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

Lots 94 and 96, on Pattie Avenue, in McCormick's Addition to Wichita, Kansas,

generally located at the northeast corner of Harry and Pattie; 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, at the meeting of February 23, 1965, consider said application; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an Exception under the provisions of Section 28.04.183.2, 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 legally as:

Lots 94 and 96, on Pattie Avenue, in McCormick's Addition to Wichita, Kansas,

generally located at the northeast corner of Harry and Pattie, be approved, subject to the following:

1. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No sign shall be permitted to reach a height of greater than 25 feet or be allowed to project over any public right of way.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any 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. A plot plan showing points of ingress and egress, width of driveways and location of off-street parking spaces shall be approved by the Traffic Engineering Division of the Department of Public Works prior to the time a permit is issued for occupancy of said building.

ADOPTED AT WICHITA, KANSAS, this 23rd day of February,  
1965.

Harold Bauer  
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith  
Jack H. Galbraith  
Secretary

March 1, 1965

Mr. Walter A. Sawhill, Attorney  
1029 Beacon Building  
Wichita, Kansas

Dear Mr. Sawhill:

Re: Case No. BZA 4-65

This is to advise you that at its regular meeting of February 23, 1965, the Board of Zoning Appeals of the City of Wichita, considered the request for an exception to permit a portion of a vacant building to be utilized for new and used sales and rental of motorcycles on property zoned "LC" and generally located at the northeast corner of Harry and Pattie.

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

1. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No sign shall be permitted to reach a height of greater than 25 feet or be allowed to project over any public right of way.
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Page 2 - Walter A. Sawhill, Attorney  
March 1, 1965

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board shall be final unless it is appealed to the Board of City Commissioners within ten days after the date of the Board's action. Accordingly, an appeal could be filed in this case on or before March 5, 1965.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If none has been filed on or before that date, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:JWH:ber

cc: William Nichols  
623 West Douglas

Glen Lytle, Superintendent  
of Central Inspection

Robert G. Finch  
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 4-65

APPLICANT: William Nichols

AGENT: Walter A. Sawhill

LOCATION: Northeast corner of Harry and Pattie

ZONING: The existing zoning as well as that to the north, east, south and west is "LC" Light Commercial

LAND USE: Existing - Vacant "LC" Building. North - Vacant "LC" Building and Donut Company. South - Office and Cabinet Company. East - Carry-Out Restaurant. West - T.V. Service

REQUEST: Exception as provided in Section 28.04.183.2 of the Code of the City of Wichita to allow a portion of a vacant building located on said property to be utilized for new and used sales and rental of motorcycles.

JURISDICTION: The Board has jurisdiction to consider this request under the provisions of Section 28.04.183.2 of the City Code. This Section authorizes the Board to grant exceptions and authorize the following uses:

New and Used Car Sales  
Trailer Sales  
Trailer, Vehicle and Equipment Rental

COMMENTS BY THE SECRETARY:

The sale of new and used motorcycles and the rental of such would be compatible with other uses already existing in this particular area along Harry Street.

There is a concrete apron along the front of this building which the applicant wants to utilize for the display of motorcycles. However, the applicant has indicated that the motorcycles would all be moved inside the building at night.

RECOMMENDATION:

Based upon the foregoing comments, it is the recommendation of the Secretary that the sale and rental of new and used motorcycles at this location would be compatible with other uses in the

area and, therefore, it is recommended that the exception be granted, subject to the following conditions:

1. All storage and display areas shall be paved with concrete asphalt or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No sign shall be permitted to reach a height of greater than 25 feet or be allowed to project over any public right of way.
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Nichols Application

Location: 1302-1308 E. Harry - Owners: Geo. A. Hiebert

Scale 20 Ft. to an inch

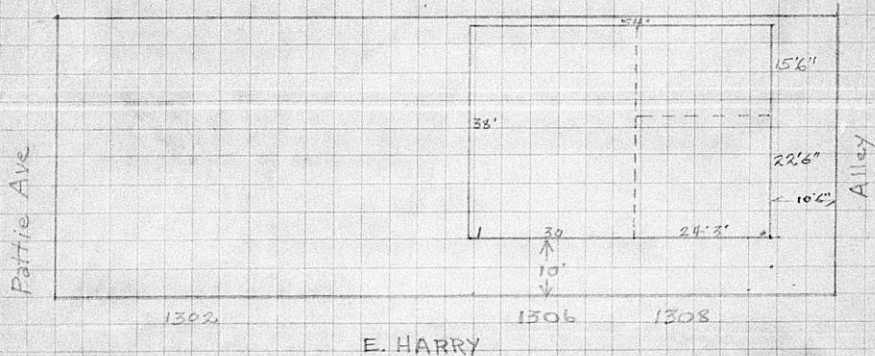
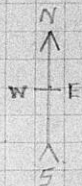
Size of Lot - 56' x 140' = 7840 Sq. ft.

Size of Bldg - 54' 3" x 35' = 2061.5 Sq. ft. - Brick + Concrete Block

Parking Area - 75' 3" x 50' = 3762.5 Sq. ft., 64' 9" x 10' = 647.5 Sq. ft., 40' x 10' = 400 Sq. ft.

Total Parking area = 4810 Sq. ft.

Date of Survey 1-22-65 - By T.A.H.



**SECRETARY'S REPORT**

**CASE NO. BZA 4-65**

**APPLICANT:** William Nichols

**AGENT:** Walter A. Sawhill

**LOCATION:** Northeast corner of Harry and Pattie

**ZONING:** The existing zoning as well as that to the north, east, south and west is "LC" Light Commercial

**EXISTING USES:** Existing - Vacant "LC" Building. North - Vacant "LC" and Donut Company. South - Office and Cabinet Company. West - Carry-Out Restaurant. West - T.V. Service

**REQUEST:** Exception as provided in Section 28.04.183.2 of the Code of the City of Wichita to allow a portion of a vacant building located on said property to be utilized for new and used car sales and rental of motorcycles.

**JURISDICTION:** The Board has jurisdiction to consider this request under the provisions of Section 28.04.183.2 of the City Code. This Section authorizes the Board to grant exceptions and authorize the following uses:

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The sale of new and used motorcycles and the rental of such would be compatible with other uses already existing in this particular area along Harry Street.

There is a concrete apron along the front of this building which the applicant wants to utilize for the display of motorcycles. However, the applicant has indicated that the motorcycles would all be moved inside the building at night.

Based upon the foregoing comments, it is the recommendation of the Secretary that the sale and rental of new and used motorcycles at this location would be compatible with other uses in the

Page 2 - Secretary's Report  
Case No. SEA 4-65

area and, therefore, it is recommended that the exception be granted, subject to the following conditions:

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CASE NO. BZA 4-65

24 NOTICES MAILED FEBRUARY <sup>5</sup> 1965

FOR MEETING OF FEBRUARY 23, 1965



SERVICE  
FROM 1935

CLAIR P. WILLIAMS

Representative

**METROPOLITAN LIFE INSURANCE COMPANY**

OFFICE: 349 SOUTH HYDRAULIC, WICHITA, KANS. 67211  
RESIDENCE: 1605 PATTIE, WICHITA, KANS. 67211

OFFICE: FOREST 3-1215  
RESIDENCE: AMHERST 4-8655

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

February 5, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 4-65

An application has been filed by William Nichols, 623 West Douglas, Wichita, Kansas, by Walter A. Sawhill, Attorney, 1029 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception, as provided in Section 28.04.180, Code of the City of Wichita, to permit the new and used sales of motorcycle, on property zoned "LC" Light Commercial, and legally described as follows:

Lots 94 and 96, on Pattie Avenue, in McCormick's Addition to Wichita, Kansas. Generally located at the northeast corner of Harry and Pattie.

This application has been assigned Case No. BZA 4-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 23, 1965, 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.

Jack H. Galbraith  
Secretary

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

28

February 5, 1965

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Jack H. Galbraith  
Secretary

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95	1.00	95	1.00	95	1.00
96	1.00	96	1.00	96	1.00
97	1.00	97	1.00	97	1.00
98	1.00	98	1.00	98	1.00
99	1.00	99	1.00	99	1.00
100	1.00	100	1.00	100	1.00

LAURA  
 SCHWARTZ  
 STRONGS  
 SUB  
 SUB  
 V E V A V A  
 V E V A V A

BOARD OF ZONING APPEALS

CASE NO. 4-65

CITY OF WICHITA, KANSAS

FILED 2-1-65

APPLICATION FOR EXCEPTION

I. Name of Applicant William Nichols ✓

Mailing Address 623 West Douglas, Wichita, Ks. Phone AM 2-4371

Name of Authorized Agent Walter A. Sawhill ✓

Mailing Address 1029 Beacon Bldg, Wichita, Ks. Phone AM 7-5327

Relationship of applicant to property is that of lessee  
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section

2.12.590, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction

of outdoor display

\_\_\_\_\_ on property zoned

LC, located 1302 - 1308 East Harry, Wichita,

Kansas and legally described as:

Lots Ninety-four (94) and Ninety-six (96), on Pattie Avenue,

in McCormick's Addition to Wichita, Ks., in the City of Wichita.

(Give metes and bounds description below if appropriate).

*NE Cor  
Harry &  
Pattie*

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 William Nichols

Authorized Agent Walter A. Sawhill

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:35 (a.m. - p.m.), 2-1, 1965, together with appropriate fee of \$50.00.

Signed S. Showers

STATEMENT OF RECORD 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 Lots 94 & 96, on Pattie Avenue, in McCormick's Addition to Wichita, Kansas.

  
**Fidelity  
Title  
Company,  
inc.**

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

Lots 78 & 80, Pattie Avenue, McCormick's Addition.

Lillie B. Braddy ✓  
2928 E. Funston

Lots 82 & 84, Pattie Avenue, McCormick's Addition.

Ray R. King & Lovine B. King, ux ✓  
1532 Pattie Ave.

Lots 86 & 88, Pattie Ave., McCormick's Addition.

George Olson & Bessie Olson, ux ✓  
Route # 1, Box 151, Ottawa, Kans.

Lots 90 & 92, Pattie Ave., McCormick's Addition.

Sam Shustorman & Esther Shustorman ✓  
119 N. Terrace Drive

Lots 94 & 96, Pattie Ave., McCormick's Addition.

Theo. A. Hiebert ✓  
2130 E. Douglas Ave.

Lots 77 & 79, Pattie Ave., McCormick's Addition.

Warren I. Smith & Ruth V. Smith, ux ✓  
1531 Pattie Ave.

Lots 81 & 83, Pattie Ave., McCormick's Addition.

Louis Falcone & Mary Falcone, ux ✓  
1533 Pattie Ave.

Lots 85 & 87, Pattie Ave., McCormick's Addition.

Miss Rose B. Kraft ✓  
1535 Pattie Ave.

Lots 89 & 91, Pattie Ave., McCormick's Addition.

Thelma Harshfield ✓  
1539 Pattie Ave.

Lots 93 & 95, Pattie Ave., McCormick's Addition.

John Elder & Leona M. Elder, ux ✓  
827 S. Green St.

Lots 77 & 79, Lulu Ave., McCormick's Addition.

Charles I. Hays & Sylvia A. Hays, ux ✓  
1535 Lulu Ave.

Lots 81 & 83, Lulu Ave., McCormick's Addition.

Virgil J. Kroupa & Daisy H. Kroupa, ux ✓  
1553 Lulu Ave.

Lots 85, 87, 89, 91, 93, 95, Lulu Ave., McCormick's Addition.

E. O. Talbot & Kate Talbot, ux ✓  
1557 Lulu Ave.

Lots 38 & 40, Pattie Ave., Schweiter Sub of Blk 5,  
in Schweiter's 2nd Add.

Walter R. & Arlene J. Kelly, ux ✓  
1609 Pattie Ave.

Lots 42 & 44, Pattie Ave., Schweiter's Sub of Blk 5,  
Schweiter's 2nd Addition.

Clair & Williams & Sybil Williams, ux ✓  
1605 Pattie Ave.

Lots 46 & 48, Pattie Ave., Schweiter's Sub of Blk 5,  
in Schweiter's 2nd Addition.

Hubert C. Wadley & Mae Wadley, ux ✓  
1552 Laura Ave.,

Lots 37 & 39, Pattie Ave., Strong's Sub-Division in  
Schweiter's 2nd Addition.

*no address*

Homer L. Baker & Thelma Baker, ux  
No Address Available

East 25 ft of Lots 41, 43, 45, 47, on Pattie Ave.,  
Strong's Sub-Division of Blk 4, Schweiter's 2nd Add.

Leona Becker ✓  
1861 Payne

West 115 ft of Lots 41, 43, 45, 47, Pattie Ave.,  
Strong's Sub-Division in Schweiter's 2nd Add.

L. A. Foster & Lila P. Foster, ux ✓  
1423 N. B St., Arkansas City, Ks.

Lots 36 & 38, Lulu Ave., Strong's Sub-Division,  
Schweiter's 2nd Addition.

Charles R. Anderson & Cecelia M. ✓  
Anderson, ux  
2867 Pattie Ave.

Lots 40 & 42, Lulu Ave., Strong's Sub-Division  
of Blk 4, Schweiter's 2nd Addition.

Ida M. Boyer ✓  
425 Lulu

West 50 ft of Lots 44, 46 & 48, Lulu Ave., in  
Strong's Sub-Division in Schweiter's 2nd Add.

Earl Ogden ✓  
1335 E. Harry St.

Lots 44, 46 & 48, exc W 50 ft., Lulu Ave., in  
Strong's Sub-Division in Schweiter's 2nd Add.

C. O. House ✓  
440 Ouray, Salida, Colo.

Dated at Wichita, Kansas this 28th day  
of January, 1965 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elmer M. Farwell \_\_\_\_\_  
Sec. OEM

Tracer # 65867

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

*Base Assessments 50.00*

Name

Address

Type

Due Date

Comments:

Date

By