

BZA 36-72 Vern D. Bussart requests
exception to install trailer rental
for U-Haul equipment at the NE
corner of Rock Road & Central

Fasted
1-24-73

ACTION

BZA COMMITTEE _____ DATE *1-23-73*

M.A.P.C. _____

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

Map No. 604B
Sec. 17
Twp. 27
Range 2E

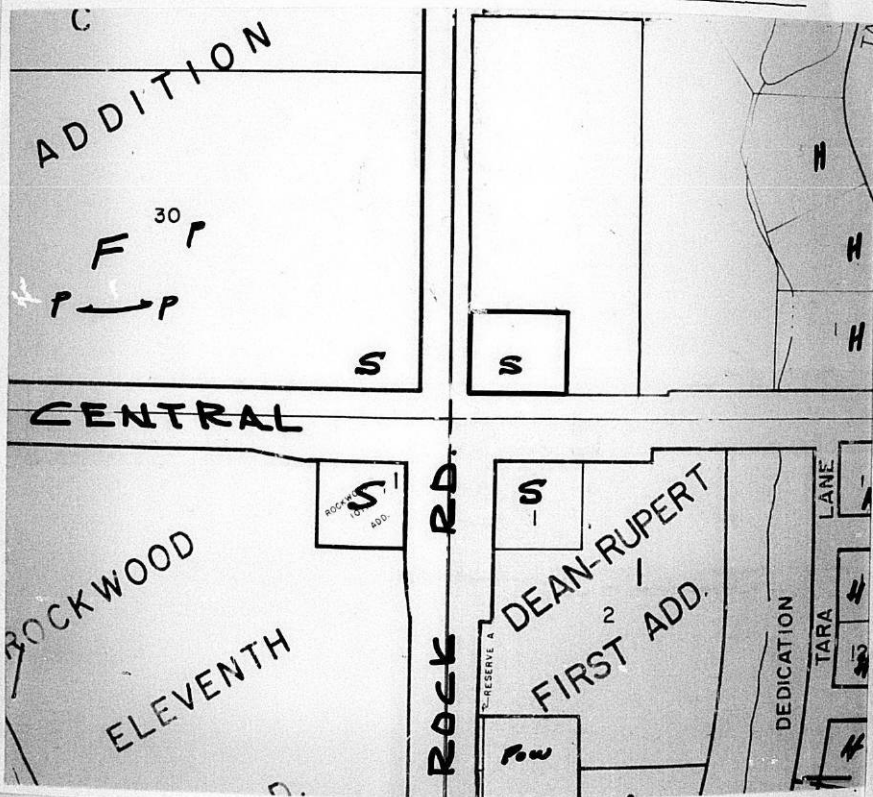
BZA- 36-72
SCZ- _____
CU- _____
Filed _____

AREA DATA:

1. Acres: 0.58 (150 ft. by 170 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East UNDEVELOPED South SERVICE STAT.
West SERVICE STAT. North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: SERVICE STATION
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



February 28, 1973

Mr. Robert L. Crahan
7038 East Orme
Wichita, Kansas 67207

Subject: Case No. BZA 36-72 - Request for Exception

Dear Mr. Crahan:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 23, 1973, in connection with your request for an exception to permit the installation or construction of a trailer rental agency for U-Haul equipment on property zoned the "LC" Light Commercial, and generally located at the Northeast corner of Rock Road and Central.

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:rw

cc: Vern D. Bussart, 8002 E. Central 67206
Ward V. Lawrence, Executive Vice President, Transamerican
Investment Properties, Inc., P.O. Box 18403, 67218
Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 36-72

WHEREAS, Vern D. Bussart, 8002 East Central, 67206, and Robert L. Crahan, 7038 East Orme, 67207, request an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of a trailer rental agency for U-Haul equipment on property zoned "LC" Light Commercial, and legally described as follows:

The West 200 feet of the South 190 feet of the Southwest Quarter, except road easement on the West 30 feet and the South 40 feet, in Section 17, Township 27 South, Range 2 East of the 6th P.M., in Sedgwick County, Kansas. Generally located at the Northeast corner of Rock Road and Central.

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 January 23, 1973, consider said application; and

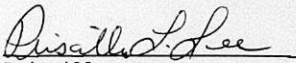
WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the installation or construction of a trailer rental agency for U-Haul equipment, on property zoned "LC" Light Commercial, subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita.

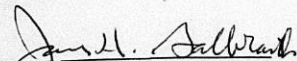
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be denied to permit the installation or construction of a trailer rental agency for U-Haul equipment on property zoned "LC" Light Commercial, and legally described as follows:

The West 200 feet of the South 190 feet of the Southwest Quarter, except road easement on the West 30 feet and the South 40 feet, in Section 17, Township 27 South, Range 2 East of the 6th P.M., in Sedgwick County, Kansas. Generally located at the Northeast corner of Rock Road and Central.

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


Priscilla L. Lee
Chairman

ATTEST:


Jack H. Galbraith
Secretary

January 24, 1973

Mr. Robert L. Crahan
7038 East Orms
Wichita, Kansas 67207

Subject: Case No. BZA 36-72 - Request for Exception

Dear Mr. Crahan:

At the regular meeting of the Board of Zoning Appeals on January 23, 1973, your request for an exception to permit the installation or construction of a trailer rental agency for U-Haul equipment on property zoned the "LC" Light Commercial, and generally located at the Northeast corner of Rock Road and Central, 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:rw

cc: Vern D. Bussart, 8002 E. Central 67206
Ward V. Lawrence, Executive Vice President, Transamerican
Investment Properties, Inc., P.O. Box 18403, 67218
Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection



TRANS AMERICAN INVESTMENT PROPERTIES, INC.

ROCKBROUGH EXECUTIVE PARK
26 ROCK ROAD • P. O. BOX 18403 • (316) 685-5355 • WICHITA, KANSAS 67218

January 22, 1973

Mr. Jack H. Galbraith, Secretary
Board of Zoning Appeals
City Building Annex, Room 402
104 South Main Street
Wichita, Kansas 67202

Case No. BZA 36-72

Dear Mr. Galbraith:

Our company is the owner of approximately 8 acres located at the southeast corner of Rock Road and Central, which property lies south across the street from the property involved in the above referenced case. In addition, we have been authorized by the Vickers Trust, owner of approximately 12 acres located at the northeast corner of said intersection, which property surrounds the property involved in the above referenced case, to represent them in this matter.

Due to the high quality of the development we propose to construct on our company's property this spring and the quality of future development for the Vickers Trust property, both property owners oppose granting the exception requested by Mr. Bussart in the above referenced case. It is our position that the creation of a trailer rental agency on the above referenced property would be an eyesore and would be detrimental to existing properties in the area as well as those which will be developed in the near future.

In the event the Board of Zoning Appeals should grant the exception to the applicant, we feel a minimum requirement should be that the applicant construct a screen fence of sufficient height to screen the trailer rental area from view. Should this be necessary, we feel the screen fence should be constructed of decorative masonry and/or wood products rather than the usual cinderblock wall or rough hewn cedar fence.

I would appreciate your bringing our position to the attention of the Board of Zoning Appeals at its hearing on January 23rd. Thank you very much.

Sincerely,

Ward V. Lawrence
Executive Vice President

TRANSAMERICAN INVESTMENT PROPERTIES, INC.

WVL:d1



SECRETARY'S REPORT

CASE NO. BZA 36-72

APPLICANT: Vern D. Bussart, 8002 East Central, Wichita, Kansas, 67206

AGENT: Bob L. Crahan, 7038 East Orme, Wichita, Kansas 67207.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation or construction of a trailer rental agency for U-Haul equipment on property zoned the "LC" Light Commercial District.

GENERAL LOCATION: Northeast corner of Rock Road and Central

LAND USE: Subject property contains a service station, as do the properties to the South and West. The adjacent properties on the North and East are undeveloped.

ZONING: Subject property is zoned the "LC" Light Commercial District as are those properties to the North, East, South, 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 provided the conditions set out in Section 28.04.183.2 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to the zoning ordinance to permit the installation of a trailer rental agency for U-Haul equipment on property zoned the "LC" Light Commercial district at the Northeast corner of Central and Rock Road.

The basic reason for not permitting the outdoor display of rental equipment as an outright permitted use in the "LC" 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. The use, however, may be permitted by the Board subject to certain conditions, providing the location is deemed appropriate.

In determining whether a location is suitable to permit outdoor display, the general character of the area should be carefully analyzed. In the past, this type of use has been

BZA 36-72
Secretary's Report
Page 2

limited to areas such as North and South Broadway, East and West Kellogg or West Street, which have a considerable number of similar uses, such as auto and trailer sales lots and trailer and equipment rental operations, and are commercially developed streets. It should be emphasized that this site is not on what is termed a strip-commercially zoned street and surrounding residential areas are well maintained.

These are not the type of uses which have been encouraged to develop at random throughout the city in light commercial areas because they have not been considered compatible with residential development or other neighborhood service areas. The use of subject property for the storage of rental equipment would be in conflict with the Board's general position of only looking with favor on this type of request in areas adjacent to highways or in light commercial areas near either the "C" Commercial or the "E" Light Industrial districts.

RECOMMENDATION:

It is the recommendation of the Secretary that the exception not be approved inasmuch as the trailer rental agency 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

January 3, 1973

NOTICE TO ADJOINING PROPEPTY OWNERS:

Case No. BZA 36-72

An application has been filed by Vern D Bussart 8002 East Central, Wichita, Kansas. 67206 pursuant to Section 2.12.590.C. Code of the City of Wichita requesting an exception to permit the installation or construction of a trailer rental agency for U-Haul equipment on property zoned the "LC" Light Commercial District and legally described as follows:

The West 200 feet of the South 190 feet of the Southwest Quarter except road easement on the West 30 feet and the South 40 feet in Section 17, Township 27 South, Range 2 East of the 6th P.M. in Sedgwick County, Kansas. Generally located at the Northeast corner of Rock Road and Central.

This application has been assigned Case No. BZA 36-72 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday January 23, 1973 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

9 copies sent to Property Owners 1.5.73
8 notices to Planning Comm 1.5.73

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED 12-19-72

APPLICATION FOR EXCEPTION

- I. Name of Applicant Uran D. Bussart
Mailing Address 8003 E. Central 67206 Phone 683-9804
Name of Authorized Agent Bob L. Crahan
Mailing Address 7038 E. Orme 67207 Phone 685-6615
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, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction of
of to permit the limited display and use
of Unifac Equipment on property zoned
RC, located northeast corner of Rock Rd.
E Central and legally described as: _____

_____, 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 _____
Authorized Agent Bob L. Crahan

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:30 PM (a.m. - p.m.), Dec 19, 1972, together with appropriate fee of \$50.00.

T9-403

Signed Curtis L. Newby
Senior Planner

 CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, including and within a 200 foot radius of the following property, viz:

The West 200 feet of the South 190 feet of the Southwest Quarter, Except road easement on the West 30 feet and the South 40 feet, in Section 17, Township 27 South, Range 2 East of the 6th P.M., in Sedgwick County, Kansas.

DESCRIPTION	OWNER/OWNERS/ADDRESS
<u>SOUTHWEST QUARTER</u>	
<u>Section 17-27-2E</u>	
W 200' of S 190' of SW $\frac{1}{4}$, exc W 30' & S 40' thereof	✓ Delaware Western Properties, Inc. 100 West 10th St. Wilmington, Delaware 19801
Beg 30' N & 30' E of SW cor of Sec. 17-28-2E, N 664.11', E 295.16', S 664.11', to pt 30' N of S line of Sec. 17, W 295.16' to Beg.	✓ Helen Vickers Springer Robert F. Vickers, George Stallwitz, John S. Wertz & Richard J. Boushka, Trustees of J. A. Vickers, Dec'd 8450 Killarney Court 67206
Beg 694.11' N & 50' E of SW cor of Sec. 17, N 912.26'; E & S along Cork & Dublin Streets to SW cor of Vickridge 1st Add; SWly 81.28'; S 144.16'; SEly 306'; SWly 175', SEly 189.87'; SWly 108'; SEly 216'; S 170'; W 175'; N 664.11'; W to point of beg in Sec. 17-27-2E.	✓ J. A. Vickers 1101 Vickers KSBT Bldg. Wichita, Kansas. 67202
<u>WOODLAWN EAST</u>	
<u>Block 3</u>	
Lot 30 exc N 60'	✓ Walter Morris Inv. Co., Inc. 208 N. Bdwy 67202
<u>ROCKWOOD 10TH ADDITION</u>	
Lot 1	✓ Mobil Oil Corp. 335 N. Waco 67202
<u>DEAN RUPPERT 1ST ADDITION</u>	
<u>Block 1</u>	
Lot 1	✓ Merle Britting $\frac{1}{2}$ Nestor Weigand, Jr. $\frac{1}{2}$ 200 N. Main 67202
Lot 2	✓ TIP-MLPT Co. #1 260 N. Rockroad 67218

Dated this 15th day of December, 1972 at 7:00 o'clock A.M.

GUARANTEE TITLE CO., INC.

By *Walter M. Lentinger*
 Vice-President

No. 43158

FORM 223-1

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>Bonded</i>	<i>1000</i>
<i>...</i>	<i>...</i>

Name

Address

Type

Due Date

Comments:

Date

By

Flu

*

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