

May 11, 1964

Mr. Roy Rogers, Attorney  
435 North Main  
Wichita, Kansas

Dear Mr. Rogers:

Re: Case No. BZA 13-64

On April 30, 1964, we advised you that the Board of Zoning Appeals had denied your application for a self-service car wash operation on property generally located at the northwest corner of Woodlawn and Harry. We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before May 8, 1964.

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

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:JWH:ber  
Attachment

cc: Colby Sandlian, 443-E North St. Francis

L. A. Casado, 302 North Main

Glen Lytle, Superintendent of  
Central Inspection

R E S O L U T I O N    N O . B Z A 1 3 - 6 4

WHEREAS, L. A. Casado, 302 North Main, Wichita, Kansas, by Colby Sandlian and/or Roy L. Rogers, 443 North St. Francis, Wichita, Kansas, request a variance as provided in Section 2.12.590.2, Code of the City of Wichita, to permit a self-service car wash operation in an "LC" district, on property legally described as:

Block 5, in Lincoln Hills Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Woodlawn and Harry; 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 April 28, 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 April 28, 1964, consider said application; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the request for a variance arises from a condition which is not found to be unique inasmuch as there is nothing which is unique about the property from a physical standpoint which would set it apart from other property in the area which is vacant and zoned "LC" and similarly situated; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance, as approved, would not adversely affect the rights of adjacent property owners inasmuch as no one appeared in opposition to the application; and further, the applicant has agreed to construct a fence along the west and north property lines, provide adequate off-street parking and keep the area properly maintained, which should all help to maintain adjacent property values; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will not constitute unnecessary hardship upon the applicant in that if a hardship does exist, it is one which has been self-created inasmuch as the property in question was originally held in a single ownership and platted as one lot; however, a part of the original lot has since been sold off and developed as a service station which resulted in an L-shaped lot that is difficult to develop; and further, the applicant has offered no evidence in support of his statement that the property in question is unsuitable for other types of "LC" uses; and the Board further determined that if the variance


was granted the applicant would be obtaining a privilege which would not be equally enjoyed by other property owners in the same neighborhood and zone; and

WHEREAS, the Board of Zoning Appeals has found that the variance, as approved, will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

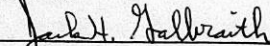
WHEREAS as shown above, all of the four conditions required to be found to exist before a variance can be granted have not been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the variance requested be denied.

ADOPTED AT WICHITA, KANSAS, this 28th day of April, 1964.

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

ATTEST:

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

Board of Zoning Appeals

May 7, 1964

Robert G. Finch, City Clerk  
Jack H. Galbraith, Secretary

Case No. BZA 13-64

Attached is a copy of Resolution No. BZA 13-64,  
covering action taken by the Board of Zoning  
Appeals in connection with the above-numbered  
case, which case was heard by the Board on April  
28, 1964. An appeal may be filed in your office  
on or before May 8, 1964. If an appeal is filed,  
please advise.

Jack H. Galbraith  
Secretary

JHG:ber

Attachment

April 30, 1964

Mr. Roy Rogers, Attorney  
435 North Main  
Wichita, Kansas

Dear Mr. Rogers:

Re: Case No. BZA 13-64

This is to advise you that at its regular meeting of April 28, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for a variance to permit a self-service car wash operation on property generally located at the northwest corner of Woodlawn and Harry.

It was the action of the Board to deny this request, inasmuch as all four conditions necessary to be found to exist before a variance may be granted were not found to exist. However, the Board of Zoning Appeals did direct the staff to advertise for an Exception to the ordinance to give the Board the opportunity to give consideration to the self-service car wash operation. This case will be initiated at no cost to the applicant. The public hearing on the case will be held by the Board of Zoning Appeals on May 26, 1964.

If you have any questions, please feel free to call.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:JWH:ber

cc: Colby Sandlian  
443-E North St. Francis

Glen Lytle, Superintendent  
of Central Inspection

L. A. Casado  
302 North Main

CASE NO. BZA 13-64

16 NOTICES MAILED APRIL 9, 1964 FOR HEARING APRIL 28, 1964

L. A. Casado  
302 North Main

Erie R. Opplinger & Dorothy E.  
6135 East Harry

Colby Sandlian  
443 E. North St. Francis

Woodlawn Nursing Home, Inc.  
1611 South Mission

Roy L. Rogers  
435 North Main

Casado, Inc.  
302 North Main

Graham Construction Co., Inc.  
1403 Harding

John Morley  
RFD #5, Box 99

Jesse L. and Ina L. Graham  
1403 Harding

Luis A. & Vera J. Casado  
14 English Avenue

Cletus J. Morley  
R. #7

Robert R. & Betty Jean Purcell  
2831 East Central

*Resent to  
2307. Crestway*

R. L. & Jessie M. Behl and  
D. H. & Viola V. Griffith  
2558 Ellis Avenue

R. Rex Lee & Helen N. Lee  
6155 East Harry

Lyman F. T. & Donna M. Ray  
8210 North Oliver  
Kechi, Kansas

George F. and Betty Matteson  
1135 South Woodlawn

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

20

April 9, 1964

**NOTICE TO ADJOINING PROPERTY OWNERS**

Case No. BZA 13-64

An application has been filed by L. A. Casado, 302 North Main, Wichita, Kansas, by Colby Sandlian and/or Roy L. Rogers, 435 North Main, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance to permit a self-service car wash operation to be permitted in an area zoned "LC", and legally described as follows:

Block 5, Lincoln Hills Addition. Generally located at the northwest corner of Woodlawn and Harry.

This application has been assigned Case No. BZA 13-64, and will be re-considered by the Board of Zoning Appeals on Tuesday, April 28, 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.

Jack H. Galbraith  
Secretary

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

April 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 13-64

An application has been filed by L. A. Casado, 302 North Main, Wichita, Kansas, by Colby Sandlian and/or Roy L. Rogers, 435 North Main, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance to permit a self-service car wash operation to be permitted in an area zoned "LC", and legally described as follows:

Block 5, Lincoln Hills Addition. Generally located at the northwest corner of Woodlawn and Harry.

This application has been assigned Case No. BZA 13-64, and will be re-considered by the Board of Zoning Appeals on Tuesday, April 28, 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.

Jack H. Galbraith  
Secretary

March 12, 1964

Mr. Roy L. Rogers  
435 North Main  
Wichita, Kansas

Dear Mr. Rogers:

Re: Case No. BZA 13-64

On March 5, 1964, the Metropolitan Area Planning Commission, at the request of the Board of Zoning Appeals, considered the problem of self-service car washes in the "LC" Light Commercial District. The Commission directed the staff to advertise for public hearing to amend the zoning ordinance to allow the Board of Zoning Appeals to authorize as an exception the location of self-service car washes in the "LC" district, subject to certain conditions to be outlined in the ordinance.

The staff has prepared an amendment which will be advertised for a public hearing before the Planning Commission at 2 o'clock on April 2, 1964, in Room 401 City Building Annex, Wichita, Kansas. You are invited to attend this hearing and express any opinion or comments you might have on the proposed amendment.

If the Planning Commission does not defer action, its recommendation on the amendment will be forwarded to the City Commission for its consideration on April 21, 1964. If the City Commission approves the amendment, it will be published on or around May 4, 1964.

On February 25, 1964, the Board of Zoning Appeals deferred the above variance application for 60 days, in order to give the Planning Commission sufficient time to decide what should be done about amending the ordinance relative to self-service car washes. If the Planning Commission, at the hearing on April 2, approves the proposed amendment, the staff will recommend to the Board of Zoning Appeals that the above application, which was deferred until April 28, again be deferred until May 26, 1964, by which time the proposed amendment should be adopted. Our department will then initiate an application (at no expense to you)

Page 2 - Roy L. Rogers  
March 12, 1964

for an exception to the ordinance for the now pending request, which will be heard by the Board on May 26.

We are enclosing herewith a copy of the proposed amendment which will be considered by the Planning Commission on April 2.

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:JWH:ber

Enclosure

cc: L. A. Casado  
302 North Main  
Wichita, Kansas

February 27, 1964

Mr. Roy L. Rogers  
443-E North St. Francis  
Wichita, Kansas

Dear Mr. Rogers:

Re: Case No. BZA 13-64

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 a variance to allow a self-service car wash operation in an "LC" zoning, generally located at the northwest corner of Woodlawn and Harry.

It was pointed out at the meeting that the Board of Zoning Appeals at the last meeting had referred the problem of self-service car washes to the Planning Commission, and asked that it provide a solution through an amendment of the zoning ordinance, if appropriate. This matter will be presented to the Planning Commission at its meeting on March 5, 1964, at 2 p.m. in Room 401 City Building Annex, and you are invited to attend that meeting, if you so desire, to discuss this matter with the Planning Commissioners.

In view of the referral to the Planning Commission, it was the action of the Board of Zoning Appeals to defer this application until such time as the Planning Commission, and possibly the City Commission, have had a chance to consider the feasibility of amending the zoning ordinance to provide a definite method of locating self-service car wash operations, but in no event would the application be deferred more than 60 days.

Very truly yours,

Robert A. Lakin  
Secretary

RAL:ber

cc: L. A. Casado, 302 North Main  
Glen Lytle, Superintendent of Central Inspection  
Robert Finch, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 13-64

APPLICANT: L. A. Casado, 302 North Main

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow a self-service car wash operation to be located in an "LC" Light Commercial district.

LOCATION: Generally located on the northwest corner of Woodlawn and Harry.

ZONING: The property in question is zoned "LC" Light Commercial. To the north is "RB" Four Family; east is "LC" Light Commercial; south is "LC" Light Commercial and west is "RB" Four Family.

LAND USE: The property in question is vacant. To the north is duplexes; east is two service stations and drive-in restaurant; south is a liquor store, tavern, clinic and nurses' home.

JUSTIFICATION: The Board has the authority to grant the variance as requested, when all four of the following conditions are found to exist:

1. Variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. Granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. Strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. Variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

GENERAL COMMENT: The applicant has submitted a statement of justification and a plot plan, which are included as Attachments #1 and #2 to this report.

UNIQUENESS: The applicant contends that the variance desired is unique and not ordinarily found in the same zoning district for the following reasons:

1. Self-service car washes were not in existence at the time of the adoption of the zoning ordinance.

2. Self-service car washes are compatible with other uses permitted in the "LC" districts, i.e., carry-out restaurants and service stations, which perform the same functions as car washes.
3. Adequate parking will be provided for those people waiting to use the car wash.

This lot was originally platted as Lot 5 in Lincoln Hills Addition. Usually when a lot as large as this one is platted into a single lot or reserve, it is usually platted that way for a purpose, the purpose usually being that at sometime in the future the lot will be developed as a unit. However, in this particular instance, the southeast corner of the lot has been sold off and developed as a service station, resulting in an "L-shaped" lot. Consequently, it is the opinion of the Secretary that this is a situation which has been self-created and, therefore, does not constitute sufficient justification for uniqueness.

**ADJACENT PROPERTY:** The Secretary is of the opinion that the granting of the variance should have no adverse affect on adjacent property, if the operation is properly policed and maintained, and proper screening provided.

**HARDSHIP:** The attorney for the applicant contends that the applicant will be burdened with an unnecessary hardship if the variance is not granted in view of the fact that the property is located directly adjacent to a service station and is unsuitable for other types of commercial use.

The Secretary is of the opinion that hardship cannot be found to exist, since the applicant has offered no evidence to indicate that this property is unsuitable for other types of light commercial use. Furthermore, if the variance is granted the applicant would be obtaining a privilege which would not be equally enjoyed by other property owners similarly situated.

**PUBLIC INTEREST:** The Secretary is of the opinion that the granting of the variance should in no way adversely affect the public interest.

**RECOMMENDATION:** It is the opinion of the Secretary that it is very doubtful that the requirements of hardship and uniqueness have been met and it is, therefore, recommended that the variance be denied.

The Secretary is of the opinion that, even though this particular use may not have been in existence at the time the ordinance was adopted (1958), and if self-service car washes are in fact uses which should be permitted in "LC" districts, the proper approach to the problem is to either:

1. Amend the zoning ordinance to permit self-service car washes as a use by right in the "LC" section of the ordinance, or
2. Amend the ordinance to allow the Board of Zoning Appeals to grant, as an exception, self-service car washes in certain "LC" areas, subject to certain conditions and requirements.

If it is not the desire of the governing body to amend the zoning ordinance to permit self-service car washes in an "LC" district, then a person wishing to establish such a use would have to request that the zoning map be amended to a zoning classification where the use is permitted, or would have to try to obtain property which is already appropriately zoned.

In the event it is the determination of the Board that all four requirements can be met, and the Board wishes to approve the variance, it is recommended that the following conditions be attached:

1. That drainage, both surface and runoff created by the operation, shall be handled in a manner which is satisfactory to the Superintendent of Maintenance of the Department of Public Works.
2. The hours of operation shall not extend beyond 12 p.m. or commence earlier than 6 a.m.
3. The entire area to be utilized by washing and drying operations, as well as areas of ingress and egress, shall be hardsurfaced with either concrete, asphalt, or asphaltic concrete.
4. Adequate maintenance shall be provided through inspection twice daily for proper maintenance and removal of trash.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.

7. The self-service car wash structure shall be constructed no closer than 90 feet to either the curb line of Harry or to the curb line of Woodlawn.
8. A six-foot high brick, masonry or combination thereof, or louvered redwood fence, shall be erected on the west and north property lines to protect adjacent properties from light, blowing debris, and noise, and to preserve adjacent property values. Said fence shall not be constructed any closer than 5 feet to the platted alley which abuts the west and north property lines.
9. A performance bond in the amount of \$\_\_\_\_\_ shall be filed with the Secretary of the Board within 30 days of the approval of this application, to guarantee that the fence shall be constructed, except that the bond shall not be required in the event the fence is erected within that time limit. (The form of the bond shall be approved by legal counsel for the Board).
10. A plot plan showing points of ingress and egress, width of driveways, interior traffic circulation, channelization, and off-street parking and automobile storage shall be submitted to the Traffic Engineering Division of the Department of Public Works for their approval.
11. The self-service car wash operation shall be constructed within 12 months from the effective date of the approval of this application or the permit shall be null and void.

Attachments

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

ROY L. ROGERS  
ATTORNEY AT LAW  
709 SITTING BUILDING  
WICHITA 2, KANSAS

FO 3-3248

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

RE: L. A. Casado

The variance requested is to permit the operation of a self service car wash. The car wash will consist of four wash stalls and a pump house. Construction will be of steel and will be roofed over concrete slab, and with asphalted approaches.

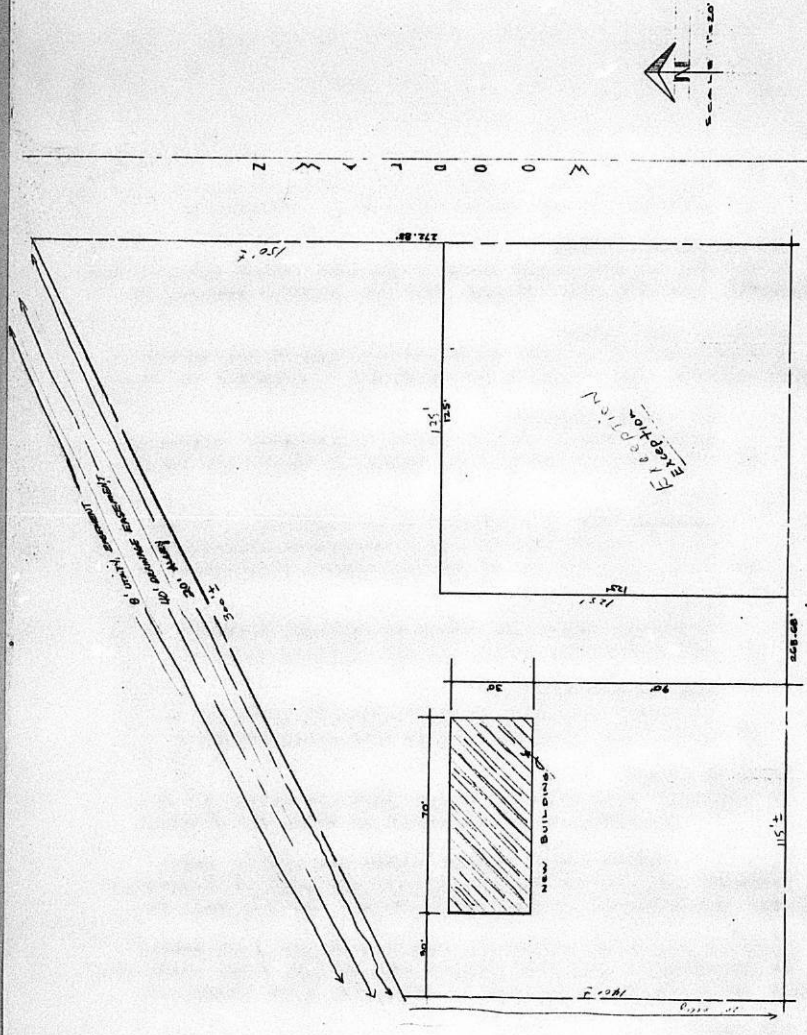
Approach will be off of Harry street principally, or both ingress and egress can be made on Harry or Woodlawn with ample space provided that not traffic pile up would be anticipated.

Adequate utilities are available, and sewage disposal has been checked with the City of Wichita.

- (A) The variance desired is unique in that (1) no self service car washes were in existence at the time of the adoption of the zoning ordinance (2) The car wash is compatible with other light commercial uses, e.g. carry out restaurants, service stations which perform the same function of washing cars, and (3) adequate off street parking is provided for persons waiting to use the service.
- (B) The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents. The operation is quiet, and the movement of cars does not raise normal traffic noise, adequate waste disposals will be provided to maintain normally clean operation, and could be no more offensive than other permitted uses.
- (C) The strict application of the enforcement provisions of the ordinance will constitute unnecessary hardship as the land is located directly adjacent to a service station and is unsuitable for other type use, and owner has not been able to derive revenue therefrom.
- (D) The variance desired will not adversely affect the public health, safety, morale, order, conveniences of property or general welfare.

Case No. BZA 13-64  
Attachment #1

*Roy L. Rogers*



Case No. 824, 13-64  
 Attachment #2

P L A N  
 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Lot 5 of  
 Addition Heights

**SECRETARY'S REPORT****CASE NO. BZA 13-64****APPLICANT:** L. A. Casado, 302 North Main**REQUEST:** Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow a self-service car wash operation to be located in an "LC" Light Commercial district.**LOCATION:** Generally located on the northwest corner of Woodlawn and Harry.**ZONING:** The property in question is zoned "LC" Light Commercial. To the north is "RB" Four Family; east is "LC" Light Commercial; south is "LC" Light Commercial and west is "RB" Four Family.**LAND USE:** The property in question is vacant. To the north is duplexes; east is two service stations and drive-in restaurant; south is a liquor store, tavern, clinic and nurses' home.

The Board has the authority to grant the variance as requested, when all four of the following conditions are found to exist:

1. Variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. Granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. Strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. Variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

**GENERAL COMMENT:** The applicant has submitted a statement of justification and a plot plan, which are included as Attachments #1 and #2 to this report.**UNIQUENESS:** The applicant contends that the variance desired is unique and not ordinarily found in the same zoning district for the following reasons:

1. Self-service car washes were not in existence at the time of the adoption of the zoning ordinance.

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Case No. BZA 13-64

2. Self-service car washes are compatible with other uses permitted in the "LC" districts, i.e., carry-out restaurants and service stations, which perform the same functions as car washes.
3. Adequate parking will be provided for those people waiting to use the car wash.

This lot was originally platted as Lot 5 in Lincoln Hills Addition. Usually when a lot as large as this one is platted into a single lot or reserve, it is usually platted that way for a purpose, the purpose usually being that at sometime in the future the lot will be developed as a unit. However, in this particular instance, the southeast corner of the lot has been sold off and developed as a service station, resulting in an "L-shaped" lot. Consequently, it is the opinion of the Secretary that this is a situation which has been self-created and, therefore, does not constitute sufficient justification for uniqueness.

**ADJACENT PROPERTY:** The Secretary is of the opinion that the granting of the variance should have no adverse affect on adjacent property, if the operation is properly policed and maintained, and proper screening provided.

**HARDSHIP:** The attorney for the applicant contends that the applicant will be burdened with an unnecessary hardship if the variance is not granted in view of the fact that the property is located directly adjacent to a service station and is unsuitable for other types of commercial use.

The Secretary is of the opinion that hardship cannot be found to exist, since the applicant has offered no evidence to indicate that this property is unsuitable for other types of light commercial use. Furthermore, if the variance is granted the applicant would be obtaining a privilege which would not be equally enjoyed by other property owners similarly situated.

**PUBLIC INTEREST:** ~~The Secretary~~ is of the opinion that the granting of the variance should in no way adversely affect the public interest.

**RECOMMENDATION:** It is the opinion of the Secretary that it is very doubtful that the requirements of hardship and uniqueness have been met and it is, therefore, recommended that the variance be denied.

Page 3 - Secretary's Report  
Case No. BZA 13-64

The Secretary is of the opinion that, even though this particular use may not have been in existence at the time the ordinance was adopted (1958), and if self-service car washes are in fact uses which should be permitted in "LC" districts, the proper approach to the problem is to either:

1. Amend the zoning ordinance to permit self-service car washes as a use by right in the "LC" section of the ordinance, or
2. Amend the ordinance to allow the Board of Zoning Appeals to grant, as an exception, self-service car washes in certain "LC" areas, subject to certain conditions and requirements.

If it is not the desire of the governing body to amend the zoning ordinance to permit self-service car washes in an "LC" district, then a person wishing to establish such a use would have to request that the zoning map be amended to a zoning classification where the use is permitted, or would have to try to obtain property which is already appropriately zoned.

In the event it is the determination of the Board that all four requirements can be met, and the Board wishes to approve the variance, it is recommended that the following conditions be attached:

1. That drainage, both surface and runoff created by the operation, shall be handled in a manner which is satisfactory to the Superintendent of Maintenance of the Department of Public Works.
2. The hours of operation shall not extend beyond 12 p.m. or commence earlier than 6 a.m.
3. The entire area to be utilized by washing and drying operations, as well as areas of ingress and egress, shall be hardsurfaced with either concrete, asphalt, or asphaltic concrete.
4. Adequate maintenance shall be provided through inspection twice daily for proper maintenance and removal of trash.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.

1. "That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district." The applicant contends that this lot is unique in its shape and location and would not be suitable for use except for this type business. The ground drops off into a drainage ditch on the east and from a physical standpoint the size, shape and location of this lot would not lend itself to other types of LC businesses.

2. "That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents." The applicant contends that the use of this specific location will have no adverse effect on adjacent property owners or residents in this area. This location is adjacent to Griff's Burger Bar with the same type of construction and will add rather than detract from the existing structures. This location is situated where water disposal will be no problem and where lights will not reflect toward residential property. This use will not entail any inflammable material or create any odor or nuisance.

3. "That the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal." The applicant contends that the strict enforcement of the zoning ordinance works a hardship on the owners in that this location is on a side street and is situated next to a drainage ditch and would not be attractive for another type business. The surrounding area is composed of commercial businesses and this property would in all probability remain vacant if not obtained for this particular use and therefore would work a hardship upon the owners.

4. "That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare." This use is for the benefit of the neighborhood and will in no manner affect the public health, safety, morals or general welfare of the neighborhood. The sewer and water problem is taken care of in this particular instance by sand and drainage pits which will properly filter the water into the sewer. In regard to debris, it has been the previous experience of the operators that less than 10% of the vehicles use the paper towels and the vacuum. The individuals using the paper towels generally retain them for reuse inasmuch as they can be squeezed out and reuse as a charcoal. However, proper containers will be placed on the premises for disposal and proper attention given to neatness and order.

For all of the reasons set forth herein, it is urged that the Board of Zoning Appeals affirm this appeal to authorize this use in LC classifications. In the event that the Board does not uphold the appeal and that it cannot authorize this particular use, it is urged that the Board consider a variance and that a variance be granted for the above reasons.

/s/ Willis W. Wall

Page 4 - Secretary's Report  
Case No. BZA 13-64

7. The self-service car wash structure shall be constructed no closer than 90 feet to either the curb line of Harry or to the curb line of Woodlawn.
8. A six-foot high brick, masonry or combination thereof, or louvered redwood fence, shall be erected on the west and north property lines to protect adjacent properties from light, blowing debris, and noise, and to preserve adjacent property values. Said fence shall not be constructed any closer than 5 feet to the platted alley which abuts the west and north property lines.
9. A performance bond in the amount of \$\_\_\_\_\_ shall be filed with the Secretary of the Board within 30 days of the approval of this application, to guarantee that the fence shall be constructed, except that the bond shall not be required in the event the fence is erected within that time limit. (The form of the bond shall be approved by legal counsel for the Board).
10. A plot plan showing points of ingress and egress, width of driveways, interior traffic circulation, channelization, and off-street parking and automobile storage shall be submitted to the Traffic Engineering Division of the Department of Public Works for their approval.
11. The self-service car wash operation shall be constructed within 12 months from the effective date of the approval of this application or the permit shall be null and void.

Attachments

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

CASE NO. BZA 13-64

NOTICES MAILED FEBRUARY 6, 1964 FOR HEARING FEBRUARY 25, 1964

L. A. Casado  
302 North Main

Erie R. Opplinger & Dorothy E.  
6135 East Harry

Colby Sandlian  
443 E. North St. Francis

Woodlawn Nursing Home, Inc.  
1611 South Mission

Roy L. Rogers  
443 E. North St. Francis

Casado, Inc.  
302 North Main

Graham Construction Co., Inc.  
1403 Harding

John Morley  
RFD #5, Box 99

Jesse L. and Ina L. Graham  
1403 Harding

Luis A. and Vera J. Casado  
14 English Avenue

Cletus J. Morley  
R. #5

Robert R. & Betty Jean Purcell  
2831 East Central

R. L. & Jessie M. Behl and  
D. H. & Viola V. Griffiths  
2558 Ellis Avenue

R. Rex Lee & Helen N. Lee  
6155 East Harry

Lyman F. T. & Donna M. Ray  
8210 North Oliver  
Kechi, Kansas

George F. and Betty Matteson  
1135 South Woodlawn

*Returned  
2-10-64*

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 13-64

An application has been filed by L. A. Casado, 302 North Main, Wichita, Kansas, by Colby Sandlian and/or Roy L. Rogers, 443 E. North St. Francis, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance to permit a self-service car wash operation to be permitted in an area zoned "LC", and legally described as follows:

Block 5, Lincoln Hills Addition. Generally located at the northwest corner of Woodlawn and Henny.

This application has been assigned Case No. BZA 13-64, and a hearing will be held before the Board of Zoning Appeals on Tuesday, February 25, 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 A. Latin  
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 13-64

An application has been filed by L. A. Casado, 302 North Main, Wichita, Kansas, by Colby Sandlian and/or Roy L. Rogers, 443 E. North St. Francis, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance to permit a self-service car wash operation to be permitted in an area zoned "LC", and legally described as follows:

Block 5, Lincoln Hills Addition. Generally located at the northwest corner of Woodlawn and Harry.

This application has been assigned Case No. BZA 13-64, and a hearing will be held before the Board of Zoning Appeals on Tuesday, February 25, 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 A. Lakin  
Secretary

25

**THE CITY OF WICHITA, KANSAS**

BOARD OF ZONING APPEALS

104 SOUTH MAIN

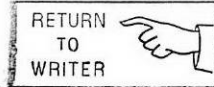
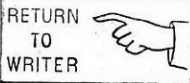
WICHITA 2, KANSAS

ZIP CODE - 67202



7 20 7

Roy L. Rogers  
443 E.N. St. Francis  
Wichita, Kansas



13-64

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 14-64

An application has been filed by Mrs. Hazel Fallon McClelland, 1302 Iroquois, Wichita, Kansas, by Colby Sandlian and/or Roy L. Rogers, 443 E. North St. Francis, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance to permit a self-service car wash operation to be permitted in an "LC" Light Commercial district, on property legally described as follows:

North 100 feet of the south 200 feet of Reserve "A", in Replat of Trollope Fallon Addition. Generally located on the southwest corner of Lincoln and Woodlawn.

This application has been assigned Case No. BZA 14-64, and a hearing will be held before the Board of Zoning Appeals on Tuesday, February 25, 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 A. Lakin  
Secretary

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 13-64  
FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant L. A. Casado  
Mailing Address 302 North Main Phone AM 2-5491  
Name of Authorized Agent Colby Sandlian and or Roy L. Rogers  
Mailing Address 443 -E N. St. Francis Phone FO 3-0118  
Relationship of applicant to property is that of Owner  
(owner, tenant, lessee, other)

II. The variance requested is from Light Commercial to Commercial as per attached documents. Property is not utilizeable for any present zoning and will not adversely affect any adjacent property zoning.

for property located Northwest Corner of Intersection of Woodlawn and Harry streets. Lot 5 of Lincoln Hills Addition except for the 5 125' of the E 125' of said lot 5

and legally described as: \_\_\_\_\_

in the City of Wichita; and which is presently zoned Light Commercial  
(Give metes and bounds description below if appropriate):

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
  - 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;
  - That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
  - That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

L.A. Casado

Applicant

Roy L. Rogers  
Authorized Agent

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

T21-402

\_\_\_\_\_  
Signed

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

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

APPLICATION FOR VARIANCE

I. Name of Applicant L. A. Casado  
Mailing Address 302 North Main Phone AM 2-5491  
Name of Authorized Agent Colby Sahdlian and/or Roy L Rogers  
Mailing Address 443 E N. St. Francis Phone FO 3-0118  
Relationship of applicant to property is that of Owner  
(owner, tenant, lessee, other)

II. The variance requested is ~~from Light Commercial to Commercial as per~~  
~~attached documents. Property is not utilizeabl for any present zoning~~  
~~and will not adversely affect any adjacent property zoning. To allow a~~  
*self service car wash operation to be permitted on an*  
*"C" zoning classification (Section 2.12.590,2)*  
for property located Northwest Corner of intersection of Woodlawn and  
Harry Streets. Lot 5 of Lincoln Hills Addition

and legally described as: \_\_\_\_\_

in the City of Wichita; and which is presently zoned Light Commercial  
(Give metes and bounds description below if appropriate):

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
  - 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;
  - That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
  - That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

L. A. Casado

Applicant

*Roy L. Rogers*  
Authorized Agent

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

T21-402

\_\_\_\_\_  
Signed

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:  
Block 5, in Lincoln Hills, an addition to  
Wichita, Kansas.

  
**Fidelity  
Title  
Company,  
inc.**

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

Lot 7, ex e Ely 4.5 ft., Block 6, Lincoln Hills.	John Wesley McKay, Jr. Dorothy Lou McKay, ux No Address Available
Ely 4.5 ft of Lot 7, Blk 6, in Lincoln Hills.	Casado, Inc. 302 N. Main St.
Lots 8 & 9 & Wly 5 ft of Lot 10, Blk 6, Lincoln Hills.	Graham Construction Co., Inc. 1403 Harding
Lot 10, ex e Wly 5 ft, Blk 6, in Lincoln Hills.	Casado, Inc.
Lot 11, Blk 6, Lincoln Hills	Casado, Inc.
Lots 12, 13, 14, Blk 6, Lincoln Hills	Graham Construction Co., Inc. <i>no add</i>
Lots 15, 16, 17, Blk 6, Lincoln Hills.	Graham Construction Co., Inc.
The South 80 rds of the West 100 rds of SW 1/4 Sec 30, Twp 27, R 2 E.	John Morley RFD # 5, Box 99, Wichita, Ks.
Block 5, Lincoln Hills	Jesse L. & Ina L. Graham, ux Luis A. & Vera J. Casado, ux

*1403 Harding*  
*English add*

SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec 30, Twp 27, R 2 E ex  
S 80 rds of the West 100 rds.

Cletus J. Morley  
R # 5, Wichita, Ks.

South 80 rds of the West 100 rds  
of SW $\frac{1}{4}$  Sec 30, Twp 27, R 2 East.

Jehn Morley  
R # 5, Wichita, Kans.

The North 125 ft of the East 125  
ft of Reserve in Block 4, Purcell's  
8th Add.

Robert R. & Betty Jean Purcell, ux  
2831 E. Central

The East 200 ft of the Reserve in  
Purcell's 8th Add., exc N 125 ft  
of E 125 ft thereof.

R. L. & Jessie M Behl &  
D. H. & Viola V. Griffiths, ux  
2558 Ellis Ave.

The West 100 ft of the East 300 ft  
of Reserve, Blk 4, Purcell's 8th  
Add.

R. Rex Lee & Helen N, Lee, ux  
6155 E. Harry

The West 100 ft of the East 400 ft  
of Reserve, Blk 4, Purcell's 8th  
Addition.

Lyman F. T. & Donna M. Ray, ux  
8210 N. Oliver,  
Kechi, Kansas

The West 50 ft of the South 110 ft  
of the East 500 ft of the North 270  
ft of Reserve, Blk 4, Purcell's 8th  
Addition.

George F. & Betty Matteson, ux  
1135 S. Woodlawn

The North 110 ft of the West 50 ft  
of Reserve in Blk 4, Purcell's 8th  
Addition.

Eric R. Opplinger & Dorothy E., ux  
6135 E. Harry St.

Lot 1, Blk 1, Lincoln Hills 2nd Add.

Woodlawn Nursing Home, Inc.  
1611 S. Mission

Dated at Wichita, Kansas this 5th  
day of February, 1964 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Echie M Farrell  
Sec. OEM

Tracer # 58674

ROY L. ROGERS  
ATTORNEY AT LAW  
709 BITTING BUILDING  
WICHITA 2, KANSAS

FO 3-3246

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

RE: L. A. Casado

The variance requested is to permit the operation of a self service car wash. The car wash will consist of four wash stalls and a pump house. Construction will be of steel and will be roofed over concrete slab, and with asphalted approaches.

Approach will be off of Harry street principally, or both ingress and egress can be made on Harry or Woodlawn with ample space provided that not traffic pile up would be anticipated.

Adequate utilities are available, and sewage disposal has been checked with the City of Wichita.

- (A) The variance desired is unique in that (1) no self service car washes were in existence at the time of the adoption of the zoning ordinance (2) The car wash is compatible with other light commercial uses, e.g. carry out restaurants, service stations which perform the same function of washing cars, and (3) adequate off street parking is provided for persons waiting to use the service.
- (B) The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents. The operation is quiet, and the movement of cars does not raise normal traffic noise, adequate waste disposals will be provided to maintain normally clean operation, and could be no more offensive than other permitted uses.
- (C) The strict application of the enforcement provisions of the ordinance will constitute unnecessary hardship as the land is located directly adjacent to a service station and is unsuitable for other type use, and owner has not been able to derive revenue therefrom.
- (D) The variance desired will not adversely affect the public health, safety, morale, order, conveniences of property or general welfare.

Case No. BZA 13-64  
Attachment #1

*Roy L. Rogers*

ROY L. ROGERS  
ATTORNEY AT LAW  
709 BITTING BUILDING  
WICHITA 2, KANSAS

FO 3-3248

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

RE: L. A. Casado

The variance requested is to permit the operation of a self service car wash. The car wash will consist of four wash stalls and a pump house. Construction will be of steel and will be roofed over concrete slab, and with asphalted approaches.

Approach will be off of Harry street principally, or both ingress and egress can be made on Harry or Woodlawn with ample space provided that not traffic pile up would be anticipated.

Adequate utilities are available, and sewage disposal has been checked with the City of Wichita.

- (A) The variance desired is unique in that (1) no self service car washes were in existence at the time of the adoption of the zoning ordinance
- (2) The car wash is compatible with other light commercial uses, e.g. carry out restaurants, service stations which perform the same function of washing cars, and (3) adequate off street parking is provided for persons waiting to use the service.
- (B) The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents. The operation is quiet, and the movement of cars does not raise normal traffic noise, adequate waste disposals will be provided to maintain normally clean operation, and could be no more offensive than other permitted uses.
- (C) The strict application of the enforcement provisions of the ordinance will constitute unnecessary hardship as the land is located directly adjacent to a service station and is unsuitable for other type use, and owner has not been able to derive revenue therefrom.
- (D) The variance desired will not adversely affect the public health, safety, morale, order, conveniences of property or general welfare.

*Roy L. Rogers*


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



13-64

*2307. Century*



RETURN  
TO  
WRITER 



Robert R. & Betty Jean Purcell

~~2831 East Central~~

UNKNOWN AT NO. EAST #1413

Wichita, Kansas

\*

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