

BZA 29-69 - Hugh's 66 Service  
requests EXCEPTION to permit truck  
and trailer rental at 1701 East 47th  
St. South

Revised

11/7/69

map

CI

3-9-70

7-24-70

BZA ~~29-69~~ approved

Null & Void  
See memo 6/5/70

Map No. 5641  
 Sec. 21  
 Twp. 28  
 Range 1E

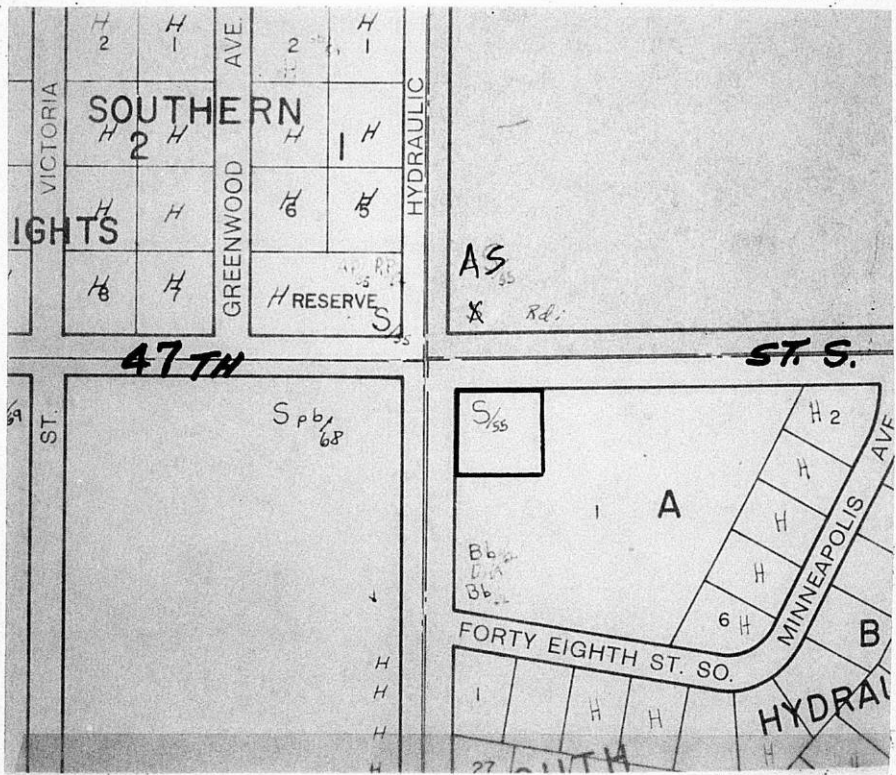
BZA 29-69  
 SC2-  
 CU-  
 Filed

AREA DATA:

1. Acres: 0.51 ( 150 ft. by 150 ft.)
2. Adjoining zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East UNDEVELOPED South AUTO REPAIR  
 West USED CAR LOT North SERVICE STAT.
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 \_\_\_\_\_



THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION DIVISION DATE June 5, 1970

TO Jack Galbraith, Secretary, Board of Zoning Appeals  
FROM Joe Donnell, Maintenance Inspection Supervisor

SUBJECT

1701 East 47th St. South  
Case No. BZA 29-69  
Request for Exception

Please be advised that the conditions stated regarding the above captioned case have not been met.

We have discussed this situation with the parties involved and find that this operation is now out of business, and the rental equipment has been removed.

Therefore, we recommend that this case be considered null and void.

Please call if you have any questions concerning this matter.

JD:rs

cc: R. B. Feldner, Superintendent of Central Inspection  
Ed Zenner, License and Zoning Inspector



April 29, 1970

Mr. Richard A. Loyd  
Jochems, Sargent and Blaes  
500 Farmers and Bankers Building  
Wichita, Kansas 67202

Dear Mr. Loyd:

Subject: Case No. BZA 29-69  
Request for Exception

You will recall that the Board of Zoning Appeals at their regular meeting of February 24, 1970 considered and approved the above-captioned case subject to several conditions which were outlined on the resolution forwarded to you on March 4, 1970. I would like to call to your attention Conditions 1, 2 and 7 which read as follows:

1. Approval shall be for only that area 50 feet x 80 feet designated on the plot plan submitted with the application as parking for E-Z Haul trucks and trailers.
2. The approved area of 50 feet x 80 feet shall be paved with concrete, asphalt, or other comparable material.
7. All conditions of approval by the Board shall be complied with within 3 months from the date of approval by the Board or this case shall be null and void.

In the last two months, on at least five occasions, the most recent being last Saturday, April 25, I observed that trucks are being stored generally in the approved area which is still unpaved, and trailers are being stored on the north side of the station north of the pumps.

Page 2 - Richard A. Loyd  
April 29, 1970

This is to advise you that by a copy of this letter, the Office of Central Inspection is advised that if paving is not completed by May 24, 1970, and that in the event that all vehicles for rent are not stored in the approved area, this case will be considered null and void. If this occurs, then the rental operation must cease.

Please call if you have any questions concerning this matter.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:ls

cc Hugh's 66 Service, 1701 East 47th Street, Wichita  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 29-69

WHEREAS, Hugh's 66 Service, 1701 East 47th Street South, Wichita, Kansas, by Richard A. Loyd, Jochems, Sargent and Blaes, 500 Farmers and Bankers Building, 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 truck and trailer rental operation on property zoned "LC"-Light Commercial, and legally described as follows:

Beginning at the northwest corner of Lot 1, Block A, South Hydraulic Park Second Addition, thence south 150 feet; east 150 feet; north 150 feet; west 150 feet to point of beginning, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Hydraulic and 47th Street South.

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 February 24, 1970, 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 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 approved to permit the installation of a truck and trailer rental operation on property zoned "LC"-Light Commercial, and legally described as follows:

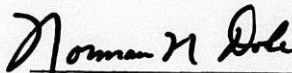
Beginning at the northwest corner of Lot1, Block A, South Hydraulic Park Second Addition; thence south 150 feet; east 150 feet; north 150 feet; west 150 feet to point of beginning, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Hydraulic and 47th Street South.

subject to the following conditions:

1. Approval shall be for only that area 50 feet x 80 feet designated on the plot plan submitted with the application as parking for E-Z Haul trucks and trailers.
2. The approved area of 50 feet x 80 feet shall be paved with concrete, asphalt, or other comparable material.
3. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.

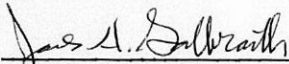
4. No signs shall be permitted to project over public right-of-way.
5. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except in an enclosed building.
7. All conditions of approval by the Board shall be complied with within 3 months from the date of approval by the Board or this case shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 24th day of  
February, 1970.



NORMAN N. DOKE, Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

March 4, 1970

Mr. Richard A. Loyd  
Jochens, Sargent and Blaes  
500 Farmers and Bankers Building  
Wichita, Kansas

Dear Mr. Loyd:

Subject: Case No. BZA 29-69  
Request for Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 24, 1970, in connection with your request for an exception to permit the installation of a truck and trailer rental operation on property zoned "LC"-Light Commercial and generally located on the southeast corner of Hydraulic and 47th Street South.

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:ls

- ✓ cc Hugh's 66 Service, 1701 East 47th Street
- ✓ Robert Feldner, Superintendent of Central Inspection
- ✓ Ralph Eberly, City Clerk
- ✓ Joe Donnelly, Central Inspection

Attachment

February 26, 1970

Mr. Richard A. Loyd  
Jochems, Sargent & Blaes  
500 Farmers and Bankers Building  
Wichita, Kansas

Dear Mr. Loyd:

Subject: Case No. BZA 29-69  
Request for Exception

At the regular meeting of the Board of Zoning Appeals on February 24, 1970, your request for an exception to permit the installation of a truck and trailer rental operation on property zoned "LC"-Light Commercial and generally located at the southeast corner of Hydraulic Avenue and 47th Street South, was considered.

It was the action of the Board to approve this request subject to the conditions set forth in the Secretary's Report.

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:ls  
cc Hugh's 66 Service  
Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 29-69

APPLICANT: Hugh's 66 Service, 1701 East 47th Street South,  
Wichita, Kansas

AGENT: Richard A. Loyd, Jochems, Sargent & Blaes, 500  
Farmers and Bankers Building, Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.C, Code  
of the City of Wichita to permit the installation  
of a truck and trailer rental operation

GENERAL LOCATION: Southeast corner of Hydraulic and 47th  
Street South

LAND USE: Subject property is occupied by a service station;  
north is a nonconforming used car sales lot and  
drive-in restaurant; west is an elementary school;  
south is a barber and beauty shop and sundry store;  
land to the east is undeveloped

ZONING: Subject property is zoned "LC"-Light Commercial  
as are those properties to the north, south,  
east and west

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 under Section 23.04.183.2, 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 E-Z Haul Rental Equipment (trucks and trailers) on property zoned "LC"-Light Commercial at the southeast corner of Hydraulic and 47th Street South and which is occupied by a service station.

In viewing the area in the field, it may be seen that subject property is bounded on the south by a barber and beauty shop and a small sundry store, land to the east is zoned "LC"-Light Commercial and undeveloped, north is a nonconforming used car sales lot and a drive-in restaurant, and west is an elementary school. The northwest corner of the intersection is occupied by a service station and an auto repair shop and the land south of 49th Street South on the west side of Hydraulic is zoned "E"-Light Industrial and occupied in part by a motor freight warehouse.

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

Although it is the opinion of the Secretary that this request is not for the type of development that should be encouraged at random throughout the City in the light Commercial areas, after taking into consideration the existing land use and zoning in the general area, it would appear that the granting of the exception in this instance would be proper.

#### RECOMMENDATION

It is the recommendation of the Secretary that the exception to permit the operation of a truck and trailer rental business, on property zoned "LC"-Light Commercial, be approved subject to the following conditions:

1. Approval shall be for only that area 50 feet x 80 feet designated on the plot plan submitted with the application as parking for E-Z Haul trucks and trailers.
2. The approved area of 50 feet x 80 feet shall be paved with concrete, asphalt, or other comparable material.
3. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.

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Case No. BZA 29-69

4. No signs shall be permitted to project over public right-of-way.
5. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except in an enclosed building.
7. All conditions of approval by the Board shall be complied with within 3 months from the date of approval by the Board or this case shall be null and void.

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

February 4, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 29-69

An application has been filed by Hugh's 66 Service, 1701 East 47th Street South, 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 a truck and trailer rental operation on property zoned "LC" - Light Commercial and legally described as follows:

Beginning at the NW corner of Lot 1, Block A, South Hydraulic Park Second Addition; thence south 150 feet; east 150 feet; north 150 feet; west 150 feet to point of beginning, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Hydraulic and 47th Street South.

This application has been assigned Case No. BZA 29-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 24, 1970, 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

10 copies mailed 2-4-70



BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 29-69  
FILED 11-5-69

APPLICATION FOR EXCEPTION

I. Name of Applicant Hugh's 66 Service  
Mailing Address 1701 East 47th Street, South Phone \_\_\_\_\_  
Name of Authorized Agent Richard A. Loyd of Jochems, Sargent & Blaes  
Mailing Address 500 Farmers & Bankers Bldg. Phone AM 2-8443  
Relationship of applicant to property is that of Lessee  
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section 3.12.590.C  
28.04.090 (A) (1.2d), Code of the City of Wichita, Kansas  
(Zoning Ordinance); to permit the installation or construction  
of truck and trailer rental  
\_\_\_\_\_ on property zoned  
"LC", located 1701 East 47th Street, South  
Wichita, Kansas, and legally described as: \_\_\_\_\_  
\_\_\_\_\_, in the City of Wichita.

(Give metes and bounds description below if appropriate).

Beginning at the NW corner of Lot 1, Block A, South Hydraulic Park Second Addition; thence south 150 feet; east 150 feet; north 150 feet; west 150 feet to point of beginning, Wichita, Sedgwick County, Kansas.

- 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 Hugh's 66 Service

Authorized Agent Richard A. Loyd

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:50 (a.m. - p.m.), November 5, 1969, together with appropriate fee of \$50.00.

Signed Laura Scott

EMMET A. BLAES  
ROETZEL JOCHEMS  
ROBERT G. BRADEN  
JAMES W. SARGENT  
STAN E. WISDOM  
BRUCE W. ZUERCHER  
L. D. KLEDA  
CHARLES M. CLINE  
RICHARD A. LOYD  
STEPHEN H. BLAES

GERALD E. WELLS  
PAUL H. HUMANN  
LAWRENCE MCDONOUGH  
TERRY G. PAUP

JOCHEMS, SARGENT & BLAES  
ATTORNEYS AT LAW  
500 FARMERS & BANKERS LIFE BUILDING  
WICHITA, KANSAS 67202

(316) 262-8443

November 5, 1969

W. D. JOCHEMS  
(1888-1960)  
J. WIRTH SARGENT  
(1894-1965)

J. FRANCIS HESSE  
HARRY L. HOBSON  
LEONARD A. LEVAND  
COUNSEL

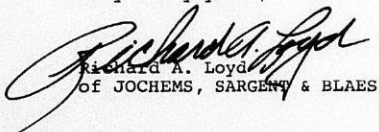
Metropolitan Area Planning Commission  
104 South Main  
Wichita, Kansas

Re: Application for Exception  
Hugh's 66 Service

Gentlemen:

The property in connection with the attached Application for Exception is presently zoned LC and is used as a filling station. An Application for Exception is filed in order to permit rentals of trucks and trailers. It is felt by the applicant that it is desirable to furnish this type of additional service to its customers. The rental of trucks and trailers as requested will be of benefit to the surrounding area, and will provide additional income to the applicant.

Very truly yours,

  
Richard A. Loyd  
OF JOCHEMS, SARGENT & BLAES

RAL:bw

## STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
 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:

Property lying within a radius of 200 ft of:  
 Beg at NW cor Lot 1, Block A, South Hydraulic Park Second Addition; th South 150 ft; East 150 ft; North 150 ft; West 150 ft to beg., Wichita, Sedgwick County, Kansas.

  
 Fidelity  
 Title  
 Company,  
 inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

C-35088	N 150' of W 150' of Lot 1, Blk A, South Hydraulic Park Second Add.	Eloise Morris McMurtry 1/3 Carolyn Morris Kauffman 1/3 Mary Margaret Morris Boyd, 208 N. Broadway 1/3 67202
C-35087	Lot 1, Blk A, South Hydraulic Park Second Add., exc N 150' of W 150'.	Eloise Morris McMurtry Carolyn Morris Kauffman Mary Margaret Morris Boyd
B-101-UP	S 99.75' of N 179.75' of E 206.25' of S 415.75' of N 660' of E 1/2 NE 1/4 Sec 21, Twp 28, R 1 E.	Eugene S. & Goldie M. Lower, 4849 S. Hydraulic ux 67216
B-102-UP	N 80' of E 206.25' of S 415.75' of N 600' of E 1/2 of NE 1/4 Sec 21-28-1E.	Eugene S. & Goldie M. Lower, 4849 S. Hydraulic 67216 ux
B-111-UP	Beg 12 1/2 rds S of NE cor NE 1/4 Sec 21-28-1E; th W 12 1/2 rds; S 38'; E 12 1/2 rds; N 38' to beg.	The Board of Education of the City of Wichita, Kansas 640 N. Emporia 67214
B-	N 12 1/2 rds of E 12 1/2 rds NE 1/4 Sec 21-28-1E.	Do
-	Beg 275' E & 40' N of SW cor SW 1/4 Sec 15-28-1E; th E 96'; N 150'; W 211' S 15'; E 115'; S 135' to beg.	Frank Dean Stuckey & Gloria Jean Stuckey, ux & Scott & Effie Stuckey, ux 4658 S. Hydraulic 67216



Beg at SW cor SW $\frac{1}{4}$  Sec 15-28-1E; th N 175';  
E 175'; S 175'; W to beg., exc W 40' & exc  
S 40' for rd.

✓ Effie Stuckey  
4658 S. Hydraulic 67216

Beg 175' E of SW cor SW $\frac{1}{4}$  Sec 15-28-1E; th  
N 175'; E 100'; S 175'; W to beg. exc S 40'  
for rd.

✓ Effie Stuckey  
4658 S. Hydraulic 67216

S 100' of E $\frac{1}{2}$  of Reserve, Blk 1, Hinson's  
Southern Heights.

✓ The Vickers Refining Co., Inc  
Wichita, Plaza Bldg. 67202

N 40 $\frac{1}{2}$ ' of the E $\frac{1}{2}$  of Reserve, Blk 1, in  
Hinson's Southern Heights.

✓ H. H. & Mary E. McDonald, ux  
7700 S. Broadway 67233

W $\frac{1}{2}$  of Reserve in Blk 1, Hinson's Southern  
Heights.

✓ R. D. & Mary L. Mundell, ux  
3401 Chrystal Dr.

Dated at Wichita, Kansas this 10th  
day of September, 1969 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Edwin M. Farrell \_\_\_\_\_ OEM  
Sec.

Tracer # 2604

Form 223-0

**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>12A-Exemption</i>	<i>50.50</i>

Name: *Jackson, Sargent Bloss*  
 Address: *4500 Farmers + Hampden*  
 Type: *R-71-C* Due Date: *July Bldg*  
 Comments:

Date: *11-5-69* By: *ls*