

BZA 5-26-70 Continued
~~Referred~~ to
6-23-70 Revised

BZA 14-70 - Damron Skelly requests
EXCEPTION to permit trailer,
vehicle & equipment rental at 3121
East Kellogg.

POSTED
5/4/70
[Signature]

BZA 5-26-70 Continued
~~Refused to~~
6-23-70 Denied

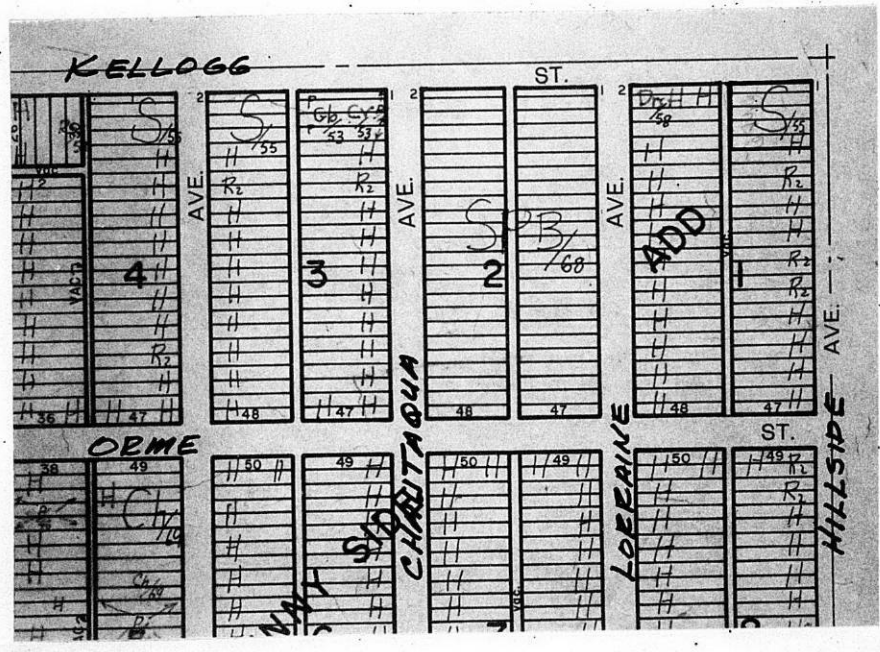
BZA 14-70 - Damron Skelly requests
EXCEPTION to permit trailer,
vehicle & equipment rental at 3121
East Kellogg.

Map No. 5646
 Sec. 27
 Twp. 27S
 Range 1E

DZA 14-70
 SCZ-
 CU-
 Filed

- AREA DATA:
 1. Acres: 0.4 (117 ft. by 151 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East TIRE SALES & REPAIR South SINGLE FARM
 West SINGLE FARM North WIG SHOP
 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 _____



July 31, 1970

Mr. Dennis Shay
Suite 830-200 West Douglas
Wichita, Kansas 67202

Subject: Case No. BZA 14-70

Dear Mr. Shay:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 23, 1970, in connection with your request for an exception to permit the installation of a truck rental operation, on property zoned "LC" Light Commercial and generally located at the southwest corner of Kellogg and Hillside.

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 our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

Enclosure

cc Dameron Skelly, 3121 East Kellogg 67211
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

RESOLUTION BZA 14-70

WHEREAS, Damron Skelly, 3121 East Kellogg, Wichita, Kansas, by Dennis Shay, Suite 830-200 West Douglas, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a truck rental operation, on property zoned "LC" Light Commercial, and legally described as follows:

Lots 1, 3, 5, 7, and 9, Block 1, Sunnyside Addition to Wichita, Sedgwick County, Kansas, except that part of Lot 1 taken for highway. Generally located on the southwest corner of Kellogg and Hillside.

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 May 26, 1970, consider said application and because a majority vote was not recorded, did continue the case to the meeting of June 23, 1970; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of June 23, 1970, reconsider said application; and

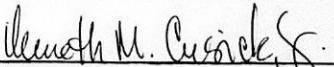
WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the installation of a truck rental operation, on property zoned "LC" Light Commercial, subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be denied to permit the installation of a truck rental operation, on property zoned "LC" Light Commercial, and legally described as follows:

Lots 1, 3, 5, 7, and 9, Block 1, Sunnyside Addition to Wichita, Sedgwick County, Kansas, except that part of Lot 1 taken for highway. Generally located on the southwest corner of Kellogg and Hillside.

ADOPTED AT WICHITA, KANSAS, this 23rd day of June, 1970.


KENNETH M. CUSICK, JR., Vice Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

June 23, 1970

Mr. Dennis Shay
Suite 830-200 West Douglas
Wichita, Kansas 67202

Subject: Case No. BZA 14-70
Request for Exception

At the regular meeting of the Board of Zoning Appeals on June 23, 1970, your request for an exception to permit the installation of a truck rental operation, on property zoned "LC" Light Commercial and generally located at the southwest corner of Kellogg and Hillside was considered.

It was the action of the Board to deny this request due to the opposition expressed at the meeting.

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.

Yours very truly,

Jack H. Galbraith
Secretary

JHG:ls

cc Daxxon Shelly, 3121 East Kellogg 67211
Mr. Charles A. Swinney, 911 East Orme 67211
Mr. I. B. Hoidale, 520 South Lorraine 67211
Mr. Ray H. Morris, 524 South Lorraine 67211
Mr. Pete Poschen, 528 South Lorraine 67211
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

May 26, 1970

Mr. Dennis Shay
Suite 830-200 West Douglas
Wichita, Kansas 67202

Dear Mr. Shay:

Subject: Case No. BEA 14-70
Request for Exception

At the regular meeting of the Board of Zoning Appeals on Tuesday, May 26, 1970, your request for an exception to permit the installation of a trailer, vehicle and equipment rental operation, on property zoned "LC"-Light Commercial and generally located at the southwest corner of Kellogg and Hillside, was considered.

Since a motion to deny the request failed to receive a majority of 3 votes, this case was continued to the next meeting on June 23, 1970. As was discussed by the Board, you should contact the traffic engineer to redesign the site layout to provide for two truck parking spaces which would not necessitate the removal of the pump island or returning of the curb to Kellogg.

In the event a new design solution is approved by the traffic engineer, please submit two revised copies to our office prior to the meeting on June 23, 1970.

Yours very truly,

Jack H. Galbraith
Secretary

JHG:ls

cc Damon Skelly, 3121 East Kellogg, Wichita, Kansas
Mr. I. B. Hoidale, 520 South Lorraine, Wichita, Kansas
Mr. Ray H. Morris, 524 South Lorraine, Wichita, Kansas
Mr. Pete Foschen, 528 South Lorraine, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk
Mr. Charles A. Swinney, 911 East Orme, Wichita, Kansas

SECRETARY'S REPORT
CASE NO. EZA 14-70

APPLICANT: Damron Skelly, 3121 East Kellogg, Wichita, Kansas

AGENT: Smith, Shay, Farmer & Wetta, Suite 830, 200 West Douglas,
Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the
City of Wichita to permit the installation of a trailer,
vehicle and equipment rental operation

GENERAL LOCATION: Southwest corner of Kellogg and Hillside Streets

LAND USE: Subject property is occupied by a service station; north
is a wig shop; south and west are single family
residences; east is a tire sales and repair shop.

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

JURISDICTION:

The Board has jurisdiction to consider this request under the
provisions outlined under Section 2.12.590.C, Code of the City
of Wichita. The Board may grant the exception providing the
conditions set out under Section 28.04.183.2, Code of the
City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

The applicant, lessee of subject property, is requesting
an exception to the zoning ordinance to permit the installation
of a trailer, vehicle and equipment rental operation on property
zoned "LC" at the southwest corner of Kellogg and Hillside.
Although the Board has jurisdiction and may grant an exception
for this type of operation in the light commercial district, it is
recognized that this use is not logical or proper in all light
commercial districts or the use would be permitted outright
without the Board's approval.

A plot plan, approved by the Traffic Engineer, has been
submitted with the application. It should be pointed out, however,
that the Traffic Engineer has stated that his approval is based
on the closing of the westernmost driveway on Kellogg except for
the east 30 feet thereof if the 4 truck spaces adjacent to the west
property line are to be utilized and the removal of the existing
pump island adjacent to Hillside if the 2 truck spaces along
Hillside are to be used.

It should be noted that the area contained in this application is scheduled for acquisition for U. S. 54 Highway right-of-way in 1974 for the ultimate improvement of this major street intersection.

It is the opinion of the Secretary that this is a logical and proper use for the area inasmuch as subject property is located adjacent to a major highway.

RECOMMENDATION:

It is the recommendation of the Secretary that the application to permit the installation of a trailer, vehicle and equipment rental operation be approved subject to the following conditions:

1. The applicant shall provide for the closing of the westernmost driveway on Kellogg except for the east 30 feet thereof and install or guarantee the installation of curb and gutter for that portion being closed or the four truck spaces indicated adjacent to the west property line shall be deleted.
2. The applicant shall remove the existing pump island adjacent to Hillside or the two truck spaces indicated on the plot plan adjoining the pump island shall be deleted.
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 signs shall be permitted to project over public right-of-way.
6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. No repair work shall be conducted except in an enclosed building.
8. All conditions of approval by the Board shall be complied with within 3 months from the date of approval by the Board or this case shall be null and void.

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

May 6, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 14-70

An application has been filed by Damron Skelly, 3121 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of a trailer, vehicle and equipment rental operation, on property zoned "LC"-Light Commercial, and legally described as follows:

Lots 1, 3, 5, 7, and 9, Block 1, Sunnyside Addition to Wichita, Sedgwick County, Kansas, except that part of Lot 1 taken for highway. Generally located on the southwest corner of Kellogg and Hillside.

This application has been assigned Case No. BZA 14-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 26, 1970, 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

29 Notices Mailed 5-6-70

BOARD OF ZONING APPEALS

CASE NO. 14-70

CITY OF WICHITA, KANSAS

FILED 4-28-70

APPLICATION FOR EXCEPTION

I. Name of Applicant DAMRON SKELLY

Mailing Address 3121 East Kellogg ⁶⁷²¹¹ Phone MU 35722

Name of Authorized Agent SMITH, SHAY, FARMER & WETTA

Mailing Address Suite 830, 200 West Douglas Phone AM 75293

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 2.12.590 C, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit ~~the installation of a~~ ^{the installation of a}
~~trailer, vehicle and equipment rental operation~~

on property zoned
light commercial located at 3121 East Kellogg
SW corner Kell & Hall

and legally described as:

Lots 1, 3, 5, 7 and 9, Block 1, SUNNYSIDE ADDITION to Wichita,
except that part of Lot 1 taken for highway

, in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant Robert H. Dama

Authorized Agent Wendell Shay
SMITH, SHAY, FARMER & WETTA

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 330 (a.m. - p.m.), April 28, 19 70, together with appropriate fee of \$50.00.

T9-403

signed

Laura Scott

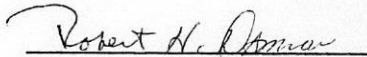
Sedgwick County, Kansas

April 27, 1970

I, Robert Damron, one of the partners in DAMRON-SKELLY, located at 3121 East Kellogg (Wichita), hereby make the following statement:

DAMRON-SKELLY is desirous of placing rental equipment, belonging to Ryder Truck Rental, upon our lot located at 3121 East Kellogg. An agreement to locate this rental equipment has already been entered into between Ryder Truck Rental and Damron-Skelly.

The Board of Zoning Appeals has jurisdiction to grant this exception under Section 28.04.183 (2) of the Zoning Ordinance of the City of Wichita.


Robert Damron

ST. (3100)

1	130	130
2	130	130
3	130	130
4	130	130
5	130	130
6	130	130
7	130	130
8	130	130
9	130	130
10	130	130
11	130	130
12	130	130
13	130	130
14	130	130
15	130	130
16	130	130
17	130	130
18	130	130
19	130	130
20	130	130
21	130	130
22	130	130
23	130	130
24	130	130
25	130	130
26	130	130
27	130	130
28	130	130
29	130	130
30	130	130
31	130	130
32	130	130
33	130	130
34	130	130
35	130	130
36	130	130
37	130	130
38	130	130
39	130	130
40	130	130
41	130	130
42	130	130
43	130	130
44	130	130
45	130	130
46	130	130
47	130	130
48	130	130
49	130	130
50	130	130

ST. (3100)

LEWIS MANT

48	130	130
49	130	130
50	130	130
51	130	130
52	130	130
53	130	130
54	130	130
55	130	130
56	130	130
57	130	130
58	130	130
59	130	130
60	130	130
61	130	130
62	130	130
63	130	130
64	130	130
65	130	130
66	130	130
67	130	130
68	130	130
69	130	130
70	130	130
71	130	130
72	130	130
73	130	130
74	130	130
75	130	130
76	130	130
77	130	130
78	130	130
79	130	130
80	130	130
81	130	130
82	130	130
83	130	130
84	130	130
85	130	130
86	130	130
87	130	130
88	130	130
89	130	130
90	130	130
91	130	130
92	130	130
93	130	130
94	130	130
95	130	130
96	130	130
97	130	130
98	130	130
99	130	130
100	130	130

HAYES ADD.

ORME ST. (3100)

1	130	130
2	130	130
3	130	130
4	130	130
5	130	130
6	130	130
7	130	130
8	130	130
9	130	130
10	130	130
11	130	130
12	130	130
13	130	130
14	130	130
15	130	130
16	130	130
17	130	130
18	130	130
19	130	130
20	130	130
21	130	130
22	130	130
23	130	130
24	130	130
25	130	130
26	130	130
27	130	130
28	130	130
29	130	130
30	130	130
31	130	130
32	130	130
33	130	130
34	130	130
35	130	130
36	130	130
37	130	130
38	130	130
39	130	130
40	130	130
41	130	130
42	130	130
43	130	130
44	130	130
45	130	130
46	130	130
47	130	130
48	130	130
49	130	130
50	130	130

INDIANA ORME AVE

KELLOGG

48	130	130
49	130	130
50	130	130
51	130	130
52	130	130
53	130	130
54	130	130
55	130	130
56	130	130
57	130	130
58	130	130
59	130	130
60	130	130
61	130	130
62	130	130
63	130	130
64	130	130
65	130	130
66	130	130
67	130	130
68	130	130
69	130	130
70	130	130
71	130	130
72	130	130
73	130	130
74	130	130
75	130	130
76	130	130
77	130	130
78	130	130
79	130	130
80	130	130
81	130	130
82	130	130
83	130	130
84	130	130
85	130	130
86	130	130
87	130	130
88	130	130
89	130	130
90	130	130
91	130	130
92	130	130
93	130	130
94	130	130
95	130	130
96	130	130
97	130	130
98	130	130
99	130	130
100	130	130

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

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

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:
 Lots 1, 3, 5, 7 & 9, Block 1, Sunnyside Addition,
 Wichita, Sedgwick County, Kansas.


 Fidelity
 Title
 Company,
 inc.

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

LOT	BLK	ADDITION	OWNER
1, 3, 5, 7, 9,	1	<u>SUNNYSIDE</u>	Skelly Oil Company 911 E. Orme St. 67211
11 & 13,	1		Eli H. & Wilma Doelling, ux No Address Available
15, 17 & N $\frac{1}{2}$ Lot 19,	1		Clarence E. Roe 515 S. Hillside 67211
S $\frac{1}{2}$ Lot 19, all 21 & 23, 1			Carl A. & Betty L. Linder, ux 721 Marcilene 67218
25 & 27 & $\frac{1}{2}$ vac alley,	1		Kenneth Wagnon Jamie Coulter 430 N. Armour 67206
E 51' Lots 2, 4, 6, 8,	1		Ralph G. & Minnie M. Clark, 3109 E. Kellogg 67211 ux
E 50' of W 100' Lots 2, 4, 6, 8,	1		Winton Arthel Mullen Virginia G. Mullen, ux 3107 E. Kellogg 67211
F-304 W 50' of Lots 2, 4, 6, 8,	1		Leona Johnson 443 S. Brookside 67218



LOT	STREET	BLK	ADDITION	OWNER
10 & 12,		1	<u>SUNNYSIDE</u>	✓ Addie Warfield & Flossie Vail, 521 N. Ash 67214
14 & 16,		1		✓ John I. O'Donnell Madaline A. O'Donnell, ux 516 S. Lorraine 67211
18 & 20,		1		X ✓ I. P. & Gerda Hoidale, ux 520 S. Lorraine 67211
22 & 24,		1		X ✓ Ray H. & Opal G. Morris, ux 524 S. Lorraine 67211
26 & 28,		1		X ✓ Pete & Dorothy E. Poschen, ux 528 S. Lorraine 67211
1,	Lorraine		CONLAN'S SUB.	✓ George W. & Mary E. Bennett, 3715 E. Mt. Vernon 67218ux
E 37½' Lots 2, 4, 6, & E 37½' of S 7' Lot 8,	Lorraine Ave.			✓ Mark C. & Mary Irene McAfee, 3110 E. Kellogg 67211 ux
E 47½' of W 92½' Lots 2, 4, 6 & E 47½' of W 92½' of S 7' Lot 8,	Lorraine Ave.			✓ R. F. & Adella M. Turk, ux 6502 Magill Lane 67206
W 45' of Lots 2, 4, 6 & W 45' of S 7' Lot 8,	Lorraine			✓ Chas. S. & Mary M. Gross, ux 3102 E. Kellogg 67211
N 18' Lot 8 & all Lot 10,	Lorraine Ave.			✓ E. K. Ermey, Jr. Geneva Ermey, ux 446 S. Lorraine 67211
1, exc S 8' for St., Hillside & S 10' Lot 3,				✓ I. D. & Reba M. Barber, ux 2105 S. Chautauqua 67211
N 15' Lot 3, all 5, Hillside				✓ Opal J. Cotton 449 S. Hillside 67211
7 & 9, Hillside Ave.				✓ Walter Leo Russell Leona D. Russell, ux 9122 Birch Lane 67212
2 & 4,	Hillside		<u>HILLSIDE SUB</u>	Florence C. Whitson No Address Available
6 & 8,	"			✓ Ned Steck 4006 E. Gilbert 67218
10 & 12,	"			✓ Lloyd J. Thomas R. F. D. Box 122, Buena Vista, Colo. 81211
22 & 24,	"		<u>UNDERWOOD</u>	✓ Leah C. Hillyard 6220 E. Murdock 67208
26 & 28,	"			✓ Ruby G. Hodge 524 S. Hillside 67211
30 & 32,	"			✓ Tom I. Richardson Marie Richardson, ux 522 S. Hillside 67211
34, 36, 38,	"			✓ Paul E. & Olive L. Spears, ux 516 S. Hillside 67211
40, 42, 44, 46 & 48,	"			✓ The Shamrock Properties, Inc. 3201 E. Kellogg

-3-

Dated at Wichita, Kansas this 27th
day of April, 1970 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elwin M. Farrell _____ OEM
Sec.

Tracer # 5489

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

May 6, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 14-70

An application has been filed by Damron Skelly, 3121 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of a trailer, vehicle and equipment rental operation, on property zoned "LC"-Light Commercial, and legally described as follows:

Lots 1, 3, 5, 7, and 9, Block 1, Sunnyside Addition to Wichita, Sedgwick County, Kansas, except that part of Lot 1 taken for highway. Generally located on the southwest corner of Kellogg and Hillside.

This application has been assigned Case No. BZA 14-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 26, 1970, 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

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

RETURN
TO
WRITER

THIRD CLASS



Write in full the address
the zip number
the post forwarding
the post office

Addie Warfield &
Flossie Vail
521 North Ash
Wichita, Kansas 67214



FORM 271-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
BZA Exception Fee	

Name *Louis J. ...*

Address *500 West ...*

Type *K-71-C* Due Date

Comments:

Date *4-28-70* BY *...*

*

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