

BZA 17-66 - Glenn L. Richardson re-  
quests an Exception to permit a re-  
tail tool rental business in "LC" on  
the south side of 31st St. So. in an  
area west of Exposition

*Revised*  
*5-17-66*  
*J-3*

ACTION

*By* COMMITTEE *Appr* DATE *6-28-66*

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

RESOLUTION NO. BZA 17-66

WHEREAS, Glen L. Richardson, 1202 South Washington, 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 outdoor display for a retail tool rental business on property zoned Light Commercial and legally described as follows:

Lot 1, Basset Second Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of 31st Street South in an area west of Exposition; 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 June 28, 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 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 the rental of small lawn and garden equipment in conjunction with the operation of a service station on property zoned Light Commercial:

Lot 1, Basset Second Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of 31st Street South in an area west of Exposition

be approved, subject to the following:

1. Rental operation shall occupy only that property legally described as follows: Beginning at a point 67' (feet) south of the N.E. corner of Lot 1, Basset 2nd Addition thence south 40' thence south 30', thence east 40' to the east line of lot 1, thence north 30' to point of beginning.
2. That all storage and display areas shall be paved with concrete, asphalt or other comparable material.

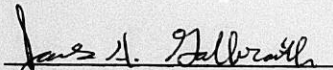
3. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
4. No signs shall be permitted to project over public right-of-way.
5. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. That the area approved for outside display of rental tools shall be screened on the south side by a three to five foot high solid or semi-solid masonry, architectural tile, louvered redwood or other similar fence material, such fencing to be constructed within a period of 60 days from the date of approval by the Board of Zoning Appeals.
7. No repair work shall be conducted except in an enclosed building.
8. Failure to comply with the above conditions prior to the occupancy of the site for the use granted shall declare the exception null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of June, 1966.



Kenneth Hartstein, Vice Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

March 30, 1967

Mr. Jack H. Greene  
Kidwell, Ball, Greene & Nohe  
206 Central Building  
Wichita, Kansas 67202

Dear Mr. Greene:

Re: Case No. BZA 17-66 - Request for  
an Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 28, 1966, in connection with your application for an Exception to permit outdoor display for a rental equipment business on property zoned "LC" Light Commercial and generally located on the south side of 31st Street South in an area west of Exposition. This Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,

Ronald A. Williamson  
Assistant Secretary

RAW:kkq

Attachment

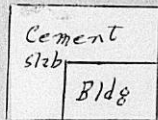
cc: Glenn L. Richardson, 1202 South Washington, Wichita  
Glen Lytle, Superintendent of Central Inspection  
Ralph Eberly, City Clerk



31st So.

Lot 1 Bassett's 2nd Addition

67'



Beginning at A point 67' (feet) south of the N.E. corner of Lot 1 Bassett's 2nd Addition thence west 40' thence south 30', thence east 40' to east line of lot 1, thence north 30' to point of beginning.

February 21, 1967

Mr. Jack H. Greene  
Kidwell, Bell, Greene, & Nohe  
206 Central Building  
Wichita, Kansas 67202

Dear Mr. Greene:

Re: Case No. BZA 16-66  
Case No. BZA 17-66

In reviewing our files, we find that the two above captioned cases have not been completed.

As you recall, the Board approved both applications at their regular meeting on June 30, 1966. There were questions concerning legal descriptions and fence locations which were to be resolved by you and the information forwarded to the Secretary of the Board in order that the resolutions might be drawn. A letter was submitted by your office dated August 24, 1966, requesting an extension until October 1, 1966, but the requested information still has not been received.

We would appreciate being advised as to your plans for the completion of these two requests. Information as to fence locations and legal descriptions is still necessary in order to prepare the resolutions, however, if you determine that you do not desire to complete the applications, you may submit a letter requesting that the applications be withdrawn. If we do not hear from you by March 14, 1967, the two cases will be placed on the Board of Zoning Appeals Agenda for March 28, 1967, for final disposition by the Board.

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

Yours very truly,

RAW:kkj

Ronald A. Williamson  
Assistant Secretary

86

**KIDWELL, BALL, GREENE & NOHE**

ATTORNEYS AT LAW  
500 CENTRAL BUILDING  
WICHITA, KANSAS  
67202

DALE KIDWELL  
GEORGE W. BALL  
JACK H. GREENE  
RENEWY M. NOHE  
TERRY O'NEAVE

FORM 2-111  
AREA CODE 212

August 24, 1966

Mr. Jack Galbraith  
Metropolitan Area  
Planning Commission  
City Building Annex  
Wichita, Kansas

Re: BIA 16-66  
BEA 17-66

Dear Sir:

For and on behalf of Glenn L. Richardson, owner of the above subject properties, we do hereby request an extension of time to meet the requirements of M. A. P. C. concerning fence screening.

Mr. Richardson is under contract to sell the East Lincoln property and it remains to be seen whether the purchaser will want and need such screening.

Mr. Richardson has ordered a fence from a local fence company to be erected on the 31st Street South property and will present a schematic drawing of the fence as soon as it has been made available to him.

By reason of the foregoing, we do hereby request an extension until October 1, 1966.

Very truly yours,

JACK H. GREENE

OF KIDWELL, BALL, GREENE & NOHE

JHG:me

CC: Mr. Glenn L. Richardson



June 30, 1966

Mr. Glenn L. Richardson  
1202 South Washington  
Wichita, Kansas

Dear Mr. Richardson:

Re: Case No. BZA 17-66

At the regular meeting of the Board of Zoning Appeals on June 28, 1966, the above numbered application, a request for an exception to permit outdoor display for a rental equipment business on property zoned "LC", was considered. The property is generally located on the south side of 31st Street South in an area west of Exposition.

It was the action of the Board to approve this request for small lawn, garden and hand tool equipment, subject to the followings:

1. Approval to apply only to the existing building from which the tool rental business is operated and concrete slab adjacent to such building, the total area being approximately 30 feet by 40 feet.
2. That all storage and display areas shall be paved with concrete, asphalt or other comparable material.
3. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
4. No signs shall be permitted to project over public right-of-way.
5. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. That the area approved for outside display of rental tools shall be screened on the south side by a three to five foot high solid or semi-solid masonry, architectural tile, louvered redwood or other similar fence material, such fencing to be constructed within a period of 60 days from the date of approval by the Board of Zoning Appeals.

Page 2 - Glenn L. Richardson  
June 30, 1966

7. No repair work shall be conducted except in an enclosed building.
8. Failure to comply with the above conditions prior to the occupancy of the site for the use granted shall declare the exception null and void.

It will be necessary that the Attorney provide the Secretary with a legal description of that portion of subject area approved in order to properly draft the Resolution. At such time as that information is submitted, the Resolution will be prepared and a copy forwarded to you.

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:HW:ber

cc: Jack H. Greene, Attorney  
206 Central Building

Glen Lytle, Superintendent  
of Central Inspection

L. L. Binkley, Maintenance  
Inspection Supervisor

Ralph Eberly  
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 17-66

APPLICANT: Glenn L. Richardson, 1202 South WashingtonAGENT: Jack H. Greene, AttorneyREQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita, to permit the outdoor display of a retail tool rental business on property zoned "IC"GENERAL LOCATION: South side of 31st Street South in an area west of ExpositionLAND USE: Subject property is equipment and tool rental business, to the east is service station, west and south is vacant, north is single family and three-plex.ZONING: To the east and west is "IC"; south is "AA" and north is "AA"JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590, Code of the City of Wichita. The Board may grant the exception providing all the conditions outlined in Section 28.04.183.2 can be met.

SECRETARY'S COMMENTS

The applicant is requesting an exception to permit outdoor display for a tool and equipment rental operation on property zoned "IC" and located at the southwest corner of 31st Street South and Exposition. It should be pointed out that tool and equipment rental businesses are permitted uses in the "IC" district, provided all articles for rent are kept within an enclosed building. Section 28.04.183.2 of the ordinance permits articles for rent to be displayed outdoors subject to certain conditions and approval by the Board of Zoning Appeals.

This site is presently occupied by a service station and a tool and equipment rental business which has been kept within an enclosed building and, therefore, is a legal permitted use in the "IC" district.

The applicant has pointed out in his statement of justification that he has been in the tool and equipment rental business at this location since 1963 and has operated the business according to the code from within an enclosed structure. Now, however, he states that the demand has increased sharply in the last 12 to 18 months and has caused an increase in the rental business which requires the need

for outdoor display. It is the opinion of the Secretary that there is no correlation between an increase in demand and a need for outdoor display. If the applicant has been so successful operating legally from within a building, outdoor display would not have a significant effect on a future increase in business. It is the general consensus that these small equipment rental businesses associated with service stations are neighborhood services and those who patronize the rental facilities are from the nearby area. Therefore, it is not necessary to display the rental articles outside because the neighborhood will be aware of the rental operation either by trading at the service station or through neighbors who have utilized the facility. It is the opinion of the Secretary that the proper solution to the applicant's problem is to construct a larger building and to advertise the service by a simple sign.

The basic reason for not permitting the outdoor display of rental tools and equipment as an outright permitted use in the "LC" district is that this type of facility generally has a cluttered and unsightly appearance and has not proven to be compatible with other uses permitted in "LC" zoning. The use, however, may be permitted by the Board subject to certain conditions, providing the proposed location is deemed appropriate. In determining whether a location is suitable to permit outdoor display, the general character of the area should be analyzed carefully. In the past, this type of use has been limited to areas such as North and South Broadway, East Kellogg or West Street, which have a considerable number of similar uses, such as auto and trailer sales lots and trailer and equipment rental operations and are commercially developed streets. It should be emphasized that this site is not on what is termed a stripped commercial zoned street and that residential zoning and development can be found adjacent to two sides of the property. Therefore, the proposed site does not appear logical or proper for the outdoor display of rental tools and equipment. These are not the type of uses which have been encouraged to develop at random throughout the City due to their objectionable appearance and to grant these uses indiscriminately may turn all the major streets into a West Street or South Broadway, which would not be in the best interest of the public or the neighborhood commercial area. It can be assumed that every service station in the City would like to provide an equipment rental service for its customers and it simply does not seem to be conceivable that every service station site is an appropriate location for a use which is as objectionable in appearance as the outdoor storage of equipment.

It is the opinion of the Secretary that this request is not the type of development that should be encouraged at random throughout the City in the light commercial areas and that this type of use associated with a service station is not the intent of Section 28.04.183.2 of the ordinance. In the past, exceptions have been granted for tool and equipment rental operations when it has been the primary use of the site, the location has been in an area of similar type uses and the proper conditions attached.

It should be emphasized that by not granting the exception it would not deprive the applicant the use of his property for a rental business but merely would require it to be kept within an enclosed building.

RECOMMENDATION

It is the recommendation of the Secretary that the exception request to permit the outdoor display of rental tools and equipment not be approved inasmuch as it would not be a compatible use with the existing commercial and residential development and that the applicant can carry on his rental business, which is small, within an enclosed building.

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

June 3, 1966

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 17-66

An application has been filed by Glenn L. Richardson, 1202 South Washington, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception to the zoning ordinance as provided in Section 28.04.183.2, Code of the City of Wichita, to permit the operation of a retail tool rental business on property zoned "LC" - Light Commercial and legally described as follows:

Lot 1, Bassett Second Addition, in the City of Wichita, Sedgwick County, Kansas - generally located on the south side of 31st Street South in an area west of Exposition.

This application has been assigned Case No. BZA 16-66, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 28, 1966, 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  
CITY OF WICHITA, KANSAS

CASE NO. \_\_\_\_\_  
FILED 5-9-66

APPLICATION FOR EXCEPTION

I. Name of Applicant ✓ Glenn L. Richardson  
Mailing Address 1202 South Washington, Wichita, Phone FO-3-4996  
Kansas  
Name of Authorized Agent ✓ Jack H. Greene, Attorney  
Mailing Address 206 Central Bldg., Wichita, Kans. phone FO-3-8246  
Relationship of applicant to property is that of attorney  
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section  
28.04.183 (2), Code of the City of Wichita, Kansas  
(Zoning Ordinance); to permit the ~~installation or construction~~ <sup>operation</sup>  
of a retail tool rental business - 5 side of 31st St So  
in area W of Exposition on property zoned  
"L.C.", located Vacant lot west of 1301 West 31st  
Wichita, Kansas and legally described as:  
Lot 1, Bassett Second Addition to Wichita,  
Sedgwick County, Kansas, ~~in the city of Wichita,~~  
(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.

Glenn L. Richardson  
Applicant Glenn L. Richardson  
Jack H. Greene  
Authorized Agent Jack H. Greene

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:30 (a.m. ~~P.M.~~), May 9, 1966, together with appropriate fee of \$50.00.

Signed L. Showers, P.A. II

STATEMENT JUSTIFYING EXCEPTION

Glenn L. Richardson, d/b/a Richardson Oil Company, of Wichita, Kansas, has engaged in the tool and equipment rental business since 1963.

Such operation has been conducted from a fire-proof metal building heretofore constructed by him on the property, all in accordance with the building codes of the City of Wichita.

The tool rental business serves the public and is of great convenience and necessity to it. Within the last twelve to eighteen months, the great demand for rental tools has caused a sharp increase in business which has resulted in the need for tools and equipment to be displayed and offered for rent outside of the metal building.

Inasmuch as this property is zoned "LC", which prohibits a display of tools and equipment outside of the building, this applicant hereby requests an exception to this zoning provision which will allow him to conduct his business to meet the needs of the public which are his customers.

Respectfully submitted,

*Glenn L. Richardson*

GLENN L. RICHARDSON  
d/b/a Richardson Oil Company

Applicant

CERTIFICATE OF OWNERSHIP

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C., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds, Sedgwick County, Kansas, of:

Lot 1, Bassett Second Addition to Wichita,  
Sedgwick County, Kansas;

and the property within a 200 foot radius thereof.

Description	Owner
Lot 1, Bassett Second Addition to Wichita	Glenn L. Richardson 1202 South Washington
Lots 2 and 3, Bassett Second Addition to Wichita	Jack H. Greene and Glenn L. Richardson 5810 Blue Ridge Pl. 1202 South Washington

In Bassett Addition to Wichita, Sedgwick County, Kansas:

Block 1:

Lots 1 and 2

X Conference Claimant Endowment Fund of  
Central Kansas Conference of the Methodist  
Church  
*no address found*

Block 2:

Lots 1, 2, 3, 4, 5

X T. H. Mathies and Berniece Mathies  
*no address found*

In Suburban Homes Addition to Wichita:

Lot 1 except North 132 feet

Wendelin Herman & Tony Herman  
6243 Millsboro

North 132 feet of Lot 1

Glenn L. Richardson  
1202 South Washington

Lot 2

James O. Smith and R. E. Ray  
*1015 Vincent Lane*

In W. H. Henning Addition to Wichita:

Lot 3

Jerome Janger, Samuel Roy Gergman, Harold  
Bergman and Bernard Harvey Trachtman  
6405 East Kellogg

In Loma-Linda Gardens, an Addition to Wichita:

Block A:

Lot 8

Paul Laurence Sandahl & Jeane Sandahl  
1630 South Vine

Block B:

Lots 1, 2 and 3

Robert C. Dauffenbach & Faye C. Dauffenbach  
11628 East Kellogg

Lot 4

Okla Watts and Virginia N. Watts  
136 Lindwood Blvd.  
Kansas City, Missouri

Lot 5

Virginia Watts

Lot 6

Richard Kamerman  
2621 Everett

*Ret 6-10-66  
Resent to  
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Description	Owner
<u>Block B:</u> (continued)	
Lot 7	✓ Warren R. Trekell & Shirley R. Trekell 3244 South Elizabeth
Lot 8	✓ George Howard Schultz & Norinne J. 3248 South Elizabeth
In Replat of Iva Fultz Gardens, Wichita:	
<u>Block 9:</u>	
Lot 11	✓ Lyle L. Mallernee & Lola I. 3151 South Martinson
Lot 12	✓ Merle S. Neagle & Darline C. 7415 Warren
<u>Block 10:</u>	
Lot 9	✓ Charles F. Schwarz & Ann C. 3150 South Martinson
Lot 10	✓ Jack M. Malcolm & Marjorie E. 3156 South Martinson
Lot 11	✓ Marion J. Rush and Earl E. Rush 1553 N. Topeka 10229 West Central
Lot 12	X James A. Owens and Edna L. Owens no address found
<u>Block 11:</u>	
Lots 13 and 14	✓ Floyd D. DeWitt and Marie J. DeWitt 3325 South Oak

*Clinton - Sherman  
PO Box 1000  
Oklahoma  
73632*

WITNESS our Hand and Seal at Wichita, Kansas, this 4th day of May, 1966, at 7:00 o'clock A. M.

CALLAHAN GUARANTEE TITLE CO., INC.

By *Seal Dean Bennett*  
Vice President

No. 8656

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



- 1200
- Moved, left no address
  - No such number
  - Moved, not forwardable
  - Addressee unknown

Richard Kamerman

2621 Everett 4732 W,  
Wichita, Kansas Harry



17-66



\*

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