

BZA 11-68 - Harold L. Fogle requests exception to permit construction of boat dock, parking lot and canoe rental facilities on the southwest

*POSTED
3-28-68
200 - PD ✓
200 - CIE*

ACTION

BZA COMMITTEE *Approved* ^{DATE} *4-23-68*
M.A.P.C. _____
B.C.C./B. CO. C. _____

5255

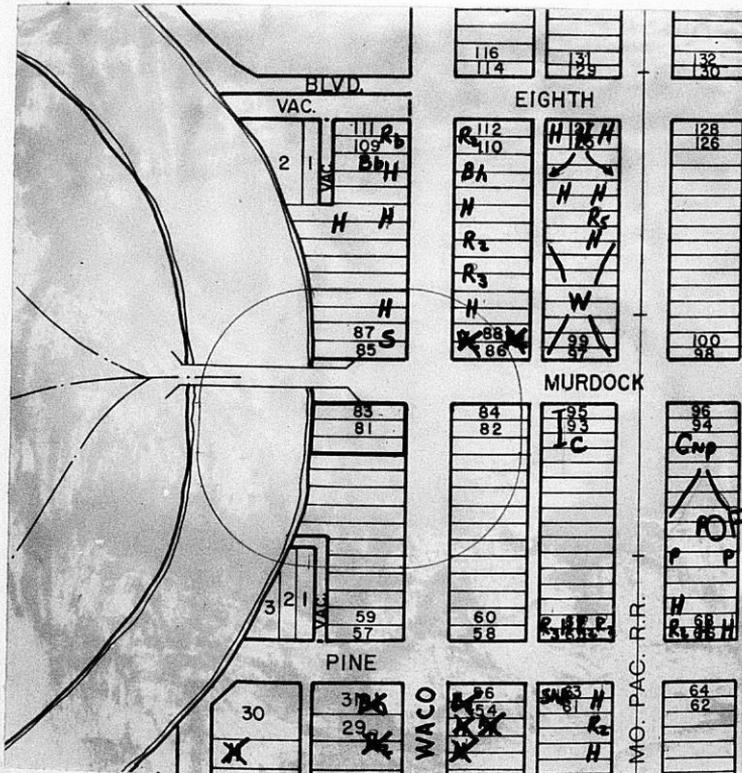
Map No. 5448
 Sec. 17
 Twp. 27E
 Range _____

B ZA 11-68
 SCZ- _____
 CU- _____
 Filed 3-26-68

APPLICATION DATA: From _____ to _____
 1. Applicant: Harold L. Fogle
 Address 2922 Old Lawrence Road Phone LY 1-9951
 2. Agent: George D. McCarthy
 Address 327 Beacon Building Phone AM 2-3489
 3. General Location: Southeast corner of Waco and Murdock
 Address _____
 4. Proposed Use: _____

AREA DATA:
 1. Acres: 0.33 (160 ft. by 90 ft.)
 2. Adjoining Zoning: E LC S LC W A N LC
 3. Land Use: East Vacant South Vacant
 West Little Arkansas River North Service Station
 4. Sketch Plan Land Use is for: RESIDENTIAL
 5. Present Land Use is for: VACANT
 6. Area (is) (is/not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



May 1, 1968

Mr. George D. McCarthy
327 Beacon Building
Wichita, Kansas 67202

Subject: Case No. BZA - 11-68
Request for exception

Dear Mr. McCarthy:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 23, 1968, in connection with your request for an exception to permit the installation or construction of a temporary boat dock, and facilities for a boat concession for the rental of canoes and paddle boats on the Little Arkansas River.

This Resolution reflects the official action of the Board and indicates 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
Senior Planner

JHG:js
Attachment

cc: Harold L. Fogle
2922 Old Lawrence Road
Wichita, Kansas 67216

Robert Feldner, Superintendent
of Central Inspection

Ralph Eberly,
City Clerk

R E S O L U T I O N N O . B Z A 1 1 - 6 8

WHEREAS, Harold L. Fogle, 2922 Old Lawrence Road, Wichita, Kansas, by George D. McCarthy, 327 Beacon Building, Wichita, Kansas, requests an exception pursuant to Section 28.04.183.2, Code of the City of Wichita, to permit the installation or construction of a temporary boat dock, and facilities for a boat concession for the rental of canoes and paddle boats on the Little Arkansas River, on property zoned "LC" Light Commercial, and legally described as follows:

Lots 79, 81, 83, on Waco Avenue, in Munger's Original Town (Now City of Wichita), Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Waco and Murdock.

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 April 23, 1968, 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 a temporary boat dock, and facilities for a boat concession and for the rental of canoes and paddle boats, on property zoned "LC" Light Commercial District subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved for the installation of a temporary boat dock, and facilities for a boat concession and for the rental of canoes and paddle boats, on property zoned "LC" Light Commercial and legally described as follows:

Lots 79, 81, 83, on Waco Avenue, in Munger's Original Town (now City of Wichita), Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Waco and Murdock.

subject to the following:

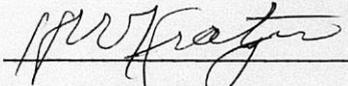
1. Plans for the installation of temporary docks shall be submitted to the Office of Central Inspection for their approval.
2. A six to eight foot fence with locking gate, shall be constructed in accordance with the plot plan submitted with subject application.
3. No sign shall be erected which will 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.

Page 2

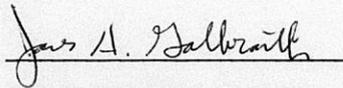
Resolution No. BZA 11-68

5. The boat dock, boats and concession facilities may remain on the property so long as the applicant has a valid lease with the Urban Renewal Agency.
6. The applicant shall report annually (January 1) to the Central Inspection Division of the Department of Public Works as to whether their lease has been renewed.
7. The applicant shall maintain the area in such a manner so as to be free of weeds and debris at all times.

ADOPTED AT WICHITA, KANSAS, this 23rd, day of April, 1968.


H. W. KRATZER, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

April 24, 1968

George D. McCarthy
327 Beacon Building,
Wichita, Kansas 67202

Dear Mr. McCarthy;

Subject: Case No. BZA 11-68
Request for Exception.

At the regular meeting of the Board of Zoning Appeals on April 23, 1968, your request for an exception to permit the installation or construction of a boat dock, temporary parking lot and facilities for a boat concession for the rental of canoes and paddle boats on the Little Arkansas River, on property zoned "LC" Light Commercial, and generally located on the southwest corner of Waco and Murdock, was considered.

It was the action of the Board to approve this request subject to the seven conditions as recommended in the Secretary's Report except that condition number one was amended as follows:

1. Plans for the installation of temporary docks shall be submitted to the Office of Central Inspection for their approval.

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:skb

cc: Harold L. Fogle, 2922 Old Lawrence Road 67216
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 11-68

APPLICANT: Harold L. Fogle, 2922 Old Lawrence Road, Wichita, Kansas.

AGENT: George D. McCarthy, 327 Beacon Building, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.183(2), Code of the City of Wichita, to permit the installation or construction of a boat dock, temporary parking lot and facilities for a boat concession for the rental of canoes and paddle boats on the Little Arkansas River.

GENERAL LOCATION: On the southwest corner of Waco and Murdock.

LAND USE: Subject property is vacant as is that to the south and east, north is a service station and the Little Arkansas River is to the west.

ZONING: Subject property is zoned "LC" Light Commercial, as are the properties to the north, south and east, to the west is "A" two-family zoning.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 28.04.183(2), Code of the City of Wichita. The Board may grant the exception subject to the conditions as outlined.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to permit the installation or construction of a boat dock, temporary parking lot and facilities for a boat concession for the rental of canoes and paddle boats on the Little Arkansas River. He has, for approximately the past five years, rented the property from the Urban Renewal Agency and has a lease contingent upon his being granted an exception by the Board of Zoning Appeals for the above purposes.

Prior to the removal of the old boat house, the boat rental operation was conducted as a non-conforming use as "C" Commercial Zoning is required. Since this removal, the Central Inspection

Page 2 - Secretary's Report
Case No. BZA 11-68

Division has determined that the use was terminated and has issued a cease and desist order against the applicant ordering removal of the boats presently stored under the bridge on Murdock.

It is the opinion of the Secretary that this is a logical and proper temporary use and will be of benefit to the general public in that the proposed operation is merely a continuance of a former operation which has been a part of Wichita for many years.

There are two points which need clarification. First the attorney representing the applicant states that there is a desire to construct a boat dock on the site. Since this area has been cleared for new development no permanent structures should be installed. Second, the applicant is requesting a temporary parking lot and in the opinion of the Secretary, the Board does not have the jurisdiction to approve this use.

RECOMMENDATION

It is the recommendation of the Secretary that the application to permit the operation of a temporary boat dock, and facilities for a boat concession and for the rental of canoes and paddle boats be approved subject to the following conditions:

1. Plans for the installation of temporary ~~floating~~ docks shall be submitted to the Office of Central Inspection for their approval.
2. A six to eight foot fence with locking gate, shall be constructed in accordance with the plot plan submitted with subject application.
3. No sign shall be erected which will 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. The boat dock, boats and concession facilities may remain on the property so long as the applicant has a valid lease with the Urban Renewal Agency.

Page 3 - Secretary's Report
Case No. BZA 11-68

6. The applicant shall report annually (January 1) to the Central Inspection Division of the Department of Public Works as to whether their lease has been renewed.
7. The applicant shall maintain the area in such a manner so as to be free of weeds and debris at all times.

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

April 16, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 11-68

An application has been filed by Harold L. Fogle, 2922 Old Lawrence Road, Wichita, Kansas, by George D. McCarthy, 327 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of a boat dock, temporary parking lot and facilities for a boat concession for the rental of canoes and paddle boats on the Little Arkansas River, on property zoned "LC" Light Commercial, and legally described as follows:

Lots 79, 81, 83, on Waco Avenue, in Munger's Original Town (now City of Wichita), Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Waco and Murdock.

This application has been assigned Case No. BZA 11-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 23, 1968 at 1:30 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

*PON's
mailed 4-16-68*

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

April 16, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 11-68

An application has been filed by Harold L. Fogle, 2922 Old Lawrence Road, Wichita, Kansas, by George D. McCarthy, 327 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of a boat dock, temporary parking lot and facilities for a boat concession for the rental of canoes and paddle boats on the Little Arkansas River, on property zoned "LC" Light Commercial, and legally described as follows:

Lots 79, 81, 83, on Waco Avenue, in Munger's Original Town (now City of Wichita), Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Waco and Murdock.

This application has been assigned Case No. BZA 11-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 23, 1968 at 1:30 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 67202

April 16, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 11-68

An application has been filed by Harold L. Fogle, 2922 Old Lawrence Road, Wichita, Kansas, by George D. McCarthy, 327 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of a boat dock, temporary parking lot and facilities for a boat concession for the rental of canoes and paddle boats on the Little Arkansas River, on property zoned "LC" Light Commercial, and legally described as follows:

Lots 79, 81, 83, on Waco Avenue, in Munger's Original Town (now City of Wichita), Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Waco and Murdock.

This application has been assigned Case No. BZA 11-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 23, 1968 at 1:30 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 67202

April 16, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 11-68

An application has been filed by Harold L. Fogle, 2922 Old Lawrence Road, Wichita, Kansas, by George D. McCarthy, 327 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of a boat dock, temporary parking lot and facilities for a boat concession for the rental of canoes and paddle boats on the Little Arkansas River, on property zoned "LC" Light Commercial, and legally described as follows:

Lots 79, 81, 83, on Waco Avenue, in Munger's Original Town (now City of Wichita), Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Waco and Murdock.

This application has been assigned Case No. BZA 11-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 23, 1968 at 1:30 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 67202

April 16, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 11-68

An application has been filed by Harold L. Fogle, 2922 Old Lawrence Road, Wichita, Kansas, by George D. McCarthy, 327 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of a boat dock, temporary parking lot and facilities for a boat concession for the rental of canoes and paddle boats on the Little Arkansas River, on property zoned "LC" Light Commercial, and legally described as follows:

Lots 79, 81, 83, on Waco Avenue, in Munger's Original Town (now City of Wichita), Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Waco and Murdock.

This application has been assigned Case No. BZA 11-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 23, 1968 at 1:30 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 67202

April 16, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

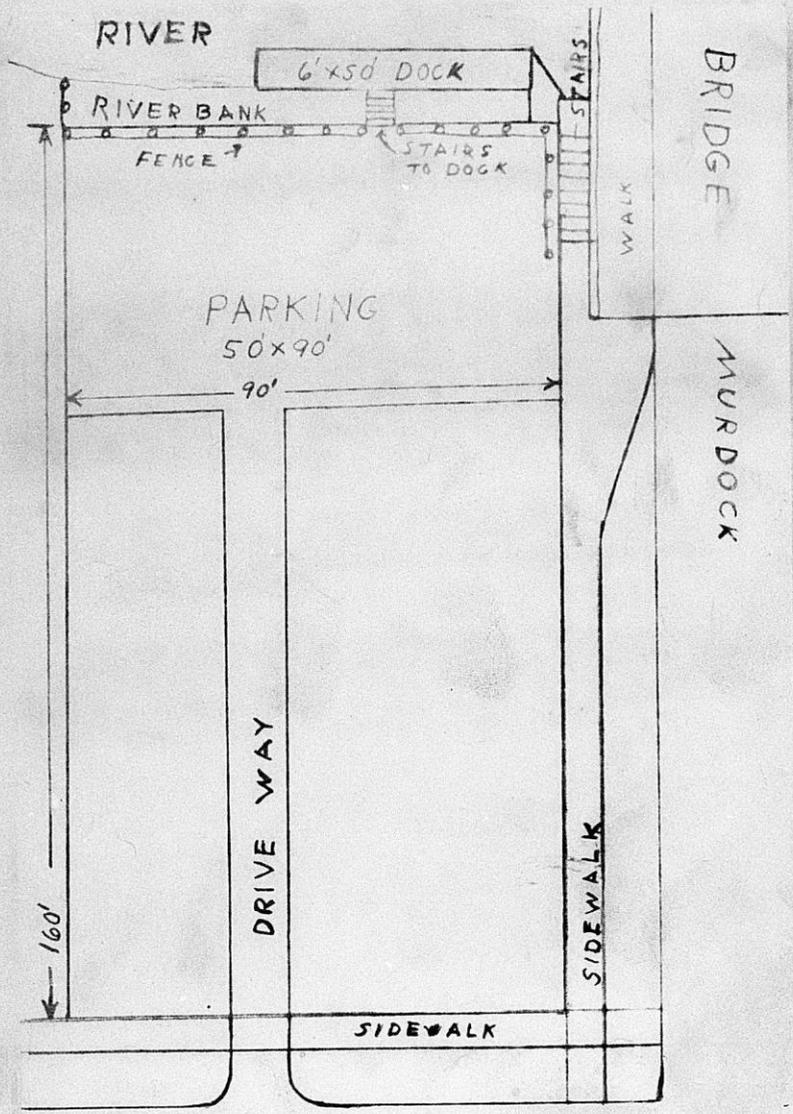
Case No. BZA 11-68

An application has been filed by Harold L. Fogle, 2922 Old Lawrence Road, Wichita, Kansas, by George D. McCarthy, 327 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of a boat dock, temporary parking lot and facilities for a boat concession for the rental of canoes and paddle boats on the Little Arkansas River, on property zoned "LC" Light Commercial, and legally described as follows:

Lots 79, 81, 83, on Waco Avenue, in Munger's Original Town (now City of Wichita), Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Waco and Murdock.

This application has been assigned Case No. BZA 11-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 23, 1968 at 1:30 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



WACO

SCALE 1"=20'

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 11-68
FILED 3-26-68

APPLICATION FOR EXCEPTION

I. Name of Applicant Harold L. Fogle
Mailing Address 2922 Old Lawrence Road 67216 Phone LY1-9951
Name of Authorized Agent George D. McCarthy
Mailing Address 327 Beacon Building 02 Phone AM 2-3489
Relationship of applicant to property is that of lessee
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.183(2), Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of a boat dock, temporary parking lot and facilities for a boat concession
for the rental of canoes and paddle boats on the
Little River on property zoned
LC, located on the southwest corner of Waco & Murdock
on Waco Avenue and legally described as: Lots 79,
81 and 83^{1/2} in Mungers Original Town, now the City of Wichita, Kansas.
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 Harold L. Fogle

Authorized Agent George D. McCarthy

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 11:25 (a.m.) - p.m.), March 26, 1968, together with appropriate fee of \$50.00.

Signed Lynn Miskay Sec
Planner III

LAW OFFICES OF
GEORGE D. MCCARTHY
327 BEACON BUILDING
WICHITA, KANSAS 67202
AMHERST 2-3489

March 25, 1968

Board of Zoning Appeals
City of Wichita
Wichita, Kansas

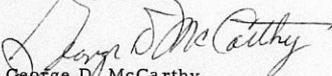
Gentlemen:

The applicant desires to build a boat dock on the site where the old boat house was formerly located. From this boat dock, he plans to rent to the public, for use on the Little River, canoes and paddle boats which he owns. He has, for approximately the past five years, rented the property from the Urban Renewal Agency and has the lease contingent upon his being granted an exception by your Board for the above purposes.

Prior to destruction of the boat house, the property was used for non-conforming use. Since this destruction, the Central Inspection Division feels that the use was terminated, therefore, the necessity of presenting this application.

The applicant and the undersigned agent will appear at your next meeting to answer any questions which you may have pertaining to this application.

Very truly yours,



George D. McCarthy
Attorney and agent for Harold L. Fogle

GDM:tm

LIST OF PROPERTY OWNERS

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
1 & vac alleys adj.	Pine	Munger's Original Town	Urban Renewal Agency 204 S. Main St. 02
2 & vac. alley adj.	"	"	Same
3 & vac alley adj.	"	"	Same
65	Waco	"	Same
67	"	"	Same
69	"	"	Same
71	"	"	Same
73	"	"	Same
75	"	"	Same
77	"	"	Same
79	"	"	Same
81	"	"	Same
83	"	"	Same
85	"	"	Triangle Facilities, Inc.
87	"	"	Triangle Facilities, Inc. 100 W. 10th St. Wilmington, Delaware 19801
89 (S $\frac{1}{2}$)	"	"	Same
89 (N $\frac{1}{2}$)	"	"	Fourth National Bank and Trust Company, Trustee U/W of O. J. Watson, Dec. 02 200 E. Douglas Ave.
91	"	"	Same
93	"	"	Same
66	"	"	Urban Renewal Agency 204 S. Main St.
68	"	"	Same
70	"	"	Same

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
72	Waco	Munger's Original Town	Urban Renewal Agency
74	"	"	Same
76	"	"	Same
78	"	"	Same
80	"	"	Same
82	"	"	Same
84	"	"	Same
86	"	"	Same
88	"	"	Same
90	"	"	Same
92	"	"	Same

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 feet of ~~Lots 79, 81, and 83, on Waco Avenue, in Munger's Original Town (now City of Wichita), as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 20th day of March, A. D. 1968 at 7 o'clock A. M.~~ *Wichita, Kan.*

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Samuel G. Brown*
Vice President.

Order No. 152229.
(KPB)

FORM 223-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Imp.	Exam. Fees
Hee. Mvr.	Hee. Moving	Licns.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
BZA Exemption	\$50.00

Name: Harold B. Fogle
 Address: 2922 Old Lawrence Road
 Type: _____ Due Date: _____

Comments: A-71-C

Date: 3-26-68 By: Marion Brewer