

BZA 26-69 - John Dodd, 5803 West  
Central requests EXCEPTION to  
permit U-Haul Rental Equip. in  
in "LC" zone

POSTED  
10/27/69

BZA 11-25-69 amended

Map No. 5047  
 Sec. 22  
 Twp. 27  
 Range 1W

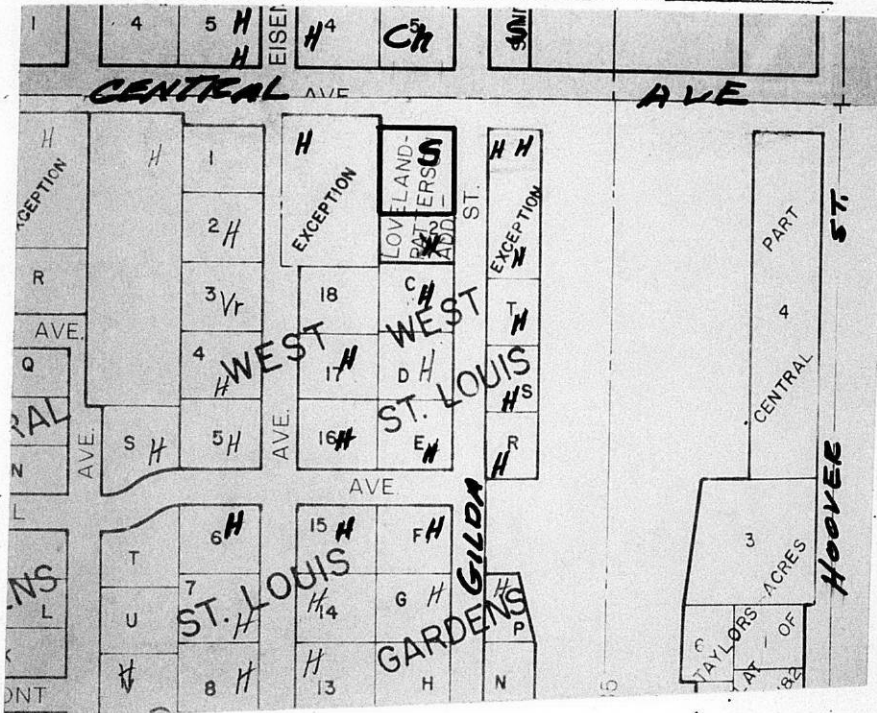
EZA 26-69  
 SCZ-  
 CU-  
 Filed

AREA DATA:

1. Acres: 0.46 ( 135 ft. by 150 ft.)
2. Adjoining Zoning: E AA S LC W AA N A
3. Land Use: East SINGLE FAM South SINGLE FAM  
 West SINGLE FAM UNDEVELOPED North CHURCH
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: SERVICE STATION
6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



RESOLUTION NO. BZA 26-69

WHEREAS, John Dodd, 5803 West Central, Wichita, Kansas, by Bill 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 installation or construction of a truck and trailer rental operation, on property zoned "LC" - Light Commercial, and legally described as follows:

Lot 1, Loveland-Patterson Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Central Street between Eisenhower and Gilda 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 November 25, 1969, consider said application; and

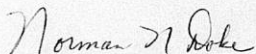
WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the installation or construction of a truck and trailer 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 denied to permit the installation or construction of a truck and trailer rental operation, on property zoned "LC" - Light Commercial, and legally described as follows:

Lot 1, Loveland-Patterson Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Central Street between Eisenhower and Gilda Streets.

ADOPTED AT WICHITA, KANSAS, this 25th day of November, 1969.

  
NORMAN N. DOKE, Chairman

ATTEST:

  
JACK H. GALBRAITH, Secretary

December 3, 1969

Mr. Bill Lafferty  
3202 Penley Drive  
Wichita, Kansas

Dear Mr. Lafferty:

Subject: Case No. BZA 26-69  
Request for Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 25, 1969, in connection with your request for an exception to permit a truck and trailer rental operation on property zoned "LC" - Light Commercial, and generally located on the south side of Central Street between Eisenhower and Gilda 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 our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:ls

Enclosure 1

cc John Dodd, 5803 West Central, Wichita  
Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

December 3, 1969

Robert Feldner

Jack H. Galbraith

Case No. BZA 26-69  
Request for Exception

Attached is a Resolution concerning the above mentioned BZA case. I particularly wanted to call to your attention that this case has been denied.

In viewing the area in the field, there have been U-Haul trailers for rent on this service station site which have been found in violation, and which have not been removed pending the outcome of this case.

I trust that necessary steps will now be taken to see that this illegal use is removed.

JHG:ls  
Attachment  
cc Joe Donnelly, Central Inspection

November 26, 1969

Mr. Bill Lafferty  
3202 Penley Drive  
Wichita, Kansas

Dear Mr. Lafferty:

Subject: Case No. BZA 26-69  
Request for Exception

At the regular meeting of the Board of Zoning Appeals on November 25, 1969, your request for an exception to permit a truck and trailer rental operation on property zoned "LC"-- Light Commercial, and generally located on the south side of Central Street between Eisenhower and Gilda Streets, was considered.

It was the action of the Board to deny this request.

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.

Very truly yours,

G. Lynn Shirkey  
Assistant Secretary

GLS:ls

cc John Dodd, 5803 West Central, Wichita, Kansas  
Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

Case No. BZA 26-69

APPLICANT: John Dodd, 5803 West Central, Wichita, Kansas  
AGENT: Bill Lafferty, 3202 Penley Drive, Wichita, Kansas  
REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit a truck and trailer rental operation.

GENERAL LOCATION: On the south side of West Central Street between Eisenhower and Gilda Streets

LAND USE: Subject property is occupied by a service station, to the north is a church with single family residences to the east and west, south is undeveloped

ZONING: Subject property is zoned "LC" - Light Commercial as is that to the south; to the east and west is "AA" - Single Family Dwelling with "A" - Two Family Dwelling to the north.

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 complied with.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to the zoning ordinance to permit the installation of U-Haul Rental Equipment (trucks and trailers) on property zoned "LC" - Light Commercial at the southwest corner of Central and Gilda and which is occupied by a service station.

It should be pointed out that at the time the application area was viewed in the field there were 8 U-Haul trailers on subject property in violation of the zoning ordinance. This is another of the many instances where the ordinance is violated and an application filed only after the office of Central Inspection has cited the violator.

Page 2 - Secretary's Report  
November 25, 1969

As the Board may recall, an application for an exception (BZA 4-68) to permit the sale of new and used cars in conjunction with the service station located at the northeast corner of this intersection was denied by the Board of Zoning Appeals at their meeting of March 26, 1968. It was the feeling of the Board that "spot" locations such as was requested should be avoided. It is the opinion of the Secretary that the same situation exists in this case, it would be a "spot" location and, if approved, would lead to similar requests in other "LC" - Light Commercial areas, most of which are neighborhood or service areas, and not appropriate for this display of equipment type.

RECOMMENDATION:

It is the recommendation of the Secretary that the exception not be approved inasmuch as truck and trailer rentals associated with service stations and other permitted "LC" - Light Commercial uses are not the type of uses that should be encouraged in neighborhood service commercial areas (as was determined in the request for new and used cars to the northeast) and, therefore, should either be in the "C" - Commercial zone or along streets where similar type uses are established.

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



November 5, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 26-69

An application has been filed by John Dodd, 5803 West Central, 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 Equipment (trucks and trailers) on property zoned "LC" - Light Commercial and legally described as follows:

Lot 1, Loveland-Patterson Addition to Wichita, Sedgwick County, Kansas and (generally located on the south side of West Central Street between Eisenhower and Gilda Streets.)

This application has been assigned Case No. BZA 26-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 25, 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

*Dear sir I just a hate this is OK by me I would like to have the property lot 1 St. Louis addition generally located on south west corner of Eisenhower and central Wichita Kansas zoned L.C. light commercial if you can do that at this meeting I want to sell this corner Make me an offer I cant be there to far*

*Devil T Wallace  
PO Box 363  
Hortland Kansas 67949*

AFTER FIVE DAYS RETURN TO

*Arif T. Wallace*

PO BOX 363

Howard Kansas 67349

ZIP CODE



*Jack H. Galbraith  
Board of young appeals  
104 South Main  
Wichita Kansas 67202*

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

November 5, 1969

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Case No. BZA 26-69

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Jack H. Galbraith  
Secretary

*12 Copies Mail Nov. 5*

APPLICATION FOR EXCEPTION

I. Name of Applicant John DODD  
Mailing Address 5803 W. CENTRAL Phone WH2-1121  
Name of Authorized Agent BILL LAFFERTY  
Mailing Address 3202 PENLEY DR Phone MU4-0604  
67218  
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 U-HAUL RENTAL EQUIPMENT (TRUCKS AND  
TRAILERS) on property zoned  
LC, located 5803 WEST CENTRAL  
and legally described as: LOT  
1, LOVELAND-PATTERSON ADDITION to WICHITA, KANSAS  
in the City of Wichita.  
(Give metes and bounds description below if appropriate).

OK for  
legal

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 \_\_\_\_\_  
Authorized Agent Bill Lafferty

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, \_\_\_\_\_ (a.m. - p.m.), October 22, 1969, together with appropriate fee of \$50.00.

Signed Laura M Scott

OWNERSHIP LIST

Lot	Addition	Property Owner
1	West St. Louis Gardens	✓ Cecil Wallace & Tillie Wallace 612 W. Adams Arkansas City, Kansas 67005
2	"	✓ Billy H. Gile & Eleanor M. Gile 647 Eisenhower Wichita, Kansas 67212
18	"	✓ Mark A. Wood & Merle L. Wood 1624 Gold Wichita, Kansas 67213
C	West St. Louis Gardens 2nd	Patricia Schoenecker Address unknown
T, exc E 41.2 ft	"	✓ Lloyd R. Jones & Geneva G. Jones <i>1960 W 135 W</i>
1 & 2	Loveland-Patterson	Gulf Oil Corp. Address unknown <i>901 E - Helbert</i>
N 264 ft Lot 7, exc W 30 ft & exc part condemned for Hwy	Central Acres	✓ Henry J. Brown 402 N. Estelle Wichita, Kansas 67208
N 1 acre of Lot 9	"	✓ W. H. Castor & Vesta V. Castor 5827 W. Central Wichita, Kansas 67212
4	Block C West Central Gardens	✓ Truman A. Patterson Eva M. Patterson 5826 W. Central Wichita, Kansas 67212
5	"	✓ Pentecostal Fellowship Mission C/o 742 N. Beebe Wichita, Kansas 67212
9	Sunnyside Gardens Third	✓ Leased Stations, Inc. 3350 Wilshire Los Angles, California 90000

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:

Lot 1, Loveland-Patterson Addition to Wichita, Kansas, as shown by the records in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 20th day of October, 1969 at 7:00 A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Lucille Schroeder*  
Vice President

Order No. 167370  
jwp

Form 27-51

**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
<i>Copy of plan</i>	<i>50.00</i>
Name	
Address	
Type	Due Date
<i>R-16-C</i>	
Comments:	
Date	By
<i>10-22-69</i>	<i>[Signature]</i>

\*

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