

BZA 15-66 - James W. Bailey requests exception to permit equipment rental at the southwest corner of Central & Woodlawn

F-8
5-3-66
5847

ACTION

DATE 5-3-66
COMMITTEE App

M.A.P.C.

B.C.C./B. CO. C.

R E S O L U T I O N N O . B Z A 1 5 - 6 6

WHEREAS, James W. Bailey, 6321 East Central, Wichita, Kansas, has requested an exception, pursuant to Section 28.04.183,2, Code of the City of Wichita, and as authorized by Section 2.12.590,3, Code of the City of Wichita, to permit lawn and garden equipment for rental on property zoned "LC" Light Commercial, and legally described as follows:

The North 120 feet of the east 120 feet of the Reserve in Oakwood Estates Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Central and Woodlawn: and

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, in regular meeting, consider said application on May 24, 1966; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under provisions of Section 2.12.590,3, Code of the City of Wichita; and

WHEREAS, the applicant desires to provide a lawn and garden equipment rental service in conjunction with the operation of a service station on subject premises; and

WHEREAS, it is apparent the applicant can comply with the conditions to approval of this request as set forth in the Section 28.04.183,2, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the exception requested to permit a lawn and garden equipment rental service in conjunction with the operation of a service station, on property zoned "LC" Light Commercial and legally described as follows:

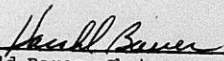
The North 120 feet of the east 120 feet of the Reserve in Oakwood Estates Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Central and Woodlawn.

be approved, subject to the following:

1. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No signs shall be permitted to project over public right-of-way.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

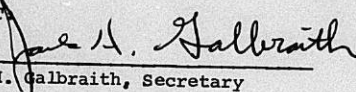
5. The location of any item displayed outside of buildings shall be confined to an area adjacent to the west side of subject property, such area being located not closer than 10 feet to the south right-of-way line of Central, to be not more than 5 feet in width, and to be screened from the west, north and south by a 3-5 foot high solid or semi-solid masonry, architectural tile, louvered red-wood or other similar material fence.

ADOPTED AT WICHITA, KANSAS, this 24th day of May, 1966.



Harold Bauer, Chairman

ATTEST



Jack H. Galbraith, Secretary

June 10, 1966

Mr. James W. Bailey
6321 East Central
Wichita, Kansas

Dear Mr. Bailey:

Re: BZA 15-66 - Request for Exception

We have completed the preparation of the Resolution adopted by the Board of Zoning Appeals in connection with the abovenumbered case, which was heard by the Board on May 24, 1966, which Resolution has been signed by the Chairman and Secretary.

As indicated in our letter of June 7, 1966, we are enclosing a copy of this Resolution for your information and files. A copy has also been provided the Central Inspection Division and you may now obtain the appropriate permit with respect to the operation of a lawn and garden equipment rental service at the southwest corner of Central and Woodlawn.

Please let us know if you have any questions concerning this case.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:RW:ber
Attachment

cc: Glen Lytle, Superintendent of Central Inspection
L. L. Binkley, Maintenance Inspection Supervisor
Ralph Eberly, City Clerk

June 7, 1966

Mr. James W. Bailey
6321 East Central
Wichita, Kansas

Dear Mr. Bailey:

Re: BZA 15-66 - Request for Exception

This is to advise you that at its regular meeting on May 24, 1966, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to permit the rental of lawn and garden equipment in conjunction with your service station operation at the southwest corner of Central and Woodlawn.

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

1. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No signs shall be permitted to project over public right-of-way.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. The location of any item displayed outside of buildings shall be confined to an area adjacent to the west side of subject property, such area being located not closer than 10 feet to the south right-of-way line of Central, to be not more than 5 feet in width, and to be screened from the west, north and south by a 3-5 foot high solid or semi-solid masonry, architectural tile, louvered redwood or other similar material fence.

Page 2 - Mr. James W. Bailey
June 7, 1966

A resolution indicating the official action of the Board will be mailed to you as soon as it is prepared and signatures of the Chairman and Secretary of the Board obtained.

If you have any questions concerning this matter, please contact our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:W:ber

cc: Glen Lytle
Superintendent of Central Inspection

L. L. Binkley
Maintenance Inspection Supervisor

Ralph Eberly
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 15-66

APPLICANT: James W. Bailey, 6321 East Central, Wichita, Kansas

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita to permit the installation of lawn and garden equipment for rental.

GENERAL LOCATION: Southwest corner of Central and Woodlawn

LAND USE: Subject property is a service station as is that to the east and west; to the north is Kapaun High School; to the south is a drive-in restaurant.

ZONING: Subject property and all surrounding property is zoned "LC"

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.3, Code of the City of Wichita. The Board may grant the exception providing the conditions outlined under Section 28.04.183.2, Code of the City of Wichita can be met.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to the zoning ordinance to permit the establishment of a lawn and garden equipment rental operation on property zoned "LC" at the southwest corner of Woodlawn and Central. The site is presently occupied by a service station and the equipment rental operation would be an additional service offered to the customers.

The original service station concept was to provide auto service such as gasoline and lubrication but now, however, service stations sell a variety of auto accessories, plus many non-related items such as toys, fishing and boating accessories, lawn furniture, etc. Originally the "LC" zoning classification did not permit any outdoor display of merchandise. However, several years ago the ordinance was amended to permit merchandise which is for sale within the building, to be displayed in areas immediately adjacent to the building. This permitted service stations to display tires and similar items outside of the building. It is the opinion of the Secretary that to permit the outdoor display of non-associated merchandise in the neighborhood commercial area, such as lawn and garden equipment, will create unsightly development, will be aesthetically displeasing to the area and will impair the traffic circulation of the service station facility.

Page 2 - Secretary's Report
Case No. BZA 15-66

Service stations, unfortunately, have a tendency to accumulate such things from old tires to non-running vehicles and to permit additional clutter on the service station site does not appear logical or proper. It should be emphasized that the determination of this application will set a precedent for all service stations throughout the City and it does not appear logical to permit every service station to have several lawn mowers, wheel barrows or rototillers parked in the driveway.

There are several rental equipment businesses and they all have outdoor display which is not very pleasing to view when driving through the City. However, the businesses are either in the proper zone or have been granted an exception by the Board of Zoning Appeals with proper screening conditions and are contained on one site and are not found on every corner as they would be if permitted with service stations.

RECOMMENDATION

It is the opinion of the Secretary that the exception to permit a lawn and garden equipment rental operation in conjunction with a service station in a restrictive "LC" Light Commercial district is not proper inasmuch as it would result in an unsightly appearance for the service stations and residential neighborhoods and would impair the normal traffic circulation. Therefore, it is recommended that the exception not be approved.

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

May 2, 1966

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 15-66

An application has been filed by James W. Bailey, #6321 East Central, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception to permit the installation of lawn and garden equipment for rental on property zoned "LC" Light Commercial, and legally described as follows:

North 120 feet of the East 120 feet of the Reserve in Oakwood Estates Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Central and Woodlawn.

This application has been assigned Case No. BZA 15-66, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 24, 1966, at 2:00 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

Wichita, Kansas
April 29, 1966

Board of Zoning Appeals
City of Wichita, Kansas
Wichita, Kansas

Gentlemen:

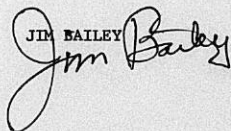
Operating a service station where my customers are primarily near-
by residents, I am called upon to perform many services and favors
that do not pertain to the automotive field.

I am expected to fix Junior's bike, find lost dogs, keep mother's
golf cart going and loan old pop the tools to fix the sink. He
comes to me for 25¢ worth of gas; and wants to know why his lawn
mower won't work. If he asks me to repair the mower he wants to
borrow mine until I finish the repairs on his mower.

This exception is necessary in order that I may keep my customers
happy and for the additional income it brings so that myself and
employees may earn a fair and just living.

This exception is justified by its use and convenience of the
neighborhood. It is neither noisy nor an eye sore to the property.

Sincerely,
WOODLAWN MOBIL SERVICE
6321 E. Central

JIM BAILEY


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BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED 4-29-66

APPLICATION FOR EXCEPTION

I. Name of Applicant James W. Bailey
Mailing Address 6321 E. Central Phone MU 4-4901
Name of Authorized Agent _____
Mailing Address _____ Phone _____
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. Sec. 2, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of _____
Lawn and garden equipment for rental on property zoned
Light Commercial, located 6321 E. Central

and legally described as: A plot of ground in the Reserve of Oakwood Estates Second addition, in Wichita, Ks., beginning at the point of intersection of the South Right of Way line of Central Ave., and the West Right of Way line of Woodlawn Blvd., thence One Hundred Twenty feet (120') West along South Right of Way line of Central Ave., thence at Right Angles South One Hundred Twenty ft. (120') in the City of Wichita, thence East at Right Angles One Hundred Twenty ft. (120') to the West line of Woodlawn Blvd., thence North along West line of Woodlawn Blvd. to point of beginning (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 James W. Bailey
Authorized Agent _____

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 9:45 (a.m. - p.m.), April 29, 1966, together with appropriate fee of \$50.00.

Signed Blowers

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
N 120' of E. 120' of Reserve		Oakwood Estates 2nd Addition	Oakley D. Harris Address unknown <i>no address found</i>
N 120' of W. 120' of Reserve		"	Ruth H. Roesing Address unknown <i>no address found</i>
Reserve Except the N 120'		"	✓ James W. Vickers 346 N. Belmont
18	1	"	✓ Everett A. Miller ✓ Marjorie E. Miller 6135 E. Central
19 except the W. 2feet	"	"	✓ Earl L. Endsley ✓ Hazel I. Endsley 926 Stratford Road <i>no address found</i>
S. 165' of W. 175' of lot 1	A	Cresthill Manor	The Sedgwick Company, Inc. Address unknown
S. 100' of N 250' of W. 175' of 1	"	"	Mutual of Omaha Insurance, Inc. ✓ 430 N. Woodlawn
N 150' of W 175' of lot 1	"	"	Leased Stations, Inc. Address unknown <i>no address found</i>
S. 125' of W 125' of lot 8	A	First Addition to Woodlawn Village	✓ Garry E. Beard & Alfred B. Beard doing business as Beard Oil Company 6402 E. Central
The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13, Tp. 27 S., Rg. 1 E.			✓ The Catholic Diocese of Wichita. 445 N. Emporia

We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of the North 120 feet of the East 120 feet of the Reserve in Oakwood Estates Second Addition to Wichita, Sedgwick County, Kansas, as shown by the deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 27th day of April, 1966 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *J. R. [Signature]*
Vice-President

Order No. 135122

FORM 223-021

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
<i>Exp. Applications</i>	<i>50⁰⁰</i>

Name *James W. Bailey*

Address *6321 E. Central*

Type *R-712* Due Date *4-29-66*

Comments:

Date *4-29-66* By *Shouers*

*

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