

BZA 26-72 Black and Towns reqsts
exception for sales and rental
lot on the East side of West St.
in an area betwn Douglas & Maple

Ros. Tel
9-9-72
MAP ✓
C.I. ✓
11-13-72

ACTION

BZA COMMITTEE Approved DATE 10/24/72

M.A.P.C. _____

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

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
AMHERST 2-8211 — AREA CODE 316
CITY BUILDING ANNEX
101 S. MAIN ST.
WICHITA, KANSAS 67202

November 29, 1972

Mr. Leland W. Black
121 South Colorado
Wichita, Kansas 67209

Subject: Case No. BZA 26-72
Request for exception

Dear Mr. Black:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 24, 1972, in connection with your request to permit the installation of a sales and rental lot for motor vehicles, motor homes, travel trailers, and motorcycles, on property zoned "LC" Light Commercial, and generally located on the East side of West Street in an area between Douglas and Maple.

This Resolution reflects the official action of the Board to approve your request 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.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rw

enclosure

cc: Charles D. Towns, 101 S. Nevada, 67209
Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 26-72

WHEREAS, Black and Towns, 121 South Colorado, 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 sales and rental lot for motor vehicles, motor homes, travel trailers, and motorcycles, on property zoned "LC" Light Commercial, and legally described as follows:

Lot 21 and the North 20 feet of Lot 22, Block 2, Westborough Addition, Sedgwick County, Kansas. Generally located on the East side of West Street in an area between Douglas and Maple.

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 October 24, 1972, 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 sales and rental lot for motor vehicles, motor homes, travel trailers, and motorcycles, 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 of a sales and rental lot for motor vehicles, motor homes, travel trailers, and motorcycles, on property zoned "LC" Light Commercial, and legally described as follows:

Lot 21 and the North 20 feet of Lot 22, Block 2, Westborough Addition, Sedgwick County, Kansas. Generally located on the East side of West Street in an area between Douglas and Maple.

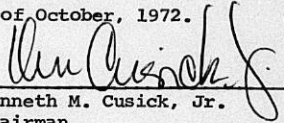
subject to the following conditions:

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. All parking spaces abutting property lines shall have adequate guards, to prevent the extension or overhanging of vehicles, beyond property lines or parking spaces. All parking areas


shall have adequate markings for channelization and movement of vehicles.

7. All repair work shall be conducted within an enclosed building. No body and fender work shall be permitted.

ADOPTED AT WICHITA, KANSAS, this 24th day of October, 1972.


Kenneth M. Cusick, Jr.
Chairman

ATTEST:


Jack H. Galbraith
Secretary

November 2, 1972

Mr. Leland W. Black
121 South Colorado
Wichita, Ka. 67209

Subject: Case No. BEA 26-72 - Request for Exception

Dear Mr. Black:

At the regular meeting of the Board of Zoning Appeals on October 24, 1972, your request for an exception to permit the installation of a sales and rental lot for motor vehicles, motor homes, travel trailers, and motorcycles, on property zoned "LC" Light Commercial, and generally located on the East side of West Street in an area between Douglas and Maple was considered.

It was the action of the Board to approve this request to permit the installation of a sales and rental lot for motor vehicles, motor homes, travel trailers, and motor cycles, 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

Mr. Leland W. Black
Page 2

owner or operator for the proper maintenance and removal of trash.

6. All parking spaces abutting property lines shall have adequate guards, to prevent the extension or overhanging of vehicles, beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
7. All repair work shall be conducted within an enclosed building. No body and fender work shall be permitted.

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,

Jack H. Galbraith
Secretary

JHG:rv

cc: Gretchen L. Kelly, 219 S. Illinois, 67213
Robert Feldner, Supt of Central Inspection
Ralph Sberly, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 26-72

APPLICANT: Black and Towns, 121 South Colorado, Wichita, Kansas, 67209

AGENT: Leland W. Black, 121 South Colorado, Wichita, Kansas 67209

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation of a sales and rental lot for motor vehicles, motor homes, travel trailers, and motorcycles.

GENERAL LOCATION: On the East side of West Street in an area between Douglas and Maple.

LAND USE: Subject property is occupied by a car sales lot; South and West are service stations; North and East are single family residences.

ZONING: Subject property is zoned "LC" Light Commercial as are those properties to the North, South and West; East is "AA" Single Family.

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 provided the conditions set out in 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 the installation of a sales and rental lot for motor vehicles, motor homes, travel trailers, and motorcycles on property zoned "LC" Light Commercial located on the East side of West Street in an area between Maple and Douglas.

On July 23, 1970, the Board of Zoning Appeals considered a request for an exception to permit the operation of a new and used car sales lot on the area contained in this request. Action of the Board was to approve the request subject to the conditions recommended in the Secretary's Report.

Sales lots, such as that proposed by the applicant, are highway

oriented uses and usually other similar uses, such as mobile home sales, boat and marine sales and other uses of a heavier commercial nature congregate in the same area. Basically, 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. However, it should be pointed out that, from viewing West Street in the field from Douglas south, there are a number of car lots, equipment rental operations, boat sales and other heavier type commercial uses already established in the area which in the opinion of the Secretary makes this request logical and proper.

RECOMMENDATION:

It is the recommendation of the Secretary that the application to permit the installation of a sales and rental lot for motor vehicles, motor homes, travel trailers, and motorcycles 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. All parking spaces abutting property lines shall have adequate guards, to prevent the extension or overhanging of vehicles, beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
7. All repair work shall be conducted within an enclosed building. No body and fender work shall be permitted.

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

October 4, 1972

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 26-72

An application has been filed by Black and Towns, 121 South Colorado, Wichita, Kansas, pursuant to Section 2.12. 590.C, Code of the City of Wichita, requesting an exception to permit the installation of a sales and rental lot for motor vehicles, motor homes, travel trailers, and motorcycles, on property zoned "IC" Light Commercial, and legally described as follows:

Lot 21 and the North 20 feet of Lot 22, Block 2, Westborough Addition, Sedgwick County, Kansas.
Generally located on the East side of West Street in an area between Douglas and Maple.

This application has been assigned Case No. BZA 26-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 24, 1972, 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

20 notices to Property Owners sent 10.4.72
8 " " " " " " " to
Planning Commissioners

5247
24
27
1W

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant ✓ BLACK AND TOWNS

Mailing Address 121 S. Colorado ⁶⁷²⁰⁹ Phone WH 36929

Name of Authorized Agent ✓ Leland W. Black

Mailing Address 121 S. Colorado Phone WH 36929

Relationship of applicant to property is that of PARTNER
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section
212590C, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation ~~or construction~~
of SALES AND RENTAL ^{lot} FOR MOTOR VEHICLES
MOTOR HOMES, TRAVEL TRAILERS
AND MOTORCYCLES on property zoned

LC, located 200 SOUTH WEST STREET

and legally described as: LOT 21

AND NORTH 20 FEET LOT 22 BLOCK 2 WEST BOROUGH 1

ADD.

in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant Black & Towns

Authorized Agent Leland W. Black

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 10:10 (a.m.) - p.m.), September 13, 19 72, together with appropriate fee of \$50.00.

T9-403

Signed G. Lynn Shiskey

Use legal form number 10-1-72

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
N 40' of 19	1	Westborough Addition	✓ Cecil A. Smith & Lucile B. Smith 148 S. Illinois Wichita, Kansas, 67213
S 20' of 19	"	"	✓ Margaret Lewis Divid 158 S. Illinois Wichita, Kansas, 67213
20	"	"	"
21	"	"	✓ Alice M. Keeler, 160 S. Illinois Wichita, Kansas, 67213
22	"	"	✓ Tilford Tucker & Una L. Tucker 200 S. Illinois Wichita, Kansas, 67213
23	"	"	✓ Edward M. Allen & Mayme J. Allen 212 S. Illinois Wichita, Kansas, 67213
6	2	"	✓ Jim Anders Kelly & Gretchen Leona Kelly 219 S. Illinois Wichita, Kansas, 67213
7	"	"	✓ C. H. Merriweather & Maude L. Merriweather, 217 S. Illinois Wichita, Kansas, 67213
8	"	"	✓ Alfred E. Parker & Evelyn J. Parker 211 S. Illinois Wichita, Kansas, 67213
9	"	"	✓ Warren H. Wilson & Ruth E. Wilson 201 S. Illinois Wichita, Kansas, 67213
10	"	"	✓ Herbert D. Bolain & Jo Ann Bolan 159 S. Illinois Wichita, Kansas, 67213
11	"	"	✓ Harold K. Wagley & Elva L. Wagley 155 S. Illinois Wichita, Kansas, 67213
S 20' of 12	"	"	D " " " " " "
N 40' of 12	"	"	✓ A. Curtis Bundy & Angela T. Bundy 149 S. Illinois Wichita, Kansas, 67213
S 40' of 13	"	"	"
N 20' of 13	"	"	✓ Elizabeth Strom, Jean E. Miles & Phyllis Margaret Johnson 143 S. Illinois Wichita, Kansas, 67213
14	"	"	"

Continued page 2

Lot	Block	Addition	Property Owner
17	2	Westborough Addition	Leland W. Black, 121 S. Colorado Wichita, Kansas, 67209 and Charles D. Towns, 101 S. Nevada Wichita, Kansas, 67209
N 20' of 18	"	"	"
S 40' of 18	"	"	W. F. Cline & Henrietta L. Cline Address unknown
N 40' of 19	"	"	"
S 20' of 19	"	"	Franklin J. Schulze & Lela M. Schulze 7700 W. 45th St. North Wichita, Kansas, 67205
20	"	"	"
21	"	"	Leland W. Black, 121 S., Colorado Wichita, Kansas, 67209 and Charles D. Towns, 101 S. Nevada Wichita, Kansas, 67209
22	"	"	"
23	"	"	"
24	"	"	"
25	"	"	"
5	1	Westborough 2nd Addition	Roy Schoeb, Address unknown
6	"	"	Ada M. Leporin, 5055 Irving Drive Wichita, Kansas, 67219
S 20' of 7	"	"	"
N 40' of 7	"	"	Jack H. Rathbone & Geraldine Lois Rathbone, 10 Linden Wichita, Kansas, 67219
8	"	"	"
9	"	"	"
10	"	"	Ada B. Keeler & Alice M. Keeler 160 S. Illinois Wichita, Kansas
S 20' of 11	"	"	"
N 20' of 11	"	"	James N. T. Cohlmlia & Rose Cohlmlia 109 S. Ridge Road, Wichita, Kan. 67209 Thomas J. Cohlmlia, 101 S. Ridge Road Wichita, Kansas, 67209

Use for legal

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 21 and the North 20 feet of lot 22, Block 2, Westborough Addition, Sedgwick County, Kansas, as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 11th day of September, 1972 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Gable
Asst. Vice-President

Order No. 194355

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		

DESCRIPTION	AMOUNT
B2A Case	\$ 50.00

Name Black and Tows

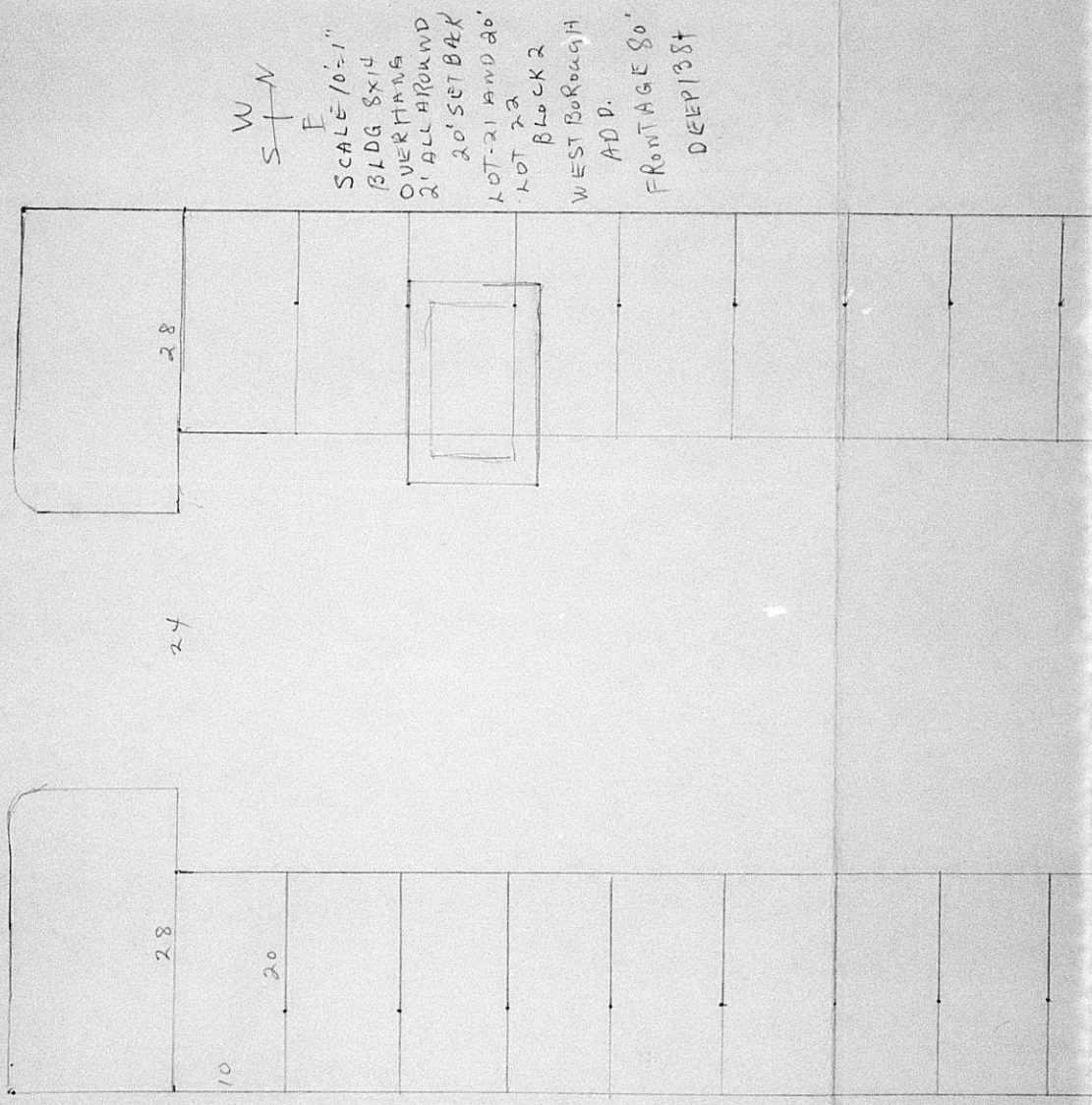
Address 121 S. Colorado

Type KA--407103 Due Date

Comments:

Date 9.13.72 By RLW

200 S. WEST



W
S
E
N

SCALE 1/8" = 1'
BLDG SKID
OVERHANG
2' ALL AROUND
20' SET BACK
LOT 21 AND 20'
LOT 22
BLOCK 2
WEST BOROUGH
ADP.
FRONTAGE 80'
DEPTH 38'

WEST BOROUGH
ADD.
FRONTAGE 80'
DEEP 138'

TRAFFIC ENGINEERING DIVISION APPROVED

Bob Miller
9/13/72

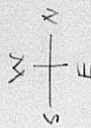
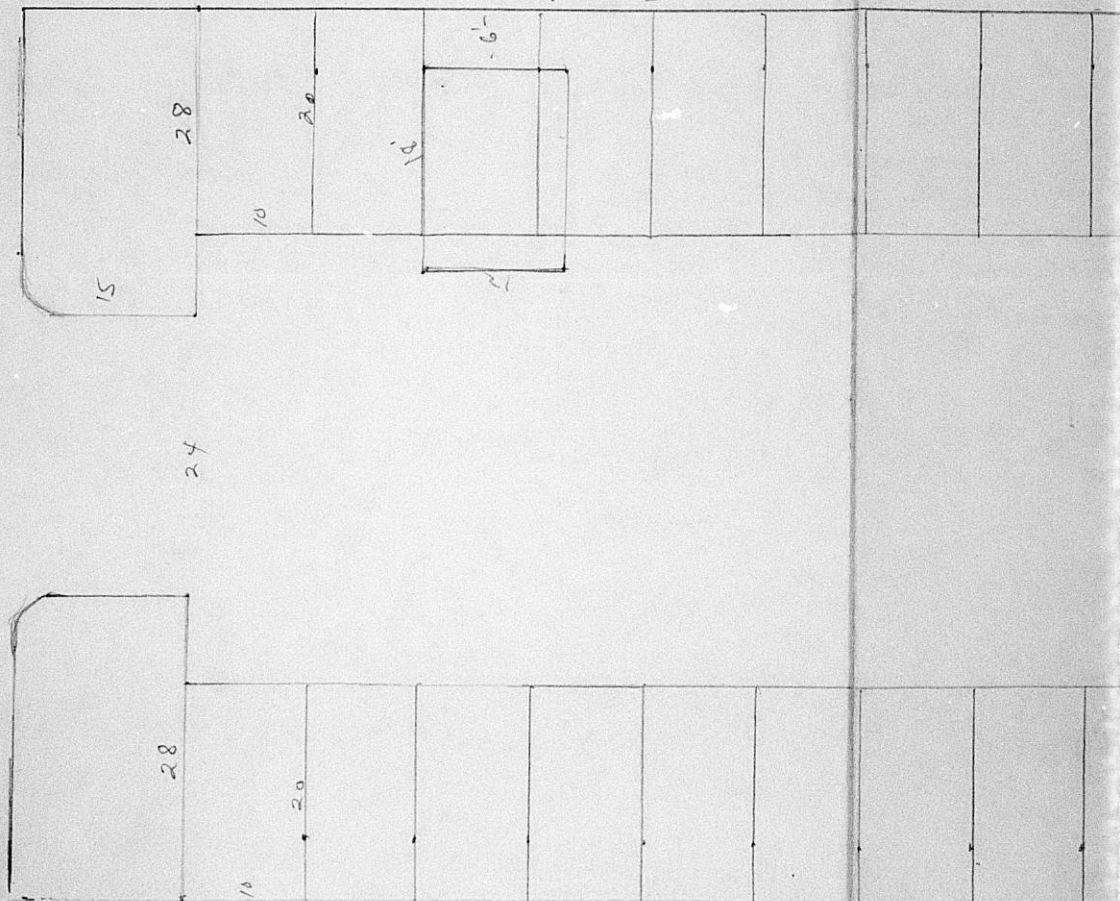
... shall be ... at all locations that ...
... public ... that vehicles will not ...
... shall have a minimum length of ...
... shall have a cross section of 4" x 4".
... shall be painted and 4" or greater in width.
(c) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

LOT-21

20'
LOT 22

200 SWEST

25'
MIDDLE



SCALE 1/8" = 1'
 BLOG 8X14
 OVERTHANG
 2' ALL AROUND
 20' SETBACK

LOT 21 AND 20'
 LOT 22

Block 2

WEST BOROUGH
 APP.

FRONTAGE 86'

DEEP 138'

LOT 20-21-22
LOT 22
Block 2
WESTBOROUGH
APP.
FRONTAGE 86
DEEP 1384

TRAFFIC ENGINEERING DIVISION APPROVED
Robert M. [Signature]
Date: 9/15/22
(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 irises 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.

20'
LOT-22

LOT-21