

M.A.P.C.

B.C.C./B. CO. C.

Approved 7-23-68 POSTED
6-4-68

OK

BZA 19-68 - Claude Gragg requests exception to permit installation of U-Haul Trailers, etc. on property zoned LC located at SE corner of [unclear] and [unclear]

ACTION

	DATE	
BZA COMMITTEE	<u>Deferred</u> 6-25-68	
	<u>Approved</u> 7-23-68	POSTED
M.A.P.C.	_____	6-4-68
B.C.C./B. CO. C.	_____	

OK

BZA 19-68 - Claude Gragg requests exception to permit installation of U-Haul Trailers, etc. on property zoned IC located at SE corner of _____ and _____

Wichita, Kansas
June 27, 1968

Mr. Jack H. Galbraith, Sec.
Board of Zoning Appeal
City of Wichita
Wichita, Kansas

Re: C. E. Gragg
902 S. Woodlawn
Wichita, Kansas

Dear Mr. Galbreith:

At the request of Mr. Gragg, Lessee of a Sinclair Service Station, 902 S. Woodlawn, Wichita, Kansas, I am writing you to provide you with the information that Mr. Gragg's application, now being considered by the Zoning Board, to permit a number of U-Haul trailers and miscellaneous equipment to be housed on the property does conform to our Lease with Mr. Gragg, and Sinclair Refining Company has no objections to Mr. Gragg's application.



Very truly yours,

D. V. GRAHAM
Branch Manager
203 N. Handley
Wichita, Kansas

July 25, 1968

Mr. Claude Gragg
902 S. Woodlawn
Wichita, Kansas 67218

Subject: BZA 19-68
Request for Exception

Dear Mr. Gragg:

At the regular meeting of the Board of Zoning Appeals on July 23, 1968, your request for an exception to permit the installation of construction of U-Haul rental trailers, handtrucks, automobile top carriers, and bumper hitches on property zoned "LC" Light Commercial, and generally located on the southeast corner of Lincoln and Woodlawn, 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. 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.

Mr. Claude Gragg
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.
9. In the event the land adjacent to the east is developed residentially, the applicant or owner of the service station shall construct a 5 to 8 foot solid or semi-solid fence of masonry, architectural tile, wood, louvered wood, or other similar materials along the east line of subject application area.

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

Robert Feldner, Superintendent
of Central Inspection

Ralph Eberly, City Clerk

Mr. Claude Gragg
902 South Woodlawn
Wichita, Kansas 67218

Subject: BZA 19-68, Request
for Exception

Dear Mr. Gragg:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals 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 southeast corner of Lincoln and Woodlawn.

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

RESOLUTION NO. BZA 19-68

WHEREAS, Claude Gragg, 902 South Woodlawn, 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 north 100 feet of the west 100 feet of Lot 6, Block 1, Eastridge 7th Addition, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Lincoln and Woodlawn.

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:

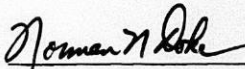
The north 100 feet of the west 100 feet of Lot 6, Block 1, Eastridge 7th Addition, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Lincoln and Woodlawn.

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.)

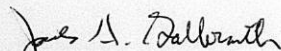
2. Approval is to apply only for a specified area within the service station site designated on the plan.
3. That all storage and display areas shall be paved with concrete, asphalt or other comparable material.
4. All lights shall be shielded to reflect or direct light away from adjoining property. 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.
9. In the event the land adjacent to the east is developed residentially, the applicant or owner of the service station shall construct a 5 to 8 foot solid or semi-solid fence of masonry, architectural tile, wood, louvered wood, or other similar materials along the east line of subject application area.

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



NORMAN DOKE, Vice-Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

July 15, 1968

Mr. Claude Gragg
902 S. Woodlawn
Wichita, Kansas 67218

Subject: BZA 19-68
Request for Exception

Dear Mr. Gragg:

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

June 26, 1968

Mr. Claude Gragg
902 South Woodlawn
Wichita, Kansas 67218

Subject: Case No. BEA 19-68
Request for Exception

Dear Mr. Gragg:

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 rental trailers, handtrucks, automobile top carriers, and bumper hitches on property zoned "LC" Light Commercial, and generally located on the southeast corner of Lincoln and Woodlawn, 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
Arthur Johnson, Attorney

SECRETARY'S REPORT

CASE NO. BZA 19-68

APPLICANT: Claude Gragg, 902 South Woodlawn, 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 southeast corner of Lincoln and Woodlawn.

LAND USE: Subject property and that to the west is developed by service stations. To the north is a shopping center, east is vacant, and south is a restaurant.

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 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 southeast corner of Woodlawn and Lincoln. The site is presently occupied by a service station and the trailer rental operation would be secondary in nature, being an additional service offered to the customers.

Several years ago the zoning ordinance was amended to permit merchandise which is for sale within the building to be displayed in areas immediately adjacent to the building. This amendment accommodated uses such as service stations displaying tires, oil, etc., in the "LC" zoning classification. It is the opinion of the

Page 2 - Secretary's Report
Case No. BZA 19-68

Secretary that to permit the outdoor display of non-associated merchandise or equipment such as trailers and handtrucks, and other rental equipment creates an unsightly appearance and often impairs the traffic circulation of the service station facility.

The approval of the trailer rental operation for the area included within the application would create an intermixing of two different commercial businesses on a site adequate in size only to accommodate one use. It should be pointed out that the application area has a 100-foot frontage on both streets whereas most of the major oil companies have gone to 150 foot frontages on their newer station sites.

It should also be pointed out that if this request were approved for this service station it would encourage additional requests in other "LC" areas most of which are neighborhood or service areas such as this and not appropriate for this heavier type of storage use.

Recommendation

It is the recommendation of the Secretary that the exception not be approved inasmuch as trailer rentals associated with service stations and other permitted "LC" uses are not the type of uses that should be encouraged in neighborhood and service commercial areas and, therefore, should either be in the "C" commercial zone or along streets where uses such as new and used car lots, mobile home sales, etc. are an accepted use.

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 19-68

An application has been filed by Claude Gragg, 902 South Woodlawn, 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 north 100 feet of the west 100 feet of
Lot 6, Block 1, Eastridge 7th Addition, Wichita,
Sedgwick County, Kansas. Generally located on
the southeast corner of Lincoln and Woodlawn.

This application has been assigned Case No. BZA 19-68, 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

*14 Notices
mailed 6-5-68*

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. BZA 19-68
FILED May 24, 1968

APPLICATION FOR EXCEPTION

I. Name of Applicant Claude Gragg (Gregg's Sinclair Service)
Mailing Address 902 S. Woodlawn 67218 Phone MU2-9935
Name of Authorized Agent Billy Gene Lafferty (U-Haul Co.)
Mailing Address 3202 Fenley 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 902 S. Woodlawn
and legally described as: The North
100ft. of the West 100 ft. of Lot 6, Block 1, Eastridge 7th
Addition, Wichita, Sedgwick County, in the City of Wichita,
Kansas,
(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 Claude Gragg

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 _____

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. Dits	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer	30.00	

DESCRIPTION AMOUNT

BZA exceptions

Name *Bill Lafferty*

Address *3202 Pennington*

Type Due Date

Comments:

Date *5-24-68* By *HL*

OWNER SHIP LIST

LOT	BLOCK	ADDITION	PROPERTY OWNER
Reserve E, exc. N. 100 ft		Replat of Part of Eastridge	✓ Ridgewood Development, Inc. 219 N. Market 67202
9	5	"	"
10	"	"	"
1	1	Eastridge 7th	"
2	"	"	"
3	"	"	"
4	"	"	"
5	"	"	"
6 exc. N. 175 ft	"	"	✓ Melvin Steven Sandra Steven 1700 N. Nevada 67212
S 75 ft of N 175 ft of 6	"	"	✗ Frances Monson Address unknown
N 100 ft of W 100 ft of 6	"	"	✓ Harley P. Moon ✓ Mattie F. Moon 1610 Salina 67203
N 100 ft of 6, exc. W 100 ft	"	"	✓ Woodlawn Avenue Baptist Church 960 S. Woodlawn 67218
S 125 ft of Block G		A. J. Christman 2nd	✗ W. H. Rex Address unknown
S 200 ft of Reserve A		Replat of Trollope- Fallon Addition	✗ Hazel H. McClellan Leon H. McClellan 1810 N. Custer 67203
N 100 ft of E 100 ft of Reserve A		"	The American Oil Company

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 North 100 feet of the West 100 feet of Lot 6, Block 1, Eastridge 7th Addition, 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 Schneider*
Vice President

Order No. 154096

Approved Plan

COLN

NO
SIDEWALK

30'

Down

GAS

3
9
D

20'

OFFICE

SERVICE STATION

No Park in this Area

5
SE
WAYS

105

TRAILER AREA
10' X 30'

TRAILER AREA
10 X 30

TRAFFIC ENGINEERING DIVISION APPROVED
6 Spaces - As Noted
 Date 8-19-68 U.C. & N.Y.
 (A) Parking barriers shall be installed at all locations that are adjacent to public property (so 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.

Field review 8-19-68 O.C. [Signature]

CODE -

- P - PARKING
- T - TRAILER
- 1 - IN = 15 FT

GAS

2
P
1

CODE -
 P - PARKING
 T - TRAILER
 I - IN - 15 FT

