

BZA 5-64 - Louis H. Nielson requests  
an exception to allow used car lot in  
LC for E side of Meridian bet. Harry  
and Merton

*no appeal filed*

M.A.P.C. \_\_\_\_\_  
B.C.C./B. CO. C. \_\_\_\_\_

ACTION

DATE

*Bza*

COMMITTEE

*Approved*

*2-25-64*

*no appeal filed*

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

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

BZA 5-64 - Louis H. Nielson requests  
an exception to allow used car lot in  
IC for E side of Meridian bet. Harry  
and Merton

April 6, 1964

Mrs. Louis H. Nielson  
1800 South Vine  
Wichita, Kansas

Dear Mrs. Nielson:

Subject: BZA 5-64

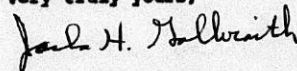
On March 25, 1964, we advised you that the Board of Zoning Appeals had approved subject application for an exception to permit installation or construction of used car lot on property generally located on the east side of Meridian between Harry and Merton, subject to conditions.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before April 3, 1964.

The City Clerk has advised that no appeal was filed on or before that date, and the decision of the Board is, therefore, final.

A copy of the resolution setting forth the conditions under which this application was approved is attached for your information and files.

Very truly yours,



Jack H. Galbraith  
Secretary

JHG:ber

cc: Louis H. Nielson, 1640 South Meridian

Lewis Farha, 2215 West 13th Street

Glen Lytle, Superintendent of  
Central Inspection

R E S O L U T I O N NO. BZA 5-64

WHEREAS, Louis H. Nielson, 1640 South Meridian, Wichita, Kansas, by Mrs. Louis H. Nielson, 1800 South Vine, Wichita, Kansas, requests an Exception to permit the sale of new and used cars as provided in Section 28.04.180.A.14, Code of the City of Wichita, Kansas; and

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

The South 16 feet of Lot 27, all of Lots 29 and 31, except south 20 feet, in Block A, South University Place Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located on the east side of Meridian between Harry and Merton; and

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

WHEREAS, at the meeting of February 25, 1964, this application was deferred until the meeting of March 24, 1964; and

WHEREAS, new written notices were mailed to all interested parties prior to said deferred hearing; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of March 24, 1964, 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 2.12.590.2, 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:

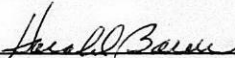
The South 16 feet of Lot 27, all of Lots 29 and 31, except south 20 feet, in Block A, South University Place Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located on the east side of Meridian between Harry and Merton, be approved, subject to the following:

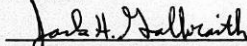
1. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.

3. No projecting signs shall be permitted, and no sign shall be erected to a height greater than 25 feet or be allowed to project over any public right-of-way.
4. No sound projecting devices or loud speakers 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. All parking spaces abutting a property line shall be provided with bumper guards so as to prevent the extension or overhang of vehicles beyond property lines or parking spaces.
7. A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineer of the Department of Public Works, for approval prior to the time a permit is issued for new and used car sales operations.
8. All improvements on the lot shall be made within 18 months of the effective date of the approval of this application, or the permit shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 24th day of March,  
1964.

  
\_\_\_\_\_  
Harold Bauer, Chairman

ATTEST:

  
\_\_\_\_\_  
Jack H. Galbraith, Secretary

Board of Zoning Appeals

April 2, 1964

Robert Finch, City Clerk

Jack H. Galbraith, Secretary

BZA 5-64

Attached is a copy of Resolution No. 5-64 covering action taken by the Board of Zoning Appeals in connection with Case No. BZA 5-64. This case was heard on March 24, 1964, and an appeal may be filed in your office on or before April 3, 1964. If an appeal is filed, please advise.

Jack H. Galbraith  
Secretary

JHG:ber

Attachment

CASE NO. BEA 5-64

In the event this application is approved, it is recommended that it be approved subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No glaring type lighting shall be permitted.
3. No projecting signs shall be permitted, as defined by the Sign Ordinance.
4. No sound projecting devices or loud speakers 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. All parking spaces abutting a property line shall be provided with bumper guards so as to prevent the extension or overhang of vehicles beyond property lines or parking spaces.
7. A plot plan showing points of ingress and egress, width of drive-ways, off street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineer of the Department of Public Works, for approval prior to the time a permit is issued for new and used car sales operations.
8. All improvements on the lot shall be made within 18 months of the effective date of the approval of this application, or the permit shall be null and void.

March 25, 1964

Mrs. Louis H. Nielson  
1800 South Vine  
Wichita, Kansas

Dear Mrs. Nielson:

Subject: BEA 5-64

This is to advise you that at its regular meeting of March 24, 1964, the Board of Zoning Appeals of the City of Wichita, considered your request for an exception to permit installation or construction of used car lot on property generally located on the east side of Meridian between Harry and Norton.

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

1. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
3. No projecting signs shall be permitted, and no sign shall be erected to a height greater than 25 feet or be allowed to project over any public right-of-way.
4. No sound projecting devices or loud speakers 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. All parking spaces abutting a property line shall be provided with bumper guards so as to prevent the extension or overhang of vehicles beyond property lines or parking spaces.

Page 2 - Mrs. Louis H. Nielson  
March 25, 1964

7. A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineer of the Department of Public Works, for approval prior to the time a permit is issued for new and used car sales operation.
8. All improvements on the lot shall be made within 18 months of the effective date of the approval of this application, or the permit shall be null and void.

Section 2.12.610 of the Code of the City of Wichita provides that the Decision of the Board shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before April 3, 1964.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before April 3, 1964, 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:ber

cc: Louis H. Nielson  
1640 South Meridian

Lewis Farha  
2215 West 13th Street

Robert Finch  
City Clerk

Glen Lytle, Superintendent  
of Central Inspection

CASE NO. BZA 5-64

In the event this application is approved, it is recommended that it be approved subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
3. No projecting signs shall be permitted, as defined by the Sign Ordinance.
4. No sound projecting devices or loud speakers 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. All parking spaces abutting a property line shall be provided with bumper guards so as to prevent the extension or overhang of vehicles beyond property lines or parking spaces.
7. A plot plan showing points of ingress and egress, width of driveways, off street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineer of the Department of Public Works, for approval prior to the time a permit is issued for new and used car sales operations.
8. All improvements on the lot shall be made within 18 months of the effective date of the approval of this application, or the permit shall be null and void.

SECRETARY'S REPORT

CASE NO. BZA 5-64

APPLICANT: Louis H. Nielson, 1640 South Meridian

AGENT: Mrs. Louis H. Nielson, 1800 South Vine

REQUEST: Exception pursuant to Section 28.04.180.A.14, Code of the City of Wichita, Kansas, to permit the installation or construction of a used car lot on property zoned "LC" Light Commercial.

LOCATION: Generally located on the east side of Meridian between Harry and Merton.

ZONING: The property in question and the property north and south is zoned "LC" Light Commercial. Zoning to the east and west is "A" Two family.

LAND USE: Property is occupied by an auto repair shop. Other uses of surrounding property include a single family dwelling to the east, south and west; and a cafe and laundromat to the north.

JURISDICTION: The request for an exception is within the jurisdiction of the Board of Zoning Appeals to grant, provided that all of the following conditions are found to exist:

1. Location contiguous to a major street as designated in the Pattern for Thorofares, Wichita, Kansas, 1955, or amendments thereto.
2. Such screening for areas contiguous to residential zoning districts as may be determined appropriate and necessary to protect adjacent properties from light, debris and noise and to preserve adjacent property values.
3. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. No projecting signs shall be permitted. (as defined in the sign ordinance).
6. No sound projecting devices or loud speaker shall be used so as to be heard outside of any structure.

7. Such other conditions as the Board of Zoning Appeals shall deem necessary to include, but not be restricted to, proper setbacks, landscaping, and maintenance provisions.
8. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

The applicant has submitted a statement of justification and plot plan which are shown as Attachments #1 and #2 of this report.

**HISTORY:** This case was deferred by the Board on February 25, 1964, for a period of 30 days in order to allow the applicant sufficient time to submit a new plot plan of the proposed car lot.

**GENERAL COMMENTS:** At its regular meeting of February 25, 1964, the Board of Zoning Appeals directed the Secretary to bring the problem of used car lots to the attention of the Planning Commission. On March 5, 1964, the Planning Commission considered a memorandum from the Secretary of the Board relative to problems associated with used car lots (in light commercial districts) and directed the staff to advertise for public hearing for consideration of an amendment to the existing exception provision (28.04.180.A.14) which would specifically clarify in what portions of the "IC" district used car lots should be located. The proposed amendment, if adopted, would not allow used car lots to be operated in conjunction with garages, transmission shops, filling stations, etc. The proposed amendment also sets a minimum lot area limitation of 20,000 square feet and also states that all used car lots in the light commercial district must be located in an area where there is not less than 900 continuous feet of light commercial zoning.

In view of the fact that the Planning Commission has directed the staff to advertise for a public hearing for an amendment to the existing exception provision of the ordinance relative to used car lots, it is the recommendation of the Secretary that this application be deferred until such time as the proposed amendment has been adopted.

This amendment to the ordinance is to be considered by the Planning Commission at a public hearing on April 2, 1964, and if it is not deferred for any reason, it will be heard by the

City Commission on April 21, 1964, and should be published on or around May 1. It should be pointed out, however, that if this application is deferred, and if the proposed amendment is adopted as recommended by the staff, the case being considered in this instance will not meet those requirements as outlined in the proposed ordinance.

If it is the desire of the Board of Zoning Appeals to consider this application under the existing ordinance, then there are several things which must be pointed out in consideration of the application. First of all, the applicant has submitted a new plot plan (see Attachment #2) which is exactly the same as the plot plan submitted in the original application, except that it includes a community parking area immediately north of the proposed used car lot. The applicants have talked with the owner of the lots on which the existing transmission shop, restaurant and laundry are located, and he has told the applicants that the community parking as shown on the new plot plan, provides adequate parking for the proposed used car lot, the existing garage and restaurant and laundry. It should be pointed out that the garage, restaurant and laundry are not required to provide off-street parking; they were on the lot prior to the time the off-street parking section of the ordinance was adopted. However, if parking were required for these uses, including the proposed used car lot, there would be (in the Secretary's opinion), a total of 18 spaces required. The applicant has shown exactly 18 off-street parking spaces on the plot plan.

It should be noted that upon examination of the plot plan submitted by the applicant, the Traffic Engineering Division was not at all satisfied with the proposed site plans, proposed off-street parking layout and the proposed means of ingress and egress through the lot area. The alley to the south is not paved and apparently used as a means of access to the alley to the rear. The Traffic Engineering Division does not recommend the designated area to the rear of the lot, off of an unpaved alley, for off-street parking.

Statements have been made in the past by the Planning Commission to the effect that it was hoped that the Board of Zoning Appeals would not use its authority to allow used car lots on small, unaccessible sites. The Planning Commission has taken the general position that the amendment to the text permitting this use as an exception should be used by the Board of Zoning Appeals to allow used car sales in areas generally compatible with such activity and where such a use or sales could be conducted on a well designed and well layed out site.

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Case No. BZA 5-64

The Secretary is of the opinion that used car lots in light commercial areas should be located on major thoroughfares, where neighborhood commercial uses are not present. This is strictly a neighborhood commercial area where all of the uses currently existing are serving the needs of the adjacent residential neighborhood. Therefore, it is the opinion of the Secretary that a used car lot at this location would not be compatible with the existing commercial uses in this general area.

RECOMMENDATION: Based on the characteristics of the existing development in this general area and the inadequacy of the site, it is the recommendation of the Secretary that this application be denied.

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

Square feet Area without garage 10,004 square feet

Square feet Area used by buildings on this  
10,004 square feet as follows: Restaurant 660 square feet  
Laundry 2,000 square feet  
2,660 square feet

This gives a ratio for community customer parking of better than 3 to 1 of parking area to building area. The ratio is nearing a ratio of 4 to 1 of parking area to building area. This is an accessible area with two 30' ingress and egress which is designated as use for the whole area shown in the scale drawing.

I've shown 15 designated parkings for customers in my drawing. In past experience of the past year, I've never seen this many cars parked in the customer community parking area. I've never seen any parked in the area designated as additional parking for customers, but have shown this area as marked parking, because it could be used if needed. The Nielson Transmission Service does serve the neighborhood area as this business has customers in the neighborhood area. I believe the neighborhood area could be equally served by a used car lot.

S/ Eva Nielson, agent for  
Nielson Transmission Service

Case No. BZA 5-64  
Attachment #1

**SECRETARY'S REPORT**

**CASE NO. BZA 5-64**

**APPLICANT:** Louis H. Nielson, 1640 South Meridian

**AGENT:** Mrs. Louis H. Nielson, 1800 South Vine

**REQUEST:** Exception pursuant to Section 28.04.180.A.14, Code of the City of Wichita, Kansas, to permit the installation or construction of a used car lot on property zoned "LC" Light Commercial.

**LOCATION:** Generally located on the east side of Meridian between Harry and Merton.

**ZONING:** The property in question and the property north and south is zoned "LC" Light Commercial. Zoning to the east and west is "A" Two family.

**LAND USE:** Property is occupied by an auto repair shop. Other uses of surrounding property include a single family dwelling to the east, south and west; and a cafe and laundromat to the north.

**JURISDICTION:** The request for an exception is within the jurisdiction of the Board of Zoning Appeals to grant, provided that all of the following conditions are found to exist:

1. Location contiguous to a major street as designated in the Pattern for Thorofares, Wichita, Kansas, 1955, or amendments thereto.
2. Such screening for areas contiguous to residential zoning districts as may be determined appropriate and necessary to protect adjacent properties from light, debris and noise and to preserve adjacent property values.
3. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. No projecting signs shall be permitted. (as defined in the sign ordinance).
6. No sound projecting devices or loud speaker shall be used so as to be heard outside of any structure.

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7. Such other conditions as the Board of Zoning Appeals shall deem necessary to include, but not be restricted to, proper setbacks, landscaping, and maintenance provisions.
  8. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

The applicant has submitted a statement of justification and plot plan which are shown as Attachments #1 and #2 of this report.

[REDACTED] This case was deferred by the Board on February 25, 1964, for a period of 30 days in order to allow the applicant sufficient time to submit a new plot plan of the proposed car lot.

[REDACTED] At its regular meeting of February 25, 1964, the Board of Zoning Appeals directed the Secretary to bring the problem of used car lots to the attention of the Planning Commission. On March 5, 1964, the Planning Commission considered a memorandum from the Secretary of the Board relative to problems associated with used car lots (in light commercial districts) and directed the staff to advertise for public hearing for consideration of an amendment to the existing exception provision (28.04.180.A.14) which would specifically clarify in what portions of the "LC" district used car lots should be located. The proposed amendment, if adopted, would not allow used car lots to be operated in conjunction with garages, transmission shops, filling stations, etc. The proposed amendment also sets a minimum lot area limitation of 20,000 square feet and also states that all used car lots in the light commercial district must be ~~located in an area where there is~~ not less than 900' continuous feet of light commercial zoning.

In view of the fact that the Planning Commission has directed the staff to advertise for a public hearing for an amendment to the existing exception provision of the ordinance relative to used car lots, it is the recommendation of the Secretary that ~~this~~ this application be deferred until such time as the proposed amendment has been adopted.

P This amendment to the ordinance is to be considered by the Planning Commission at a public hearing on April 2, 1964, and if it is not deferred for any reason, it will be heard by the

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Case No. BZA 5-64

Pla  
City Commission on April 21, 1964, and should be published on or around May 1. It should be pointed out, however, that if this application is deferred, and if the proposed amendment is adopted as recommended by the staff, the case being considered in this instance will not meet those requirements as outlined in the proposed ordinance.

If it is the desire of the Board of Zoning Appeals to consider this application under the existing ordinance, then there are several things which must be pointed out in consideration of the application. First of all, the applicant has submitted a new plot plan (see Attachment #2) which is exactly the same as the plot plan submitted in the original application, except that it includes a community parking area immediately north of the proposed used car lot. The applicants have talked with the owner of the lots on which the existing transmission shop, restaurant and laundry are located, and he has told the applicants that the community parking as shown on the new plot plan, provides adequate parking for the proposed used car lot, the existing garage and restaurant and laundry. It should be pointed out that the garage, restaurant and laundry are not required to provide off-street parking; they were on the lot prior to the time the off-street parking section of the ordinance was adopted. However, if parking were required for these uses, including the proposed used car lot, there would be (in the Secretary's opinion), a total of 18 spaces required. The applicant has shown exactly 18 off-street parking spaces on the plot plan.

It should be noted that upon examination of the plot plan submitted by the applicant, the Traffic Engineering Division was not at all satisfied with the proposed site plans, proposed off-street parking layout and the proposed means of ingress and egress to the lot area. The alley to the south is not paved and is only used as a means of access to the alley to the rear. The Traffic Engineering Division does not recommend the designated area to the rear of the lot, off of an unpaved alley, for off-street parking.

Statements have been made in the past by the Planning Commission to the effect that it was hoped that the Board of Zoning Appeals would not use its authority to allow used car lots on small, unaccessible sites. The Planning Commission has taken the general position that the amendment to the text permitting this use as an exception should be used by the Board of Zoning Appeals to allow used car sales in areas generally compatible with such activity and where such a use or sales could be conducted on a well designed and well layed out site.

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**Case No. BZA 5-64**

The Secretary is of the opinion that used car lots in light commercial areas should be located on major thoroughfares, where neighborhood commercial uses are not present. This is strictly a neighborhood commercial area where all of the uses currently existing are serving the needs of the adjacent residential neighborhood. Therefore, it is the opinion of the Secretary that a used car lot at this location would not be compatible with the existing commercial uses in this general area.

RECOMMENDATION: Based on the characteristics of the existing development in this general area and the inadequacy of the site, it is the recommendation of the Secretary that this application be denied.

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

Square feet Area without garage		10,004 square feet
Square feet Area used by buildings on this		
10,004 square feet as follows:	Restaurant	660 square feet
	Laundry	2,000 square feet
		2,660 square feet

This gives a ratio for community customer parking of better than 3 to 1 of parking area to building area. The ratio is nearing a ratio of 4 to 1 of parking area to building area. This is an accessible area with two 30' ingress and egress which is designated as use for the whole area shown in the scale drawing.

I've shown 15 designated parkings for customers in my drawing. In past experience of the past year, I've never seen this many cars parked in the customer community parking area. I've never seen any parked in the area designated as additional parking for customers, but have shown this area as marked parking, because it could be used if needed. The Nielson Transmission Service does serve the neighborhood area as this business has customers in the neighborhood area. I believe the neighborhood area could be equally served by a used car lot.

S/ Eva Nielson, agent for  
Nielson Transmission Service

Square-foot Area without garage = 10,004 sq. ft.  
 Square-foot Area used by buildings  
 On this 10,004 square feet as follows  
     restaurant = 660 sq. ft.  
     laundry bldg = 2,000 " "  
     = 2,660 sq. ft.

This gives a ratio for community  
 customer parking of better than  
 3 to 1 of parking area to building  
 area. The ratio is nearing a ratio  
 of 4 to 1 of parking area to building  
 area. This is an accessible area  
 with two 30' Ingress and Egress which  
 is designated as use for the  
 whole area shown in the scale  
 drawing. I've shown 15 designated  
 parking spots for customers in my  
 drawing. In past experience, of the  
 past year, I've never seen this  
 many cars parked in the customer  
 community parking area. I've never  
 seen any parked in the area  
 designated as additional parking for  
 customers, but have shown this  
 area as marked parking, because  
 it could be used if needed.  
 The Nelson Transmission Service  
 does serve the neighborhood area  
 as this business has customers  
 in the neighborhood area. I believe

Page 2

the neighborhood area could be  
equally served by a used car lot.

Eva Nielson - agent for  
Nielson Transmission Service

**SECRETARY'S REPORT**

**CASE NO. BZA 5-64**

**APPLICANT:** Louis H. Nielson, 1640 South Meridian

**AGENT:** Mrs. Louis H. Nielson, 1800 South Vine

**REQUEST:** Exception, pursuant to Section 28.04.180.A.14, Code of the City of Wichita, Kansas, to permit the installation or construction of a used car lot on property zoned "LC" Light Commercial.

**LOCATION:** Generally located on the east side of Meridian between Harry and Merton.

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

**LAND USE:** The property in question is occupied by an auto repair shop. Other uses of surrounding property include a single family dwelling to the east, south and west, and a cafe and laundromat to the north.

**JURISDICTION:** The request for an exception is within the jurisdiction of the Board of Zoning Appeals to grant, provided that all the following conditions are found to exist:

1. Location contiguous to a major street as designated in the Pattern for Thorofares, Wichita, Kansas, 1955, or amendments thereto.
2. Such screening for areas contiguous to residential zoning districts as may be determined appropriate and necessary to protect adjacent properties from light, debris and noise and to preserve adjacent property values.
3. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
5. No projecting signs shall be permitted.

6. No sound projecting devices or loud speaker shall be used so as to be heard outside of any structure.
7. Such other conditions as the Board of Zoning Appeals shall deem necessary to include, but not be restricted to, proper setbacks, landscaping, and maintenance provisions.
8. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

The applicant has submitted a statement of justification and plot plan which are shown as Attachments #1 and #2 of this report.

GENERAL COMMENTS: This proposal, if granted, is to be located on an extremely small site (46 feet x 131 feet), with an already existing transmission repair shop. Statements have been made in the past by the Planning Commission, to the effect that it was hoped that the Board of Zoning Appeals would not use its authority to allow used car lots on small unaccessible sites. It is the Planning Commission's general position that the amendment to the text permitting this use as an exception, should be used by the Board of Zoning Appeals to allow used car sales in areas generally compatible with such activity, where such use or sales would be conducted on a well-designed well-layed out spacious site.

It is the Secretary's opinion that the intent of the amendment to the text was only to permit the Board of Zoning Appeals the authority to grant an exception in Light Commercially Zoned areas located on major thoroughfares and where neighborhood commercial uses are not present. This is a light commercial area, and with the exception of the existing transmission garage, all uses are serving the needs of the adjacent residential neighborhood. Also, it is the intent in light commercial areas that small lots should not be used for used car sales except where there is adequate room to properly display the merchandise and provide adequate ingress and egress, display areas, and adequate off-street parking.

It is further felt from observing the site, that if the permit were granted, this would mean the elimination of adequate off-street parking for the existing garage operation. On examination of the garage, seven cars were parked on the site and on the dedicated alley to the south. It is assumed that adequate

off-street parking ought to be provided on a continuous basis for the existing use as well as the proposed use. If the off-street parking area is utilized for sale of used cars, then the existing operation may deteriorate.

It should be further noted that on the examination of the site plans submitted by the applicant, the Traffic Engineering Division was not at all satisfied with the proposed site plans, proposed off-street parking space layout, and the means of ingress and egress throughout the lot area. The alley to the south is not paved and apparently used as a means of access to the alley to the rear. The office of Central Inspection states that there must be a minimum of six off-street parking spaces, four for the existing garage, and two for the proposed used car sales use. There are only three spaces indicated on the plan and the Traffic Engineering Division does not recommend the designated area to the rear of the lot, off of an unpaved alley, for off-street parking. This is not desirable customer parking.

RECOMMENDATION: Based on the general location of the area, the inadequacy of the site, the existing operation and the number of cars already involved and their affect on off-street parking, it is the recommendation of the Secretary that this application be denied.

Attachments

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

January 21, 1964

I, Louis H. Nielson, sole owner and operator of a garage, known as Nielson Transmission Service, located at 1640 South Meridian, am applying for an exception for a "used car lot" in this location at 1640 South Meridian, which is zoned "Light Commercial", as provided in Section 28.04.180.A.14 in the Code of the City of Wichita, Kansas Zoning Ordinance. It is my intention to possess a maximum of no more than ten used cars at any one time and provide a hardsurfaced lot with no outdoor lighting and space for three off street customer parking spaces as shown in my scale drawing, which I am submitting with this application. I will maintain an office housed in the garage building.

S/ Louis H. Nielson

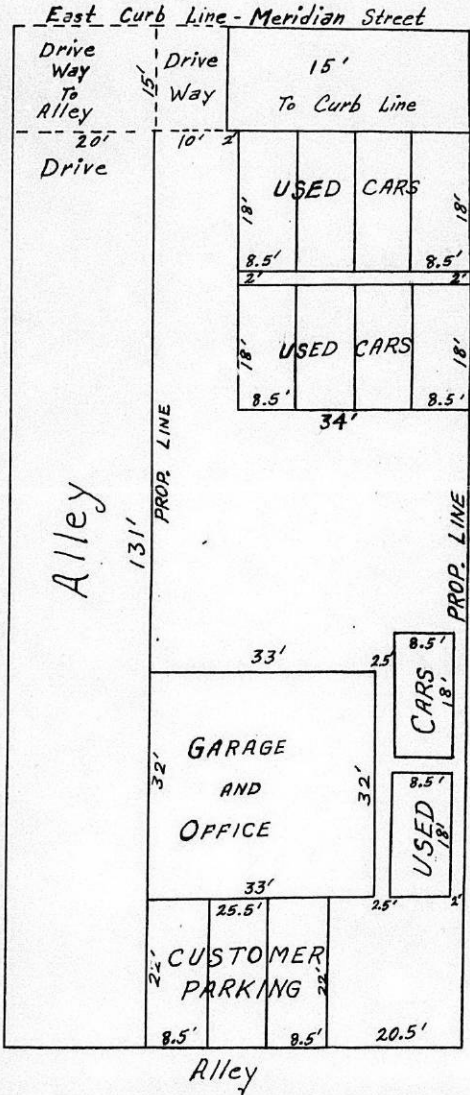
January 27, 1964

I, Lewis Farha, owner of a property with a garage, known as 1640 South Meridian, have a lease with Louis H. Nielson to operate a business at this address, under the name of Nielson Transmission Service. My lessee, Louis H. Nielson, has my permission to operate a used car lot at this address if he is able to obtain an exception for a "used car lot", at this address, in this "Light Commercial" zoning as provided in Section 28.04.180.A.14 in the Code of the City of Wichita, Kansas Zoning Ordinance.

S/ Lewis N. Farha

Case No. BZA 5-64  
Attachment #1

Scale 1" = 16'



Drawing of Property at 1640 So. Meridian  
Lessee - Louis H. Nielson  
Owner - Lewis Farha

BZA 5-64

CASE NO. BZA 5-64

NOTICES MAILED MARCH 5, 1964 FOR HEARING ON MARCH 24, 1964

Edward A. Robinson 410 South Custer	Administrator of Veterans Affairs 5500 East Kellogg
Floyd S. and Anna Mae Fletcher 1639 South Meridian	John R. and Beulah Huffman 2832 South Mosley
Ruth C. Montgomery 1349 South Edwards	Elmer A. and Elsie E. Shumate 1646 South Meridian
J. D. Hinckley 703 South Hillside	Lewis N Farha 2215 West 13th Street
Lewis N. Farha & Victoria Farha Samra 2215 West 13th Street	Jay B. Samra 209 South Sycamore
Joe and Lorene Hickley 544 South Edgemoor	Theodore N. Farha 201 South Sycamore
George and Anna Heaps 1603 South Meridian	Mrs. Louis H. Nielson 1800 South Vine
Clark Cole 1601 South Meridian	Louis H. Nielson 1640 South Meridian
Charles L. and Mary E. Warrender Escro. Agmt. Larry J. Nail 227 North Oliver	
Tony and Vada L. Kingery 1637 South Sedgwick	
Willis C. Ankerholz Ella Jo Starnes Ankerholz 1627 South Sedgwick	
C. J. and Ruth S. Garthwaite 151 North Charles	
John A. and Marv Ann Clark 1617 South Sedgwick	

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

25

March 5, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 5-64

An application has been filed by Mrs. Louis H. Nielson, 1800 South Vine, Wichita, Kansas, on behalf of Louis H. Nielson, 1640 South Meridian, Wichita, Kansas, requesting an Exception, pursuant to Section 28.04.180.A.14, Code of the City of Wichita, Kansas, to permit the installation or construction of a used car lot on property zoned "LC" Light Commercial, and legally described as:

The south 16 feet of Lot 27, all of Lots 29 and 31, except south 20 feet, in Block A, South University Place Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Meridian between Harry and Merton.

This application has been assigned Case No. BZA 5-64, and will be reconsidered by the Board of Zoning Appeals on Tuesday, March 24, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

**Robert Jack H. Galbraith**  
Secretary

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

March 5, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 5-64

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Jack E. Galbraith  
Secretary

February 27, 1964

Mr. Lewis Farha  
2215 West 13th Street  
Wichita, Kansas

Dear Mr. Farha:

Re: Case No. BEA 5-64

This is to advise you that at its regular meeting of February 25, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to the zoning ordinance to permit installation or construction of a used car lot on property generally located on the east side of Meridian between Harry and Merton.

It was the action of the Board of Zoning Appeals to defer this application until the meeting of March 24, 1964.

Very truly yours,

Robert A. Lakin  
Secretary

RAL:ber

cc: Louis H. Nielson, 1640 South Meridian  
Mrs. Louis H. Nielson, 1800 South Vine  
Glen Lytle, Superintendent of Central Inspection  
Robert Finch, City Clerk

**SECRETARY'S REPORT****CASE NO. BZA 5-64****APPLICANT:** Louis H. Nielson, 1640 South Meridian**AGENT:** Mrs. Louis H. Nielson, 1800 South Vine**REQUEST:** Exception, pursuant to Section 28.04.180.A.14, Code of the City of Wichita, Kansas, to permit the installation or construction of a used car lot on property zoned "LC" Light Commercial.**LOCATION:** Generally located on the east side of Meridian between Henry and Merton.**ZONING:** The property in question and the property to the north and south is zoned "LC" Light Commercial. Existing zoning to the east and west is "A" Two Family dwelling.**LAND USE:** The property in question is occupied by an auto repair shop. Other uses of surrounding property include a single family dwelling to the east, south and west, and a cafe and laundromat to the north.**JURISDICTION:** The request for an exception is within the jurisdiction of the Board of Zoning Appeals to grant, provided that all the following conditions are found to exist:

1. Location contiguous to a major street as designated in the Pattern for Thorofares, Wichita, Kansas, 1955, or amendments thereto.
2. Such screening for areas contiguous to residential zoning districts as may be determined appropriate and necessary to protect adjacent properties from light, debris and noise and to preserve adjacent property values.
3. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
5. No projecting signs shall be permitted.

Page 2 - Secretary's Report  
Case No. BZA 5-64

6. No sound projecting devices or loud speaker shall be used so as to be heard outside of any structure.
7. Such other conditions as the Board of Zoning Appeals shall deem necessary to include, but not be restricted to, proper setbacks, landscaping, and maintenance provisions.
8. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

The applicant has submitted a statement of justification and plot plan which are shown as Attachments #1 and #2 of this report.

**GENERAL COMMENTS:** This proposal, if granted, is to be located on an extremely small site (46 feet x 131 feet), with an already existing transmission repair shop. Statements have been made in the past by the Planning Commission, to the effect that it was hoped that the Board of Zoning Appeals would not use its authority to allow used car lots on small inaccessible sites. It is the Planning Commission's general position that the amendment to the text permitting this use as an exception, should be used by the Board of Zoning Appeals to allow used car sales in areas generally compatible with such activity, where such use or sales would be conducted on a well-designed well-layed out spacious site.

It is the Secretary's opinion that the intent of the amendment to the text was only to permit the Board of Zoning Appeals the authority to grant an exception in Light Commercially zoned areas located on major thoroughfares and where neighborhood commercial uses are not present. This is a light commercial area, and with the exception of the existing transmission garage, all uses are serving the needs of the adjacent residential neighborhood. Also, it is the intent in light commercial areas that small lots should not be used for used car sales except where there is adequate room to properly display the merchandise and provide adequate ingress and egress, display areas, and adequate off-street parking.

It is further felt from observing the site, that if the permit were granted, this would mean the elimination of adequate off-street parking for the existing garage operation. On examination of the garage, seven cars were parked on ~~the site and on~~ the dedicated alley to the south. It is assumed that adequate

**Page 3 - Secretary's Report**  
**Case No. BZA 5-64**

off-street parking ought to be provided on a continuous basis for the existing use as well as the proposed use. If the off-street parking area is utilized for sale of used cars, then the existing operation may deteriorate.

It should be further noted that on the examination of the site plans submitted by the applicant, the Traffic Engineering Division was not at all satisfied with the proposed site plans, proposed off-street parking space layout, and the means of ingress and egress throughout the lot area. The alley to the south is not paved and apparently used as a means of access to the alley to the rear. The office of Central Inspection states that there must be a minimum of six off-street parking spaces, four for the existing garage, and two for the proposed used car sales use. There are only three spaces indicated on the plan and the Traffic Engineering Division does not recommend the designated area to the rear of the lot, off of an unpaved alley, for off-street parking. This is not desirable customer parking.

**RECOMMENDATION:** Based on the general location of the area, the inadequacy of the site, the existing operation and the number of cars already involved and their affect on off-street parking, it is the recommendation of the Secretary that this application be denied.

Aatt

**Attachments**

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

CASE NO. BZA 5-64

NOTICES MAILED FEBRUARY 6, 1964 for hearing on February 25, 1964

Louis H. Nielson  
1640 South Meridian

Mrs. Louis H. Nielson  
1800 South Vine

Theodore N. Farha  
201 South Sycamore

Jay B. Samra  
209 South Sycamore

Lewis N. Farha  
2215 West 13th Street

Elmer A. and Elsie E. Shumate  
1646 South Meridian

John R. and Beulah Huffman *Ret  
Mar 27-64*  
2832 South Mosley

Administrator of Veterans Affairs  
5500 East Kellogg

John A. and Mary Ann Clark  
1617 South Sedgwick

C. J. and Ruth S. Garthwaite  
151 North Charles

Willis C. Ankerholz  
Ella Jo Starnes Ankerholz  
1627 South Sedgwick

Tony and Vada L. Kingery  
1637 South Sedgwick

Charles L. and Mary E. Warren  
Escro Agmt: Larry J. Nail  
227 North Oliver

Clark Cole  
1601 South Meridian

George and Anna Heaps  
1603 South Meridian

Joe and Lorene Hinckley  
544 South Edgemoor

Lewis N. Farha & Victoria Farha Samra  
2215 West 13th Street

William N. Lawrence *notice Ret  
mould left  
no address*  
1619 South Meridian

J. D. Hinckley  
703 South Hillside

Ruth C. Montgomery  
1349 South Edwards

Floyd S. and Anna Mae Fletcher  
1639 South Meridian

Edward A. Robinson  
410 South Custer

Andrew Kremar *Returned  
2-10-64  
address unknown*  
327½ North Main

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

February 6, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 5-64

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Robert A. Lakin  
Secretary

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

February 6, 1964

**NOTICE TO ADJOINING PROPERTY OWNERS**

**Case No. BZA 5-64**

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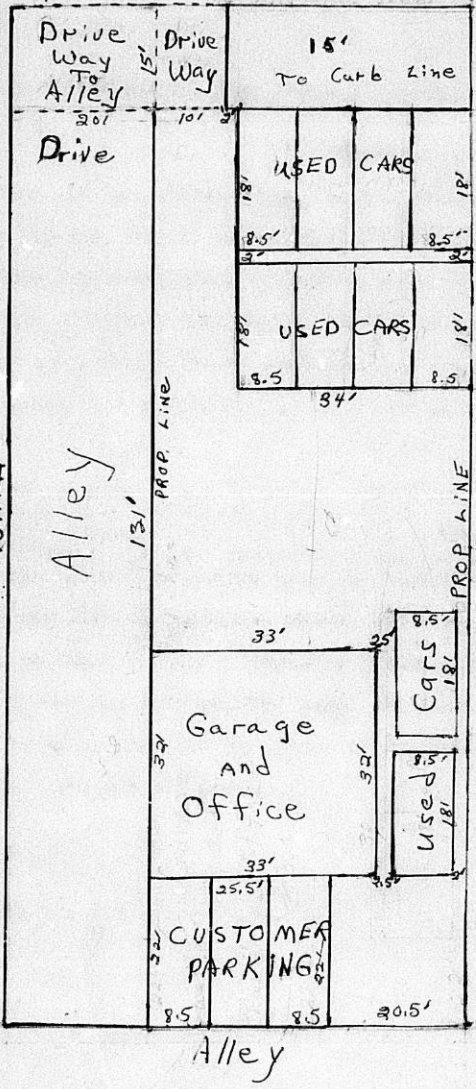
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Robert A. Lakin  
Secretary

Scale 1" = 16'

↑ ? ~~North~~ is South

East Curb Line - Meridian Street



Drawing of Property at 1640 So. Meridian  
lessee - Louis H. Nielson -  
Owner - Lewis Farha -

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant Louis H. Nielson  
 Mailing Address 1640 South Meridian Phone WM 3-6823  
 Name of Authorized Agent Mrs. Louis H. Nielson  
 Mailing Address 1800 So. Vine Phone 70-3-1340  
 Relationship of applicant to property is that of TENANT  
 (owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section  
28.04.180 A 14, Code of the City of Wichita, Kansas  
 (Zoning Ordinance); to permit the installation or construction  
 of used car lot  
 \_\_\_\_\_ on property zoned

L. C., located 1640 S. MERIDIAN  
WICHITA, KAN and legally described as:  
SOUTH 16' LOT 27, LOT 29, LOT 31 EXCEPT SOUTH 20'  
BLOCK A. SOUTH UNIVERSITY PLACE AND 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 Louis H. Nielson  
 Authorized Agent Mrs. Louis H. Nielson

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



Signed \_\_\_\_\_

January 21, 1964

I, Louis H. Nielson, sole owner and operator of a garage, known as Nielson transmission Service, located at 1640 South Meridian, am applying for an exception for a "used car lot" in this location at 1640 South Meridian, which is zoned "Light Commercial," as provided in Section 28.04.180 A14 in the Code of the City of Wichita, Kansas Zoning Ordinance. It is my intention to possess a maximum of no more than ten used cars at any one time and provide a hard surfaced lot with no outdoor lighting and space for three off street customer parking spaces as shown in my scale drawing, which I am submitting with this application. I will maintain an office housed in the garage building.

Louis H. Nielson

January 21, 1964

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Louis H. Nielson

January 27, 1964

I, Lewis Farha, owner of a property with a garage, known as 1640 South Meridian, have a lease with Louis H. Nielson to operate a business at this address, under the name of Nielson Transmission Service. My lessee, Louis H. Nielson, has my permission to operate a used car lot at this address if he is able to obtain an exception for a "used car lot", at this address, in this "Light Commercial" zoning as provided in Section 28.04.180 A14 in the Code of the City of Wichita, Kansas Zoning Ordinance.

Lewis M. Farha

STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS )  
 )  
 SEDGWICK COUNTY )

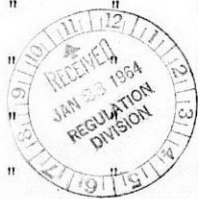
The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

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: The South 16 ft of Lot 27, all Lot 29 & Lot 31, exc South 20 ft., in Block A, South University Place Addition to Wichita, Kansas.

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

Lot	Blk	Addition	Owner
11	A	South University Place	Wichita Developers, Inc. <i>no abs</i>
13, 15, 17, & 19	A	" "	Theodore N. Farha 2/3 int 201 S. Sycamore Jay E. Samra 1/3 int 209 S. Sycamore
21, 23, 25, 27, 29, 31	A	" "	Lewis N. Farha 2215 W 13th St.
33, 35, 37	A	" "	Elmer A. & Elsie E. Shumate, ux 1646 S. Meridian
39, 41, 43, 45, 47	A	" "	John R. & Beulah Huffman, ux 2832 S. Mosley
12	A	" "	Administrator of Veterans Affairs <i>3500 E. Kellogg</i>
14, 16	A	" "	John A. & Mary Ann Clark, ux 1617 S. Sedgwick



**Fidelity Title Company, inc.**



Lot	Blk	Addition	Owner
18, 20	A	South University Place	C. J. & Ruth S. Garthwaite, ux 151 N. Charles
22, 24	A	" " "	Willis C. Ankerholz Ella Jo Starnes Ankerholz, ux 1627 S. Sedgwick
26, 28, 30, A 32, 34, 36, 38, 40	"	" " "	Tony & Vada L. Kingery, ux 1637 S. Sedgwick
42, 44, 46, 48 A	"	" " "	Charles L. & Mary E. Warrender, ux Escro Agmt: Larry J. Nail 227 N. Oliver
1, 3	Meridian Ave	Garfield Park Add.	Clark Cole 1601 S. Meridian
5, 7	" "	" " "	George & Anna Heaps, ux 1603 S. Meridian
9, 11	" "	" " "	Joe & Lorene Hinckley, ux 544 S. Edgemoor
13, 15	" "	" " "	Lewis N. Farha & Victoria Farha Samra 2215 W 13th St.
17, 19	" "	" " "	William N. Lawrence 1619 S. Meridian
21, 23,	" "	" " "	Lewis N. Farha 2215 W. 13th St. <i>Dup</i>
25, 27, 29, " 31	" "	" " "	J. D. Hinckley 703 S. Hillside
33, 35	" "	" " "	Ruth C. Montgomery 1349 S. Edwards
37, 39	" "	" " "	Floyd S. & Anna Mae Fletcher, ux 1639 S. Meridian
41, 43	" "	" " "	Edward A. Robinson 410 S. Custer
45, 47	" "	" " "	Andrew Kremer 327 1/2 N. Main

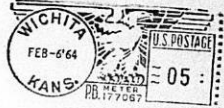
Dated at Wichita, Kansas this 14th day  
of January, 1964 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elie M. Zareck  
Sec. OEM

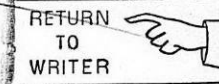
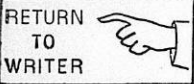
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THE CITY OF WICHITA, KANSAS  
BOARD OF ZONING APPEALS  
104 SOUTH MAIN  
WICHITA 2, KANSAS  
ZIP CODE - 67202



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- No such number
- Moved, not forwardable
- Addressee unknown

Andrew Kremar  
327 1/2 North Main  
Wichita, Kansas



5-64

THE CITY OF WICHITA, KANSAS  
BOARD OF ZONING APPEALS  
104 SOUTH MAIN  
WICHITA 2, KANSAS  
ZIP CODE - 67202



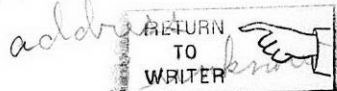
207 E Mr. Vermon - 67211

William N. Lawrence  
1619 South Meridian  
Wichita, Kansas



5-64

- Moved, left no address
- No such number
- Moved, not forwardable
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THE CITY OF WICHITA, KANSAS  
BOARD OF ZONING APPEALS  
104 SOUTH MAIN  
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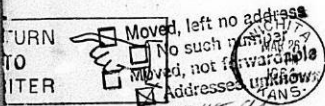


TA 74400  
AC 913

VACANT

John R. and Beulah Huffman  
2832 South Mosley  
Wichita, Kansas

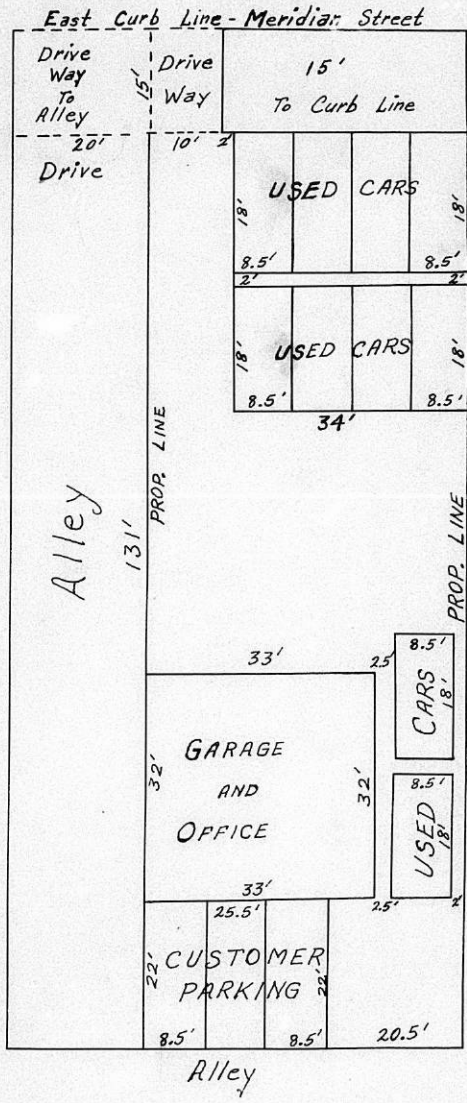
NOT HERE



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- Addressee unknown

5-64

Scale 1" = 16'



Drawing of Property at 1640 So. Meridian  
Lessee - Louis H. Nielson  
Owner - Lewis Farha

BZA 5-64

**PAYMENT NOTICE**  
City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

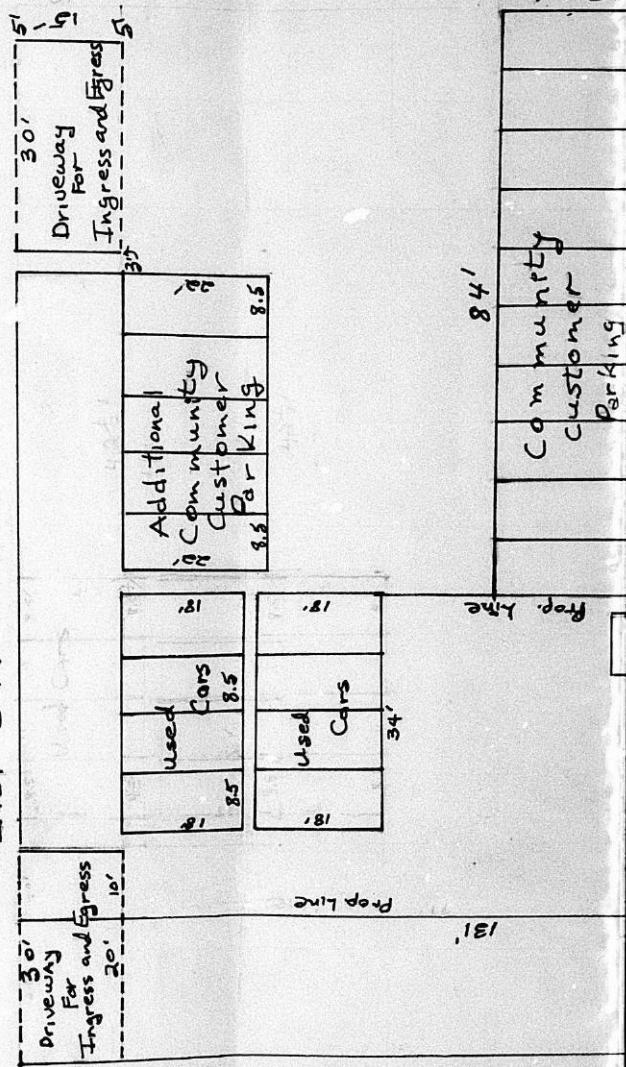
Bld'g & Elev. \_\_\_\_\_ Elec. \_\_\_\_\_ Elev. Insp. \_\_\_\_\_  
Exam Fees \_\_\_\_\_ Hse. Mvr. \_\_\_\_\_ Hse. Moving \_\_\_\_\_  
Licse. \_\_\_\_\_ Mech. \_\_\_\_\_ Oil Well \_\_\_\_\_ Pav. Cuts \_\_\_\_\_  
Plan. \_\_\_\_\_ Plb'g. \_\_\_\_\_ Plb'g Cert. \_\_\_\_\_  
Sanitation \_\_\_\_\_ Sewer \_\_\_\_\_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

DESCRIPTION	AMOUNT

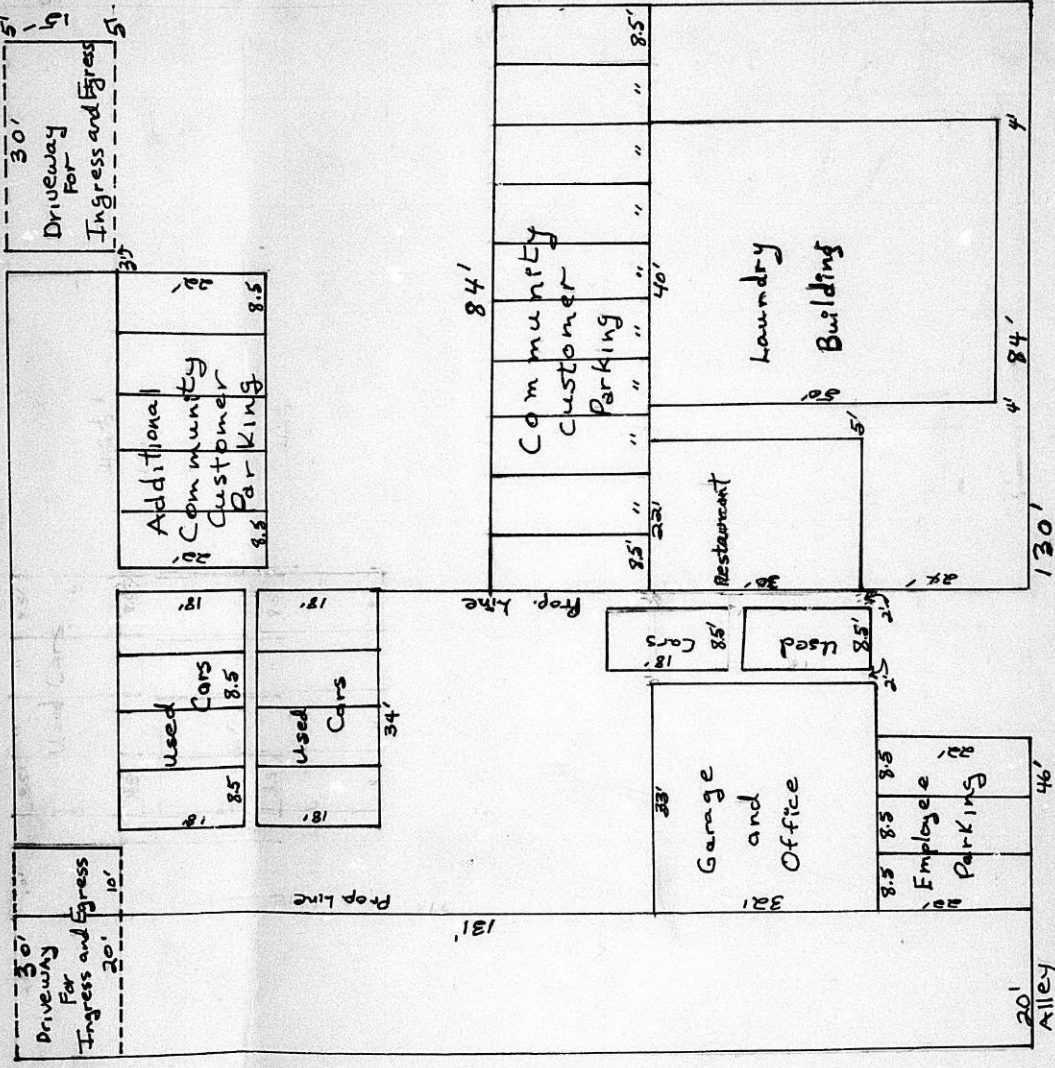
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Type \_\_\_\_\_ Due Date \_\_\_\_\_  
Comments \_\_\_\_\_  
Date \_\_\_\_\_ By \_\_\_\_\_

Drawing of Nielson Transmission Service  
and proposed Used Car lot

Drawing also shows additional adjoining  
property owned by Lewis Farha  
with business buildings and community  
customer parking shared by the businesses shown  
East Curb line Meridian Street



customer parking shared by the businesses shown  
 East Curb Line Meridian Street



Scale 1" = 16'

Rear Alley

BZA 5-64

12 11 10 9 8 7 6 5 4 3 2 1