

BZA 30-69 - Anderson's Texaco request
EXCEPTION to permit truck and trailer
rental at 702 N. West Street

BZA 7-24-70 12-16-69 Denied

POSTED

11/7/69

[Signature]
JMS
3/6/70

BZA 224-70
~~12-16-69~~ *Kened*

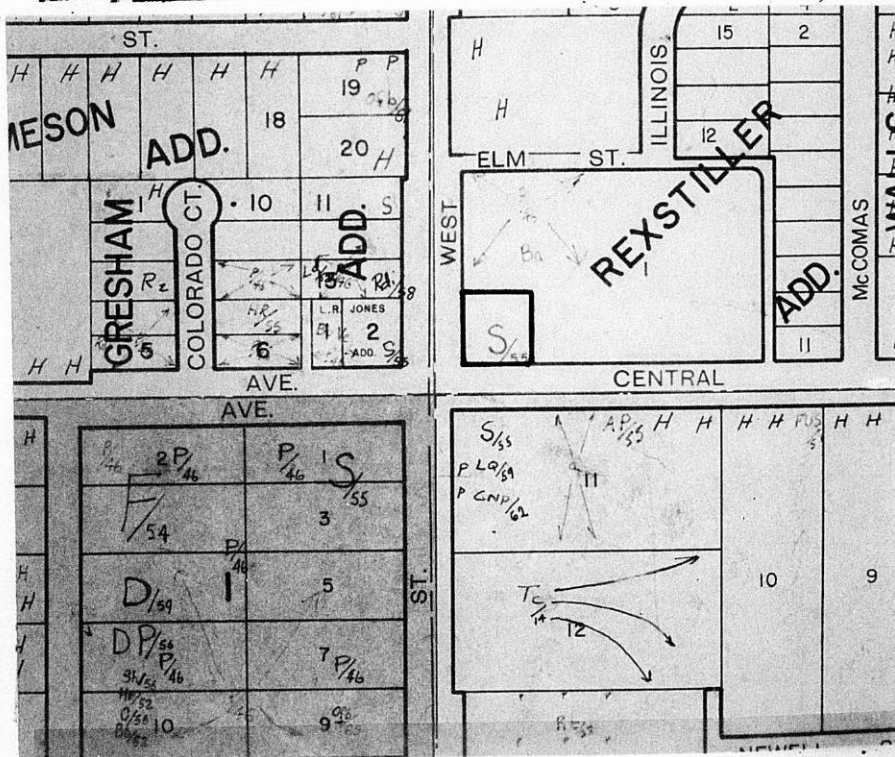
BZA 30-69 - Anderson's Texaco request
EXCEPTION to permit truck and trailer
rental at 702 N. West Street

Map No. 5248
 Sec. _____
 Twp. _____
 Range _____

BZA 30-69
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
 1. Acres: 0.35 (125 ft. by 125 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East UNDEVELOPED South SERVICE STATION
 West SERVICE STATION North BANK
 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 30-69

WHEREAS, Edward G. Anderson, Anderson's Texaco, 702 North West Street, Wichita, Kansas by Richard A. Loyd, Jochems, Sargent & 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:

The south 125 feet of the west 125 feet of Lot 1, Rexstiller Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Central and West 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 February 24, 1970, consider said application; and

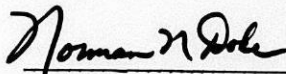
WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

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

The south 125 feet of the west 125 feet of lot 1, Rexstiller Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Central and West Streets.

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
Jochems, Sargent and Blaes
500 Farmers and Bankers Building
Wichita, Kansas

Dear Mr. Loyd:

Subject: Case No. BZA 30-69
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 "EC"-Light Commercial and generally located at the northeast corner of Central and West 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
Attachment

cc Edward G. Anderson, Anderson's Texaco, 702 North West
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

February 26, 1970

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

Dear Mr. Loyd:

Subject: Case No. BZA 30-69
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 on the northeast corner of Central and West 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,

Jack H. Galbraith
Secretary

JHG:ls

cc Edward G. Anderson
Donald C. Tinker, Union Center Building
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. PZA 30-69

APPLICANT: Edward G. Anderson, Anderson's Texaco, 702 North West Street, 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: Northeast corner of Central and West Streets

LAND USE: Subject property is occupied by a service station as are those properties to the south and west, north is a bank, land to the east is undeveloped.

ZONING: Subject property is zoned "LC"-Light Commercial as are all surrounding properties.

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 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 permit the installation of E-Z Haul Rental Equipment (trucks and trailers) on property zoned "LC"-Light Commercial and located on the northeast corner of Central and West Streets. Section 28.04.183.2 of the zoning ordinance permits this type of operation in the "LC" zoning district subject to certain conditions and approval by the Board of Zoning Appeals.

The site is presently occupied by a service station as are the other three corners of the intersection. It should be pointed out that at the time subject property was viewed in the field, there were three E-Z Haul trailers parked on the site in violation of the zoning ordinance.

Page 2 - Secretary's Report
Case No. BZA 30-69

The basic reason for not permitting the outdoor display of rental trucks and trailers as an outright permitted use in the "LC" - Light Commercial district is that this type of facility generally has a cluttered and unsightly appearance and has not proven to be compatible with other uses permitted in "LC" zoning. This is particularly true in this instance inasmuch as the area to the north is occupied by a bank which is situated on a well landscaped site. The use of subject property for the storage of rental equipment (trucks and trailers) would not be compatible with the bank or other neighborhood service areas and certainly would be in conflict with the Board's general position of only looking with favor on these types of requests in areas adjacent to highways or in light commercial areas near either the "C"-General Commercial or "E"-Light Industrial districts.

Recommendation

It is the recommendation of the Secretary that the exception not be approved inasmuch as the truck and trailer rental operation would not be compatible with the development in the area.

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 30-69

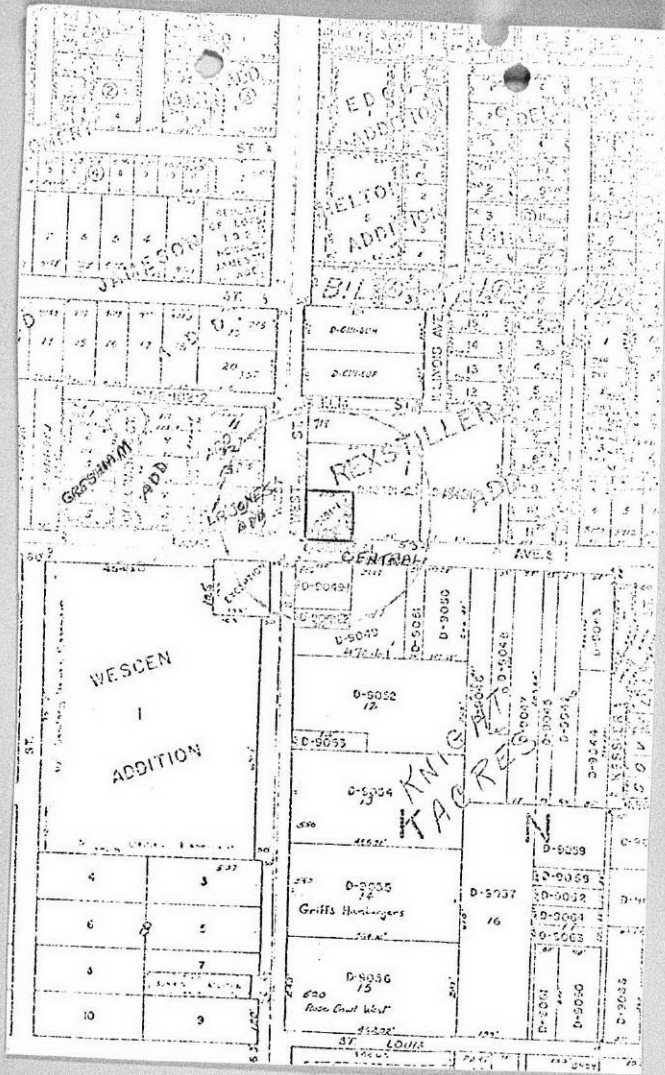
An application has been filed by Edward G. Anderson, Anderson's Texaco, 702 North West Street, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of a truck and trailer rental operation on property zoned "LC" - Light Commercial, and legally described as follows:

South 125 feet of west 125 feet of Lot 1,
Rexstilller Addition to Wichita, Sedgwick
County, Kansas. Generally located at the
northeast corner of Central and West Streets.

This application has been assigned Case No. BZA 30-69, 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

14 Copies mailed 2-4-70



BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 30-69
FILED 11-5-69

APPLICATION FOR EXCEPTION

I. Name of Applicant Edward C. Anderson (Anderson's Texaco)
Mailing Address 702 North West Street 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
2.12.590 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 702 North West Street
Wichita, Kansas and legally described as: South
125 ft. of West 125 Ft. of Lot 1, Rexstiller Addition to
Wichita,, 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.

Applicant Edward C. Anderson

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, 19 69, together with appropriate fee of \$50.00.

Signed Laura Scott

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

GERALD E. WELLS
PAUL N. HUMANN
LAWRENCE MIDONOUGH
TERRY G. PAUP

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

(316) 262-6443

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

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

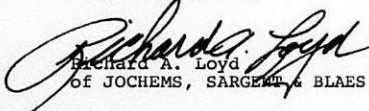
November 5, 1969

Metropolitan Area Planning Commission
104 South Main
Wichita, Kansas

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:
 South 125 ft of West 125 ft of Lot 1, Rexstiller
 Addition to Wichita, 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.)

D-18481-1 S 125' of W 125' of Lot 1, Rexstiller Addition.	✓ National Life & Accident Ins. Co % Texaco Company, Tax Dept., 3350 Wilshire Blvd., Los Angeles, Cal.
All of Rexstiller Addition, exc S 125' of W 125', Lot 1.	✓ N. B. W. Building Corporation % Natl. Bank of Wichita, Inc. 714 N. West St. 67203
Lot 1, exc N 22', Central Ave., in L. R. Jones Addition.	✓ Leona Johnson 443 N. Brookside 67208
Lot 2, exc N 22', Central Ave., in L. R. Jones Addition.	✓ John W. & Fern E. Morgan, ux % Vickers Refining Co., Inc. P. O. Box 2240, Wichita 67201
N 22' of Lots 1 & 2, L. R. Jones Add.	✓ Ross A. Padgham, sgle. $\frac{1}{2}$ int. Phillip G. Barkett & Kathleen Kay Barkett, ux $\frac{1}{2}$ int. College Hill Medical Towers, 3333 E. Central 67208
Lots 11 & 12, exc W 20', Gresham Add.	✓ Apco Oil Corporation, 715 N. West St. 67203
Lot 13, Gresham Addition.	✓ Ross A. Padgham, sgle $\frac{1}{2}$ int. Phillip G. Barkett & Kathleen Kay Barkett, ux $\frac{1}{2}$ int.



Beg at NW cor Lot 11, Knight Acres; th E 150'; S 125'; W 150'; N to beg.	✓ The Phillips Petroleum Co. Denver, Colo. 80202
Beg 125' S of NW cor Lot 11, Knight Acres; th E 150'; S 50'; W 150'; N 50' to beg.	✓ Victor F. & Bly Lygrisse, ux 5611 N. Hydraulic 67219
Lot 11, Knight Acres, exc E 172.78' & exc N 175' of the W 150'.	✓ Garnett Building Co., Inc. 1111 E. Kellogg 67211
W 50' of E 172.78' of Lot 11, Knight Acres.	✓ B. A. & Mary Etta Kerns, ux 3923 W. Central 67203
E 172.78' of Lot 11, exc W 50', Knight Acres.	✓ Joseph P. & Alice M. White, 3917 W. Central 67203 ux
Beg 20' W & 20' S of NE cor Lot 1, Blk 1, in Parkwilde Add; th W 125'; S 125'; E 125'; th N to beg.	✓ Zakia Bayouth 2201 Mohawk Lane 67203

Dated at Wichita, Kansas this 8th day
of September, 1969 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elvie M. Farnell
Sec.

OEM

Tracer # 2573

Extra Copy

RESOLUTION NO. BZA 30-69

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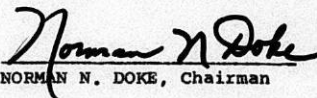
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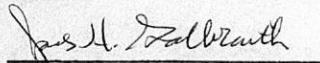
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ADOPTED AT WICHITA, KANSAS, this 24th day of February, 1970.


NORMAN N. DOKE, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

Form 223

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
12th	1.00

Name _____

Address _____

Type 1-71-C Due Date _____

Comments: _____

Date 11-5-69 By LS

*

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