

POSTED
7-11-75
[Signature]
MAY 11
C.I.
10-23-75
C.H.

BZA 30-75 - C.J.Mendenhall request
exception for used car sales in
"IC" zoning at NW corner Carey
Lane and Seneca.

ACTION

DATE

BZA COMMITTEE Approved 7.22.75

M.A.P.C. _____

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

Map No. 5343
 Sec. 7
 Twp. 28
 Range 1E

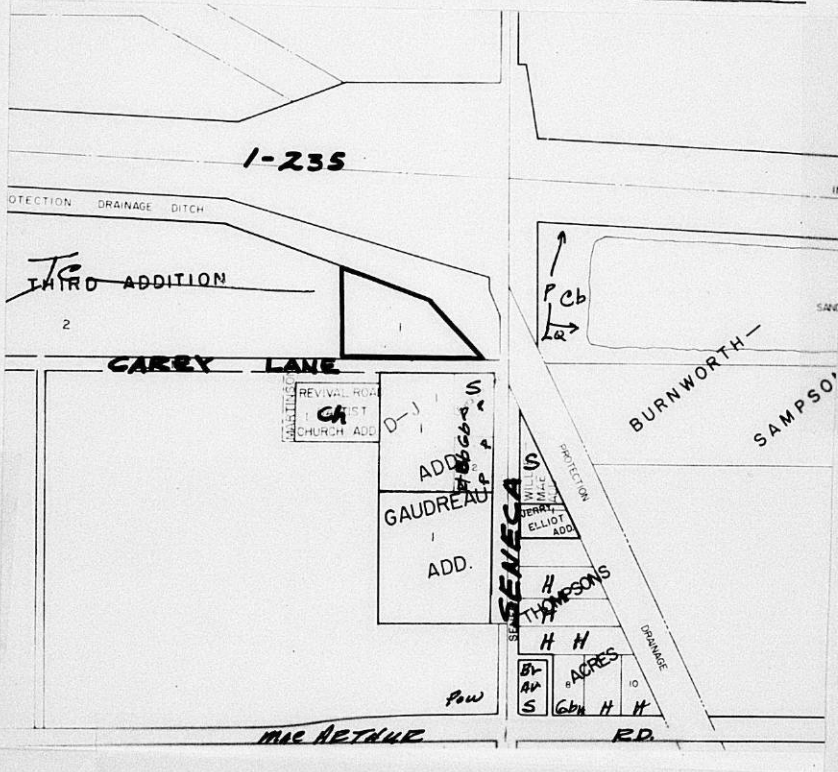
BZA- 30-75
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 2.6 (330 (IRREGULAR) ft. by 530 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East _____ South _____
 West _____ North _____
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: _____
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



Smith
 No. 2-153C
 ALBERTS - LOS ANGELES
 LOAN - LOS ANGELES, U.S.A.

Sub
 Sant
 West
 No
 East

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

June 30, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 30-75

An application has been filed by C. J. Mendenhall, 3825 S. Seneca, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a new and used car sales operation on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Silver Spur 3rd Addition, Sedgwick County, Kansas. Generally located at the northwest corner of Carey Lane and Seneca.

This application has been assigned Case No. BZA 30-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 22, 1975, 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

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Jack H. Galbraith
Secretary

R E S O L U T I O N N O . B Z A 3 0 - 7 5

WHEREAS, C. J. Mendenhall, 3825 South Seneca, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a new and used car sales operation on property zoned the "LC" Light Commercial District, and legally described as follows:

Lot 1, Silver Spur 3rd Addition, Sedgwick County, Kansas. Generally located at the northwest corner of Carey Lane and Seneca.

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 July 22, 1975, 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 a new and used car sales operation 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 a new and used car sales operation on property zoned the "LC" Light Commercial District, and legally described as follows:

Lot 1, Silver Spur 3rd Addition, Sedgwick County, Kansas. Generally located at the northwest corner of Carey Lane and Seneca,

subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. Vehicle display shall be limited to not more than six vehicles at any time, and they shall be arranged in a neat and orderly manner.
3. Approval shall apply only to an area 90 feet wide, parallel to the east property line as shown on the applicant's plot plan.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. Existing or proposed signs on the area included in this application shall conform with the sign regulations as found in Section 28.0.139 of the City Code.
6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.
8. Display and storage of new cars shall be limited to the Classic Model A reproductions as proposed by the applicant.

9. Display and storage of used car trade-ins shall be limited to not more than three vehicles at any one time, and shall be construed as part of the total permitted by Condition No. 2.

ADOPTED AT WICHITA, KANSAS, this 22nd day of July, 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Jack H. Galbraith, Secretary

August 25, 1975

C. J. Mendenhall
3825 South Seneca
Wichita, Kansas 67217

Subject: Case No. BZA 30-75
Request for Exception

Dear Mr. Mendenhall:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 22, 1975, in connection with your request for an Exception to permit the establishment of a new and used car sales operation on property zoned the "LC" Light Commercial District and generally located at the northwest corner of Carey Lane and Seneca.

This Resolution reflects the official action of the Board to approve this 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.

Sincerely,

Jack H. Galbraith
Secretary

JHG:el

Encl.

cc: Frank McMasters, R.H.Garvey Bldg., 67202
Robert Feldner, Sup't. of Central Inspection
Donald C. Gisick, City Clerk
Joe Donnelly, Central Inspection

July 23, 1975

C. J. Mendenhall
3825 South Seneca
Wichita, Kansas 67217

Subject: Case No. BZA 30-75
Request for Exception

Dear Mr. Mendenhall:

At the regular meeting of the Board of Zoning Appeals on July 22, 1975, your request for (an Exception to permit the establishment of a new and used car sales operation on property zoned the "LC" Light Commercial District and generally located at the northwest corner of Carey Lane and Seneca,) was considered.

It was the action of the Board (to approve this request/subject *and acts for* to the conditions listed 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.

Sincerely,

Jack H. Galbraith
Secretary

same
JHG:js

cc: Frank McMasters, R. H. Garvey Bldg., 67202
Robert Feldner, Supt. of Central Inspection
Donald C. Gisick, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. EZA 30-75

APPLICANT: C. J. Mendenhall, 3825 South Seneca, Wichita, Kansas.

AGENT: Frank McMasters, R. H. Garvey Building, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the establishment of a new and used car sales operation.

GENERAL LOCATION: Northwest corner of Carey Lane and Seneca.

LAND USE: Subject property is developed as a mobile home sales operation. North is the I-235 By-Pass; south is a service station; residential storage warehouses and a church; east is the Lakeshore Club and lake; west is a mobile home park.

ZONING: Subject property is zoned the "LC" Light Commercial District. Properties to the south are zoned the "AA" Single Family Dwelling District, "IC" and "C" Commercial Districts; north is "AA"; east is "C"; west is the "G" Mobile Home District.

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

On April 25, 1972, the Board of Zoning Appeals considered a request for an exception to permit the installation of a mobile home sales lot for the area contained in this application. It was the action of the Board to approve this request subject to certain conditions of approval.

The applicant now desires an exception to permit the establishment of a new and used car lot, in addition to the mobile home sales already permitted on subject property. He qualifies the request by stating that no more than six vehicles would be displayed for sale at any time and that the display area would be limited to an area on the eastern portion of subject property. The applicant has, or is in the process of obtaining, a franchise to market automobiles built by the Classic Motor Car Company. These cars are modern

Secretary's Report
Case No. BZA 30-75
Page Two

reproductions of the classic Model A automobile. The demand or market for this type of car would, perhaps, be very limited, but the applicant believes that they would be an attraction which would benefit his main business of mobile home sales. Although the proposed use would deal primarily with these new cars, there could be occasions where used cars would be taken on trade-in and subsequently offered for sale. The applicant, however, emphasizes that trade-ins would not be encouraged.

The Board, in approving this area for mobile home sales, has determined that this location was suitable for this type of use. However, a mixture of outdoor display on commercial uses is normally not encouraged due to the possibility of over-developing the site and causing commercial blight.

It should be noted that although this property lies adjacent to the major street Seneca and the I-235 By-Pass, the only means of ingress and egress is from the collector street, Carey Lane.

RECOMMENDATION

It is the opinion of the Secretary that due to the limited market for this particular type of automobile and based on limiting the quantity of vehicles for sale and restricting the area for display, that the proposed use would probably not constitute an over-development of the site. It is therefore recommended that this request be approved subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. Vehicle display shall be limited to not more than six vehicles at any time, and they shall be arranged in a neat and orderly manner.
3. Approval shall apply only to an area 90 feet wide, parallel to the east property line as shown on the applicant's plot plan.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.

Secretary's Report
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Page Three

5. Existing or proposed signs on the area included in this application shall conform with the sign regulations as found in Section 28.04.139 of the City Code.
6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.
8. Display and storage of new cars shall be limited to the Classic Model A reproductions as proposed by the applicant.
9. Display and storage of used car trade-ins shall be limited to not more than three vehicles at any one time, and shall be construed as part of the total permitted by Condition No. 2.

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Jack H. Galbraith
Secretary

6-30-75

9 adjacent property owners
9 maps

map 5343
NW

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 30-75
FILED 6-20-75

APPLICATION FOR EXCEPTION

I. Name of Applicant C.J'S Inc. (C.J Mendenhall)
Mailing Address 3825 So. Seneca 67217 Phone 524-3091
Name of Authorized Agent Frank McMasters
Mailing Address R.H. Jarvey Bldg. 0^N Phone 263-4281
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 New & Used Cars
Limit to six on property zoned
L.C., located 3825 So. Seneca, 67217
and legally described as:
Lot I Silver Spur 3rd. addition.
, 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 C.J Mendenhall
owner
Authorized Agent _____

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 4:00 (a.m. - p.m.), 6/24, 19 75, together with appropriate fee of \$50.00

Signed Harry Johnson



434 NORTH MAIN
WICHITA, KANSAS 67202
267-8371

OWNERSHIP LIST

Lot	Addition	Property Owner
1	Silver Spur 3rd Addition	✓ Seneca Construction Company, Inc. 3825 S. Seneca, Wichita, Kan. 67217
2	"	"
1	Revival Road Baptist Church Addition	✓ Revival Road Baptist Church 1215 Carey, Wichita, Kan. 67217
W 276.69' of lot 1	D J Addition	✓ Colby B. Sandlian, 435 N. Broadway Wichita, Kansas, 67202 and ✓ David J. Cohen, 211 S. Oliver Wichita, Kansas, 67218
N 160' of E. 140' of lot 1	Gasaway Addition	✓ Vickers Petroleum Corporation ✓ Vickers K S B & T. Bldg. Wichita, Kansas, 67202
W, 380' of lot 1	Burnworth-Sampson Addition	✓ Lakeshore Resorts, Inc. 3800 S. Seneca, Wichita, Kan. 67217
2	"	✓ Mobile Homes Resort, Inc. 3840 S. Seneca, Wichita, Kan. 67217

The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of Lot 1, Silver Spur 3rd Addition, Sedgwick County, Kansas, as shown by the last deeds of record in the Office of the Register of Deeds of Seegwick County, Kansas, on this 18th day of June, 1975 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Gable

Vice-President

Order No. 226009

FORM 222-021

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
-------------	--------

Name _____

Address _____

Type _____ Due Date _____

Comments: _____

Date _____ By _____

*

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