

BZA 18-71 - American Oil Co. req.
Exception to permit automatic car
wash at NE corner of 13th and
West Streets

POSTED
11-15-71

BZA 12-14-71 *Refer*
BZA 1-25-72 *Deny*

Map No. 5249
 Sec. 12
 Twp. 27S
 Range 1W

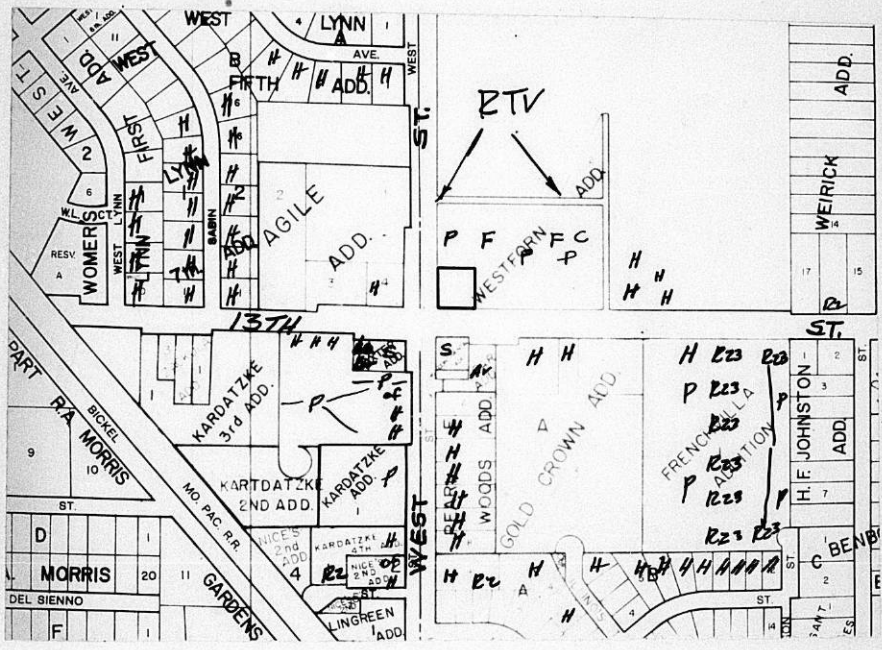
BZA- 18-71
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.4 (135 ft. by 140 ft.)
2. Adjoining Zoning: E _____ S _____ W _____
3. Land Use: East UNDEVELOPED P&P PARKING South SERV. STAT.
 West SINGLE FAM North FOOD STORE & PARKING
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: _____
6. Area (is) (is not) platted. UNDEVELOPED

PHOTO DATA:

Taken by _____ Date _____ Time _____



RESOLUTION NO. BZA 18-71

WHEREAS, American Oil Company, 810 West Douglas-Suite D, Wichita, Kansas, by Hill, Mason and Graber, 810 West Douglas-Suite D, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of an automatic car wash, on property zoned "IC" Light Commercial, and legally described as follows:

The south 140 feet of the west 135 feet of Lot 1, Westform Addition to Wichita, Kansas. Generally located at the northeast corner of 13th and West Streets.

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 January 25, 1972, 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 or construction of an automatic car wash, on property zoned "LC" Light Commercial, subject to the conditions outlined in Section 28.04.183.4, Code of the City of Wichita; and

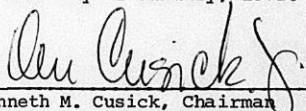
WHEREAS, the Board of Zoning Appeals has found that the property owner was not acceptable to the dedication of 25 feet of additional right-of-way for both West and 13th Streets as required for 2 other corners of this major street intersection.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Zoning Appeals of the City of Wichita, that this application to permit the installation or construction of an automatic car wash, on property zoned "IC" Light Commercial, and legally described as follows:

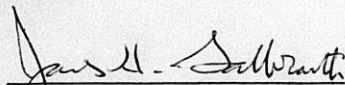
The south 140 feet of the west 135 feet of Lot 1, Westform Addition to Wichita, Kansas. Generally located at the northeast corner of 13th and West Streets.

be denied.

ADOPTED AT WICHITA, KANSAS, this 25th day of January, 1972.


Kenneth M. Cusick, Chairman

ATTEST:


Jack H. Galbraith, Secretary

February 17, 1972

Mr. Thomas H. Graber
Suite D-810 West Douglas
Wichita, Kansas 67203

Subject: Case No. BZA 18-71
Request for Exception

Dear Mr. Graber:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 25, 1972, in connection with your request for an exception to permit the installation or construction of an automatic car wash, on property zoned "LC" Light Commercial, and generally located at the northeast corner of 13th and West Streets.

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:ls

Enclosure

cc American Oil Company, 810 West Douglas-Suite D 67203
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

January 26, 1972

Mr. Thomas H. Graber
810 West Douglas-Suite D
Wichita, Kansas 67203

Subject: Case No. BEA 18-71
Request for Exception

Dear Mr. Graber:

At the regular meeting of the Board of Zoning Appeals on January 25, 1972, your request for an exception to permit the installation or construction of an automatic car wash, on property zoned "LC" Light Commercial, and generally located at the northeast corner of 13th and West Streets, was considered.

Inasmuch as the property owner was not acceptable to the dedication of 25 feet of additional right-of-way for both West and 13th Streets as required from 2 other corners at this intersection, it was the action of the Board to deny the request for the exception.

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.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:ls

cc American Oil Company, 810 West Douglas-Suite D 67203
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

December 15, 1971

Mr. Thomas H. Graber
810 West Douglas-Suite D
Wichita Kansas 67203

Subject: Case No. BZA 18-71
Request for Exception

Dear Mr. Graber:

At the regular meeting of the Board of Zoning Appeals on December 14, 1971, based on your telephone call requesting that this case be deferred, the action of the Board was to defer this case to their next regular meeting.

This case will, therefore, be considered on January 25, 1972, 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.

Sincerely,

Jack H. Galbreith
Secretary

JHG:ls

cc American Oil Company, 810 West Douglas-Suite D
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 18-71

APPLICANT: American Oil Company, 810 West Douglas-Suite D,
Wichita, Kansas

AGENT: Hill, Mason and Graber, 810 West Douglas-Suite D,
Wichita, Kansas

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

GENERAL LOCATION: At the northeast corner of 13th and West
Streets

LAND USE: Subject property is undeveloped; north and east is a
parking lot; south is a service station and self-
service and automatic car wash; west is single family

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

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
installation of an automatic car wash operation which is proposed
to be installed in one of the service bays of a proposed new
service station.

The application area is located at the intersection of two
major streets and provides only 50 feet of half street right-of-
way on both 13th Street and West Street whereas 75 feet of half
street right-of-way is required. It is the opinion of the Secre-
tary that the applicant should be required to dedicate an
additional 25 feet of right-of-way for both streets to meet the
75 foot requirement for major street intersections. The Board
should be aware that both Agile Addition to the west and Par
Addition to the south have dedicated the required right-of-way.

Page 2 - Secretary Report
Case No. BZA 18-71

It is the opinion of the Secretary that the proposed use is proper at this location as it is bounded on all sides by light commercial. However, after the dedication of the additional right-of-way, the application area will not be of sufficient size to provide the required holding and drying spaces, employee parking spaces and circulation aisles and two of the gasoline pump islands.

It is the recommendation of the Secretary based on the required additional right-of-way, subject property is too small and the application should be denied. If, however, the applicant is desirous of additional time to see if additional land is available for lease, the application should be deferred.

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

December 3, 1971

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 18-71

An application has been filed by American Oil Company, 810 West Douglas - Suite D, 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 an automatic car wash, on property zoned "LC" Light Commercial, and legally described as follows:

The south 140 feet of the west 135 feet of Lot 1, Westford Addition to Wichita, Kansas. Generally located at the northeast corner of 13th and West Streets.

This application has been assigned Case No. BZA 18-71, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 14, 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 12-3-71 for 12-14-71

November 22, 1971

Mr. Thomas H. Graber
810 West Douglas-Suite D
Wichita, Kansas 67203

Dear Mr. Graber:

This morning I called your office as I wanted to discuss the above captioned case with you prior to forwarding your copy of the receipt. In reviewing your plans, I noted that you had not indicated the 75 feet of half street right-of-way required at major street intersections. The existing plat of subject property indicates 50 feet of half street right-of-way; however, an additional 25 feet is needed for both streets.

Both Agile Addition to the west and Par Addition to the south have dedicated the required right-of-way. Inasmuch as 25 feet of additional right-of-way will change your plans, we thought that perhaps your client would desire to see if additional property could be leased so that the circulation and parking would work.

Attached for your files is your copy of the receipt for the filing fee for your request for an exception to permit the installation or construction of an automatic car wash at the northeast corner of 13th and West Streets.

This request has been assigned Case No. BZA 18-71 and will be heard by the Board of Zoning Appeals at its regular meeting on December 14, 1971, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas. Copies of the notice to adjoining property owners, secretary's report and agenda will be mailed to you prior to the meeting. If you are desirous of this case being deferred so that the site can be increased in size, please advise and we will inform the Board. If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Secretary

JHG:ls
Attachment

BOARD OF ZONING APPEALS

CASE NO. 18-71

CITY OF WICHITA, KANSAS

FILED ~~18-71~~ 11-12-71

APPLICATION FOR EXCEPTION

I. Name of Applicant American Oil Company

Mailing Address 810 West Douglas - Suite D phone 265-3247

Name of Authorized Agent Hill, Mason & Graber

Mailing Address 810 West Douglas - Suite D phone 265-3247

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

II. Application is made for an exception as provided in Section
2.12.590.C
~~29-04-103 Sub-section (4)~~, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction
an automatic
of Car wash equipment

_____ on property zoned
L-C, located northeast corner of 13th and West Streets

_____ and legally described as: 200' radius of:

The South 140' of the West 135' of Lot 1, Westforn Addition
to Wichita, 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 AMERICAN OIL COMPANY

Authorized Agent Thomas H. Graber

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:05 (~~pm~~ - p.m.), November 16, 19 71, together with appropriate fee of \$50.00.

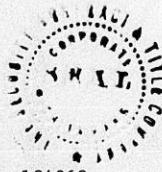
T9-403

Signed G. Lynn Shirley

OWNERSHIP LIST

Lot	Block Addition	Property Owner
1	Westforn Addition	✓ Ruth Spooner Stone, 1317 N. Market St. Wichita, Kansas, 67214
1	Agile Addition	✓ Kansas District Lutheran Church, Missouri Synod, Address unknown <i>2318 W 10th, Topeka 66604</i>
4	"	"
1	Baxter Addition	✓ Delbert E. Baxter & Faye E. Baxter Address unknown <i>Rose Hill 67133</i>
1	Continental Addition	Triangle Facilities, Inc. Address unknown <i>none found</i>
1	Par Addition	✓ Floyd D. DeWitt & Marie J. DeWitt 3325 S. Oak, Wichita, Kansas, 67217
1	A Gold Crown Addition	Quality Land, Inc., Address unknown <i>none found</i>

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of The South 140 feet of the West 135 feet of lot 1, Westforn Addition to Wichita, Kansas, as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 15th day of November, 1971 at 7:00 o'clock A. M.



The Security Abstract and Title Company, Inc.

By

Curtis Simmons
Vice President
Vice-President

Order No. 184362

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		

DESCRIPTION AMOUNT

Name

Address

Type

Due Date

Comments:

Date

By

*

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