

BZA 4-70 - P. Wendel requests  
EXCEPTION to permit new and used  
car sales at 13th & Hydraulic

POSTED  
3/2/70  
MAD ✓  
C.I.C.  
4-21-70

3-24-70 Approved

Map No. 5549  
 Sec. \_\_\_\_\_  
 Twp. \_\_\_\_\_  
 Range \_\_\_\_\_

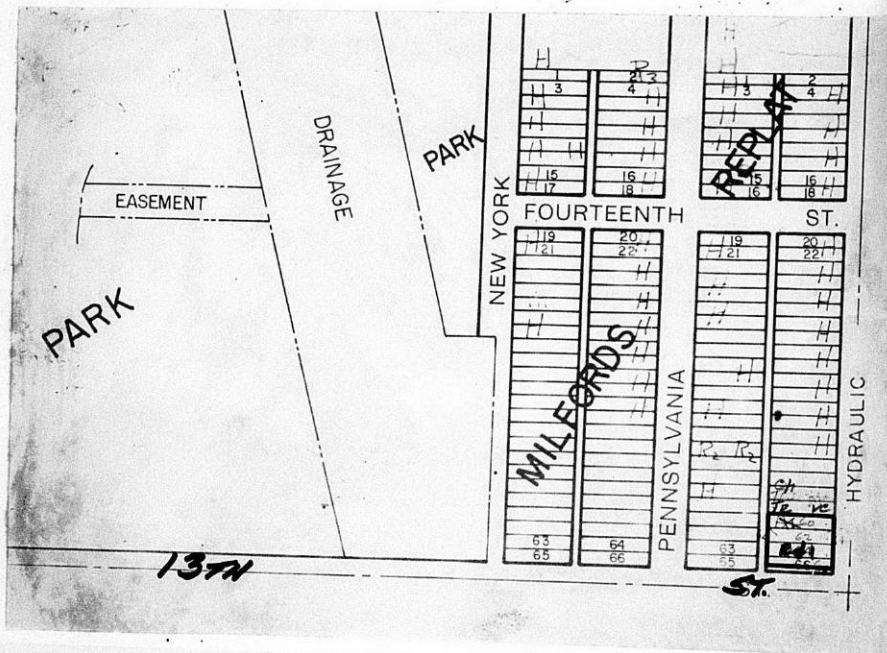
DZN 4-70  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.25 ( 90 ft. by 123 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East SHOE SHOP & TWEEDS South SERVICE STAT.  
 West VACANT North TIME SALES PEOPLE
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: CARRY-OUT (BUILDING IS NOW VACANT)
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



RESOLUTION BZA 4-70

WHEREAS, P. Wendel, 2432 North Belmont, Wichita, Kansas, by Rudy Nicholson, 2318 North Erie Street, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the operation of a new and used car sales lot, on property zoned, "LC"-Light Commercial, and legally described as follows:

Lots 60, 62, 64, and 66, except the south 10 feet of Lot 66, on Hydraulic Avenue, in Milford's Replat Spring Grove Second Addition, to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 13th and Hydraulic.

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 March 24, 1970, 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 operation of a new and used car sales lot on property zoned "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 inasmuch as the application area is in close proximity to a future interchange for an interstate highway, that this application be approved to permit the operation of a new and used car sales lot, on property zoned "LC"-Light Commercial, and legally described as follows:

Lots 60, 62, 64, and 66, except the south 10 feet of Lot 66, on Hydraulic Avenue, in Milford's Replat Spring Grove Second Addition, to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 13th and Hydraulic.

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 signs shall be permitted to project over public right-of-way.

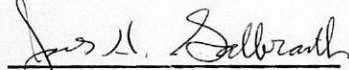
4. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except in an enclosed building.
6. All conditions of approval by the Board shall be complied with prior to the occupancy of the site for a new and used car sales lot; and

with the understanding that there will be no curb cut to 13th Street at such time as the street is reimproved; and the relocation of the curb cut to Hydraulic shall be at the owner's expense.

ADOPTED AT WICHITA, KANSAS, this 24th day of March, 1970.

  
\_\_\_\_\_  
NORMAN N. DOKE, Chairman

ATTEST:

  
\_\_\_\_\_  
JACK H. GALBRAITH, Secretary

March 31, 1970

Mr. Paul Gray  
Union National Building  
Wichita, Kansas 67202

Dear Mr. Gray:

Subject: Case No. BZA 4-70  
Request for Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 24, 1970, in connection with your request for an exception to permit the operation of a new and used car sales lot, on property zoned "LC"-Light Commercial, and generally located at the northwest corner of 13th and Hydraulic.

This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:ls

Enclosure

cc P. Wendel, 2432 North Belmont, Wichita  
Rudy Nicholson, 2318 North Erie, Wichita  
Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

March 24, 1970

Mr. Paul Gray, Attorney  
2202 East 17th Street  
Wichita, Kansas 67214

Dear Mr. Gray:

Subject: Case No. BZA 4-70  
Request for Exception

At the regular meeting of the Board of Zoning Appeals on March 24, 1970, your request for an exception to permit the operation of a new and used car sales lot on property zoned "LC"-Light Commercial, and generally located at the northwest corner of 13th and Hydraulic Streets, was considered.

It was the action of the Board to approve the request with the understanding that there will be no curb cut to 13th Street at such time as the street is re-improved; and the relocation of the curb cut to Hydraulic shall be at the owner's expense; and 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 signs shall be permitted to project over 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 in an enclosed building.

March 24, 1970  
Paul Gray

6. All conditions of approval by the Board shall be complied with prior to the occupancy of the site for a new and used car sales lot.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:ls

cc P. Wendel, 2432 North Belmont  
Rudy Nicholson, 2318 North Erie  
Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 4-70

APPLICANT: P. Wendel, 2432 North Belmont, Wichita, Kansas  
AGENT: Rudy Nicholson, 2318 North Erie, Wichita, Kansas  
REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the operation of a new and used car sales lot

GENERAL LOCATION: Northwest corner of 13th and Hydraulic Streets

LAND USE: Subject property is occupied by a vacant commercial building, south is a service station, north is a tire shop, east is a barber shop and west is undeveloped land.

ZONING: Subject property is zoned "LC"-Light Commercial as are those properties to the north, east, south and west

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 providing the conditions set out under Section 28.04.183.2, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to the Zoning Ordinance to permit the establishment of a new and used car sales lot on property zoned "LC"-Light Commercial. The site is presently occupied, in part, by a small building which was formerly utilized for a drive-in restaurant; the remaining area is vacant.

The Ordinance states that the Board may grant exceptions in the "LC" district to permit the establishment of new and used car lots, subject to conditions and requirements outlined in the Zoning Ordinance. The primary purpose for this is that new and used car lots are not appropriate in every light commercial area and it is to be the decision of the Board as to where the proper locations should be. If it were felt that these new and used car lots were appropriate in all "LC" areas, then the use would be permitted "out right" without the Board of Zoning Appeals approval.

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 at that time that extreme care should be given in assigning locations because over use could easily produce commercial blight which adversely affects the entire neighborhood.

It should be pointed out that this request lies within the Model Cities Project area. According to information supplied to the Secretary of the Board, one of the objectives of the Project is to encourage neighborhood type commercial development in the area and discourage the heavier type commercial uses which would not be compatible with the neighborhood rejuvenation policy of the Project.

The Northeast Model City Council has briefly discussed the application and has requested that this case be deferred until after their next meeting so that they will have an opportunity to review the case.

RECOMMENDATION

Due to the fact that we have had a request for all applications filed in the Model City areas to be forwarded to the respective councils for review, prior to action by the appropriate body, it is the Secretary's recommendation that this case be deferred to the next regular meeting of the Board on April 28, 1970.

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

March 6, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 4-70

An application has been filed by P. Wendel, 2432 North Belmont, Wichita, Kansas, pursuant to Section 2:12.590.C, Code of the City of Wichita, requesting an exception to permit the operation of a new and used car sales lot on property zoned "LC"-Light Commercial, and legally described as follows:

Lots 60, 62, 64 and 66, except the south 10 feet of lot 66, on Hydraulic Avenue, in Milford's Replat Spring Grove Second Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 13th and Hydraulic Streets.

This application has been assigned Case No. BZA 4-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 24, 1970, at 1:30 p.m., in the Patio Room, First Floor, Public Library, 223 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH  
Secretary

16 Copies Mailed March 6, 1970

BOARD OF ZONING APPEALS

CASE NO. 4-70

CITY OF WICHITA, KANSAS

FILED 2-19-70

APPLICATION FOR EXCEPTION

I. Name of Applicant P. WENDEL  
2432 North Belmont, Wichita, Kansas  
Mailing Address \_\_\_\_\_ Phone Mu 4-6751

Name of Authorized Agent RUDY NICHOLSON  
Mailing Address 2318 North Erie, Wichita, Kansas AM 29149  
Phone MU 2-0893

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.C  
22-04.183 (2), Code of the City of Wichita, Kansas  
(Zoning Ordinance); to permit the installation or construction  
of NEW AND USED CAR SALES

\_\_\_\_\_ on property zoned  
Light Commercial, located northwest corner  
13th and Hydraulic  
\_\_\_\_\_ and legally described as: Lots 60, 62,  
64 and 66, except the south 10 feet of lot 66, on Hydraulic  
Avenue, in Milford's Replat, Spring Grove second addition, to  
Wichita, Sedgwick County, Kansas, 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. 24-606); 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 P. WENDEL

Authorized Agent Rudy Nicholson

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:30 (a.m. - p.m.), February 19, 1970, together with appropriate fee of \$50.00.

T9-403

Signed L. Lynn Shirley P.I.

PAUL L. GRAY  
ATTORNEY AT LAW  
1010 UNION NATIONAL BLDG.  
104 S. Broadway  
WICHITA, KANSAS 67202  
Telephone ~~262-3442~~ 262-3881

February 20, 1970

BOARD OF ZONING APPEALS  
WICHITA, KANSAS

RE: APPLICATION FOR EXCEPTION

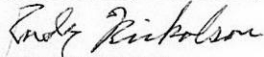
Gentlemen:

Jurisdiction of the application for exception is provided in section 28 04 183 (2), city zoning code of Wichita, Kansas.

Applicant submits that his request for exception to the present zoning use is justified for following reasons:

1. Applicant can and will make the property more attractive and productive
2. Full time supervision and care of the property could and would be maintained.
3. Favorable action by the board will provides an example to young people of the North East Community what the city leaders can be expected to do for hard working and deligent persons.

Respectfully submitted,



Rudy Nicholson

RN:lmo



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## STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
 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 60, 62, 64 & 66, except the South 10 ft of  
 Lot 66, on Hydraulic Avenue, in Milford's Replat  
 of Spring Grove Addition, Wichita, Kansas.

  
 Fidelity  
 Title  
 Company  
 inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

LOT	STREET	ADDITION	OWNER
44 & 46,	Hydraulic	MILFORD'S REPLAT	✓ Anne (Lloyd) Jordan 1425 N. Hydraulic 67214
48 & 50,	"		✓ Sammie Jackson Eddie Lee Jackson, ux 1423 N. Hydraulic 67214
52 & 54,	"		✓ Edgar Gardenhire Jo Ellen Gardenhire, ux 1503 N. Ash 67214
E 54.3' of 56 & 58,	Hydraulic		✓ Edgar Gardenhire Jo Gardenhire, ux 1503 N. Ash 67214
W 69.7' of 56 & 58,	"		✓ Constance (Jones) Fort 1441 N. Ash 67214
60 & 62, -64 & 66,	"		✓ Paulina Wendel 2432 N. Belmont 67220



LOT	STREET	ADDITION	OWNER
52 & 54	Pennsylvania	<u>MILFORD'S REPIAT</u>	✓ John & Jewell L. Huff, ux 1420 Pennsylvania 67214
56, 58, 60, 62, 64 & 66,	"		✓ City of Wichita
43 & 45,	"		✓ Theodore E. Jones 1434 Pennsylvania 67214
47, 49, 51, 53, 55,	"		✓ John Huff 1420 Pennsylvania 67214
57, 59, 61, 63, 65,	"		✓ Tr. Church of the Living God, 1402 Pennsylvania 67214
W $\frac{1}{2}$ of S 3' Lot 71 & W $\frac{1}{2}$ Lots 73 & 75 & W $\frac{1}{2}$ N 11' of Lot 77,	Blk 5	<u>OHIO</u>	✓ Adm. of Veterans Affairs, 5500 E. Kellogg 67218
W $\frac{1}{2}$ of S 14' Lot 77 & W $\frac{1}{2}$ Lots 79, & 81,	"		✓ Johnny Murry, Jr. sgle. No Address Available 1112 East 84th
83, 85, 87, 89, 91 & 93, exc S 4' Lot 93,	"		✓ Charron, Inc. 1814 E. 13th St. 67214
S 4' Lot 93,	"		✓ City of Wichita
E $\frac{1}{2}$ Lots 73, 75, 77, 79, 81,"			✓ Lester Matlock # 2, Inc. 1814 E 13th St. 67214
1 & 2, exc E 109',		<u>ROSENTHAL'S 2nd.</u>	✓ Lyle Killion 2205 S. Holly, Denver, Colo.
E 109' of Lots 1 & 2. & all Lots 3 & 4,			✓ Lyle L. & Melvina Killion 2205 S. Holly, Denver
5 & 6,			✓ William E. & Wilma Cowan, 1347 N. Kansas ux 67214
194, 196, 198, 200, 202, Pennsylvania		<u>GRANVILLE PARK</u>	✓ The City of Wichita
289, 290, 291, 292, 293, 294 & 295,			✓ Lyle L. Killion Melvina C. Killion, ux 2205 S. Holly, Denver

Dated at Wichita, Kansas this 18th day  
of February, 1970 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elaine M. Farrell Sec. OEM

Tracer # 4487

**BOARD OF ZONING APPEALS**  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

March 6, 1970

**NOTICE TO ADJOINING PROPERTY OWNERS**

**Case No. BZA 4-70**

An application has been filed by P. Wendel, 2432 North Belmont, Wichita, Kansas, pursuant to Section 2:12.590.C, Code of the City of Wichita, requesting an exception to permit the operation of a new and used car sales lot on property zoned "LC"-Light Commercial, and legally described as follows:

Lots 60, 62, 54 and 66, except the south 10 feet of lot 66, on Hydraulic Avenue, in Milford's Replat Spring Grove Second Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 13th and Hydraulic Streets.

This application has been assigned Case No. BZA 4-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 24, 1970, at 1:30 p.m., in the Patio Room, First Floor, Public Library, 223 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.


JACK H. GALBRAITH  
Secretary

THE CITY OF WICHITA, KANSAS  
BOARD OF ZONING APPEALS  
104 SOUTH MAIN  
WICHITA, KANSAS 67202

Moved, left no address.  
 No such number available  
 Moved  
 Address unknown  
14229

Charron, Inc.  
1814 East 13th Street  
Wichita, Kansas 67214



RETURN TO WRITER 



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104 South Main Street  
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BOARD OF ZONING APPEALS  
104 SOUTH MAIN  
WICHITA, KANSAS 67202



- No fee for address
- No such number
- Moved, not forwardable
- Address unknown

1422 mb

Tr. Church of the Living God  
1402 Pennsylvania  
Wichita, Kansas 67214

RETURN  
TO  
WRITER



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
<i>On Extension Application</i>	<i>50.00</i>

Name *Shelley Sharp*

Address *1010 Union Hall Bldg.*

Type *R-71-C* Due Date

Comments:

Date *2-19-70* By *smc*

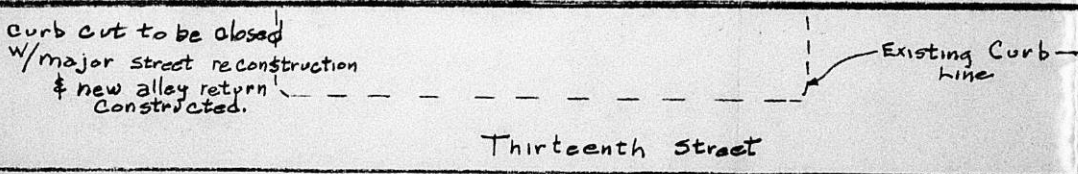
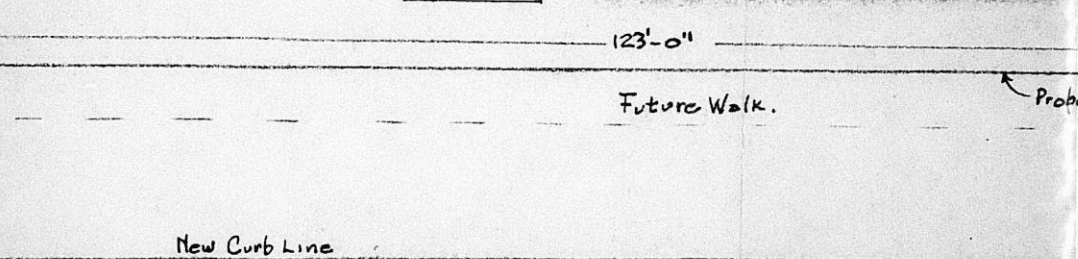
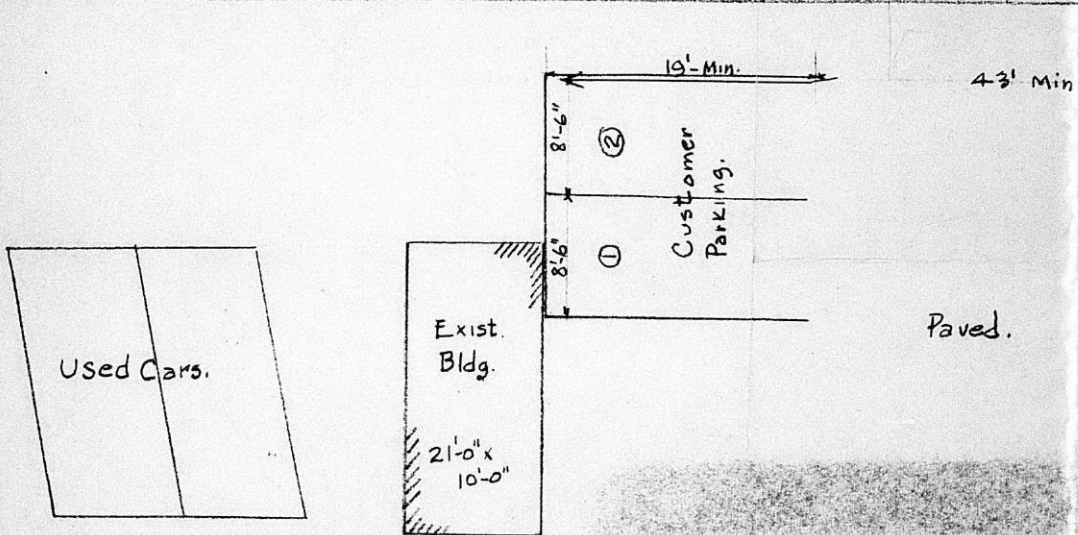
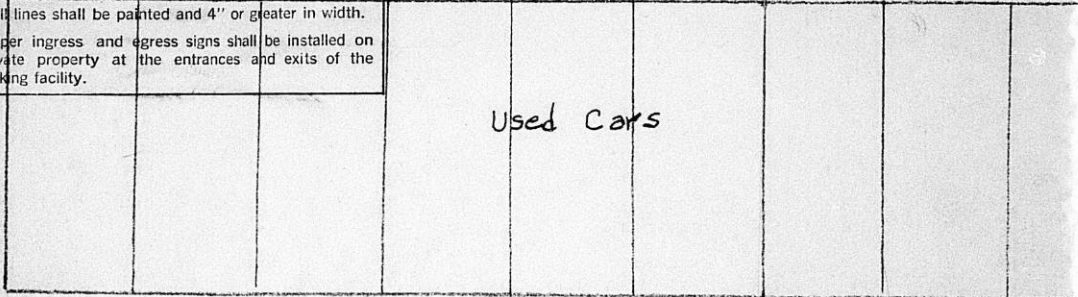
TRAFFIC ENGINEERING DIVISION APPROVED

*As noted - for BZA case*

Date L270 J. Skov

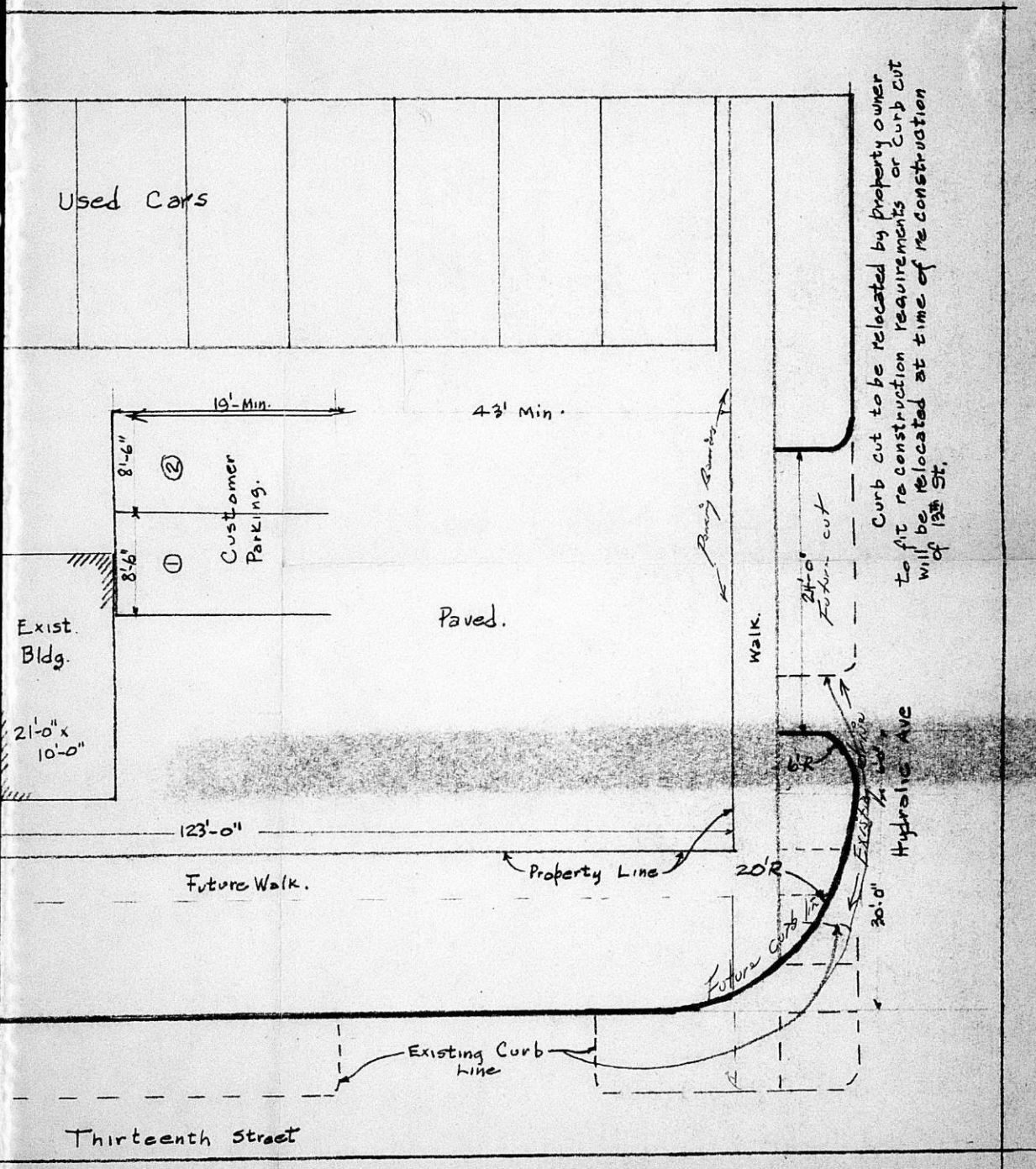
- (A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".
- (B) Stall lines shall be painted and 4" or greater in width.
- (C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

Property Description - Lots 60, 62, 64 & 66 except south 10' of Lot 66 on Hydraulic Ave & Milford's Re-Plat. Spring Grove 2nd Add.



curb cut to be closed w/ major street reconstruction & new alley return constructed.

002403



Curb cut to be relocated by property owner  
 to fit reconstruction requirements or Curb cut  
 will be relocated at time of reconstruction  
 of 13th St.

Used Cars

Customer  
 Parking.

Paved.

Exist.  
 Bldg.  
 21'-0" x  
 10'-0"

123'-0"

Future Walk.

43' Min.

10' Min.

8'-6"  
 8'-6"

Property Line

Walk.

24'-0"  
 Future cut

Future Curb Line

Hydraulic Ave

Existing Curb  
 Line

Thirteenth Street

20'R

30'-0"