

Case No. BZA 16-86 - Davis-Moore Oldsmobile requests an exception to permit the expansion of an existing automobile sales lot on property zoned the "LC" Light Commercial District and generally located on the southeast corner of

**ACTION**

BZA. 16-86 APPROVED 9/27/86  
DATE

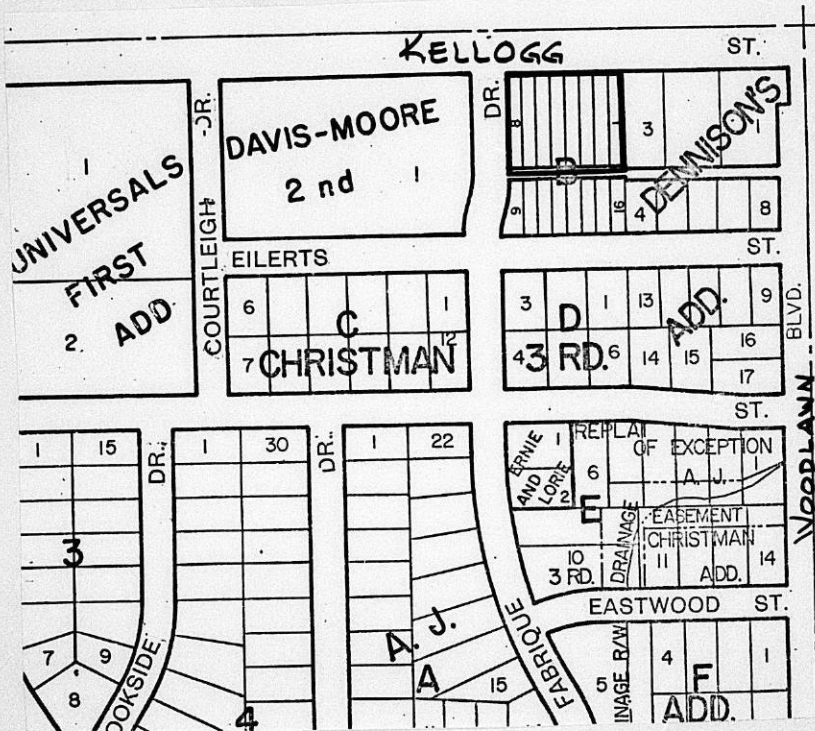
200'4<sup>5</sup>/<sub>8</sub> 6-3-86  
SRot 6-11-86  
Record ✓

Map No. 5846 A

BZA 16-86  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E LC S A W LC N AA
3. Land Use: East Motel South I-F  
West Auto sales North Church
4. Area (is) (~~is~~) platted.



No. 2453C  
HASTINGS, MN  
LOS ANGELES, CHICAGO, LOGAN, OH  
MORRISON, TN  
U.S.A.

May 29, 1986

Everett C. Fettis  
120 South Market, Suite 504  
Wichita, Kansas 67202

Re: BZA 16-86 - Request for Exception

Dear Mr. Fettis:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 27, 1986.

This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL/lw

Enclosure

cc: Davis-Moore Oldsmobile, Inc., 6215 E. Kellogg, Wichita, KS 67207.  
Monty Robson, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION CASE NO. 16-86

WHEREAS, Davis-Moore Oldsmobile, Inc., 6215 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the expansion of an existing automobile sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 1 thru 8, Block B, together with the north half of the vacated alley adjoining the lots on the south, A. J. Christman Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg Drive and Fabrique (6315 East Kellogg).

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 27, 1986, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has authority to permit the expansion of an existing automobile sales lot on property zoned the "LC" Light Commercial District, 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 approved to permit the expansion of an existing automobile sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

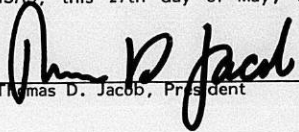
Lots 1 thru 8, Block B, together with the north half of the vacated alley adjoining the lots on the south, A. J. Christman Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg Drive and Fabrique (6315 East Kellogg).

subject to the following conditions:

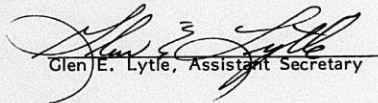
1. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property; no string type lighting shall be permitted.
3. Signs as set forth in the "LC" Light Commercial District shall be permitted.
4. No sound projecting device or loud speakers shall be used so as to be audible outside of any structure.
5. No repair work shall be conducted except in an enclosed building; and provided further that no body or fender work is done.
6. Construction of the lot shall be in general conformance with the site plan submitted with the application and approved by the Traffic Engineer.
7. Construction of a six-foot high heavy duty redwood fence or masonry or architectural tile fence on the south to protect adjacent residents from blowing debris, light and sound. Such fence shall be maintained in good condition.
8. The applicant shall maintain adequate parking barriers adjacent to Kellogg and Fabrique to prevent the extension or overhanging of vehicles beyond the property lines.

9. Upon the release of this resolution, Resolution BZA 11-63 shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 27th day of May, 1986.

  
Thomas D. Jacob, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

SECRETARY'S REPORT  
CASE NO. BZA 16-86

APPLICANT: Davis-Moore Oldsmobile, Inc., 6215 E. Kellogg, Wichita, KS 67207.

AGENT: Everett C. Fettis, Attorney, 120 S. Market, Wichita, KS 67202.

REQUEST: Exception pursuant to Section 28.04.183.2 Code of the City of Wichita to permit the revision and expansion of an existing automobile sales lot.

GENERAL LOCATION: On the southeast corner of Kellogg and Fabrique.

ZONING: Subject property is zoned the "LC" Light Commercial District as are the properties to the east and west. To the south is the "A" Two-family Dwelling District and to the north is the "AA" One-family Dwelling District.

LAND USE: Subject property is an automobile sales lot and leasing business. To the west is automobile sales and to the east a motel. To the north a church and to the south are one family dwellings.

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 28.04.183.2 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the revision and expansion of an automobile sales lot at the southeast corner of Fabrique and Kellogg Drive. This location was first approved by the Board of Zoning Appeals on May 28, 1963. This approval under BZA Resolution 11-63 limited access to the property from one driveway off of Fabrique and no access from the alley on the south. The alley adjacent on the south has since been vacated and is now included as a part of the application area. The property has been operated as an automobile sales lot and as a leasing business. It is now being combined into one large lot and the smaller automobile sales building is being removed and an addition is being added to the office building for use as automobile sales.

It is the Secretary's opinion that the use of the property is essentially remaining the same except for the expansion of the building, the inclusion of the vacated alley and the permission of three driveway approaches to Fabrique. A considerable number of changes have occurred in the general area since this property was first considered in 1963 and as such the restriction of driveway approaches is now inappropriate. The lot is screened on the south by a six-foot screening fence which does provide some protection to the residences to the south. The expansion of the building should not create any significant affect on the adjoining properties.

RECOMMENDATION:

Should the Board determine that the revision and expansion of the automobile sales business at this location is appropriate, then it is the recommendation of the Secretary that the exception be approved subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property; no string type lighting shall be permitted.

3. Signs as set forth in the "LC" Light Commercial District shall be permitted.
4. No sound projecting device or loud speakers shall be used so as to be audible outside of any structure.
5. No repair work shall be conducted except in an enclosed building; and provided further that no body or fender work is done.
6. Construction of the lot shall be in general conformance with the site plan submitted with the application and approved by the Traffic Engineer.
7. Construction of a six-foot high heavy duty redwood fence or masonry or architectural tile fence on the south to protect adjacent residents from blowing debris, light and sound. Such fence shall be maintained in good condition.
8. The applicant shall maintain adequate parking barriers adjacent to Kellogg and Fabrique to prevent the extension or overhanging of vehicles beyond the property lines.
9. Upon the release of this resolution, Resolution BZA 11-63 shall become null and void.

BZA CASE NO. 16-86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>15</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>15</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>18</u>	TOTAL NOTICES SENT <u>5/6/86</u>

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202

May 6, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 16-86

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Davis-Moore Oldsmobile, Inc., 6215 East Kellogg, Wichita, Kansas requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the expansion of an existing automobile sales lot on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lots 1 thru 8, Block B, together with the north half of the vacated alley adjoining the lots on the south, A. J. Christman Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg Drive and Fabrique (6315 East Kellogg).

This application has been assigned Case No. BZA 16-86. It will be considered by the Board of Zoning Appeals on May 27, 1986 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Glen E. Lytle  
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 16-86

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant DAVIS-MOORE OLDSMOBILE, INC.

Mailing Address 6215 E. Kellogg 67207 Phone 685-0211

Name of Authorized Agent EVERETT C. FETTIS, ATTORNEY

Mailing Address 120 S. Market, Su 504, 67202 Phone 267-7251

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

II. Application is made for an exception as provided in Section 2.12.590.C,

Code of the City of Wichita, Kansas, to permit the establishment of  
automobile sales lot

on property zoned LC,

located 6315 E. Kellogg, Wichita, Kansas

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

Lots 1 through 8, and the North Half of the vacated alley  
to the South, A. J. Christman Third 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. 36-596); 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 DAVIS-MOORE OLDSMOBILE, INC.

Authorized Agent *Everett C. Fettes*  
Everett C. Fettes

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
2:00 p.m.), April 16, 1986, together with  
appropriate fee of 400.00.

Signed *Everett C. Fettes*

STATEMENT

The property in question was previously granted a BZA Exception in 1963 for automobile lot use. Since that time, there has been a vacation of the alley to the south of the property, one-half of which is attached to this property and needs to be included in this exception. In addition, since 1963, apparently Kellogg Drive was added which has made some changes. The accompanying site plan should further correct this and state the entrances and location of the buildings on the property.

LAW OFFICES  
FETTIS & MCLURE  
120 SOUTH MARKET  
SUITE 504  
WICHITA, KANSAS 67202  
316-267-7251

O W N E R S H I P L I S T

Property Description	Addition	Property Owner
Lots 1-8, inclusive, together with the N $\frac{1}{2}$ of vacated alley adjacent to lots on the South, Block B.	A. J. Christman Third Addition	✓ D and M Investments P.O. Box 18047 Wichita, KS 67218
Lots 9-16, inclusive, together with the S $\frac{1}{2}$ of vacated alley adjacent to lots on the North, Block B.	"	✓ The Dennison Trust 6324 Eilerts Wichita, KS 67218
Lot 1            Block D	"	✓ Leonard R. Mercer Jo M. Mercer 6315 Eilerts Wichita, KS 67218
Lot 2            Block D	"	✓ John Slaybaugh Carol A. Slaybaugh 6307 Eilerts Wichita, KS 67218
Lot 3            Block D	"	✓ Neva D. Harter 451 Waverly Wichita, KS 67218
Lot 1            Block C	"	✓ Antal O. Juhasz 9710 Caney Creek San Antonio, TX 78245
Lot 1	Davis-Moore 2nd Addition	✓ D and M Investments P.O. Box 18047 Wichita, KS 67218 AND Marvin J. Gordon Evelyne L. Gordon 8001 Tipperary Wichita, KS 67206
Lot 1 & Lot 2 except the West 88 feet together with the N $\frac{1}{2}$ of vacated alley on the South.	Dennison Addition	✓ Gerrupe Properties, a partnership 150 N. Market Wichita, KS 67202
The West 88 feet of Lot 2 together with 1/2 of the vacated alley adjoining said property on the South, and all of Lot 3	"	✓ Ronald A. Halpern Audrey June Halpern 15629 E. 63rd South <del>Wichita, KS 67218</del> Derby            67037 <i>revert 5-8-86</i>

Lot	Block	Addition	Property Owner
Lot 4 & the West 18 feet of Lot 5 and 1/2 vacated alley adjacent on the North.		Dennison Addition	Margaret F. Dennison AND Thomas J. Dennison AND Jana Sue Brewer AND Betty Jo Deason 6324 Eilerts Wichita, KS 67218
The East 38 feet of Lot 5 and the West 37 feet of Lot 6, and 1/2 vacated alley adjacent on the North.		"	The Dennison Trust 6324 Eilerts Wichita, KS 67218
The East 19 feet of Lot 6 and all of Lot 7 and the S½ of vacated alley adjacent on the North.		"	Betty Mae Dennison 7029 E. Lincoln Wichita, KS 67207
Lot 12		"	Bowen H. Brady Mary E. Brady 6329 Eilerts Wichita, KS 67218
Lot 13		"	Arnold E. Eulert Von E. Eulert 6323 Eilerts Wichita, KS 67218
Lot 8	Block M	Fourth Addition to the Village	John J. O'Neill Dorothy M. O'Neill 463 Windsor Wichita, KS 67218
Reserve "C"		Southeast Addition to The Village	Catholic Diocese of Wichita 424 N. Broadway Wichita, KS 67202

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lots 1 through 8 inclusive, Block B, together with the North Half of the vacated alley adjoining to lots on the South, A. J. Christman Third Addition, Wichita, Kansas, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 18th day of April, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*John D. Ryan*  
Sr. Vice-President

**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 021

PAYMENT NOTICE  
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Par. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION		AMOUNT
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	

\*

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

Roll # 3