

BZA 11-23-71 Referred to Dec 14, 1971

12-14 71 with drawer

closed

BZA 16-71 - Texaco, Inc. requests
Exception to permit automatic car
wash on S side of 47th St. S. in
area east of I-235 W

POSTED
10/29/71

BZA 11-23-71 Referred to Dec 14, 1971
12-14 71 Withdrawn

closed

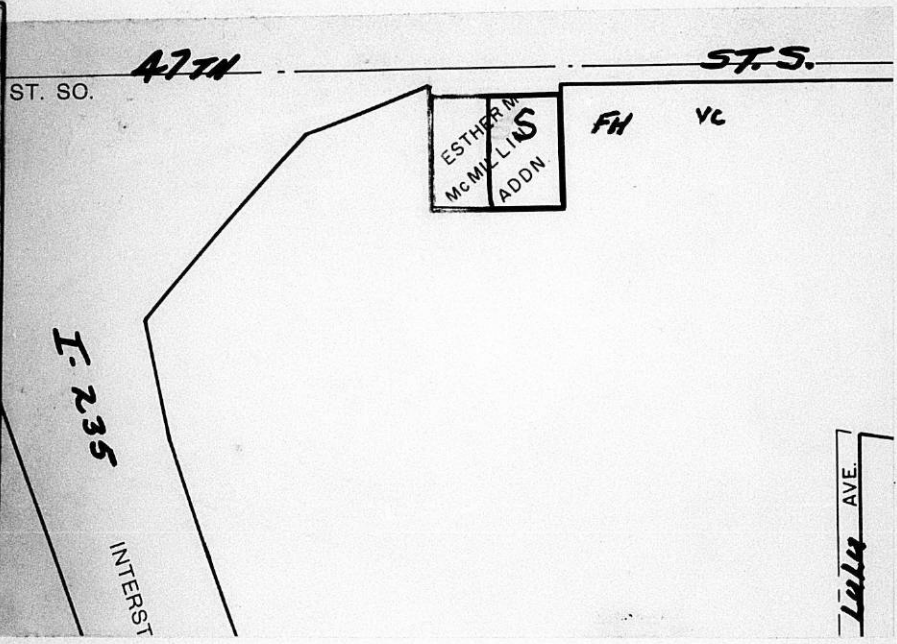
BZA 16-71 - Texaco, Inc. requests
Exception to permit automatic car
wash on S side of 47th St. S. in
area east of I-235 W

Map No. 5341
Sec. 21
Twp. 28
Range 1E

BZA 16-71
SCZ- _____
CU- _____
Filed _____

- AREA DATA:
1. Acres: 1.0 (200 ft. by 230 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East FARM HOUSE South UNDEVELOPED
West I-235 North SINGLE FARM
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 _____



GEORGE B. POWERS
JOHN F. EBERHARDT
STUART R. CARTER
ROBERT C. FOULSTON
MALCOLM MILLER
ROBERT H. HARRIDGE
ROBERT M. SIEFKIN
RICHARD C. HARRIS
GERALD BANATYNY
DONALD L. GORDES
ROBERT L. HOWARD
CHARLES J. WOODIN
MIKEL L. STOUT
BENJAMIN G. LANGEL
JERRY G. ELLIOTT
WILLIAM H. DYE
PHILLIP S. FRICK
JOHN E. FOULSTON
STANLEY G. ANGEEL

FREDERICK L. HAAG
RICHARD D. EBY
DAVID B. CROCKETT
DARRELL L. WARTA
RODNEY H. HATTER

LAW OFFICES

FOULSTON, SIEFKIN, POWERS & EBERHARDT

SUITE 600 FOURTH NATIONAL BANK BUILDING

WICHITA, KANSAS 67202

TELEPHONE 267-6371, AC 318

December 15, 1971

ROBERT C. FOULSTON (1888-1947)
GEORGE SIEFKIN (1885-1954)

PAUL H. WHITE
OF COUNSEL

Mr. Jack H. Galbraith
Secretary Board of Zoning Appeals
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

RE: Texaco Car Wash, Case No.
BZA 16-71

Dear Mr. Galbraith:

Please be advised that we wish to withdraw the
above captioned matter.

Yours very truly,

Phillip S. Frick

Phillip S. Frick
of FOULSTON, SIEFKIN, POWERS & EBERHARDT

PSF:djc



December 15, 1971

Mr. Phillip S. Frick
600 Fourth National Bank Building
Wichita, Kansas 67202

Subject: Case No. BEA 16-71
Request for Exception

Dear Mr. Frick:

On December 14, 1971, the Board of Zoning Appeals considered the above captioned case. Based on your telephone call advising us that you were submitting a letter requesting that the case be withdrawn, the action of the Board was to strike this case from their agenda. Based on this action, the case is now considered closed.

We would appreciate your forwarding the letter for our files requesting this withdrawal. If you have any questions, please contact our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:ls

cc Texaco, Inc., Box 18048, 67218
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

November 26, 1971

Mr. Phillip S. Frick
600 Fourth National Bank Building
Wichita, Kansas 67202

Subject: Case No. BZA 16-71
Request for Exception

Dear Mr. Frick:

At the regular meeting of the Board of Zoning Appeals on November 23, 1971, your request for an exception to permit the installation of an automatic car wash, on property zoned "LC" Light Commercial, and generally located on the south side of 47th Street South in an area east of I-235W, was deferred, at your request, to the next regular meeting of the Board.

This case will, therefore, be considered on December 14, 1971, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

cc Texaco, Inc., Box 18048, Wichita, Kansas 67218
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

GEORGE B. POWERS
JOHN F. EBERHARDT
STUART R. CARTER
ROBERT C. FOULSTON
MALCOLM MILLER
ROBERT H. PARTRIDGE
ROBERT H. SIEPKIN
RICHARD C. HARRIS
GERALD SAWATZKY
DONALD L. GORDON
ROBERT L. HOWARD
CHARLES J. WOODIN
HIRSH L. STOUT
BENJAMIN C. LANGEL
JERRY D. ELLIOTT
WILLIAM H. DYE
PHILLIP S. FRICK
JOHN E. FOULSTON
STANLEY D. ANDEEL
FREDERICK L. HAAS
RICHARD D. EMY
DAVID G. CROCKETT
DARRELL L. WATTA
RODNEY R. HATTER

LAW OFFICES

FOULSTON, SIEFKIN, POWERS & EBERHARDT

SUITE 600 FOURTH NATIONAL BANK BUILDING

WICHITA, KANSAS 67202

TELEPHONE 267-6371, AC 316

November 24, 1971

ROBERT C. FOULSTON (1888-1947)
GEORGE SIEPKIN (1888-1934)
PAUL H. WHITE
OF COUNSEL

Mr. Jack H. Galbraith
Secretary Board of Zoning Appeals
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

RE: Texaco Car Wash, Case No. BZA 16-71

Dear Mr. Galbraith:

Please be advised that we would like the above captioned matter deferred until the next meeting of the Board of Zoning Appeals. Thank you for your assistance.

Yours very truly,

Phillip S. Frick

Phillip S. Frick
of FOULSTON, SIEFKIN, POWERS & EBERHARDT

PSF:djc



SECRETARY'S REPORT

CASE NO. BZA 16-71

APPLICANT: Texaco, Inc., Box 18048, Wichita, Kansas 67218

AGENT: Phillip S. Frick, 600 Fourth National Bank Building,
Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the
City of Wichita to permit the installation of an
automatic car wash

GENERAL LOCATION: On the south side of 47th Street South in
an area east of I-235 W.

LAND USE: Subject property is occupied by a service station,
west and south is undeveloped, east and north is
single family.

ZONING: Subject property is zoned "LC" Light Commercial as is
that property to the west; north, east and south is
zoned "AA" Single Family

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 on the south side of 47th
Street South in an area east of I-235. Subject property is pre-
sently occupied by a two-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 no structure
shall be permitted closer than sixty (60) feet (excluding any
street, alley or intervening public way), to the front and/or
side of an "AA", "A", "RB", "B", "R-5", "R-6" or "G" residential

Page 2 - Secretary's Report
Case No. 16-71

zoning district. Provided, however, that the above shall not apply where the abutting or contiguous property is being used for a light commercial use permitted in the "LC" zoning district, and/or where the governing body has formally adopted a policy of looking with favor on the establishment of "LC" zoning for the contiguous area.

Inasmuch as the existing building maintains only a 48 foot setback from the east property line and the land to the east is zoned and developed residentially, and inasmuch as there is no established policy of looking with favor on "LC" zoning in this area, 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

November 3, 1971

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 16-71

An application has been filed by Texaco, Inc., Box 18048, 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, on property zoned "LC" Light Commercial, and legally described as follows:

The east 130 feet of Lot 1, Esther McMillin Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of 47th Street South in an area east of I-235 W.

This application has been assigned Case No. BZA 16-71, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 23, 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 11-2-71

BOARD OF ZONING APPEALS

CASE NO. 16-71

CITY OF WICHITA, KANSAS

FILED 10-26-71

APPLICATION FOR EXCEPTION

I. Name of Applicant [✓] TEXACO INC.

Mailing Address Box 18048 Southeast Station Phone _____
Wichita, Kansas 67218

Name of Authorized Agent Phillip S. Frick

Mailing Address 600 Fourth National Bank Bldg. phone 267-6371
Wichita, Kansas 67202

Relationship of applicant to property is that of Lessee
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section

~~08.04.199~~ 2.12.590.C, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation ~~or construction~~

~~of an Automatic Car Wash, which installation will materially~~
~~improve lessee's operation and provide greater service to~~
~~customers~~ _____ on property zoned

LC, located 47th Street South just east of the

by-pass and legally described as: East 130

feet of Lot One (1), Esther M. McMillin Addition, Wichita,

Sedgwick County, Kansas.

_____, 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 TEXACO INC.

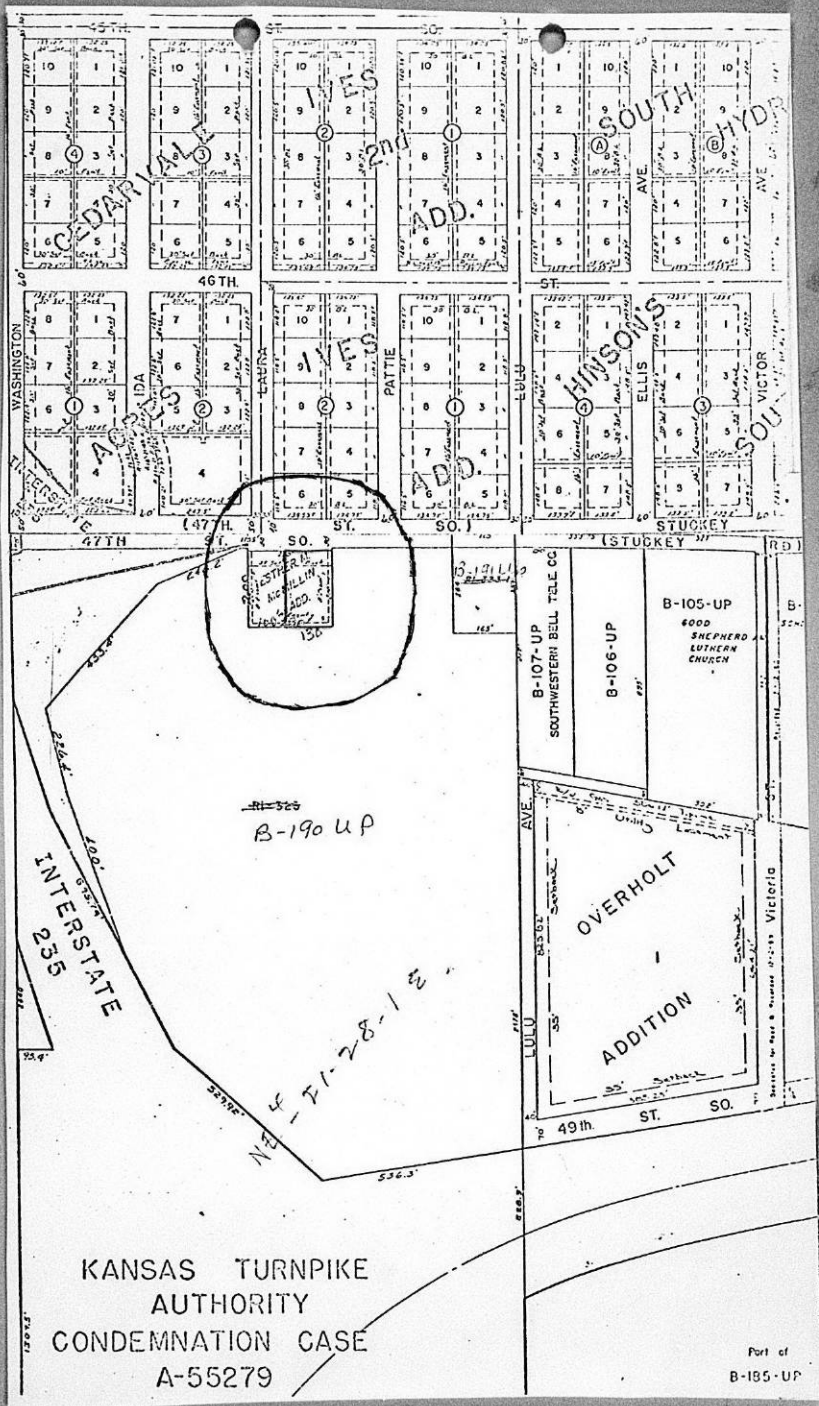
Authorized Agent Phillip S. Frick

~~Phillip S. Frick~~

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 1:30 PM (a.m. - p.m.), Oct 26, 1971, together with appropriate fee of \$50.00.

T9-403

Signed Curtis L. Hudg



KANSAS TURNPIKE
 AUTHORITY
 CONDEMNATION CASE
 A-55279

Part of
 B-185-UP

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:
 East 130 ft of Lot 1, Esther M. McMillin 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 1, Esther M. McMillin Addition.	✓ Allen B. & Esther McMillin, ux Route # 3, Independence, Ks. 67301
Lot 4, Blk 2, Cedarvale Acres.	✓ The Cedar Chapel Methodist 1140 E. 47th St. S. Church 67216
Lot 5, Blk 2, Ives Addition.	✓ Fay R. & J. Irene Parker, ux 1220 E. 47th St. S. 67216
Lot 6, Blk 2, Ives Addition.	✓ Lawrence L. & Edna B. Propp, ux 4752 Laura 67216
W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 21, Twp 28, R 1 East, exc Beg 80 rds W of NE cor NE $\frac{1}{4}$; W 165'; S 264'; E 165'; N 264' to beg. & exc CCA 55279 KTA & exc Esther M. McMillin Addition.	✓ Allen B. & Esther M. McMillin, Route # 3, Independence, Ks, ux 67301



Dated at Wichita, Kansas this 6th day
 of October, 1971 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elvie M. Farrel
 Sec. OEM

Form 273-021

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
-------------	--------

--	--

Name _____

Address _____

Type _____ Due Date _____

Comments: _____

Date _____ By _____

*

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