

BZA 19-69 - Earl L. McBride re  
exception to permit trailer & equip.  
rental on "LC". NE corner of Seneca  
and McCormick.

POSTED  
7/21/69  
MADL  
E.L.V.

BZA August 26, 1969 approve

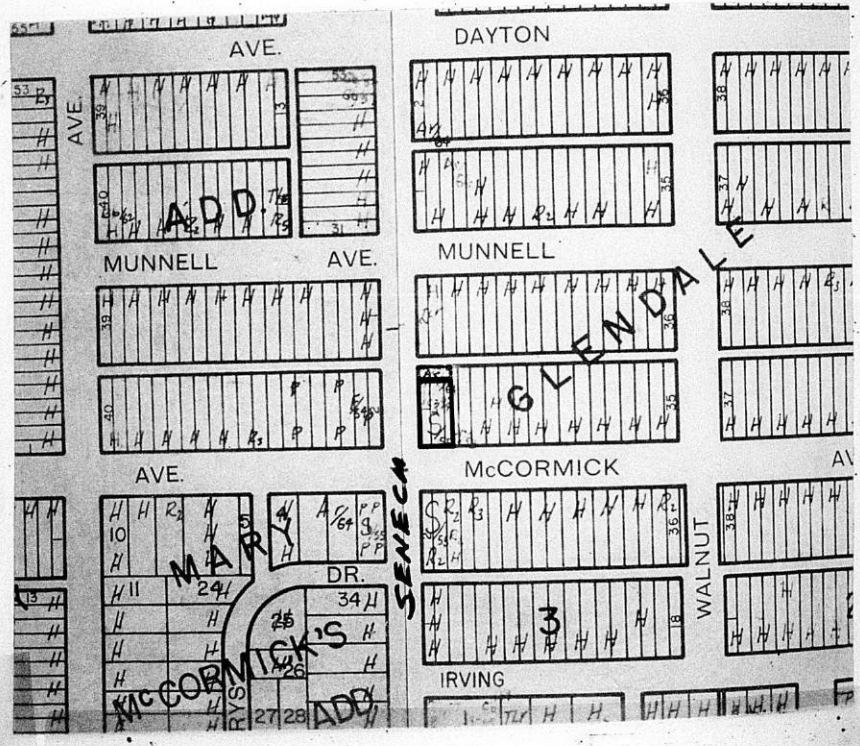
19

Map No. 5446  
Sec. 29  
Twp. 27  
Range R1E

EZA ~~69~~  
SCZ \_\_\_\_\_  
CU \_\_\_\_\_  
Filed \_\_\_\_\_

- AREA DATA:
1. Acres: 0.169 ( 62.5 ft. by 118 ft.)
  2. Adjoining Zoning: E LC S LC W LC N LC
  3. Land Use: East SINGLE FARM South SERV. STAT. & TWO FAM  
West FOOD STORE & PARKING North Auto repair
  4. Sketch Plan Land Use is for: RESIDENTIAL
  5. Present Land Use is for: SERV. STAT. AUTO GARAGE
  6. Area (is) (is not) platted.

PHOTO DATA:  
Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



$$\begin{array}{r} 25.0 \\ 12.5 \\ \hline 50 \\ 62.5 \end{array}$$

$$\begin{array}{r} 75.0 \\ 62.5 \\ \hline 12.5 \\ 3.6 \end{array}$$

RESOLUTION NO. BZA 19-69

WHEREAS, Earl L. McBride, 202½ South McComas, 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 a trailer and equipment rental operation on property zoned "LC" Light Commercial, and legally described as follows:

The South 118 feet of Lots 1, 3, and 5, McCormick Avenue, Glendale Addition to Wichita, Kansas, except the East 12½ feet thereof. Generally located at the northeast corner of Seneca and McCormick.

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 or construction of a trailer and equipment rental operation 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 or construction of a trailer and equipment rental operation on property zoned "LC" Light Commercial and legally described as follows:


The South 118 feet of Lots 1, 3, and 5, McCormick Avenue, Glendale Addition to Wichita, Kansas, except the East 12½ feet thereof. Generally located at the northeast corner of Seneca and McCormick.

subject to the following conditions:


1. Approval is to apply for only those areas 10 by 26 feet and 7 by 16 feet indicated on the plot plan as that to be used for trailer rental space.
2. The storage area shall be paved with concrete, asphalt or other comparable material.
3. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
4. All light 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. The approval of this exception is only for the period of time that the applicant, Earl L. McBride, has a lease on subject property. In the event that the lease is terminated, Mr. McBride is to notify the Office of Central Inspection and the Secretary of the Board, who in turn will make the appropriate notations in the file that the exception has terminated.

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

  
NORMAN N. DOKE, Chairman

ATTEST:

  
JACK H. GALBRAITH, Secretary

August 29, 1969

Mr. Earl L. McBride  
202½ South McComas  
Wichita, Kansas 67213

Dear Mr. McBride:

Subject: Case No. BZA 19-69  
Request for Exception

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 or construction of a trailer and equipment rental operation on property zoned "LC" Light Commercial and generally located on the northeast corner of Seneca and McCormick.

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: Ralph Eberly, City Clerk  
Robert Feldner, Superintendent of Central Inspection

August 27, 1969

Mr. Earl L. McBride  
202½ South McComas  
Wichita, Kansas 67213

Dear Mr. McBride:

Subject: Case No. BZA 19-69  
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 or construction of a trailer and equipment rental operation on property zoned "LC" and generally located on the northeast corner of Seneca and McCormick was considered. It was the action of the Board to approve this request, subject to the following conditions:

1. Approval is to apply for only those areas 10 by 26 feet and 7 by 16 feet indicated on the plot plan as that to be used for trailer rental space.
2. The storage area shall be paved with concrete, asphalt or other comparable material.
3. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
4. All light 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.

August 27, 1969  
Mr. Earl L. McBride

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. The approval of this exception is only for the period of time that the applicant, Earl L. McBride, has a lease on subject property. In the event that the lease is terminated, Mr. McBride is to notify the Office of Central Inspection and the Secretary of the Board, who in turn will make the appropriate notations in the file that the exception has terminated.

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, please call our office.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:so

cc: Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 19-69

APPLICANT: Earl L. McBride, 202½ South McComas

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation or construction of a trailer and equipment rental operation.

GENERAL LOCATION: Northeast corner of Seneca and McCormick.

LAND USE: Subject property is occupied by a service station, north is auto repair, south is service station and duplex, west is grocery store with single family to the east.

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 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 a trailer and equipment rental operation on property zoned "LC" at the northeast corner of Seneca and McCormick. The site is presently occupied by a service station and the trailer and equipment 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 Secretary that to permit the outdoor display of non-associated merchandise or equipment such as trailers and other types of

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BZA 19-69

rental equipment creates an unsightly appearance, often impairs the traffic circulation of the service station facility and often required employee and customer parking is infringed on by the equipment and trailers.

The approval of the rental operation for the area included within this application (62½ ft. X 118 ft.) 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 most of the major oil companies have gone to 150 foot frontages on their newer service 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 is not the type of use 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

August 6, 1969

**NOTICE TO ADJOINING PROPERTY OWNERS**

Case No. BZA 19-69

An application has been filed by Earl L. McBride, 202½ South McComas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of a trailer and equipment rental operation on property zoned "LC" Light Commercial and legally described as:

The South 118 feet of Lots 1, 3, and 5, McCormick Avenue, Glendale Addition to Wichita, Kansas, except the East 12½ feet thereof. Generally located at the northeast corner of Seneca and McCormick.

This application has been assigned Case No. BZA 19-69, 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

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. \_\_\_\_\_

FILED \_\_\_\_\_

*map 5446*

**APPLICATION FOR EXCEPTION**

I. Name of Applicant EARL L. McBRIDE  
Mailing Address 202 1/2 So McCormick Phone WH 22806  
Name of Authorized Agent NA  
Mailing Address NA Phone \_\_\_\_\_  
Relationship of applicant to property is that of LESSEE  
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section  
28.04.183.2, Code of the City of Wichita, Kansas  
(Zoning Ordinance); to permit the installation or construction  
of <sup>OK for legal</sup> ~~Residential~~ Trailer and equipment rental operation  
on property zoned  
"LC", located 946 South SENECA  
NE Cor Jerome McCormick and legally described as:  
The South 118 feet of Lots 1, 3, and 5, McCormick Avenue, Glendale Addition  
to Wichita, Kansas, except the East 12 1/2 feet thereof.  
\_\_\_\_\_, 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 Earl L. McBride  
Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 1:50 (a.m. - ~~P.M.~~), July 28, 1969. together with appropriate fee of \$50.00.

Signed Edwin Shirley

7-28-69

City Planning Commission  
City of Wichita  
Wichita, Kansas

Dear Sirs:

I am submitting this statement which in my opinion justifies the exception I am applying for.

I am operating as Tuna Service Station at 946 S. Seneca and though it is a fair living, there just isn't enough for two men but too much for one. and need something to warrant me hiring some help.

I want to offer as an added convenience & service to the people & my customers of this community a small Rental service, such as Trailers, Lawnmowers, Tools, etc. The nearest Rental business is on the 2200 Block S. Seneca so therefore I don't feel that I am out of line in asking for this exception.

Sincerely

Carl L. McBride

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
1, 3, & 5, exc E 12½ ft	McCormick	Glendale	X Ruby McKean Address unknown
E 12½ ft Lot 5 & Lot 7	"	"	✓ William C. Meeks Etsuko K. Meeks 1038 McCormick Wichita, Kansas 67213
9 & 11	"	"	✓ Edgar J. Millis Leona M. Millis 1139 S. St. Clair Wichita, Kansas 67213
13 & 15	"	"	✓ Geneva F. Finney ✓ Sheridian J. Finney 819 S. Meridian Wichita, Kansas 67213 & X Ida A. McCoy address unknown
17 & 19	"	"	✓ Donald E. Davis Thelma R. Davis 1022 McCormick Wichita, Kansas 67213
21	"	"	✓ Charles L. Potts Marilyn K. Potts 1614 Maple Wichita, Kansas 67213
2 & 4, exc S 40 ft	Munnell	"	✓ Roy R. Royce Goldie B. Royce 904 S. Seneca Wichita, Kansas 67213
S 40 ft Lots 2 & 4	"	"	✓ Herbert E. Marshall Ruth C. Marshall 215 E. Lincoln Wichita, Kansas 67213
6 & 8	"	"	✓ David E. Wilson Martha K. Wilson 1518 Laura Wichita, Kansas 67211
10 & 12	"	"	✓ Mary Wohlschlegel 1033 Munnell Wichita, Kansas 67213
14 & 16	"	"	✓ Paul J. Stonehouse Olga J. Stonehouse 234 S. West St. Wichita, Kansas 67213

Lot	Street	Addition	Property Owner
18 & 20	Munnell	Glendale	✓ Paul J. Stonehouse, Sr. Olga Stonehouse 234 S. West St. Wichita, Kansas 67213
22	"	"	✓ Frank W. Berg Gladys J. Berg 1017 Munnell Wichita, Kansas 67213
2, 4, 6, & 8	McCormick	"	✓ Ruford L. Haynes Agnes I. Haynes 1921 E. Harry Wichita, Kansas 67211
10 & 12	"	"	X Edna B. Patterson Hazel Rene Killeen Address unknown
14 & 16	"	"	X W. C. Brinkman Golda Brinkman Address unknown
18 & 20	"	"	X Vern A. Fowler Pauline M. Fowler Address unknown
2, 4, 6, 8, 10, & 12	"	Lawrence's 7th	✓ May's Company, Inc. 208 N. Broadway Wichita, Kansas 67202
N 50 ft 1, 3, 5, & 7	Munnell	"	✓ M. Glenn Rash 901 S. Seneca Wichita, Kansas 67213
S 45 ft of N 95 ft Lots 1, 3, 5, & 7	"	"	X Olla M. Jaynes Address unknown
S 45 ft Lots 1, 3, 5, & 7	"	"	✓ Henry C. Rivers Ellen A. Rivers 909 S. Seneca Wichita, Kansas 67213
9 & 11	"	"	✓ C. E. Barr Fontella L. Barr 1111 Munnell Wichita, Kansas 67213
1 & 2		Mary McCormick's	✓ Albert G. Johnson Leona Johnson 443 S. Brookside Wichita, Kansas 67218

Lot	Addition	Property Owner
3	Mary McCormick's	✓ Eugene L. Bolton Edna L. Bolton 140 N. Broadview Wichita, Kansas 67208

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 Ft. radius of the South 118 Feet of Lots 1, 3 and 5, except the East 12½ Feet of Lot 5, McCormick Avenue, in Glendale Addition to Wichita, Kansas, as shown by the last deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 26th day of June, 1969, at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Luisella Schroeder*  
Vice President

Order No. 164328  
jwp

Form 273-021

**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

BZA

50.00

Name

Carl Mc Bride

Address

205 1/2 So. - 116 Perias

Type

R-71-C

Due Date

Comments:

Date

7-28-69

By

SO

\*

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