

BZA 31-73 Black and Towns request exception to permit new & used motor vehicles, motor homes, trailers motorcycles & boats (trucks) on the ES of West St. in an area N. of Maple

POSTED
9-25-73
C.I.
M.A.P.C.
12-17-73

ACTION

BZA COMMITTEE *Approved July 10-23-73*
to conditions

DATE

10-23-73

M.A.P.C. _____

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

December 17, 1973

Mr. Leland Black
121 South Colorado
Wichita, Kansas 67209

RE: Case No. BZA 31-73
Request for Exception

Dear Mr. Black:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 23, 1973, in connection with your request for an exception to permit the sales and rental of new and used motor vehicles, motor homes, motorcycles, boats, trucks, and trailers, on property zoned the "LC" Light Commercial District, and generally located on the East side of West Street in an area North of Maple.

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:rw
Enclosure

cc: Mr. Don Terhune, Route 1, Clearwater, Kansas 67026
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 31-73

WHEREAS, Black and Towns, 121 South Colorado, Wichita, Kansas, by Leland Black, 121 South Colorado, Wichita, Kansas, requests an exception to permit the sales and rental of new and used motor vehicles, motor homes, motorcycles, boats, trucks, and trailers on property zoned the "LC" Light Commercial District and legally described as follows:

The South 40 feet of Lot 22 and all of Lots 23 and 24, Block 2, Westborough Addition, Sedgwick County, Kansas. Generally located on the East side of West Street in an area North of Maple.

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 October 23, 1973, 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 sales and rental of new and used motor vehicles, motor homes, motorcycles, boats, trucks, and trailers 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 sales and rental of new and used motor vehicles, motor homes, motorcycles, boats, trucks, and trailers, on property zoned the "LC" Light Commercial District, and legally described as follows:

The South 40 feet of Lot 22 and all of Lots 23 and 24, Block 2, Westborough Addition, Sedgwick County, Kansas. Generally located on the East side of West Street in an area North of Maple.

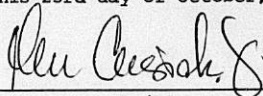
subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
4. No sound projecting devices or loudspeakers shall be used.
5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles

beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.

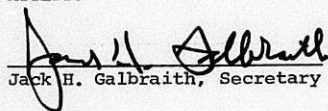
7. All repair work shall be conducted within an enclosed building. No body and fender work shall be permitted.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October, 1973.



Kenneth M. Cusick,
Temporary Chairman

ATTEST:



Jack H. Galbraith, Secretary

October 24, 1973

Mr. Leland Black
121 South Colorado
Wichita, Kansas 67209

RE: Case No. BZA 31-73
Request for Exception

Dear Mr. Black:

At the regular meeting of the Board of Zoning Appeals on October 23, 1973, your request for an exception to permit the sales and rental of new and used motor vehicles, motor homes, motorcycles, boats, trucks, and trailers on property zoned the "LC" Light Commercial District, and generally located on the East side of West Street in an area North of Maple, was considered.

It was the action of the Board to approve this request subject to the 7 conditions listed in the Secretary's Report and including the following condition #8:

8. A five to eight foot solid fence of masonry, architectural tile, louvered or staggered redwood or rough sawed cedar shall be constructed adjacent to the east property line within 90 days of the date of approval, or the case shall be considered null and void.

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

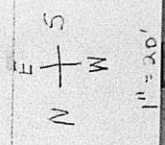
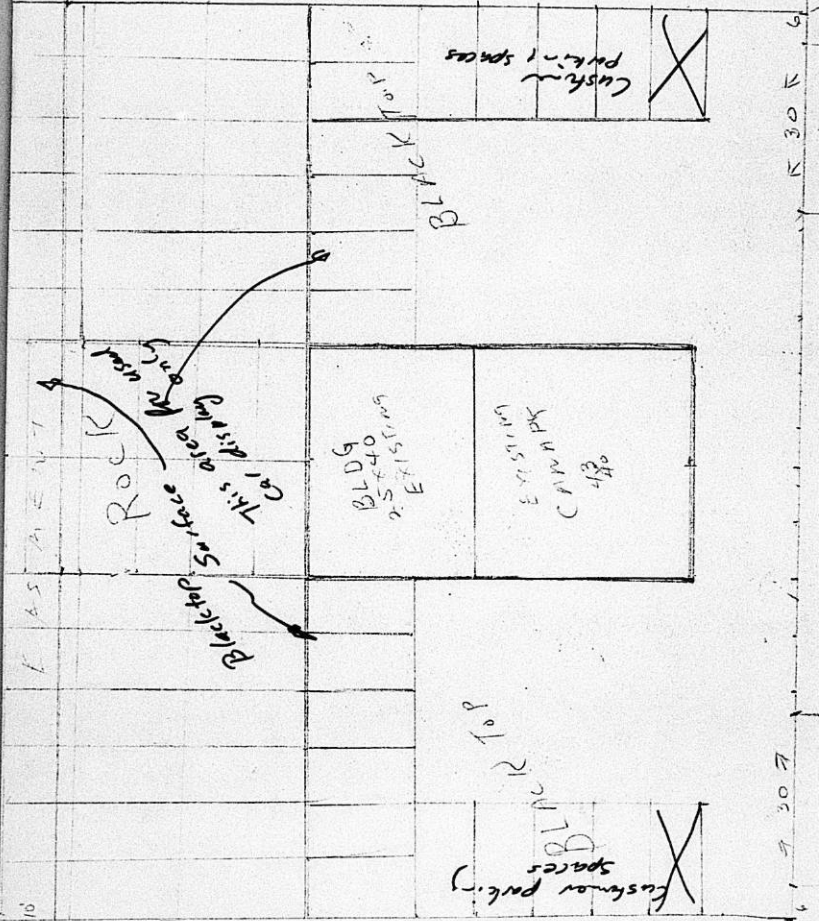
JHG:rv

cc: Mr. Don Terhune, Route 1, Clearwater, Kansas 67026
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

Mr. Leland Black
Page 2

cc: Joe Donnelly, Central Inspection

S 40 FT LOT 2.
 ALL OF LOTS 23-24
 BLOCK 2
 WEST BOBOROUGHD
 BUILDING
 AND
 CANOPY
 40' X 68'
 2-30 FT
 DRIVEWAYS
 160 FEET
 FRAMING ON WEST
 12' X
 136 FEET DEEP



TRAFFIC ENGINEERING DIVISION APPROVED
 2/8/2019
 Date 9-21-20

(A) Parking barriers shall be installed at all "entrances" adjacent to public property (so that vehicles will not be minimum cross section of 4" x 4".
 (B) Stall lines shall be painted and 4" or greater in width.
 (C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

SECRETARY'S REPORT
CASE NO. BZA 31-73

APPLICANT: Black and Towns, 121 South Colorado, Wichita, Kansas, 67209.

AGENT: Leland Black, 121 South Colorado, Wichita, Kansas, 67209.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation of a sales and rental lot for motor vehicles, motor homes, travel trailers, and motorcycles.

GENERAL LOCATION: On the East side of West Street in an area North of Maple.

LAND USE: Subject property contains a converted service station; to the north is a used car lot; to the south is a bait and sporting goods operation; and to the east are single family homes. The property to the west contains a mixture of light commercial office and residential uses.

ZONING: Subject property is zoned the "LC" Light Commercial District, as are those properties to the west and north. To the south there is "C" Commercial zoning, and to the west is the "AA" Single Family Dwelling District.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 28.04.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.183.2, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

On October 24, 1972, the Board of Zoning Appeals granted an exception to the applicant to permit the installation of a sales and rental lot for motor vehicles, motor homes, travel trailers and motorcycles on property zoned the "LC" Light Commercial District, and located adjacent to the north of the present application area (Case No. BZA 26-72). It appears that this property is currently being utilized only for the sales of used motor vehicles.

The applicant has requested an exception to permit the sales and rental of new and used motor vehicles, motor homes, trailers, motorcycles, boats and trucks on subject property. In his statement of justification, the applicant points out that the existing car lots, rental equipment and boat and trailer operations on West Street south of Douglas make this request reasonable. From viewing the area in the field, the heavier type commercial uses already established in the area appear to make this request logical. It should be pointed out, however, that several vehicles were observed to be parked both inside and outside of the structure on subject property, which displays a "used car" sign. The plot plan submitted by the applicant was approved by the Division of Traffic Engineering with the exception of two parking spaces.

RECOMMENDATION:

Although the Secretary has some reservations about the mixture of uses requested for the site, it is the recommendation of the Secretary that the application to permit the sales and rental of new and used motor vehicles, motor homes, motorcycles, boats, trucks, and trailers on property zoned the "LC" Light Commercial District be approved, subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used.
5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.

Secretary's Report
Case No. BZA 31-73
Page 3

7. All repair work shall be conducted within an enclosed building. No body and fender work shall be permitted.

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

October 2, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 31-73

An application has been filed by Black and Towns, 121 South Colorado, Wichita, Kansas, 67209, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the sales and rental of new and used motor vehicles, motor homes, motorcycles, boats, trucks, and trailers on property zoned the "LC" Light Commercial District and legally described as follows:

The South 40 feet of Lot 22 and all of Lots 23 and 24, Block 2, Westborough Addition, Sedgwick County, Kansas. Generally located on the East side of West Street in an area North of Maple.

This application has been assigned Case No. BZA 31-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 23, 1973, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting when this matter will be considered.

If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith
Secretary

18 notices sent to Property Owners 10.2.73
10 " " " Plng. Comms. 10.3.73

Board of Zoning Appeals

This is a request for
an exception to permit the
operation of a Sales and Rental
lot for New and Used Motor
Vehicles, Motor Homes, Trailers
Motorcycles and Boats

MEM
10-10-72

~~Wholesale~~ Retail at
220 South West Street
Zoned Light Commercial

This formerly was a
Service Station closed by
the gas shortage now unoccupied

There are a number of
car lots, rental equipment
Boat and Trailer operations
South of Douglas on West St.
Already established making
this request reasonable

Black's Towne
L. N. Black
Partner

BOARD OF ZONING APPEALS

CASE NO. 31-73

CITY OF WICHITA, KANSAS

FILED 9.21.73

APPLICATION FOR EXCEPTION

I. Name of Applicant BLACK AND TOWNS
Mailing Address 121-SOUTH COLORADO ⁶¹²⁰⁴ Phone 9436929
Name of Authorized Agent LELAND BLACK
Mailing Address 121-SOUTH COLORADO ⁶¹²⁰⁴ Phone 9436929
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 (Zoning Ordinance); to permit the installation or construction of SALES + RENTAL, NEW + USED MOTOR VEHICLES, MOTOR HOMES TRAILERS, MOTORCYCLES + BOATS (TRUCKS) on property zoned "LC", located 220 SOUTH WEST ST. and legally described as: SOUTH 40 FEET, LOT 22 ALL OF LOTS 23-24 BLOCK 2 WEST BOROUGH ADD., in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

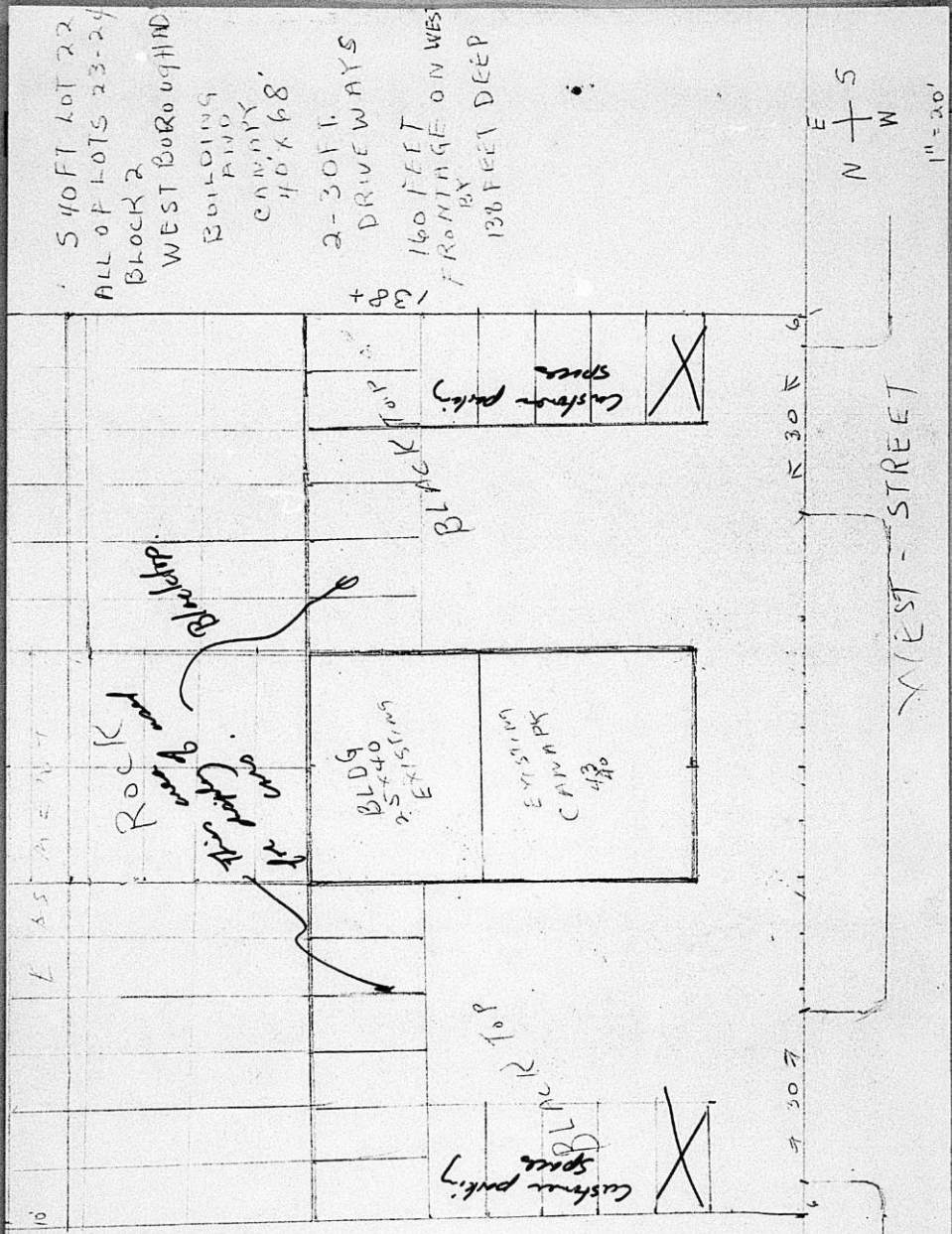
- That he has received an instruction sheet concerning the filing and hearing of this matter;
- That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- 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 Black + Towns
Authorized Agent Leland Black

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 9:40 (a.m.) - p.m.), September 21, 19 73, together with appropriate fee of \$50.00.

T9-403

Signed L. Lynn Shirkley



TRAFFIC ENGINEERING DIVISION APPROVED
 M.S. Minko
 9-21-73
 Date:

(A) Traffic signs shall be installed on all...
 (B) Signs shall be painted and 4" or greater in width...
 (C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
21	1	Westborough Addition	✓ Alice M. Keeler 160 South Illinois Wichita, Kansas 67213
22	1	Same	✗ Tilford Tucker & Una L. Address Unknown
23	1	Same	✓ Timothy Baab and Patricia Baab 212 South Illinois Wichita, Kansas 67213
24	1	Same	✓ Same
25	1	Same	✓ Larry D. Breeze and Cheryl J. Breeze 3170 South Davidson St. Wichita, Kansas 67210
26	1	Same	✓ Paul S. Smith and Mary R. Smith 226 South Illinois Wichita, Kansas 67213
S 40' lot 3	2	Same	✗ Roy Schoeb and Byrdie Address Unknown
N 20' 3	2	Same	✗ Leonard Friebus and Georgia Friebus Address Unknown
4	2	Same	✓ Same
5	2	Same	✓ Lucille McMains John D. Wynkoop 227 South Illinois Wichita, Kansas 67213
6	2	Same	✓ Jim Anders Kelly and Gretchen Leona Kelly 219 South Illinois Wichita, Kansas 67213
7	2	Same	✗ C. H. Merriweather and Maude L. Merriweather Address Unknown
8	2	Same	✓ Alfred E. Parker and Evelyn J. Parker 211 South Illinois Wichita, Kansas 67213

Lot	Block	Addition	Property Owner
9	2	Westborough Addition	✓ Warren H. Wilson and Ruth E. Wilson 201 South Illinois Wichita, Kansas 67213
10	2	Same	Herbert D. Bolain Jo Ann Bolain Address Unknown
11	2	Same	✓ Harold K. Wagley Elva L. Wagley 155 South Illinois Wichita, Kansas 67213
S 20' 12	2	Same	Same
N 40' 12	2	Same	✓ A. Curtis Bundy and Angela L. Bundy 149 South Illinois Wichita, Kansas 67213
N 40' 19	2	Same	W. F. Cline and Henrietta L. Cline Address Unknown
S 20' 19	2	Same	Franklin J. Schulze and Lela M. Schulze 7700 West 45th St. No. Wichita, Kansas 67205
20	2	Same	Same
21	2	Same	D Leland W. Black 121 Colorado Wichita, Kansas 67209
			CD Charles D. Towns 101 Nevada Wichita, Kansas 67209
N 20' 22	2	Same	Same
S 40' 22	2	Same	Same
N 40' 23	2	Same	Same
S 20' 23	2	Same	Same
24	2	Same	Same

Lot	Block	Addition	Property Owner
25	2	Westborough Addition	P Leland W. Black 121 Colorado Wichita, Kansas 67209
			D Charles D. Towns 101 Nevada Wichita, Kansas 67209
N 20' 26	2	Same	Same
S 40' 26	2	Same	Roy Schoeb Address Unknown
27	2	Same	Same
28	2	Same	Same
2	1	Westborough 2nd Addition	Same
3	1	Same	Same
4 exc N 20'	1	Same	Same
N 20' 4	1	Same	Same
5	1	Same	Same
6	1	Same	Ada M. LePorin & Floyd 5055 Irving Drive Wichita, Kansas 67219
S 20' 7	1	Same	Same
N 40' 7	1	Same	Jack H. Rathbone and Geraldine Lois Rathbone #10 Linden Drive Wichita, Kansas 67206
S 40' 8	1	Same	Same
N 20' 8	1	Same	Same
9	1	Same	Same
10	1	Same	Ada B. Keeler and Alice M. Keeler 160 South Illinois Wichita, Kansas 67213
S 20' 11	1	Same	Same

Lot	Block	Addition	Property Owner
N 40' 11	1	Westborough 2nd Addition	James N. T. Cohlma 109 South Ridge Road Wichita, Kansas 67209
			Rose Cohlma Thomas J. Cohlma 101 South Ridge Road Wichita, Kansas 67209

The Security Abstract and Title Company, Inc.,
hereby certifies the foregoing to be a true and correct list of
property owners of:

A 200 foot radius of: The South 40 feet
of Lot 22 and all of Lots 23 and 24, Block 2,
Westborough Addition, Sedgwick County, Kansas

as shown by the records on file in the Office of the County Recorder
of Sedgwick County, Kansas, on this 20th day of September, 1973
at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By


Vice President

Order No. 207079
wh

FORM 223-021

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