

BZA 12-71 - American Oil Co. req.  
Exception to permit automatic car  
wash at SE corner of Kellogg and  
Rock Road

10-16-71  
11-2-71  
9-2-71  
H-2-b

*Amey*

BZA 10-26-71

Map No. 6046  
 Sec. 29  
 Twp. 27  
 Range 2E

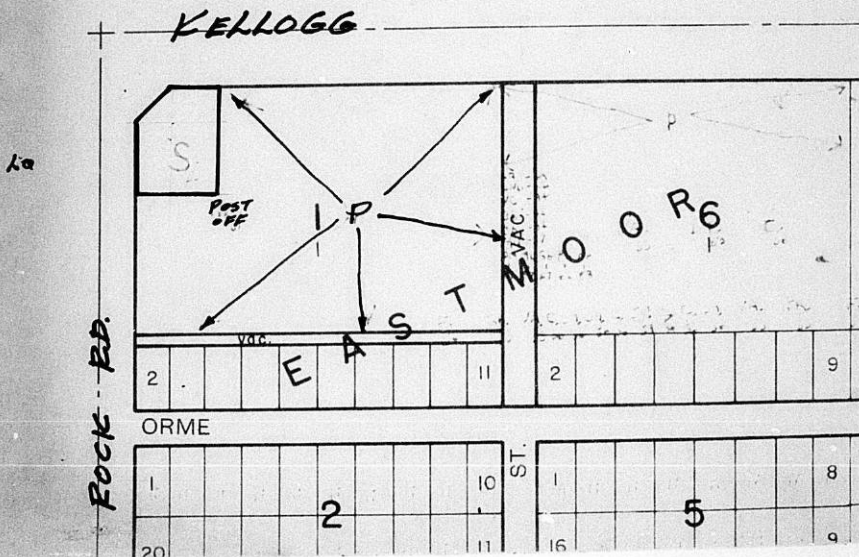
BZA 12-71  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.6 ( IRREGULAR ft. by \_\_\_\_\_ ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East PARKING LOT South PARKING  
 West LIQUOR STORE North KELLOGG-115-54 HIGHWAY  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use is for: SERVICE STATION  
 6. Area (is) (is not) platted.

PHOTO DATA:

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



RESOLUTION NO. BZA 12-71

WHEREAS, American Oil Company, 810 West Douglas-Suite D, Wichita, Kansas, by Hill, Mason and Graber, 810 West Douglas-Suite D, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of an automatic car wash, on property zoned "LC" Light Commercial, and legally described as follows:

Commencing at a point 190 feet south of the north line of Lot 1, Block 1, Eastmoor Addition to the City of Wichita, Kansas, and 150 feet east of the west line of Lot 1 for a place of beginning; thence 190 feet north to the north line of Lot 1; thence west at right angles 85 feet along the north line of Lot 1; thence southwesterly 92 feet to a point on the west line of Lot 1, 65 feet south of the north line of said Lot; thence south 125 feet along the west line of Lot 1; thence east at right angles 150 feet to place of beginning. Generally located at the southeast corner of Kellogg and Rock Road.

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 October 26, 1971, 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 installation of an automatic car wash, on property zoned "LC" Light Commercial, subject to the conditions outlined in Section 28.04.183.4, Code of the City of Wichita.

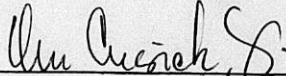
WHEREAS, the Board of Zoning Appeals has found that the proposed automatic car wash facility does not meet the required 35 foot setback from Rock Road as provided for under Section 28.04.183.4.4a, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application to permit the installation of an automatic car wash, on property zoned "LC" Light Commercial, and legally described as follows:

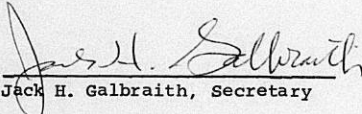
Commencing at a point 190 feet south of the north line of Lot 1, Block 1, Eastmoor Addition to the City of Wichita, Kansas, and 150 feet east of the west line of Lot 1 for a place of beginning; thence 190 feet north to the north line of Lot 1; thence west at right angles 85 feet along the north line of Lot 1; thence southwesterly 92 feet to a point on the west line of Lot 1, 65 feet south of the north line of said Lot; thence south 125 feet along the west line of Lot 1; thence east at right angles 150 feet to place of beginning. Generally located at the southeast corner of Kellogg and Rock Road.

be denied.

ADOPTED AT WICHITA, KANSAS, this 26th day of October,  
1971.

  
\_\_\_\_\_  
Kenneth M. Cusick, Vice Chairman

ATTEST:

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

November 17, 1971

Mr. Thomas H. Graber  
810 West Douglas-Suite D  
Wichita, Kansas 67203

Subject: Case No. BZA 12-71  
Request for Exception

Dear Mr. Graber:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 26, 1971, in connection with your request for an exception to permit the installation of an automatic car wash, on property zoned "LC" Light Commercial, and generally located at the southeast corner of Kellogg and Rock Road.

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your information and files.

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:ls

Enclosure

cc American Oil Company, 810 West Douglas-Suite D 67203  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

October 27, 1971

Mr. Thomas H. Graber  
Hill, Mason and Graber  
810 West Douglas-Suite D  
Wichita, Kansas 67203

Subject: Case No. BZA 12-71  
Request for Exception

Dear Mr. Graber:

At the regular meeting of the Board of Zoning Appeals on October 26, 1971, your request for an exception to permit the installation of an automatic car wash, on property zoned "LC" Light Commercial, and generally located at the southeast corner of Kellogg and Rock Road, was considered.

It was the action of the Board to deny this request.

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 American Oil Company, 810 West Douglas-Suite D 67203  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

SECRETARY'S REPORT  
CASE NO. BZA 12-71

**APPLICANT:** American Oil Company, 810 West Douglas-Suite D,  
Wichita, Kansas

**AGENT:** Hill, Mason and Graber, 810 West Douglas-Suite D,  
Wichita, Kansas

**REQUEST:** Exception pursuant to Section 2.12.590.C, Code of the  
City of Wichita, to permit the installation of an auto-  
matic car wash operation

**GENERAL LOCATION:** At the southeast corner of Kellogg and Rock  
Road.

**LAND USE:** Subject property is occupied by a service station as  
is the property to the north; south and east is parking  
lot for Eastgate Shopping Center; west is liquor store

**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 provided the  
conditions set out in Section 28.04.183.4 can be complied with.

**COMMENTS BY THE SECRETARY:**

The applicant is requesting an exception to permit the  
operation of a one lane automatic car wash facility on property  
zoned "LC" Light Commercial and located at the southeast corner  
of Kellogg Drive and Rock Road. Subject property is presently  
occupied by a four-bay service station and the applicant desires  
to convert one of the bays into an automatic car wash facility.

Section 28.04.183.4 of the zoning ordinance authorizes the  
Board to grant this type of request in the "LC" Light Commercial  
District subject to the conditions and requirements outlined in  
this section. One of the conditions provides that the car washing  
building or facility shall maintain a 35 foot setback from all  
arterials, expressways or freeways. Inasmuch as the existing  
building maintains only a 20 foot setback from Rock Road (an  
arterial) and the proposed car wash bay maintains only a 28 foot  
setback from Rock Road, it is the opinion of the Secretary that  
this proposed use cannot meet the conditions required in the Zoning  
Ordinance and therefore, subject application must be denied.

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

October 6, 1971

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 12-71

An application has been filed by American Oil Company, 810 West Douglas-Suite D, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of an automatic car wash operation, on property zoned "LC" Light Commercial, and legally described as follows:

Commencing at a point 190 feet south of the north line of Lot 1, Block 1, Eastmoor Addition to the City of Wichita, Kansas, and 150 feet east of the west line of Lot 1 for a place of beginning; thence 190 feet north to the north line of Lot 1; thence west at right angles 85 feet along the north line of Lot 1; thence southwesterly 92 feet to a point on the west line of Lot 1, 65 feet south of the north line of said Lot; thence south 125 feet along the west line of Lot 1; thence east at right angles 150 feet to place of beginning. Generally located at the southeast corner of Kellogg and Rock Road.

This application has been assigned Case No. BZA 12-71, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 26, 1971, at 1:30 p.m., in Room 401 City Building Annex, 104 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

*6 notices mailed 10-6-71*

BOARD OF ZONING APPEALS

CASE NO. 12-71

CITY OF WICHITA, KANSAS

FILED 9-28-71

APPLICATION FOR EXCEPTION

I. Name of Applicant American Oil Company  
Mailing Address 810 West Douglas - Suite D Phone 265-3247  
Name of Authorized Agent Hill, Mason & Graber  
Mailing Address 810 West Douglas - Suite D Phone 265-3247  
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 Sub-section (4), Code of the City of Wichita, Kansas  
(Zoning Ordinance); to permit the installation of construction  
of Car wash equipment

\_\_\_\_\_ on property zoned  
L-C, located at Kellogg and Rockroad

\_\_\_\_\_ and legally described as: Commencing at a  
point 190 feet South of the North line of Lot 1, Block 1, Eastmoor  
Addition to the City of Wichita, Kansas, and 150 feet East of the  
West line of Lot 1 for a place of beginning; thence west at right  
angles 85 feet along the North line of Lot 1, thence Southwesterly  
92 feet to a point on the West line of Lot 1, 65 feet South of the  
N line of said lot; thence S 125 feet along the W line of Lot 1,  
thence E at right angles 150 feet to \_\_\_\_\_ in the City of Wichita.  
place of beginning.

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 American Oil Co.

Authorized Agent Frank H. Hill

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 1:50 (a.m. (p.m.)), September 28, 1971, together with appropriate fee of \$50.00.

T9-403

Signed D. Lynn Shirkley

The applicant should be granted an exception under Section 28.04.183 (4) of the Code of the City of Wichita because the addition of car wash facilities to the existing service station would provide a needed service for this area of the community and increase the economic feasibility and productivity of the service station itself.

O W N E R S H I P   L I S T

Lot	Block	Addition	Owner
1, exc N 360' of W $\frac{1}{2}$ NW $\frac{1}{4}$ 29-27-2E	1	Eastmoor	✓ Levitt Jewelry Co., Inc. 3945 E. Harry Wichita, Kansas 67218
1		Clemons	Irwin Kallman Address unknown <i>none found</i>
2		"	✓ Fred C. Clemons & Nona C. Clemons #60 Stratford Wichita, Kansas 67207
 Description			
N 360' of W $\frac{1}{2}$ NW $\frac{1}{4}$ 29-27-2E			✓ Francis M. Brady & Nellie Brady #26 Lakeside Wichita, Kansas 67207
N 827' of E 705' of E $\frac{1}{2}$ NE $\frac{1}{4}$ 30-27-2E			✓ Tankar Gas, Inc. Box 1276 El Dorado, Kansas 67042

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of:

Commencing at a point 190 feet South of the North line of Lot 1, Block 1, Eastmoor Addition to the City of Wichita, Kansas, and 150 feet East of the West line of Lot 1 for a place of beginning; thence 190 feet North to the North line of Lot 1; thence West at right angles 85 feet along the North line of Lot 1, th Southwesterly 92 feet to a point on the West line of Lot 1, 65 feet South of the North line of said lot; thence South one hundred twenty-five feet along the West line of Lot 1; thence East at right angles 150 feet to place of beginning,

as shown by the records in the Office of the Register of Deeds of Sedgwick County, on this 26th day of July, 1971 at 7:00 A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Lucille Schraeder*

Vice President

Order No. 180855  
jwp

Form 22-71

**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>Plan. 10</i>	<i>60.00</i>

Name

Address

Type

Due Date

Comments:

Date

By

*7-28-71*

*[Signature]*

\*

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