

COMMITTEE

Appointed 8-21-69

[Redacted]

Paul & Void 3/3/70
J.H.S.

See Zone Case 2-11-66

BZA 17-69 - Gerald Bruinhorst, re-requests exception to permit installation of mobile home sales on "LC" at cor. 47, So. & Broadway.

POSTED
7-24-69

ACTION

COMMITTEE Approved 8-26-69

[REDACTED]

[REDACTED]

Null & Void 3/3/70
J.H.S.

See Zone Case 2-1146

BZA 17-69 - Gerald Bruinhorst, re-
requests exception to permit instal-
lation of mobile home sales on "LC"
at SE cor. 47, So. & Broadway.

March 3, 1970

Mr. Robert H. Nelson
816 Union Center Building
Wichita, Kansas 67202

Dear Mr. Nelson:

Subject: Case No. BZA 17-69

You will recall that the Board of Zoning Appeals at their regular meeting of August 26, 1969 approved the above-captioned BZA case subject to several conditions. One of the conditions required that the resolution not be forwarded until a "lot split" application had been approved. Another condition, which we were advised as not being satisfactory to the applicant, was that all storage and display areas were to be paved with concrete, asphalt or other comparable material.

Since the applicant was not agreeable to paving, zone case Z-1146 was filed requesting "C"-General Commercial zoning. The zoning case was approved by the Board of City Commissioners on October 28, 1969 and the ordinance is now being published inasmuch as the lot split application has been approved. This is to advise you that since this zone case has been approved and since there is no need for the BZA exception case, the resolution is being marked null and void and copies will not be forwarded to the office of Central Inspection and City Clerk.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls
cc Robert Feldner
Ralph Eberly

RESOLUTION NO. BZA 17-69

*Mull & Void
JH 3/3/70*

WHEREAS, Geralde Vande Bruinhorst, 5136 South Broadway, by Robert H. Nelson, 816 Union Center Building, 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 mobile home sales lot on property zoned "LC" Light Commercial and legally described as follows:

West $\frac{1}{2}$ of Lot 3, Nolan's Gardens, Sedgwick County, Kansas, except that portion taken for State Highway in Condemnation Case No. B-729. Generally located at the southeast corner of the intersection of 47th Street South and Broadway.

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 August 26, 1969, 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 installation of a mobile home sales lot 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 approved to permit the installation of a mobile home sales lot on property zoned "LC" Light Commercial and legally described as follows:

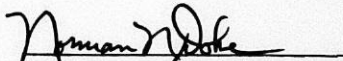
West $\frac{1}{2}$ of Lot 3, Nolan's Gardens, Sedgwick County, Kansas, except that portion taken for State Highway in Condemnation Case No. B-729. Generally located at the southeast corner of the intersection of 47th Street South and Broadway.

subject to the following conditions:


1. Prior to forwarding the Resolution to the Office of Central Inspection, the applicant shall submit, and have approved, either a "lot split" application, or replat subject property to provide appropriate street dedications, building setbacks, access control, etc.
2. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
3. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.

4. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside any structure.
6. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
7. All parking spaces abutting property lines shall have adequate guards, to prevent the extension or overhanging of vehicles or mobile homes beyond property lines. All parking areas shall have adequate markings for channelization and movement of vehicles.
8. No mobile home on subject property shall be occupied as a residence as long as the site is utilized for mobile home sales.
9. No repair work of mobile homes shall be conducted as a part of the mobile home sales operation.
10. The applicant shall install all of the required improvements prior to occupancy of the site for a mobile home sales lot.
11. Prior to forwarding the Resolution to the Office of Central Inspection, the applicant shall submit two copies of a plot plan, drawn to scale, indicating the dimensions of the lot, the mobile home sales spaces, the points of access, and the required number and location of customer and employee parking spaces. These copies should be reviewed and approved by the Traffic Engineering Department prior to submission to the Board.

ADOPTED AT WICHITA, KANSAS, this 26th day of August,
1969.


NORMAN N. DOKE, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

Mr. Robert H. Nelson
816 Union Center Building
Wichita, Kansas 67202

Dear Mr. Nelson:

Subject: BZA Case. No. 17-69

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 26, 1969, in connection with your request for an exception to permit the installation of a mobile home sales lot on property zoned "LC" and generally located at the southeast corner of the intersection of 47th Street South and Broadway.

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

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:so
Enclosure

cc: Gerald Vande Bruinhorst, 5136 South Broadway, Wichita, Ks.
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

August 27, 1969

Mr. Robert H. Nelson
816 Union Center Building
Wichita, Kansas 67202

Dear Mr. Nelson:

Subject: BZA 17-69
Request for Exception

At the regular meeting of the Board of Zoning Appeals on August 26, 1969, your request for an exception to permit the installation of a mobile home sales lot on property zoned "LC" Light Commercial and generally located on the southeast corner of 47th Street South and Broadway was considered.

It was the action of the Board to approve this request, subject to the ten conditions in the Secretary's Report and the following condition:

11. Prior to forwarding the Resolution to the Office of Central Inspection, the applicant shall submit two copies of a plot plan, drawn to scale, indicating the dimensions of the lot, the mobile home sales spaces, the points of access, and the required number and location of customer and employee parking spaces. These copies should be reviewed and approved by the Traffic Engineering Department prior to submission to the Board.

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.

August 27, 1969
Mr. Robert H. Nelson

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:so

cc: Geralde Vande Bruinhorst, 5136 S. Broadway, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 17-69

APPLICANT: Gerald Vande Bruinhorst, 5136 South Broadway

AGENT: Robert H. Nelson, 816 Union Center Building

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a mobile home sales lot.

GENERAL LOCATION: Southeast corner of 47th Street South and Broadway.

LAND USE: Subject property is vacant as is that to the south and east. To the west is a shopping center with single family to the north.

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

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 to permit the installation of a mobile home sales lot providing the conditions under Section 28.04.183.2, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to the Zoning Ordinance to permit the installation of a mobile home sales lot on property zoned "LC" Light Commercial and located at the southeast corner of 47th Street South and Broadway (U.S. 81). It should be noted that while street right-of-way for 47th Street South is adequate, an additional 45 feet of street right-of-way will be needed on Broadway in order to provide for the 75 feet of half-street right-of-way which is required on all major streets when within 350 feet of a major intersection.

The ordinance states that the Board of Zoning Appeals may grant exceptions in the "LC" Light Commercial district to permit the establishment of mobile home sales lots, subject to conditions and requirements outlined in the Zoning Ordinance. The primary purpose for this is that mobile home sales lots are not appropriate in every light commercial area and it is to be the decision of the Board as to where the proper locations should be. If it were felt that mobile home sales lots were appropriate in all "LC" areas, then the use would be permitted outright without the Board's approval.

Mobile home sales lots are highway oriented uses and usually other similar uses such as new and used car lots, boat and marina sales, and trailer, vehicle and equipment rental operations congregate in the same area. The majority of these uses are located on north and south Broadway and east and west Kellogg which are two of the major highways of the City.

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 mobile home sales lot on subject "LC" area be approved subject to the following conditions.

1. Prior to forwarding the Resolution to the Office of Central Inspection, the applicant shall submit, and have approved, either a "lot split" application, or replat subject property to provide appropriate street dedications, building setbacks, access control, etc.
2. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
3. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
4. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.

5. No sound projecting devices or loudspeakers shall be used so as to be heard outside any structure.
6. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
7. All parking spaces abutting property lines shall have adequate guards, to prevent the extension or overhanging of vehicles or mobile homes beyond property lines. All parking areas shall have adequate markings for channelization and movement of vehicles.
8. No mobile home on subject property shall be occupied as a residence as long as the site is utilized for mobile home sales.
9. No repair work of mobile homes shall be conducted as a part of the mobile home sales operation.
10. The applicant shall install all of the required improvements prior to occupancy of the site for a mobile home sales lot.

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

August 6, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 17-69

An application has been filed by Gerald Vande Bruinhorst, 5136 South Broadway, by Robert H. Nelson, 816 Union Center Building, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of a mobile home sales lot on property zoned "LC" Light Commercial and legally described as follows:

West $\frac{1}{4}$ of Lot 3, Nolan's Gardens, Sedgwick County, Kansas, except that portion taken for State Highway in Condemnation Case No. B-729. Generally located at the southeast corner of the intersection of 47th Street, South and Broadway.

This application has been assigned Case No. BZA 17-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 26, 1969, 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

5541

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Gerald Vande Bruinhorst

Mailing Address 5136 South Broadway, Wichita, Kansas

Name of Authorized Agent Robert H. Nelson

Mailing Address 816 Union Center Bldg., Wichita phone AM 2-3777

Relationship of applicant to property is that of owner
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.183.2 ~~112~~, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction
of mobile homes sales

_____ on property zoned
LC, located at SE ~~SW~~ corner of the intersection of

47th St. South & Broadway and legally described as: _____

WY2 of Lot 3, Nolan's Gardens, Sedgwick County, Kansas, except that

portion taken for state highway in
Ordinance No. B-729. in the city of Wichita.

(Give metes and bounds description below if appropriate).

see for legal

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 GERALD VANDE BRUINHORST

Authorized Agent Robert H. Nelson

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:30 (a.m. - P.M.), July 22, 1969, together with appropriate fee of \$50.00.

Signed Sharon M. Obrack

STATEMENT JUSTIFYING EXCEPTION

Re: West Half of Lot 3, Nolan's Gardens, Sedgwick County, Kansas

Gentlemen:

The above-described property is at the intersection of Broadway and 47th Street South, being major arterial highways. 47th Street South is a highway connecting into the by-pass on the canal route. The purpose is to use said property for the mobile home sales and this comes within the ordinance authorizing said exception, 28.04.^{183.2}~~13(2)~~. At the present time the lands to the east and south are vacant.

Wherefore, the applicant requests the Board to grant said exception as authorized by the above ordinance.

GERALD VANDE BRUINHORST

By Robert H. Nelson
Robert H. Nelson, His Attorney

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO. Inc., 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 of Sedgwick County, Kansas, of the real estate within a radius of 200 feet of and including the following described property:

Beginning at the NW corner of Lot 3, NOLAN'S GARDENS, Sedgwick County, Kansas; thence East 322 Feet along the North line of said Lot 3; thence South 318.5 Feet parallel to the West line of Lot 3; thence West 322 Feet to the West line of Lot 3; thence North 318.5 Feet along said West line to the point of beginning, all in Lot 3, Nolan's Gardens, Sedgwick County, Kansas, except that portion taken for State Highway in Condemnation Case No. B-729.

G
U
A

R	DESCRIPTION	OWNER/OWNERS/ADDRESS
A	Beg. at NW/cor Lot 3, Nolan's Gardens, E 322', S 318.5', W 322', N 318.5', except portion condemned in B-729	Gerald Bruinhorst and Maxine 5136 South Broadway 67216
T	E/2 of Lot 3, except portion condemned in B-729, and all of Lot 4	James E. Phillips and Margaret Mary Phillips 5912 Tomaroc Lane, Edina, Minnesota 55436
E	<u>Broadway 47 Plaza Add.</u>	
T	Lot 1	Lawrence V. Van Horn 1804 N.W. 19th St., Oklahoma City, Okla. 73106
I	S 649.5' of E 630' of SE/4 17-28-1E, exc. Beg. 180' W of SE/cor Sec. 17,	
T	N 230', W 50', N 100', W 400', S 330', E 450' to beg.	Norma Faye Shepler RR 2, Latham, Kansas. 67072
L		
E	S 121' of W 360' of SW/4 16-28-1E.	J. W. Kammerer and Maryon M. 4756 So. Broadway 67216
C	E 217.8 Feet of W 577.8' of S 300', of SW/4 16-28-1 E.	Southwestern Bell Telephone Co. 823 Quincy, Topeka, Kansas. 66612
O.,		

I
N
C.

WITNESS our Hand and Seal this the 18th day of July, 1969 at 7:00 o'clock A.M.

GUARANTEE TITLE CO. Inc.,

By *Nellie M. Pestinger*
Vice-President.

Order No. 22956

KAHRS, NELSON, FANNING, HITE & KELLOGG

ATTORNEYS AT LAW

UNION CENTER BUILDING

WICHITA, KANSAS 67202

AUSTIN M. COWAN (1885-1940)

W. A. KAHRS

ROBERT H. NELSON

H. W. FANNING

RICHARD C. HITE

DARRELL D. KELLOGG

ROGER M. SHERWOOD

RICHARD L. HONEYMAN

LARRY A. WITHERS

AREA 316
AMHERST 2-3777

July 17, 1969

Secretary
Board of Zoning Appeals
City Annex Building
Wichita, Kansas

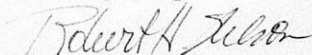
Re: Application for Exception
Mobile Home Sales

Dear Sir:

Enclosed herewith is the application for exception for the establishment of a mobile home sales on the property therein described. Also enclosed is check in the amount of \$50 in payment of the filing fee and a certified list from the Guarantee Abstract Company of the owners of all property within a distance of 200 feet of the property included in said application, together with statement justifying said exception. A plot plan will be submitted within the next few days.

Please advise when this matter will be heard before the Board of Zoning Appeals.

Yours very truly,



Robert H. Nelson
OF KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN:cdb

Enclosures

FORM 223-001

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 Exemption	\$50.00

Name Robert H. Wilson

Address 816 Union Court W Bldg.

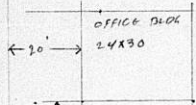
Type R-71-C Due Date _____

Comments: _____

Date 7-22-69 By SD

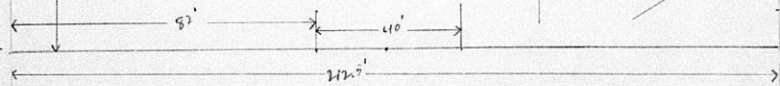
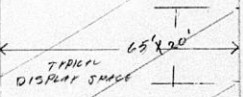
47TH STREET FRONTAGE ROAD

EXISTING OIL WELL



ENTRANCE AND PARKING AREA TO BE BLACK TOP PER CITY CODE. BALANCE OF DISPLAY AREA TO BE CRUSHED ROCK OR EQUIVALENT.

SET BACK MEASUREMENTS AND LOCATION OF ENTRANCE TO BE ADJUSTED TO CONFORM WITH RECOMMENDATIONS OF TRAFFIC DEPT.



S. BROADWAY

