

ACTION

Dya COMMITTEE *Opp* _____ DATE *11-26-63*

M.A.P.C. _____

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

BZA 30-63 - W.D. Warrenfelt requests exception to allow trailer, vehicle & equipment rental on N side of 29th St. No. in an area W of Salina

ACTION

Eyo COMMITTEE App DATE 11/26/63

M.A.P.C. _____

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

BZA 30-63 - W.D. Karsensfelt requests
exception to allow trailer, vehicle
& equipment rental on N side of 29th
St. No. in an area W of Salina

R E S O L U T I O N NO. BZA 30-63

WHEREAS, W. D. Warenfelt, 3721 Mascot, Wichita, Kansas, by E. L. Malone, attorney, 621 West Central, Wichita, Kansas, requests an Exception as provided in Section 28.04.180.A.14, Code of the City of Wichita, Kansas, to allow the applicant to conduct an equipment rental operation in conjunction with the service station which is located on property legally described as follows:

Beginning 20 feet west of the Southeast corner of South 10 acres of West half of Southwest Quarter of Southwest Quarter of Section 32, Township 26, Range 1 East; thence west 105 feet; thence north 150 feet; thence east 105 feet; thence south to place of beginning, in the City of Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Salina and 29th Street North.

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, in regular meeting, consider said application on the 26th day of November, 1963; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an Exception under the provisions of Section 2.12.590, Code of the City of Wichita; and

WHEREAS, the property is zoned "LC" Light Commercial;

WHEREAS, the Board of Zoning Appeals determined that the location is contiguous to a major street as designated in Pattern for Thorofares, Wichita, Kansas, 1955, or amendments thereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the request for an Exception as described above for property described as:

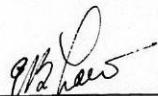
Beginning 20 feet west of the Southeast Corner of South 10 acres of West half of Southwest Quarter of Southwest Quarter of Section 32, Township 26, Range 1 East; thence west 105 feet; thence north 150 feet; thence east 105 feet; thence south to place of beginning, in the City of Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Salina and 29th Street North.

is hereby approved and the Superintendent of Central Inspection is hereby authorized to issue a permit to allow the applicant to conduct an equipment rental operation in conjunction with the servicestation which is located on the above described property, subject to the following:

1. All storage and display areas shall be paved with asphalt or concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.

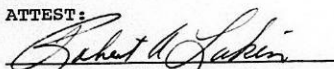
3. No projecting signs shall be permitted (as defined by the sign ordinance).
4. No sound projecting device or loud speakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except within an enclosed building.
6. Off-street parking for the rental operation shall be provided in accordance with Section 28.04.140 of the Code of the City of Wichita.
7. In the event any expansion takes place in the future which will enlarge the rental operation, such as construction of an additional building to house rental equipment, paving of additional area for display and storage of rental equipment, etc., additional off-street parking shall be provided in accordance with Section 28.04.140.

ADOPTED at Wichita, Kansas, this 26th day of November,
1963.



E. B. Law, Chairman

ATTEST:



Robert A. Lakin, Secretary

December 9, 1963

Mr. W. D. Warenfelt
2721 Mascot
Wichita, Kansas

Dear Mr. Warenfelt:

Re: BZA 30-63 - Request for
Exception

On December 2, 1963, we advised you that the Board of Zoning Appeals had approved subject application to allow an equipment rental operation in conjunction with the service station which is located on property located generally on the northwest corner of Salina and 29th Street North, subject to certain conditions.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before December 6, 1963. The City Clerk has advised that no appeal was filed on or before the date indicated, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Robert A. Lakin
Secretary

RAL:ber
Attachment

cc: Glen Lytle, Superintendent
of Central Inspection

E. L. Malone, Attorney
621 West Central

Board of Zoning Appeals

December 3, 1963

Robert G. Finch, City Clerk

Robert A. Lakin, Secretary

BZA No. 30-63

Attached is a copy of BZA Resolution No. 30-63, covering action taken by the Board of Zoning Appeals on the above case.

This case was heard on November 26, 1963, and an appeal may be filed in your office on or before December 6, 1963. If an appeal is filed, please advise.

Robert A. Lakin
Secretary

RAL:ber

Attachment

December 2, 1963

Mr. W. D. Warenfelt
3721 Mascot
Wichita, Kansas

Dear Mr. Warenfelt:

Re: BZA 30-63 - Request for
Exception

This is to advise you that at its regular meeting of November 26, 1963, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to allow an equipment rental operation in conjunction with the service station which is located on property legally described as:

Beginning 20 feet west of the Southeast Corner of South 10 acres of West half of Southwest quarter of Southwest Quarter of Section 32, Township 26, Range 1 East; thence west 105 feet; thence north 150 feet; thence east 105 feet; thence south to place of beginning, being generally located on the northwest corner of Salina and 29th Street North.

It was the action of the Board of Zoning Appeals to approve this application, subject to the following:

1. All storage and display areas shall be paved with asphalt or concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
3. No projecting signs shall be permitted (as defined by the sign ordinance).

Page 2 - Mr. W. D. Warenfelt
December 2, 1963

4. No sound projecting device or loud speakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except within an enclosed building.
6. Off-street parking for the rental operation shall be provided in accordance with Section 28.04.140 of the Code of the City of Wichita.
7. In the event any expansion takes place in the future which will enlarge the rental operation, such as construction of an additional building to house rental equipment, paving of additional area for display and storage of rental equipment, etc., additional off-street parking shall be provided in accordance with Section 28.04.140.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before December 6, 1963.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before December 6, 1963, the decision of the Board will be final and the Superintendent of Building Inspection will be in a position to issue the appropriate permit.

Very truly yours,

R.A.L.
Robert A. Lakin
Secretary

RAL:JWH:ber

cc: E. L. Malone, Attorney
621 West Central

Robert G. Finch
City Clerk

Glen Lytle, Superintendent of
Central Inspection

BZA 30-63 - NOTICES MAILED NOVEMBER 7, 1963 for meeting on November 26

W. D. Warenfelt
3721 Mascot

E. L. Malone
621 West Central

Clyde W. & Cora E. Noell
1028 West 29th Street

George W. & Ruth E. Plant
942 West 29th Street North

Donald L. & Audrey A. Somers
956 West 29th Street North

Vernon E. and Gay N. Galyardt
2659 North Clarence

Herman Toepke
% B. E. Jackson
1001 West 29th Street

Herman Toepke
Route #2
Eureka, Kansas

Noah Hampton
1303 West 29th Street North

Abraham & Mabel O. Schafer
1033 West 29th Street North

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

November 7, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 30-63

An application has been filed by W. D. Warenfelt, 3721 Mascot, Wichita, Kansas, by E. L. Malone, attorney, 621 West Central, Wichita, Kansas, requesting an Exception, as provided in Section 28.04.180.A.14, Code of the City of Wichita, to permit the installation or construction of a trailer vehicle and equipment rental on property zoned "LC" Light Commercial, and legally described as:

Beginning 20 feet west of the Southeast corner of South 10 acres of W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 32, Township 26, Range 1 East; thence west 105 feet; thence north 150 feet; thence east 105 feet; thence south to place of beginning, in the City of Wichita, Sedgwick County, Kansas. Generally located on the north side of 29th Street North in an area west of Salina.

This application has been assigned Case No. BZA 30-63 and will be considered by the Board of Zoning Appeals on Tuesday, November 26, 1963, at 2 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.

Robert A. Lakin
Secretary

LASSWELL & MALONE
ATTORNEYS AT LAW
821 WEST CENTRAL
WICHITA, KANSAS

AMHERST 5-4248

November 4, 1963

GERALD D. LASSWELL
E. L. (PAT) MALONE
STATE REPRESENTATIVE
89TH DISTRICT
EDGAR WM. DWIRE

(3 1/2 BLOCKS WEST
OF THE COURTHOUSE)

Mr. Robert Lakin
Wichita Metropolitan Area Planning Commission
City Building Annex
104 South Main
Wichita, Kansas

Re: Special Permit for
Warenfelt Addition

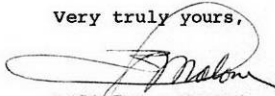
Dear Mr. Lakin:

I have filed an application to obtain a special permit for rentals in the Warenfelt plat recently approved and zoned light commercial.

Mr. Warenfelt advises me that he intends to rent small hand tools, small hand power tools, garden tools and garden power tools, such as lawn mowers and small cultivating tractors, etc., and all small tools and appliances such as ice cream freezers, spray painters, blow torch, and all other small items that generally are found in a rental operation of this type. He also intends to have two or three trailers which will be the biggest items involved.

This letter is pursuant to a request made by your office at the time the application was filed for a letter setting forth the various items expected to be rented by the applicant.

Very truly yours,



LASSWELL & MALONE

ELM:jfb



BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. NAME OF APPLICANT W. D. Warenfelt
MAILING ADDRESS 3721 Mascot PHONE TE 8-3606
NAME OF AUTHORIZED AGENT E. L. Malone
MAILING ADDRESS 621 West Central PHONE AM 5-4248
RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF owner
(OWNER, TENANT, LESSEE, OTHER).

II. APPLICATION IS MADE FOR AN EXCEPTION AS PROVIDED IN SECTION
28.04.180 A 14, CODE OF THE CITY OF WICHITA, KANSAS (ZONING
ORDINANCE); TO PERMIT THE INSTALLATION OR CONSTRUCTION OF trailer,
vehicle and
equipment rental ON PROPERTY ZONED LC, LOCATED AT
1002 West 29th Street AND LEGALLY DESCRIBED AS:
Warenfelt Addition to Wichita, Sedgwick County,
Kansas, IN THE CITY OF WICHITA.
(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE)

- 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.

W.D. Warenfelt
APPLICANT

E.L. Malone
AUTHORIZED AGENT

OFFICE USE ONLY: RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, 11:45 (A.M.) - P.M.), DEC 31, 1963, 19____, TOGETHER WITH APPROPRIATE FEE OF \$50.00.

James W. Howe
SIGNED


STATEMENT OF OWNERSHIP

STATE OF KANSAS)
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 the following described tract: Beg 20 ft West of the SE corner of South 10 Acres of W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec 32, Twp 26, R 1 East; th West 105 ft; North 150 ft; East 105 ft; th South to place of beg.


Fidelity
Title
Company.
inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz:

- | | |
|---|---|
| <p>Beg at the SE cor of the South 10 Acres of W$\frac{1}{2}$ of SW$\frac{1}{4}$ SW$\frac{1}{4}$; th W 125 ft; N 150 ft; E 125 ft; S 150 ft to beg; exc E 20 ft. Sec 32, Twp 26, R 1 E.</p> | <p>Wayne Donald & Lorraine Q. Waresfelt ux.
3721 Mascot</p> |
| <p>South 3 Acres of E$\frac{1}{2}$ of South 10 A of W$\frac{1}{2}$ SW$\frac{1}{4}$ SW$\frac{1}{4}$; exc E 125 ft of S 150 ft, Sec 32, Twp 26, R 1 E.</p> | <p>Clyde W. & Cora E. Nosll, ux
1028 W 29th Street.</p> |
| <p>Lot 1, Schnitzler Ave., in F. Schnitzlers Addition.</p> | <p>George W. & Ruth E. Plant, ux
942 W 29th St. North</p> |
| <p>Lot 3, Schnitzler Ave., in F. Schnitzler's Addition.</p> | <p>George W. & Ruth E. Plant, ux</p> |
| <p>Lot 5, Schnitzler Ave., in F. Schnitzler's Addition.</p> | <p>George W. & Ruth E. Plant, ux</p> |



Lot	Street	Addition	Owner
7	Schnitzler	F. Schnitzler's	X George W. & Ruth E. Plant, ux 942 W 29th St. North
9	"	"	" " " " "
11	"	"	" " " " "
13	"	"	" " " " "
15	"	"	" " " " "
17	"	"	" " " " "
2	Salina	"	Donald L. & Audrey A. Somers, ux 956 W 29th St. North
4	"	"	" " " " "
6	"	"	" " " " "
8	"	"	" " " " "
10	"	"	" " " " "
12	"	"	" " " " "
14	"	"	" " " " "
16	"	"	" " " " "
18	"	"	" " " " "
20	"	"	Vernon E. & Gay M. Galyard, ux 2659 N. Clarence
22	"	"	" " " " "
24	"	"	" " " " "
26	"	"	" " " " "
2	29th St	Milson Acres	Herman Toepke & M. M. Johnson, 1001 W 29th St.
3	"	"	Herman Toepke, Route # 2, Eureka, Ia.
4	"	"	" " " " "
11	"	"	Noah Hampton, esq., 1303 W 29th St. North
12 (W 55')	"	"	Abraham & Mabel C. Schafes, ux 1033 W 29th St. North
12 (E 37.5')	"	"	Noah Hampton, esq., 1303 W 29th St. North
13	"	"	X Abraham & Mabel C. Schafes, ux 1033 W 29th St. North
14 (E 10')	"	"	" " " " "

Dated at Wichita, Kansas this 21th day of May, 1963 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Calvin M. Farrell

300.

CEM



SECRETARY'S REPORTCASE NO. BZA 30-63GENERAL LOCATION

The property in question is generally located on the northwest corner of Salina and 29th Street North.

EXISTING LAND USE

The property in question is currently occupied by a service station, house and a garage. The existing land use to the north is single family; east is light manufacturing, single family and small animals; south is a contractor's storage yard, small animal hospital, feed store; and west is single family and a bar, with dancing.

EXISTING ZONING

The property in question is zoned "LC" Light Commercial. The existing zoning to the north is "AA" Single family; east is "LC" Light Commercial; south is "LC" Light Commercial; and west is "AA" Single Family.

REQUEST

The request is for an exception as provided in Section 28.04.180.A.14 of the Code of the City of Wichita, for a special permit to allow the applicant to conduct an equipment rental operation in conjunction with the service station which is located on subject property.

As provided in Section 28.04.180.A.14, the Board of Zoning Appeals ~~are~~ given jurisdiction to authorize trailer, vehicle and equipment rental operations in the "LC" district, subject to the following conditions and requirements:

Page 2 - Secretary's Report
Case No. BZA 30-63

- A. Location contiguous to a major street as designated in the Pattern for Thorofares, Wichita, Kansas, 1955, or amendments thereto.
- B. Such screening for areas contiguous to residential zoning districts as may be determined appropriate and necessary to protect adjacent properties from light, debris and noise and to preserve adjacent property values.
- C. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
- D. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
- E. No projecting signs shall be permitted.
- F. No sound projecting devices or loud speaker shall be used so as to be heard outside of any structure.
- G. Such other conditions as the Board of Zoning Appeals shall deem necessary to include, but not be restricted to, proper setbacks, landscaping, and maintenance provisions.
- H. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be done.

The applicant has filed a statement of justification and plot plan which are included as Attachments #1 and #2 to this report.

HISTORY The City of Wichita, for a special purpose to
The property included in this application and the property in the immediate area was all annexed to the City of Wichita in December of 1962 and the early part of 1963. Since the property was zoned for residential use in the County, it was annexed to the City and remained in the "AA" Single Family zoning classification. The service station which was a nonconforming use in the County remained a nonconforming use when annexed to the City.

Page 3 - Secretary's Report
Case No. BZA 30-63

In July of this year, the applicant filed an application for "C" Commercial for the property in question. The Planning Commission recommended that the application for "C" zoning be denied and that it be approved for "LC" zoning, and suggested that the applicant apply to the Board of Zoning Appeals for a special exception to allow an equipment rental operation to be conducted on subject property. On October 1, 1963, the Board of City Commissioners approved the recommendation of the Planning Commission.

COMMENTS BY THE SECRETARY

The attorney for the applicant has stated that it is the desire of the applicant, if the exception is approved, to rent small hand tools, small hand power tools, garden tools and garden power tools, such as lawnmowers and small cultivating tractors, etc. and all small tools and appliances, such as ice cream freezers, paint sprayers, blow torches, and all other small items that are found in a small rental operation. It is also pointed out that he intends to have two or three trailers which will be the largest items involved.

According to the plot plan (see Attachment #2 to this report), it appears that the applicant intends to use as the rental area a 30' x 32' paved area to the west of the service station. This area is to be used for the parking of rental trailers. It also appears that all of the other rental equipment is kept in the service station garage where it can be locked up at nights.

Page 4 - Secretary's Report
Case No. BZA 30-63

The small 30' x 32' paved area is not a very large area but it would appear to accommodate 3 or 4 rental trailers if that is all the applicant desires to keep at one time. It appears from the statement of justification and from viewing the area, that the major part of the operation will be that of renting small garden tools, power equipment, lawnmowers, appliances, etc.

Mr. Warenfelt in a discussion with the Secretary pointed out that one stall in the service station has been reserved for the rental equipment. It was also pointed out that the filling station operator is currently renting equipment, however, the entire operation is being conducted within the service station. Mr. Warrenfelt also noted that the reason for applying for the special exception was to enable the lessee of the service station to park two or three trailers on the slab to the west of the service station and also to display some garden tractors, lawnmowers, etc. during the day. He noted that at the present time the operator of the station is unable to display equipment outside and for this reason has applied for the exception.

Mr. Warenfelt also stated that for the present time he intends to have the rental operation limited to the one stall inside the station and to the paved area to the west of the station. He also pointed out, however, that in the future if the business is such to warrant expansion that he may build a small building on the property to house the rental equipment.

Page 5 - Secretary's Report
Case No. BZA 30-63

The Secretary is of the opinion that if the exception is granted and if expansion takes place in the future, that all display areas will have to be hardsurfaced with asphalt or some other similar hard surfacing.

The Secretary is of the opinion that since this particular area contains a real mixture of uses; i.e., small animal hospital, Abe's Club, contractor's storage yard, light manufacturing operation, hardware store, nursery, etc. some of which are nonconforming, that the proposed rental operation seems to be a reasonable use and one which will be compatible with other uses in the immediate area.

In a discussion with the Superintendent of Central Inspection, it was determined that if the exception is approved that the applicant will have to provide one off-street parking space for the rental operation, and additional spaces would have to be provided if the operation is expanded in the future.

STAFF RECOMMENDATION

In view of the above mentioned considerations, it is the recommendation of the Secretary that the exception be approved, subject to the following conditions and requirements:

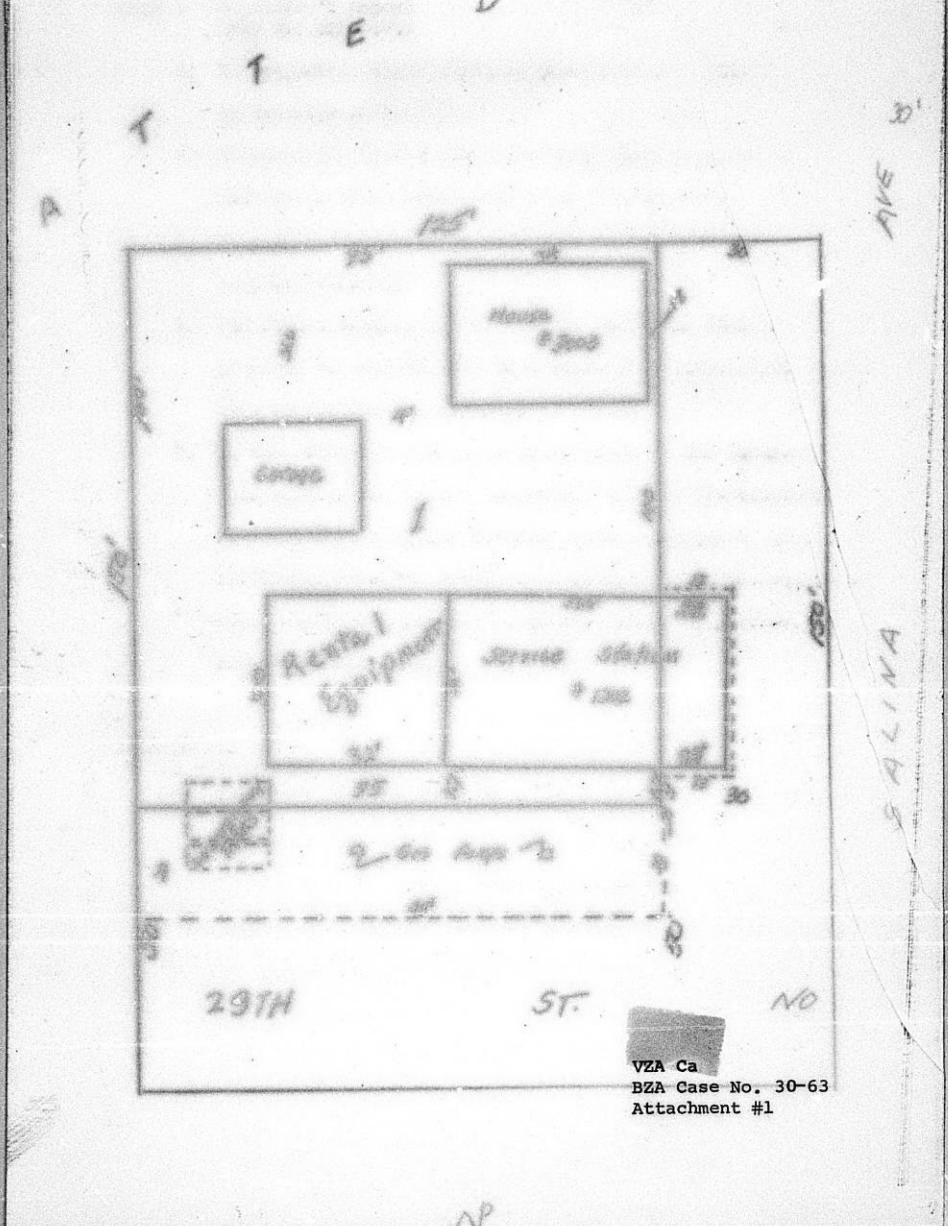
1. All storage and display area shall be paved with asphalt, concrete or other comparable hard surfacing.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.

Page 6 - Secretary's Report
Case No. BZA 30-63

3. No projecting signs shall be permitted (as defined by the sign ordinance).
4. No sound projecting device or loud speakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except within an enclosed building.
6. Off street parking for the rental operation shall be provided in accordance with Section 28.04.140.A.2.12 of the Code of the City of Wichita.
7. In the event any expansion takes place in the future which will enlarge the rental operation, such as construction of an additional building to house rental equipment, paving of additional area for display and storage of rental equipment, etc., additional off-street parking shall be provided in accordance with Section 28.04.140.

Attachments

- #1 - Plot Plan
- #2 - Statement of Justification



VZA Ca
 BZA Case No. 30-63
 Attachment #1

LASSWELL & MALONE
621 West Central
Wichita, Kansas

November 4, 1963

Mr. Robert Lakin
Wichita Metropolitan Area Planning Commission
City Building Annex
104 South Main
Wichita, Kansas

Re: Special Permit for
Warenfelt Addition

Dear Mr. Lakin:

I have filed an application to obtain a special permit for rentals in the Warenfelt plat recently approved and zoned light commercial.

Mr. Warenfelt advises me that he intends to rent small hand tools, small hand power tools, garden tools and garden power tools, such as lawnmowers and small cultivating tractors, etc., and all small tools and appliances such as ice cream freezers, spray painters, blow torch, and all other small items that generally are found in a rental operation of this type. He also intends to have two or three trailers which will be the biggest items involved.

This letter is pursuant to a request made by your office at the time the application was filed for a letter setting forth the various items expected to be rented by the applicant.

Very truly yours,

S/ E. L. Malone

LASSEWLL & MALONE

ELM:jfb

BZA Case No. 30-63
Attachment #2

PAYMENT NOTICE
City Wichita

PAY AT TREASURER'S OFFICE -- FIRST FLOOR

Bld'g & Elev. _____ Elec. _____ Elev. Insp. _____
Exam Fees _____ Hse. Mvr. _____ Hse. Moving _____
Licse. _____ Mech. _____ Oil Well _____ Pav. Cuts _____
Plan. Plb'g. _____ Plb'g. Cert. _____
Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
Street _____ Trailers _____

DESCRIPTION	AMOUNT
R-711	17.00

Name R-711

Address 721

Type _____ Due Date _____

Comments _____

Date 10-21-60 By [Signature]