

BZA 20-68 - Earl Henderson requests
Exception to permit installation of
mobile home sales lot on west side
of Broadway between Funston and

POSTED
8-1-68

ACTION

B3a COMMITTEE ^{DATE} Approved 8-27-68
M.A.P.C. _____
B.C.C./B. CO. C. _____

PZ MV
EZ MV
10/20/69

September 16, 1968

Mr. Earl Henderson
1643 South Broadway
Wichita, Kansas 67211

Subject: Case No. BZA 20-68
Request for an Exception

Dear Mr. Henderson:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 27, 1968, in connection with your request for an exception to permit the installation of a mobile home sales lot on property zoned Light Commercial, and generally located on the west side of Broadway in an area between Funston and Skinner.

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: Mr. L. H. Winter, 1811 S. Broadway, Wichita, Kansas 67211
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

RESOLUTION NO. BZA 20-68

WHEREAS, Earl Henderson, 1643 South Broadway, 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:

Lots 110, 112, 114, 116, 118, 120, 122, 124, and 126, and the north half of the vacated alley adjacent on the south, on Broadway Avenue in English 7th Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Broadway, between Funston and Skinner.

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 27, 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 installation of a mobile home sales lot on property zoned "LC", 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 for the installation of a mobile home sales lot on property zoned "LC" Light Commercial, and legally described as follows:

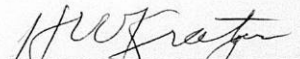
Lots 110, 112, 114, 116, 118, 120, 122, 124, and 126, and the north half of the vacated alley adjacent on the south, on Broadway Avenue in English 7th Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Broadway, between Funston and Skinner.

subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right of way.
4. No sound projecting devices or loudspeakers shall be used (so as to be heard outside any structure).
5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. Direct vehicular access from subject property to the north-south alley between Broadway and Market shall not be permitted unless said alley is paved to City specifications.

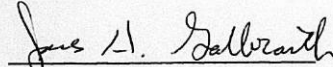
7. A six to eight foot high solid wall of masonry, architectural tile, staggered or louvered redwood, or roughsawed cedar fence shall be constructed along the west property line. In the event the alley is paved to City specifications said fence need not be constructed across the points of ingress and egress as indicated on the plot plan.
8. All parking spaces abutting property lines shall have adequate guards, to prevent the extension of overhanging of vehicles or mobile homes beyond property lines of parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
9. No mobile home on subject property shall be occupied as a residence as long as the site is utilized for mobile home sales.
10. No repair work of mobile homes shall be conducted as a part of the mobile home sales operation.
11. The applicant shall provide for the closing and return of the curbs for the two existing drives not proposed for use and provide a sidewalk across same in line with the present sidewalk.
12. The applicant may proceed to develop the site in two parts, however, with the development of any part the installation of the required improvements shall be made prior to the occupancy of that part of the lot and all requirements of the entire site shall be met by August 27, 1969, or the approval of the exception shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 27th day of August, 1968.



H. W. KRATZER, Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

August 28, 1968

Mr. Earl Henderson
1643 South Broadway
Wichita, Kansas 67211

Subject: Case No. BZA 20-68
Request for an Exception

Dear Mr. Henderson:

At the regular meeting of the Board of Zoning Appeals on August 27, 1968, 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 west side of Broadway in an area between Funston and Skinner, was considered.

It was the action of the Board to approve the exception request for a mobile home sales lot subject to the first eleven conditions recommended in the Secretary's Report. An additional condition, No. 12, required by the Board is as follows:

12. The applicant may proceed to develop the site in two parts, however, with the development of any part the installation of the required improvements shall be made prior to the occupancy of that part of the lot and all requirements on the entire site shall be met by August 27, 1969, or the approval of the exception shall become null and void.

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:js

Mr. Earl Henderson
August 28, 1968
Page 2

cc: Robert Feldner
Superintendent of
Central Inspection

Ralph Eberly,
City Clerk

L. H. Winter
1811 S. Broadway
Wichita, Kansas 67211

SECRETARY'S REPORT

CASE NO. BZA 20-68

APPLICANT: Earl Henderson, 1643 South Broadway, Wichita, Kansas.

AGENT: None

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita to permit the installation of a Mobile Home Sales Lot.

GENERAL LOCATION: West side of Broadway (U.S. 81) in an area between Funston and Skinner.

LAND USE: Subject property is occupied by a single-family dwelling. To the north and west are single-family dwellings, to the south is multi-family and to the east is a motel, office building, and single-family.

ZONING: The application area is zoned "LC" light commercial as is that to the north, south and east. To the west is "A" two-family zoning.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 28.04.183.2, Code of the City of Wichita. The Board may grant the exception if all the requirements as set out in 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 installation or construction of a mobile home sales lot on property zoned "LC" Light Commercial. Although the Board has jurisdiction and may grant an exception for Mobile Home Sales in the light commercial district, it is recognized that this use is not logical or proper in all light commercial districts or 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

Page 2 - Secretary's Report
Case No. BZA 20-68

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 in the City.

A considerable amount of thought was given to the proper and logical location of mobile home sales lots when the preliminary draft of the prototype zoning ordinance was prepared. It was the conclusion of the consultants that mobile home sales lots are highway oriented uses and that extreme care should be given in assigning locations because over use could easily produce commercial blight.

It should be pointed out that the plot plan submitted with the application indicates ingress and egress to the sales lot from an unpaved alley. In discussion with the office of the City Traffic Engineer, it has been determined that if the alley is to be used for ingress and egress to the sales lot, the alley will have to be paved to City specifications. It should also be pointed out that the plan does not provide for an additional 20 feet of street right-of-way inasmuch as only 30 feet of half-street right-of-way exists whereas 50 feet of half-street right-of-way is required on all major streets. It should be noted, however, that only 60 feet of street right-of-way exists in this entire mile.

It is the opinion of the Secretary that this is a logical and proper use inasmuch as subject property is located adjacent to a major highway and that through paving of the alley, and provision of necessary screening that the use is proper for the area.

RECOMMENDATION

It is the recommendation of the Secretary that the application to permit the installation of a Mobile Home Sales Lot be approved subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.

3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
4. No sound projecting devices or loudspeakers shall be used (so as to be heard outside any structure).
5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. Direct vehicular access from subject property to the north-south alley between Broadway and Market shall not be permitted unless said alley is paved to City specifications.
7. A six to eight foot high solid wall of masonry, architectural tile, staggered or louvered redwood, or rough-sawed cedar fence shall be constructed along the west property line. In the event the alley is paved to City specifications said fence need not be constructed across the points of ingress and egress as indicated on the plot plan.
8. All parking spaces abutting property lines shall have adequate guards, to prevent the extension of overhanging of vehicles or mobile homes beyond property lines of parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
9. No mobile home on subject property shall be occupied as a residence as long as the site is utilized for mobile home sales.
10. No repair work of mobile homes shall be conducted as a part of the mobile home sales operation.
11. The applicant shall provide for the closing and return of the curbs for the two existing drives not proposed for use and provide a sidewalk across same in line with the present sidewalk.
12. The applicant shall install all of the required improvements prior to the occupancy of the site for a mobile home sales lot.

Case No. BZA 20-68 - 24 NOTICES TO ADJOINING PROPERTY OWNERS MAILED 8-7-68 for
meeting of 8-27-68.

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

August 7, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 20-68

An application has been filed by Earl Henderson, 1643 South Broadway, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of a Mobile Home Sales Lot on property zoned "LC" Light Commercial and legally described as follows:

Lots 110, 112, 114, 116, 118, 120, 122, 124, and 126, and the north half of the vacated alley adjacent on the south, on Broadway Avenue in English 7th Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Broadway, between Funston and Skinner.

This application has been assigned Case No. BZA 20-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 27, 1968, 1:30 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

July 25, 1968

Mr. Earl Henderson
1643 S. Broadway
Wichita, Kansas 67211

Subject: BZA 20-68 - Exception
for a Mobile Home Sales Lot

Dear Mr. Henderson:

Recently you submitted an application for an Exception for a Mobile Home Sales Lot to be located on the west side of Broadway between Funston and Skinner. This application was assigned number BZA 20-68 and has been scheduled for the meeting of the Board on August 27, 1968.

As a result of actions taken on other BZA cases at the regular meeting of the Board yesterday, they directed that I write you and advise that they will not consider your application or others in the future unless a detailed plot plan in duplicate, is submitted first to the Office of Central Inspection and Traffic Engineering Division of the Department of Public Works for their approval. Said plan shall be drawn to scale showing all existing and proposed structures, required off-street parking spaces for both customer and employees, all points of ingress and egress, width of driveways, markings for traffic channelization, location of trailers, and any other appropriate dimensions or information which would be helpful to the Board of Zoning Appeals in consideration of the application. (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.)

These plans approved by these two divisions must be submitted to our office no later than August 12, 1968, so that this matter can be heard at the Board's regular meeting of August 27, 1968.

Mr. Earl Henderson
July 25, 1968
Page 2

Attached is one copy of the plan submitted to our office. If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

Attachment

cc: Paul Graves,
Traffic Engineering

Robert Feldner
Superintendent of
Central Inspection

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 20-68
FILED 7-16-68

APPLICATION FOR EXCEPTION

I. Name of Applicant Earl Henderson
Mailing Address 1643 So Broadway, Wichita, Ks Phone AM 59504
Name of Authorized Agent None
Mailing Address NA Phone NA
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, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of Mobile Home Sales Lot
_____ on property zoned
LC, located 1800 Block So Broadway, West Side
_____ and legally described as: Lots 110, 112,
114, 116, 118, 120, 122, 124, and 126, & N 1/2 of vacated alley adjacent land
on South, on Broadway Avenue in English ^{7th add. to Wichita}, in the City of Wichita.
7th Addn to 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 Earl Henderson
Authorized Agent _____

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:30 (a.m. ~~(p.m.)~~), 7-16, 1968, together with appropriate fee of \$50.00.

Signed Joyce Smith

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
)
 Sedgwick County,)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

**Fidelity
 Title
 Company,
 inc.**

Property lying within a radius of 200 ft of:
 Lots 110 thru 126 (even) & $\frac{1}{2}$ vacated alley adj
 on the South, on Broadway Avenue, in English
 7th Addition, Wichita, Sedgwick County, Kansas.

And from such examination find that the owners there-
 of are as set opposite the description of the property below, viz:

LOT	STREET	ADDITION	OWNER
98 & 100,	Broadway	ENGLISH'S 7th	Priscilla & Harry G. Miller, vdr No Address Available
102 & 104,	"	"	Alfred & Tressia C. Schillinger 3046 Hiram 67217 ux
106 & 108,	"	"	L. H. & Nellie G. Winter, ux 1811 S. Broadway 67211
110, 112, 114, 116, 118 & 120,	"	"	Earl & Naomi C. Henderson, ux 1643 S. Broadway 67211
122, 124, 126,	"	"	Earl Henderson 1643 S. Broadway 67211
128 & 130 & S $\frac{1}{2}$ vac alley adj.	"	"	Oles, Jr. & Audrey P. Callers, 10624 Lynndale 67209 ux
132 & 134,	"	"	Elmer E. & Mary M. Hatfield, ux 1849 S. Broadway 67211



LOT	ST.	BLK	ADDITION	OWNER
<u>ENGLISH'S 7th</u>				
136 & 138,	Broadway		✓ Elmer E. & Mary M. Hatfield, ux 1849 S. Broadway	67211
140 & 142,	"		✓ Alex J., Jr. & Jana S. Soerries, 1851 S. Broadway	67211 ^{UX}
97 & 99,	Market		✓ The Friends University 2100 University	67213
101 & 103,	"		✓ William S. & Betty L. Parmole, No Address Available	ux
105 & 107,	"		✓ Clifford W. & Ruth O. Bolinger, 1806½ S. Market	67211 ux
109 & 111,	"		✓ Cleo M. & Ellen B. Welty, ux 1818 S. Market	67211
113 & 115,	"		✓ Leslie W. Lile, sgle Robert J. Bonner, sgle. 1824 S. Market	67211
117 & 119,	"		✓ Russell W. & Marian D. Hare, ux 1828 S. Market	67211
121 & 123,	"		✓ J. C. & Ada C. Knaak, ux 1832 S. Market	67211
125 & N½ vac alley	"		✓ Don D. & Virginia A. Stokes, ux 1840 S. Market	67211
127 & 129,	"		✓ Claude O. & May J. Harris, ux 1844 S. Market	67211
131 & 133,	"		✓ Fay L. Stewart 422 S. Green	67211
135 & 137,	"		✓ Helen Irene Johnston & Jack Eldon Johnston, Life Est: Miriam F. Himes, wdo. 1852 S. Market	67211
139 & 141,	"		✓ Violet E. Cummings No Address Available	
<u>S. Lawrence Ave.</u>				
2 & 4,	Broadway		✓ Claude H. & Juanita McAdams, ux 1802 S. Broadway	67211
6 & 8,	"		✓ Fred E. & Juanita E. Breaker, ux 1808 S. Broadway	67211
10, 12, 14, 16,	"		✓ Glenn O. & Marie C. Hetrick, ux 746 N. Mission	67206
18, 20, 22, 24,	"		✓ Earl & Naomi C. Henderson, ux Benjamin H. & Anna V. Hanson, ux 1843 S. Broadway	67211
26, 28, 30, 32,	"		✓ Henry H. Jacobs & Mildred P. Jacobs, ux 1830 S. Broadway	67211
1,	"	<u>TULLER'S</u>	✓ Ervin C. & Jessie Leona Dunagan, 1844 S. Broadway	67211 ux
1 & N½ of 3,	"	<u>SHAUL'S</u>	✓ Clinton D. & Frances Forbes, ux Salem, Oregon 755 W. Hill Way, NW.	

-3-

Lot 2, Broadway Ave., Shaul's Add.

✓ Anna Graves
1409 N. Broadview 67208

Dated at Wichita, Kansas this 15th day
Of July, 1968 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Frank R. Hawkins OEM
Vice Pres.

Tracer # 89610

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	50.00	

DESCRIPTION

AMOUNT

Application for Exception

Name

Eaxl Henderson

Address

1822 S. Broadway

Type

T-91-310

Due Date

7/16/68

Comments:

Date

7/16/68

By

Verna J. Perry

*

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