

Case No. BZA 28-84 - Leonard Anderson-  
8420 Parkmont - requests an exception  
to permit the establishment of an  
automobile sales business on property  
zoned the "LC" Light Commercial  
District and generally located on  
the east side of Oliver & south of

POSTED  
4-25-84 562

ACTION

BZA 28-84 APPROVED 5-22-84  
DATE

200'4 Sec. 6-14-84  
Shon 7-9  
Record ✓



September 20, 1984

Leonard Anderson  
8420 Parkmont  
Wichita, Ks. 67207

Re: BZA Case No. 28-84  
Exception for automobile  
sales lot (2602 S. Oliver)

Dear Mr. Anderson:

On May 22, 1984 the Board of Zoning Appeals approved your request for an exception to establish an automobile sales lot on the property known as Lot 8, Block 2, W. P. Higgins Addition. As you are aware, the approval was subject to your compliance with the conditions established by the Board based on the site plan submitted by you and approved by the Traffic Engineer.

It was the requirement of approval that all the requirements established on that date be complied with prior to the occupancy of the property as an automobile sales lot. It is apparent that you are violating these conditions at this location prior to completion of the conditions of approval.

A copy of your site plan approved by the Traffic Engineer is attached. As you will note, the 24 foot driveway approach has not been installed, nor has the lot been striped and marked in accordance with the plan. In addition the curb or bumper blocks are to be installed to prevent vehicles from encroachment onto public right-of-way or the unimproved area of the lot.

By copy of this letter to Central Inspection I am requesting them to notify this office by October 22, 1984 of your compliance with the conditions of approval. Failure to comply will result in the voiding of the Resolution.

Leonard Anders  
Page 2

If you have any questions on this matter, please give Jack Galbraith or I a call at 268-4421. I will be out of town the week of September 24 to September 28, 1984.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad

Attach.

cc: Jack Galbraith, Chief Planner, Current Plans  
Joe Donnelly, Central Inspection

May 24, 1984

Leonard Anderson  
8420 Parkmont  
Wichita, Kansas 67207

Re: BZA-28-84 - Request for Exception

Dear Mr. Anderson:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 22, 1984.

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 questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
Encl.

cc: Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 28-84

WHEREAS, Leonard Anderson, 8420 Parkmont, Wichita, Kansas, requests an exception as provided in Section 2.12.590.B, Code of the City of Wichita, to permit the establishment of an automobile sales business on property zoned the "LC" Light Commercial district and legally described as follows:

Lot 8, Block 2, W. P. Higgins Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver and south of Cessna (2602 South Oliver).

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 May 22, 1984, 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 establishment of an automobile sales business on property zoned the "LC" Light Commercial District 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 establishment of an automobile sales business on property zoned the "LC" Light Commercial District and legally described as follows:

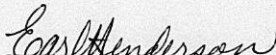
Lot 8, Block 2, W. P. Higgins Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver and south of Cessna (2602 South Oliver).

subject to the following conditions:


1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business, nor shall the business include any body or fender work.
2. All motor repair work shall be conducted entirely within an enclosed building.
3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
4. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineers office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
5. No new buildings shall be located closer than 45 feet to Oliver Street right-of-way.
6. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
7. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

9. The existing off-site signs shall be removed from the property prior to occupancy as an automobile sales lot.
10. All requirements as set forth in this resolution shall be complied with within 180 days from the approval by the Board and prior to occupancy or the resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 22nd day of May, 1984.

  
Earl Henderson, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION DATE May 22, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Mary Moore, Administrative Aide III

SUBJECT BZA 28-84: Located on the east  
side of Oliver and south of  
Cessna (2602 S. Oliver)

On Monday, May 21st, CPO Neighborhood Council "F" considered the captioned case. A request for an exception to permit the establishment of an automobile sales business on property zoned "LC" Light Commercial District. The Council voted 6-0 to recommend approval of the requested exception.

Mr. and Mrs. Leonard Anderson, applicants, were present to describe the request and respond to the questions. No area residents were present.

Please provide the Council's recommendation to the Board of Zoning Appeals when the Board considers this case.

*Mary Moore*

Mary Moore  
Administrative Aide III

MM:sm

SECRETARY'S REPORT  
CASE NO. BZA 28-84

APPLICANT: Leonard Anderson, 8420 Parkmont, Wichita, Kansas.

AGENT: None

REQUEST: Exception pursuant to Section 28.04.183.2 Code of the Code of Wichita, to permit the establishment of an automobile sales business.

GENERAL LOCATION: On the east side of Oliver and south of Cessna (2602 South Oliver).

ZONING: Subject property is zoned the "LC" Light Commercial District as are the properties to the north and east.

LAND USE: Subject property is vacant. To the north and east is commercial development. To the south is an apartment development and to the west is vacant.

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 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the establishment of an automobile sales business on property in the "LC" Light Commercial District. The site plan submitted by the applicant indicates that the property will be developed with at least 52 automobile sales spaces and adequate off-street parking for employees and customers. The office will be located toward the rear of the property and the sales lot will be adjacent to Oliver and will be surfaced with asphalt. Only one driveway approach will be provided on the property.

The property is located adjacent to a major street and is in an area that has had automobile businesses for nearly 20 years. Just recently the Board approved the expansion of an automobile sales business on the east side of Oliver and just south of this application area. The apartments in this area are located across a drainageway that is over 200 feet in width and should not be affected by this use.

RECOMMENDATION:

Should the Board determine that the proposed used is appropriate at this location, then it is the recommendation of the Secretary that the exception be approved subject to the following conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business, nor shall the business include any body or fender work.
2. All motor repair work shall be conducted entirely within an enclosed building.
3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
4. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineers office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.

5. No new buildings shall be located closer than 45 feet to Oliver Street right-of-way.
6. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
7. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. All requirements as set forth in this resolution shall be complied with within 180 days from the approval by the Board and prior to occupancy or the resolution shall become null and void.

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BZA CASE NO. 28-84

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>4</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>6</u>	TOTAL NOTICES SENT <u>5-1-84</u>

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202 -

May 1, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 28-84

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Leonard Anderson, 8420 Parkmont, Wichita, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of an automobile sales business on property zoned "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 8, Block 2, W. P. Higgins Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver and south of Cessna (2602 South Oliver).

This application has been assigned Case BZA 28-84. It will be considered by the Board of Zoning Appeals on May 22, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. 28-84

CITY OF WICHITA, KANSAS

FILED 4-20-84

APPLICATION FOR EXCEPTION

I. Name of Applicant Leonard Anderson  
 Mailing Address 8426 Parkmont Phone 686-7859  
 Name of Authorized Agent \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_  
 Relationship of applicant to property is that of Owner  
 (Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section 2.12.590.C,  
 Code of the City of Wichita, Kansas, to permit the establishment of

a Used Car Lot

on property zoned "F.C."  
 located on the east side of Ogden and south of Lesma  
2602 S. Osier

and legally described as: Lot 8 Block 3  
J.P. Higgins Addition to Wichita,  
Sedgwick County, Kansas  
 \_\_\_\_\_, 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. 36-596); 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 Leonard W Anderson

Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
2:07 (a.m. p.m.), April 20, 1984, together with  
 appropriate fee of 200.00.

Signed [Signature]



OWNERSHIP LIST

<u>Property Description</u>	<u>Property Owner</u>
Lot 4, Block 2, W. P. Higgins Addition	✓ Teamsters Union Local 795 4921 Cessna 67210
Lot 5, Block 2, W. P. Higgins Addition	Same as above
Lot 6 & the north 10 feet of lot 7, Block 2, W. P. Higgins Addition	✓ Homer Morgan 2110 Industrial 67216
The South 90 feet of lot 7, Block 2, W. P. Higgins Addition	Vernon L. Warren ✓ Eva Louise Warren 2528 S. Oliver 67210
Lot 8, Block 2, W. P. Higgins Addition	D Leonard W. Anderson Eleanor A. Anderson 8420 Parkmont 67207
Lot 1, Steve Clark Addition	✓ Sugar Creek Associates <del>4201 E. Vollogg</del> 67218 <i>returned 5-7-84</i>
Lot 4, Spencer Gardens Addition	James P. Love (dec.)

We hereby certify the foregoing to be a true and correct  
list of the property owners within a 200 foot radius of:

Lot 8, Block 2, W. P. Higgins Addition,  
Wichita, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the  
Register of Deeds of Sedgwick County, Kansas, on this 9th day  
of April, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Isable*  
Sr. Vice President

Order No: 332225  
cf

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 2021 PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
City of WA Exam Fee	100.00

NAME: Sugar Creek Associates  
 ADDRESS: 4310 East Kellogg  
 FUND: Metropolitan Planning DUE DATE: \_\_\_\_\_  
 COMMENTS: \_\_\_\_\_  
 DATE: May 29, 1984 BY: [Signature]

WICHITA - SEDGWICK COUNTY  
**W SC**  
 BOARD OF ZONING APPEALS  
 CITY HALL - TENTH FLOOR  
 455 NORTH MAIN STREET  
 WICHITA, KANSAS 67202

*20228-84* *5-3-84* *20228*

**RECEIVED**  
 MAY 7 1984  
 METROPOLITAN PLANNING  
 ROUTE

Sugar Creek Associates  
 4310 East Kellogg  
 Wichita, Ks. 67218

WICHITA KANSAS  
 MAY 5 1984

NO SUCH MEMBER TO SENDER

WICHITA KANSAS  
 MAY 5 1984

U.S. POSTAGE  
 20

\*

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

Roll # 2