

BZA 26-67 - Howard I. White, Jr. re-
quests Exception to permit new & used
car lot in "LC" at the southwest cor-
ner of Kellogg & Hunter Street

Posted
1-12-67
MAID
SLD. 11/15/67 ✓

ACTION

DATE *8-22-67*
By COMMITTEE *Approved*

M.A.P.C. _____

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

5746

Map No. 5946
 Sec. 20
 Twp. 27
 Range 2E

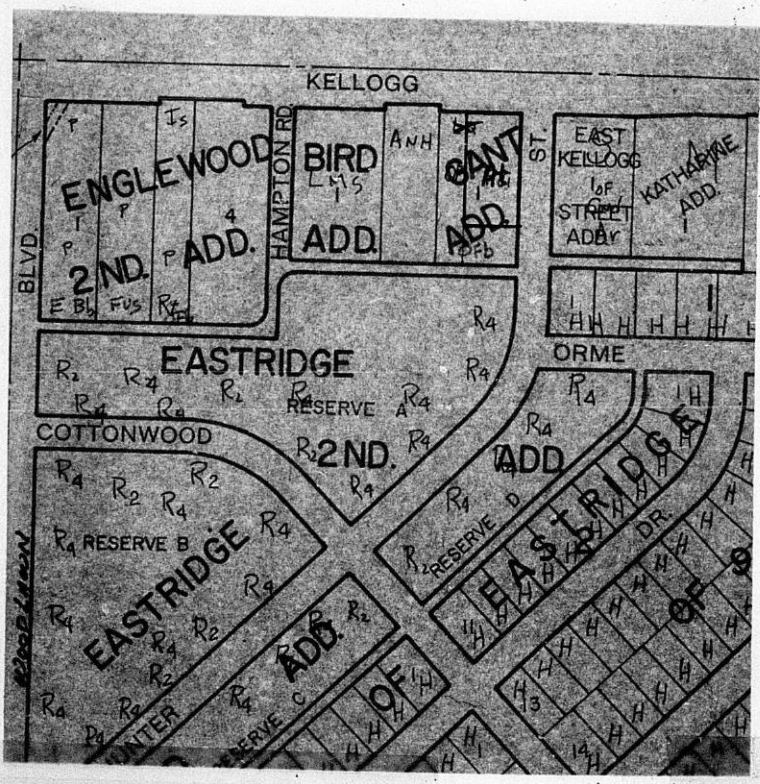
B2A 26-67
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.45 (100 ft. by 200 ft.)
2. Adjoining Zoning: E LC SLC & B W LC & A N AA
3. Land Use: East SEV. STATION South SEV. RES.
 West RESTAURANTS North SINGLE FAM.
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



September 6, 1967

Mr. Bruce Fitts, Attorney
808 Brown Building
Wichita, Kansas 67202

Dear Mr. Fitts:

Re: Case No. BZA 26-67 - Request for
Exception to the Zoning Ordinance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 22, 1967, in connection with your application for an exception to permit establishment of a new and used car lot on property zoned "LC" Light Commercial and generally located at the southwest corner of Kellogg and Hunter Street. This Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kgg
Attachment

cc: Howard I. White, 3126 E. Pawnee, Wichita
Milo M. Unruh, Garvey Building, Wichita
Glen Lytle, Superintendent of Central Inspection
Ralph Eberly, City Clerk

RESOLUTION NO. BZA 26-67

WHEREAS, Howard I. White, Jr., 3126 East Pawnee, Wichita, by Bruce Fitts, 808 Brown Building, Wichita, Kansas, requests an exception as provided in Section 2.12.590.3, Code of the City of Wichita, to permit the installation or construction of a new and used car lot on property zoned "LC" Light Commercial and legally described as follows:

The North 200 ft. of the East 100 ft. of
Lot 1, Gant Addition to Wichita, Kansas.
Generally located at the southwest corner
of Kelloqq and Hunter Street.

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 22, 1967, consider said application; and

WHEREAS, the Board of Zoning Appeals has jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the installation or construction of a new and used car lot 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 new and used car lot on property zoned "LC" Light Commercial and legally described as follows:


The North 200 ft. of the East 100 ft. of
Lot 1, Gant Addition to Wichita, Kansas.
Generally located at the southwest corner
of Kelloqq and Hunter Street.

subject to the following:


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 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. No structure shall be placed closer than 35 feet to U. S. 54 or closer than 25 feet to Hunter Street.

6. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.
7. The applicant shall place permanent guards or barriers along the west and south property lines to prevent the extension or overhanging of vehicles beyond said property lines.
8. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
9. The operation of the new and used car lot shall not be conducted in addition to any other use (example: the sale of cars on the same lot with a service station, garage, restaurant, etc.). However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.
10. The applicant shall submit a plot plan of the new and used car lot to the Department of Central Inspections for the review and approval of the Traffic Engineer. Said plan shall include locations of off-street parking spaces, auto storage spaces, the width and dimensions of said spaces, markings for channelization and location of all driveways, width of driveways, etc.
11. The applicant shall comply with all the above conditions prior to the occupancy of the site for a new and used car sales lot.

APPROVED AT WICHITA, KANSAS, this 22nd day of August, 1967.


Alan B. Phares
Temporary Chairman

ATTEST:


Ronald A. Williamson
Assistant Secretary

August 24, 1967

Mr. Bruce Fitts, Attorney
808 Brown Building
Wichita, Kansas 67202

Dear Mr. Fitts:

Re: Case No. BZA 26-67 - Request for
an Exception to the Zoning Ordinance

At the regular meeting of the Board of Zoning Appeals on August 22, 1967, your request for an exception to permit the establishment of a new and used car lot on property zoned "LC" Light Commercial and generally located at the southwest corner of Kellogg and Hunter Street was considered.

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

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable materials.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting 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. No structure shall be placed closer than 35 feet to U. S. 54 or closer than 25 feet to Hunter Street.
6. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.

Mr. Bruce Fitts (BZA 26-67)

Page -2-

August 24, 1967

7. The applicant shall place permanent guards or barriers along the west and south property lines to prevent the extension or overhanging of vehicles beyond said property lines.
8. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
9. The operation of the new and used car lot shall not be conducted in addition to any other use (example: the sale of cars on the same lot with a service station, garage, restaurant, etc.). However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.
10. The applicant shall submit a plot plan of the new and used car lot to the Department of Central Inspections for the review and approval of the Traffic Engineer. Said plan shall include locations of off-street parking spaces, auto storage spaces, the width and dimensions of said spaces, markings for channelization and location of all driveways, width of driveways, etc.
11. The applicant shall comply with all the above conditions prior to the occupancy of the site for a new and used car sales lot.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the Chairman and Secretary of the Board have signed it. If you have any questions, please call.

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkj

cc: Miss Eleanor M. Adams, 3 Hunter Lane, Wichita
Howard I. White, 3126 E. Pawnee, Wichita
Milo M. Unruh, Garvey Building, Wichita
Glen Lytle, Superintendent of Central Inspection
Ralph Eberly, City Clerk


3 Hunt Lane
Waltham 67204 Ms

Board of Zoning Aug 17/67

appeals
104 1/2 City Bld Assoc
Gentlemen

Since we shall be unable
to attend the meeting on
Aug 22nd we regard to the
reopening of the lots at the
corner of Hunter + Kellogg.

We definitely object to
a car lot being located
there. It is directly across
the street from our
property. There fore we
feel we have sufficient
noise as it is traffic
air blower service
station etc.



This would add more
noise + confusion by
cars driving in + out.
There it would definitely
depreciate the value of
our property - which has
already depreciated by
business + highway -

Trusting you will give
this matter your utmost
consideration before
voting in favor of this
application -

Thanking you for
your consideration

Yours truly
Miss Elmer Adams

SECRETARY'S REPORT

CASE NO. BZA 26-67

APPLICANT: Howard I. White, Jr., 3126 East Pawnee, Wichita

AGENT: Bruce Fitts, 808 Brown Building, Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.3, Code of the City of Wichita requesting permission to establish a new and used car lot on property zoned "LC" Light Commercial.

GENERAL LOCATION: Southwest corner of Kellogg and Hunter Street

LAND USE: Subject property is occupied by a vacant drive-in restaurant, to the east is a service station, cleaners, and auto repair, to the south and west are general office and commercial buildings, to the north is single family

ZONING: Subject property as well as that to the east, west and south is zoned "LC", to the north is Eastborough, no zoning

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.3, 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 points out in his statement of justification that the property is presently occupied by a drive-in restaurant which as a result of the access road and medial islands of U.S. 54 has become an economically unsound investment. The applicant points out that he has a possible tenant for a new and used car lot on subject property and, therefore, has requested the exception.

The Board of Zoning Appeals has approved several other similar applications for new and used car lots in this general area along U.S. 54 and it is the opinion of the Secretary that inasmuch as this lot does have adequate area that it is a logical location also.

It should be pointed out, however, that in this particular case there is a building to the west and a building to the south which presently utilize portions of this particular site for their off-street parking. It would be a more logical development if this area were included with the other two buildings so that adequate off-street parking could be provided. The applicant has pointed out however that he has been unable to negotiate any arrangements with the owner of the two office and commercial buildings and, therefore, has desired to request the new and used car lot exception.

Recommendation

It is the opinion of the Secretary that inasmuch as the Board has approved many other new and used car lots in this general area, that this application is logical and proper and, therefore, it is recommended that the application to permit a new and used car 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 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. No structure shall be placed closer than 35 feet to U.S. 54 or closer than 25 feet to Hunter Street.
6. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.
7. The applicant shall place permanent guards or barriers along the west and south property lines to prevent the extension or overhanging of vehicles beyond said property lines.
8. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.

9. The operation of the new and used car lot shall not be conducted in addition to any other use (example: the sale of cars on the same lot with a service station, garage, restaurant, etc.). However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.

10. The applicant shall comply with all the above conditions prior to the occupancy of the site for a new and used car sales lot.

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

August 2, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 26-67

An application has been filed by Howard I. White, Jr., 3126 East Pawnee, Wichita, by Bruce Fitts, 808 Brown Building, Wichita, Kansas, pursuant to Section 2.12.590.3, Code of the City of Wichita, requesting an exception to permit the installation or construction of a new and used car lot on property zoned "LC" Light Commercial and legally described as follows:

The North 200 ft. of the East 100 ft. of
Lot 1, Gant Addition to Wichita, Kansas.
Generally located at the southwest corner
of Kellogg and Hunter Street.

This application has been assigned Case No. BZA 26-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 22, 1967, 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 24, 1967

Board of Zoning Appeals
City of Wichita, Kansas

Re: North 200 feet of the East 100 feet of Lot 1, Gant Addition
to Wichita, Sedgwick County, Kansas

Gentlemen:

The applicant hereby submits his statement in writing justifying the exception applying for an exception and authorization to construct and maintain a used car sales lot on the above described property. This application for exception is made under Section 28.04.183(2.).

The applicant is of the opinion that the exception should be allowed for the following reasons:

1. That the property has heretofore been used as a drive-in restaurant and that by granting the exception and allowing the construction and maintenance of a used car lot that the property will be used in a manner more safe to the public. It is pointed out that the drive-in restaurant must have a large volume of traffic for profit and in view of the access roads and medial island, the existing drive-in restaurant constitutes a greater traffic hazard than would a used car sales lot and would actually decrease traffic in the area.

2. That the drive-in restaurant operation has been impaired as a result of the access road and medial island and that the property has been operated at a continued loss and has become economically obsolete and was closed as a going business on November 4, 1966.

3. That the area on East Kellogg in the general area of the captioned property is becoming known and referred to as "automobile row" event to the point of common radio and newspaper advertising.

4. That the following is a list of the new and used automobile establishments presently operating on East Kellogg in the immediate area of the subject property:

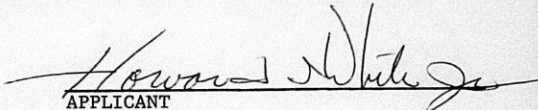
Bob Moore Oldsmobile	new cars	6215 East Kellogg
	used cars	6315 East Kellogg
Dick Price Lincoln, Mercury	new & used cars	6501 East Kellogg
NJ's Datsun	new & used cars	6601 East Kellogg
Dick Spraker Volkswagon	new & used cars	7017 East Kellogg
Dave Johnson Chrysler and Plymouth	new & used cars	7127 East Kellogg
Schofield Pontiac	new & used cars	7633 East Kellogg
Turner Ford	(being constructed next to Howard Johnson's)	

Also in this same area, miscellaneous service centers for automobiles.
Examples as follows:

Service Auto Glass, Garnett Auto Supply, Fishers Transmissions

Board of Zoning Appeals
Page 2
July 24, 1967

5. That the exception applied for herein is not only an economic necessity for utilization of the subject property but would in no way increase any undesirable use of the property but would, in fact, constitute a use of the property more in view with the general area and would add to the public safety and accepted uses.


APPLICANT

lpg

APPLICATION FOR EXCEPTION

I. Name of Applicant HOWARD I. WHITE, JR.
Mailing Address 3126 EAST PAWNEE 67211 Phone MU-2-2551
Name of Authorized Agent BRUCE FITTS
Mailing Address 808 BROWN BUILDING 67202 Phone AM-2-6466
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 NEW AND USED CAR LOT

_____ on property zoned
"LC", located 6637 EAST KILLOGG SW corner of
Killogg & Hunter St and legally described as:
LOT #1, GANT ADDITION

_____, in the City of Wichita.
(Give metes and bounds description below if appropriate).

NA

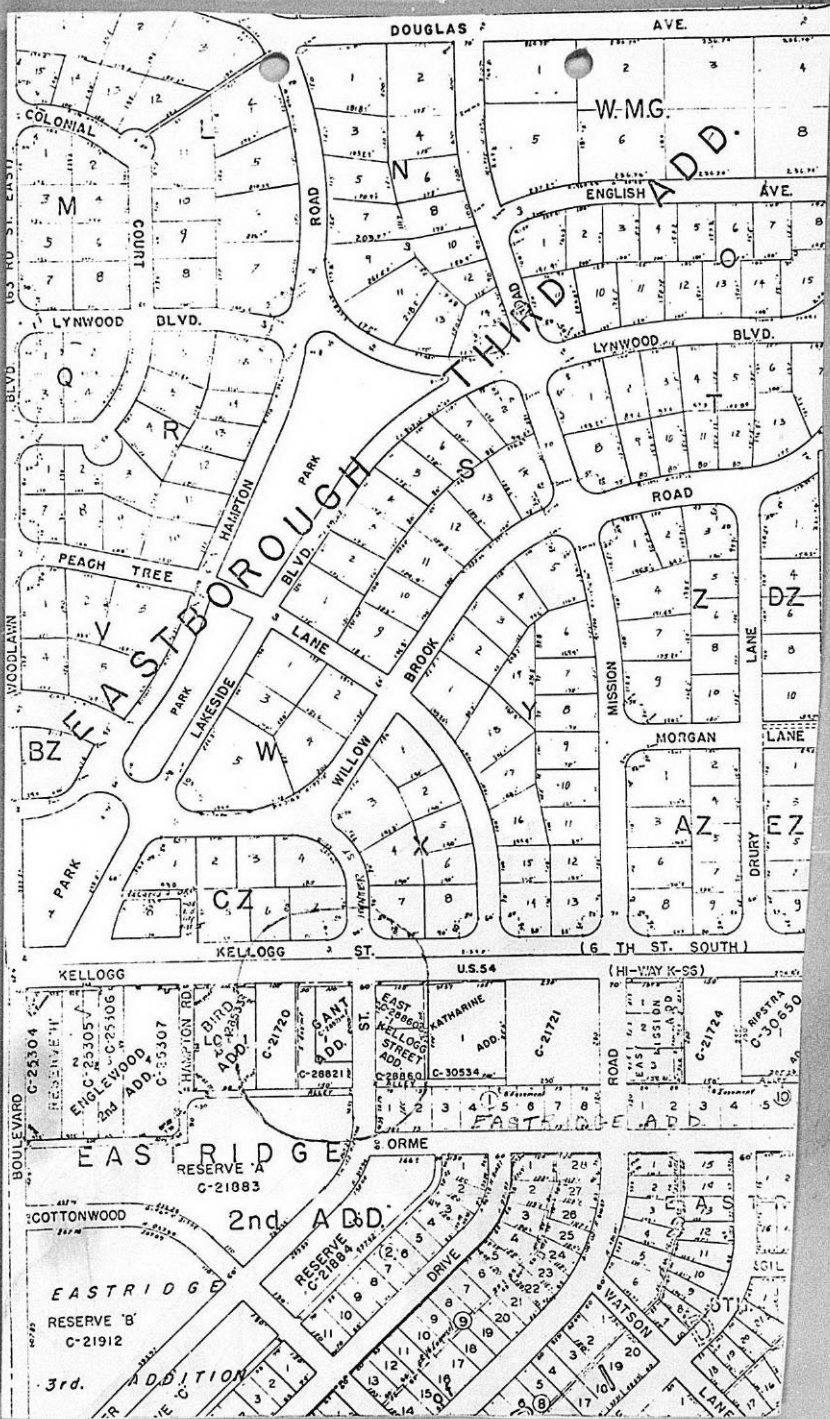
III. The applicant herein, or his authorized agent:

- 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 Howard I. White Jr
Authorized Agent _____

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 11:45 (a.m.) - p.m.), July 25, 19 67, together with appropriate fee of \$50.00.

Signed Ronald L. Williamson



163 RD. ST. EAST

DOUGLAS AVE.

COLONIAL COURT

W.M.G. ADD.

ENGLISH AVE.

LYNWOOD BLVD.

LYNWOOD BLVD.

WOODLAWN BLVD.

W. M.G. ROAD

PEACH TREE LANE

MISSION LANE

W. M.G. BLVD.

MORGAN LANE

W. M.G. BLVD.

DRURY LANE

W. M.G. BLVD.

DRURY LANE

KELLOGG ST. (6 TH ST. SOUTH)

KELLOGG ST.

U.S. 54

(HI-WAY K-SS)

BOULEVARD

C-23304

RESERVE 'A'

C-23305

C-23306

C-23307

ENGLISHTOWN

2nd ADD.

C-21720

RESERVE 'A'

C-21883

RESERVE 'B'

C-21912

3rd. ADDITION

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BIRD ADD.

C-21720

RESERVE 'A'

C-21883

RESERVE 'B'

C-21912

3rd. ADDITION

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GANT ADD.

C-21720

RESERVE 'A'

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RESERVE 'B'

C-21912

3rd. ADDITION

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EAST KATHARINE ADD.

C-21721

RESERVE 'A'

C-21883

RESERVE 'B'

C-21912

3rd. ADDITION

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KELLOGG STREET ADD.

C-21721

RESERVE 'A'

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RESERVE 'B'

C-21912

3rd. ADDITION

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KATHARINE ADD.

C-21721

RESERVE 'A'

C-21883

RESERVE 'B'

C-21912

3rd. ADDITION

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EAST KATHARINE ADD.

C-21721

RESERVE 'A'

C-21883

RESERVE 'B'

C-21912

3rd. ADDITION

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KATHARINE ADD.

C-21721

RESERVE 'A'

C-21883

RESERVE 'B'

C-21912

3rd. ADDITION

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- Lot 1, Blk 1, Eastridge Addition. ✓ Eldon C. & Esther Mayes, ux
6702 E. Orme 67207
- Lot 2, Blk 1, Eastridge Addition. ✓ George D. & Margaret Louise McCarthy, ux
327 Beacon Bldg. 67202
- Lot 6, exc S 25 ft., Blk CZ, East-
borough 3rd Addition. ✓ Farris G. & Helen Jabara, ux
6 Kellogg 67206
- S 25 ft Lot 6, Blk CZ, Eastborough
3rd Addition. ✓ City of Eastborough 67206
- Lot 7, exc S 25 ft, Blk CZ, East-
borough 3rd Addition. ✓ Mable Adams & Frances Lillian Adams, jt
3 Hunter Lane 67206
- S 25 ft of Lot 7, Blk CZ, East-
borough 3rd Addition. D City of Eastborough
- Lot 7, Blk X, Eastborough 3rd Add., ✓ Francis P., Jr. & Evelyn M. Dunn, ux
exc S 25 ft. # 6 Hunter Lane 67206
- S 25 ft Lot 7, Blk X, Eastborough
3rd Add. D City of Eastborough
- Reserve A, Eastridge 2nd Addition. ✓ Eastridge Apartments, Inc. # 1,
6535 E. Lincoln 67207

Dated at Wichita, Kansas this 14th day
of July, 1967 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Edie M. Farrell
Sec. OEM

Tracer # 83082

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	License	Mech.
Oil Well	Pav. Cuts	Plan	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
02A Christian	\$500

Name Howard W. White Jr.

Address 3126 C. Purcell

Type R-71-C Due Date

Comments:

Date 7-25-67 By K. Halloway

*

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