

BZA 18-68 - Gary Bell requests exception to permit installation of U-Haul Rental Trailers, etc. on property zoned "LC" on SW corner of Mt.

ACTION

BZA COMMITTEE deferred DATE 6-25-68
 approved 7-23-68 POSTED 6-4-68
M.A.P.C. _____
B.C.C./B. CO. C. _____

PZML
EZML
10/20/69

August 19, 1968

Mr. Gary Bell
2001 South Broadway
Wichita, Kansas 67211

Subject: BZA 18-68, Request for Exception

Dear Mr. Bell:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 23, 1968, in connection with your request for an Exception to permit the installation of U-Haul trailers, handtrucks, automobile top carriers, and bumper hitches on property zoned "LC" Light Commercial and generally located on the southwest corner of Mt. Vernon and South 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:js

cc: Robert Feldner, Superintendent of Central Inspection

Ralph Eberly, City Clerk

Billy G. Lafferty, 3202 Penley Drive, Wichita, Kansas.

Mrs. Marguerite Nicolay, 3801 E. Zimmerly, Wichita, Kansas.

RESOLUTION NO. BZA 18-68

WHEREAS, Gary Bell, 2001 South Broadway, Wichita, Kansas and Billy G. Lafferty, 3202 Penley Drive, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the display and renting of U-Haul trailers, handtrucks, automobile top carriers, and bumper hitches on property zoned "LC" Light Commercial, and legally described as follows:

The east 100 feet of Lots 41, 43, 45, 47 and the north 3 feet of Lot 49, on Lawrence Street, now Broadway Avenue, in Alameda Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Mt. Vernon and South 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 June 25, 1968 defer consideration of said application to their meeting of July 23, 1968; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of July 23, 1968 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 display and renting of U-Haul trailers, handtrucks, automobile top carriers, and bumper hitches 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 display and renting of U-Haul trailers, handtrucks, automobile top carriers and bumper hitches on property zoned "LC" Light Commercial, and legally described as follows:

The east 100 feet of Lots 41, 43, 45, 47 and the north 3 feet of Lot 49, on Lawrence Street, now Broadway Avenue, in Alameda Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Mt. Vernon and South Broadway.

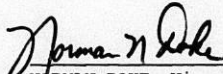
subject to the following conditions:

1. The applicant shall submit revised copies of the Development Plan to the Office of Central Inspection and Traffic Engineering, Divisions of the Department of Public Works, for their approval. Said plan shall indicate the location of the required number of off-street parking spaces for customer and employees and designation of the storage and display area for trailers. Two copies of the approved plan shall be submitted

to the Secretary of the Board of Zoning Appeals. (Note: Parking space calculations are based on one parking space for every 250 sq. ft. of floor area and one space for each 3,000 sq. ft. of lot area used for trailer storage.)

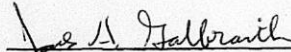
2. Approval is to apply only for a specified area within the service station site designated on the plan.
3. That all storage and display areas shall be paved with concrete, asphalt or other comparable material.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. No signs shall be permitted to project over public right-of-way.
6. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. No repair work shall be conducted except in an enclosed building.
8. All conditions of approval by the Board must be complied with prior to the occupancy of the property for the proposed trailer rental facility.

ADOPTED AT WICHITA, KANSAS, this 23rd day of July, 1968.



NORMAN DOKE, Vice-Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

July 25, 1968

Mr. Gary Bell
2001 S. Broadway
Wichita, Kansas 67211

Subject: BZA 18-68
Request for Exception

Dear Mr. Bell:

At the regular meeting of the Board of Zoning Appeals on July 23, 1968, your request for an exception to permit the installation or construction of U-Haul trailers, handtrucks, automobile top carriers, and bumper hitches on property zoned "LC" Light Commercial, and generally located on the southwest corner of Mt. Vernon and South Broadway, was considered.

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

1. The applicant shall submit revised copies of the Development Plan to the Office of Central Inspection and Traffic Engineering, Divisions of the Department of Public Works, for their approval. Said plan shall indicate the location of the required number of off-street parking spaces for customer and employees and designation of the storage and display area for trailers. ~~The~~ copies of the approved plan shall be submitted to the Secretary of the Board of Zoning Appeals. (Note: Parking space calculations are based on one parking space for every 250 sq. ft. of floor area and one space for each 3,000 sq. ft. of lot area used for trailer storage.)
2. Approval is to apply only for a specified area within the service station site designated on the plan.
3. That all storage and display areas shall be paved with concrete, asphalt or other comparable material.

Mr. Gary Bell
July 25, 1968
Page 2

4. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. No signs shall be permitted to project over public right-of-way.
6. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. No repair work shall be conducted except in an enclosed building.
8. All conditions of approval by the Board must be complied with prior to the occupancy of the property for the proposed trailer rental facility.

A Resolution setting forth the official action of the Board is being prepared and will be forwarded to you as soon as you have complied with Condition No. 1.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Billy G. Lafferty
3202 Penley Drive
Wichita, Kansas 67218

Mrs. Marbuerite Nicolay
3801 E. Zimmerly
Wichita, Kansas 67218

Robert Feldner, Superintendent
of Central Inspection

Ralph Eberly,
City Clerk

July 15, 1968

Mrs. Marguerite Nicolay
3801 E. Zimmerly
Wichita, Kansas 67218

Subject: BZA 18-68
Request for Exception

Dear Mrs. Nicolay:

This is in regard to the questions raised on the above-captioned case as to who may file applications. We have received an opinion from Arthur G. Johnson, Assistant City Attorney and legal counsel for the Board of Zoning Appeals, advising us that he has reviewed city ordinances and applicable state statutes and has found no restrictions as to who may file applications before the Board. It is, therefore, his opinion that a tenant or lessee may properly file an application for an Exception.

This case will be reconsidered by the Board of Zoning Appeals at their regular meeting of July 23, 1968.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Billy G. Lafferty
3202 Penley Drive
Wichita, Kansas 67218

Mr. Gary Bell
2001 S. Broadway
Wichita, Kansas 67211

THE CITY OF WICHITA



DEPARTMENT OF LAW
OFFICE OF CITY ATTORNEY
AMHERST 2-9211 — AREA CODE 316
SUITE 800 — BROWN BUILDING
WICHITA, KANSAS 67202

JOHN DEKKER, DIRECTOR OF LAW AND CITY ATTORNEY
ASSISTANT CITY ATTORNEYS
EUGENE L. PIRTLE
ARTHUR G. JOHNSON
ROBERT A. THIESSEN
H. JAY SETTER
H. E. JONES

July 11, 1968

Board of Zoning Appeals
City Building Annex
114 South Main
Wichita, Kansas 67202

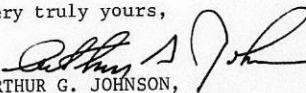
Gentlemen:

The question has been raised as to the propriety of a tenant or a lessee seeking an "Exception" from the Board of Zoning Appeals under the appropriate city ordinances.

A review of these ordinances and the applicable state statutes indicate no restrictions as to who may seek such relief.

It is my opinion, therefore, that a tenant or lessee may properly file an application for an "Exception."

Very truly yours,


ARTHUR G. JOHNSON,
Assistant City Attorney

AGJ:nm



THE CITY OF WICHITA



DEPARTMENT OF LAW
SUITE 800 - BROWN BUILDING
WICHITA, KANSAS 67202



BOARD OF ZONING APPEALS
City Building Annex
114 South Main
Wichita, Kansas 67202

June 26, 1968

Mr. Gary Bell
2001 South Broadway
Wichita, Kansas 67211

Subject: Case No. BZA 18-68
Request for Exception

Dear Mr. Bell:

At the regular meeting of the Board of Zoning Appeals on June 25, 1968, your request for an exception to permit the installation or construction of U-Haul trailers, handtrucks, automobile top carriers, and bumper hitches on property zoned "LC" Light Commercial, and generally located on the southwest corner of Mt. Vernon and South Broadway, was considered.

Due to the fact that a question was raised with legal counsel concerning whether or not the Board had a proper application to consider since you as a sub-lessee filed the application, the action of the Board was to defer further consideration of this case until their next regular meeting of July 23, 1968. This would give the legal counsel for the Board an opportunity to determine whether or not the Board could consider this application.

We will advise you at such time as we have this determination from our legal counsel. If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Billy G. Lafferty, 3202 Penley Drive, Wichita, Kansas 67218
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 18-68

APPLICANT: Gary Bell, 2001 South Broadway, Wichita, Kansas.

AGENT: Billy G. Lafferty, 3202 Penley Drive, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation or construction of U-Haul rental trailers, handtrucks, automobile top carriers, and bumper hitches.

GENERAL LOCATION: On the southwest corner of Mt. Vernon and South Broadway.

LAND USE: Subject property is occupied by a service station, to the west is a tavern, to the south a liquor store and off street parking, east is a service station, with a duplex and vacant commercial building to the north.

ZONING: Existing zoning is "LC" Light Commercial as is that 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 providing the conditions as set out under Section 28.04.183.2 can be met.

COMMENTS BY THE SECRETARY

The applicant, lessee of subject property, is requesting an exception to the zoning ordinance to permit the establishment of a trailer, vehicle and equipment rental operation on property zoned "LC" at the southwest corner of Mt. Vernon and Broadway.

Pursuant to the filing of this application and the mailing of notices to property owners in the area, the Planning Department, on June 7, 1968, was contacted by Marguerite Nicolay, 3801 East Zimmerly, owner of the property, at which time she protested the proposed use. Mrs. Nicolay pointed out that in her lease to the

Page 2 - Secretary's Report
Case No. BZA 18-68

service station the parking area on the properties she owns was to be used jointly by the service station, tavern to the west, and the liquor store to the south. Her feeling was that if the trailer rental was approved it would affect her lease agreements with the other tenants in that the trailers would occupy part of the existing off-street parking area.

Upon viewing subject property, in the field, it was apparent that the only available space for parking trailers is on land used by the tavern and liquor store as customer and employee off-street parking. The plan submitted by the applicant does not indicate off-street parking spaces for the service station as required by ordinance. Based on the ordinance, the service station should have five customer and employee parking spaces.

Recommendation

Based on the protest of the owner of the land, and the fact that the designated storage areas should already be allocated as required parking, it is the recommendation of the Secretary that the application not be approved.

6-7-68
MU 36461

MARGUERITE NICOLAY

is the owner of the
property included in
the application and
has not authorized
this being filed.

She probably intends to
see that the application
be closed or denied.

send copy of Secretary's Report +
agenda.

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

June 5, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 18-68

An application has been filed by Gary Bell, 2001 South Broadway, Wichita, Kansas, by Billy G. Lafferty, 3202 Penley Drive, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of U-Haul rental trailers, handtrucks, automobile top carriers and bumper hitches on property zoned "LC" Light Commercial and legally described as follows:

The east 100 feet of Lots 41, 43, 45, 47 and the north 3 feet of Lot 49, on Lawrence Street, now Broadway Ave., in Alameda Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Mt. Vernon and South Broadway.

This application has been assigned Case No. BZA 18-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 25, 1968, 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

*28 Notices
mailed 6-5-68*

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. BZA 18-68

FILED May 24, 1968

APPLICATION FOR EXCEPTION

I. Name of Applicant Gary Bell (Bell's Gulf Service)
Mailing Address 2001 S. Broadway 67211 Phone AM 2-9434
Name of Authorized Agent Billy G. Lafferty (U-Haul Co.)
Mailing Address 3202 Penley Dr. 67218 Phone MU 4-0604
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 par. 2, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of U-Haul Rental Trailers, Handtrucks, Automobile top carriers,
and bumper hitches on property zoned
LC, located 2001 S. Broadway
and legally described as: The East
100 ft. of Lots 41, 43, 45, 47, and the North 3 ft. of Lot 49
on Lawrence St., now Broadway Ave., in Alameda Park 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.

Applicant Gary H. Bell

Authorized Agent Billy G. Lafferty

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, _____ (a.m. - p.m.), _____, 19____, together with appropriate fee of \$50.00.

Signed _____

OWNERSHIP LIST

LOT	STREET	ADDITION	PROPERTY OWNER
29	Broadway	Alameda Park	√ Clinton L. Swallow Grace M. Swallow 1947 South Broadway 67211
31	"	"	"
33	"	"	√ Noel H. Kirkpatrick Evada M. Kirkpatrick 1955 South Broadway 67211
35	"	"	"
37	"	"	√ Lawrence E. Lybarger Helen L. Lybarger 2214 S. Rutan 67218
39	"	"	"
41	"	"	√ Marguerite Nicolay 3801 East Zimmerly 67218
43	"	"	"
45	"	"	"
47	"	"	"
49	"	"	"
51	"	"	√ Claude Lupton Nellie I. Lupton 2523 Reva Street 67211
53	"	"	"
55	"	"	√ William C. Taylor Gertrude Laura Taylor 335 N. Volusia 67214
57	"	"	"
59 & N ½ of 61	"	"	√ M. W. LeVier 2019 S. Broadway 67211
S ½ 61 & all 63	"	"	X B. M. Burnutt Norma E. Burnutt <u>Address unknown</u>
30	Market	"	√ C. M. Harvey Marie E. Harvey 1950 S. Market 67211
32	"	"	"
34	"	"	X Roy L. Page Ruby L. Page <u>Address unknown</u>

LOT	STREET	ADDITION	PROPERTY OWNER
36	Market	Alameda Park	✓ Roy L. Page Ruby L. Page
38	"	"	✓ Darrell J. Goodwin Eddyth G. Goodwin 1960 S. Market 67211
40	"	"	"
42	"	"	✓ Frank J. Kalvoda 67211 Flossie A. Kalvoda 526 S. Grove
44	"	"	"
46	"	"	↓ Erma M. Holeman 67211 2010 S. Market
48	"	"	"
50	"	"	X Calvin W. Craven Avis L. Craven <u>Address unknown</u>
52	"	"	"
54	"	"	↓ Lucille M. Abel 67208 6043 Avalon
56	"	"	"
58	"	"	↓ Charles H. Winslow Emma Louise Winslow 2024 S. Market 67211
60	"	"	"
62	"	"	↓ Clarke W. Longenecker 3113 Wilma 67211
64	"	"	"
1	Broadway	Browns	X Doris Evelyn Moorhouse <u>Address unknown</u>
2	Market	"	↓ A. J. Brown Fern Brown 2030 S. Market 67211
3 exc. W 75 ft.	Broadway	Snively - Miller & Works Subdivision	X Griffs of America, Inc. <u>Address unknown</u>
5 exc W 75 ft.	"	"	"
W 75 ft of 3	"	"	↓ Mobil Oil Corporation Address unknown 300 N. Broadway
W 75 ft of 5	"	"	"
7	"	"	↓ Edgar Durling Francis Durling <u>Address unknown</u>

LOT	STREET	ADDITION	PROPERTY OWNER
9	Broadway	Snively-Miller & Works Subdivision	✓ Edgar Durling Frances Durling
11	"	"	"
13	"	"	"
15	"	"	"
17	"	"	"
19	"	"	✓ E. W. Pray Marie Pray 508 N. Mission 67206
21	"	"	"
23	"	"	"
25	"	"	"
S 10 ft of 22	"	Stanley & Morrisons	✓ Bert L. Coldren <u>Address unknown</u>
24	"	"	"
26	"	"	"
28	"	"	✓ Tom F. Sawyer Louise A. Sawyer 3913 E. Mt. Vernon 67218
30	"	"	"
32	"	"	"
1	"	Turleys	✓ E. W. Pray Marie Pray 508 N. Mission

The Security Abstract & Title Co., Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of the East 100 feet of Lots 41, 43, 45, 47, and the North 3 feet of Lot 49, on Lawrence Street, now Broadway Avenue, in Alameda Park Addition to Wichita, Sedgwick County, Kansas, as shown by the records in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 16th day of May, A.D., 1968, at 7:00 a.m.

THE SECURITY ABSTRACT & TITLE CO., INC.

By *Lucille Schroeder*
Vice President

Order No. 154097

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	750.00	

DESCRIPTION	AMOUNT
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B7-A inspections	
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Name: Bill Gifford

Address: 3202 Penley Dr

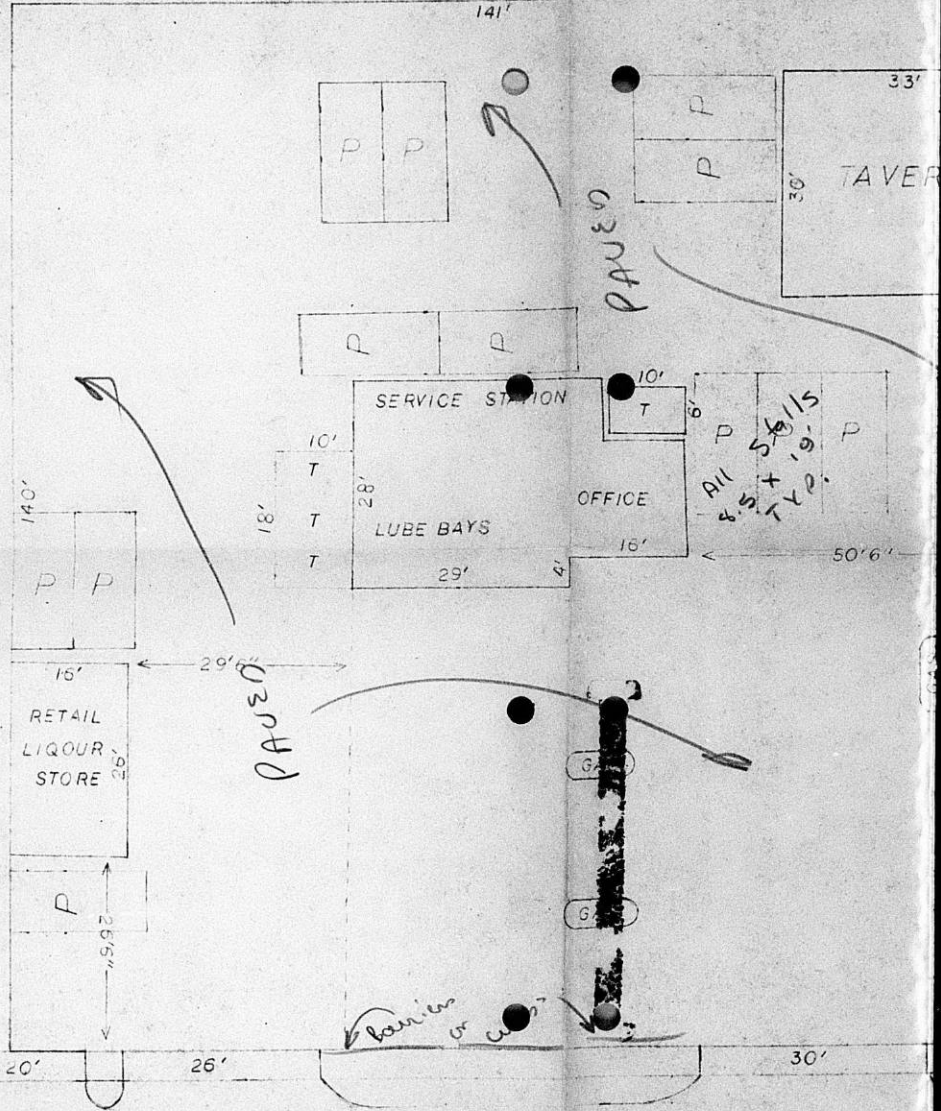
Type: _____ Job Date: _____

Comments: _____

Date: 5-24-68 BY: RL

ALLEYWAY

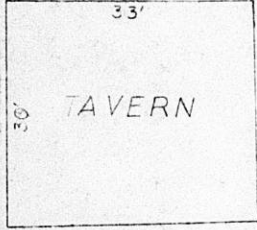
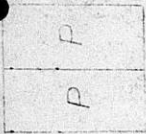
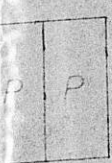
141'



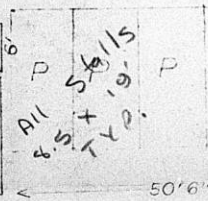
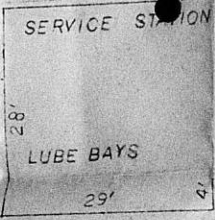
BROADWAY

ALLEYWAY

141'



PAVED



50'6"

25'

VERNON



barrier or curb

TRAFFIC ENGINEERING DIVISION APPROVED

Date 7-30-67 Note: For BZA Reg. 12500

- (A) Parking barriers shall be installed at all locations that are adjacent to public property (s) that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".
- (B) Stall lines shall be painted and 4" or greater in width.
- (C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

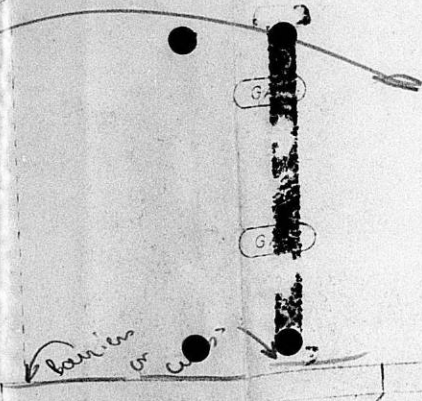
Appendix Subsequent to Field inspection when

CODE -

P - PARKING

T - TRAILER

1-IN. = 15 FT



barrier or curb

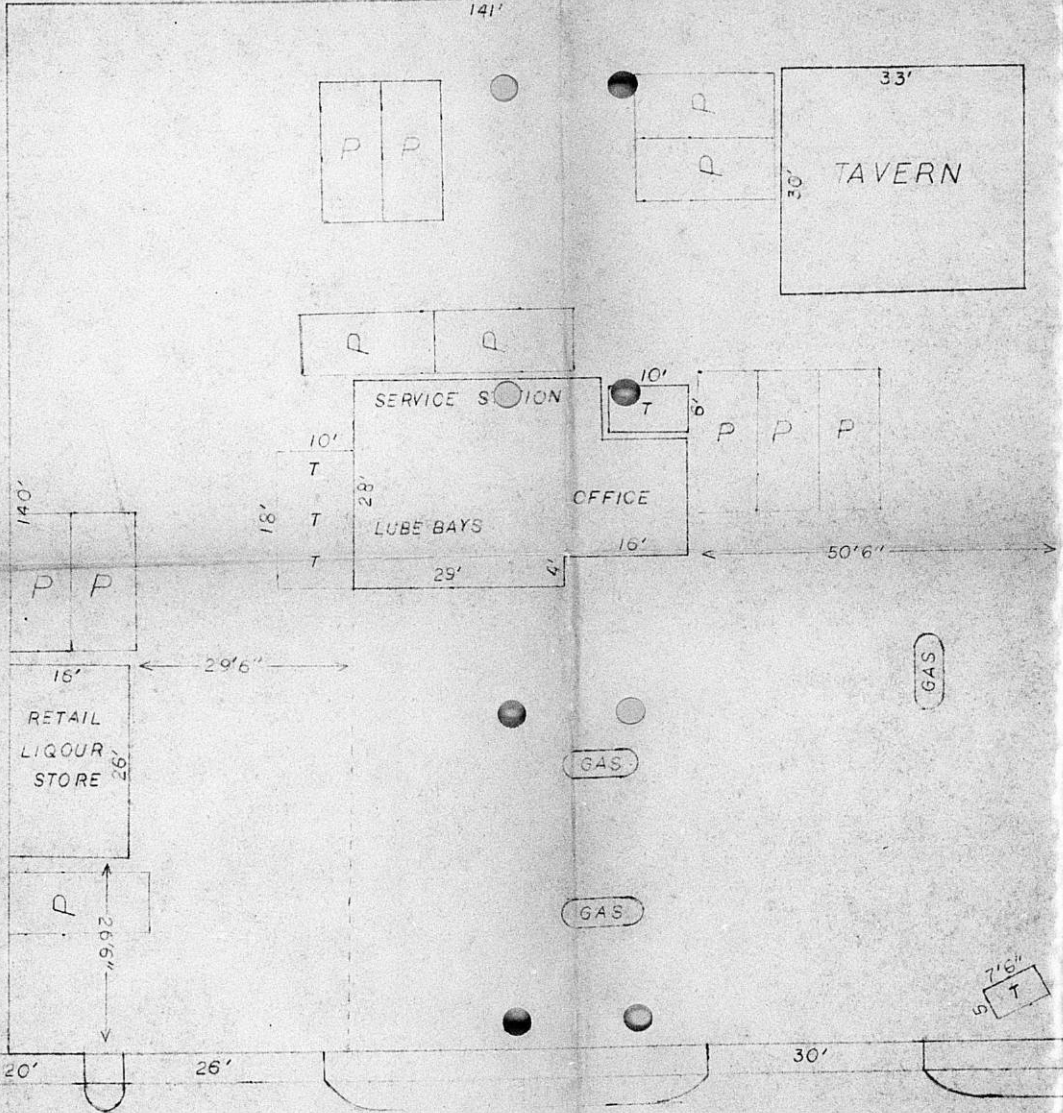


30'

ROADWAY

ALLEYWAY

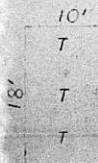
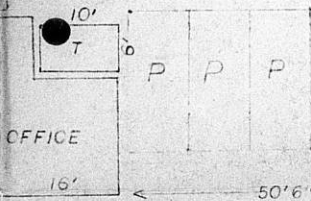
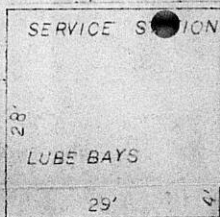
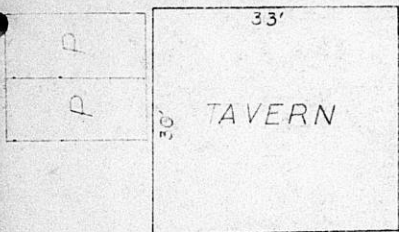
141'



BROADWAY

ALLEYWAY

141'



M.T. VERNON

CODE -

P - PARKING
T - TRAILER

1-IN. = 15 FT

BROADWAY

30'

25'

25'