

5744

Revised
1-2-67

ACTION

DATE

1-23-67

By Committee Revised

M.A.F.C.

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

BZA 39-66 - L. S. Richardson Requests
Exception to permit new & used car
lot on the E side of Hillside in an
area between Ross Parkway and 31st St.
South

March 15, 1967

Mr. L. S. Richardson
3819 East Pawnee
Wichita, Ks. 67218

Dear Mr. Richardson:

Re: Case No. BEA 39-66 - Request
for an Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 28, 1967, in connection with your application for an Exception to permit the installation or construction of a new and used car lot on property zoned "LC" Light Commercial and being located on the east side of Hillside in an area between Ross Parkway and 31st Street South.

It was the action of the Board to deny this request as pointed out in the signed Resolution enclosed.

If you have any questions concerning this matter, please call.

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkj

cc: Glen Lytle, Superintendent of Central Inspection
Ralph Eberly, City Clerk
James McIntosh,
2818 East 31st St. South

RESOLUTION NO. BZA 39-66

WHEREAS, L. A. Richardson, 3819 East Pawnee, Wichita, Kansas, requests an exception as provided in Section 28.04.183.2, Code of the City of Wichita, to permit the installation or construction of a new and used car lot on property zoned "LC" Light Commercial and legally described as follows:

Lots 52-53 and 54, Block C, in Planeview Subdivision No. 2 being a subdivision in Section 2, Township 28 South, Range 1 East of the 6th Principal Meridian, in Sedgwick County, Kansas. Generally located on the east side of Hillside between Ross Parkway and 31st Street.

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 24, 1967, consider said application; and

WHEREAS, the Board deferred said application to its regular meeting on February 28, 1967; and

WHEREAS, the Board did, at the meeting of February 28, 1967, consider said application; and

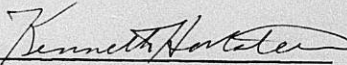
WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit a new and used car lot to be located in "LC" Light Commercial District subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita.

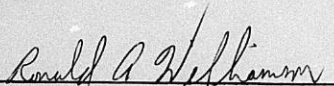
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application not be approved for the installation or construction of a new and used car lot inasmuch as it is the opinion of the Board that this is not a proper location for the type of use requested, all on property zoned "LC" Light Commercial and legally described as follows:

Lots 52-53 and 54, Block C, in Planeview Subdivision No. 2 being a subdivision in Section 2, Township 28 South, Range 1 East of the 6th Principal Meridian, in Sedgwick County, Kansas. Generally located on the east side of Hillside between Ross Parkway and 31st Street.

ADOPTED AT WICHITA, KANSAS, this 28th day of February,
1967.


Kenneth Hartstein, Chairman

ATTEST:


Ronald A. Williamson
Assistant Secretary

March 2, 1967

Mr. L. S. Richardson
3819 East Pawnee
Wichita, Ks. 67218

Dear Mr. Richardson:

Re: Case No. BZA 39-66 - Request for
an Exception to the zoning ordi-
nance to permit the installation
of a new and used car lot to be
located in an "LC" zone.

At the regular meeting of the Board of Zoning Appeals on Feb-
ruary 28, 1967, your request for an exception to permit the in-
stallation or construction of a new and used car lot on property
zoned "LC" Light Commercial and being located on the east side
of Hillside in an area between Ross Parkway and 31st Street
South, was considered.

It was the action of the Board to deny this request. A Res-
olution setting forth the official action of the Board is
being prepared for the signatures of the Chairman and Secretary
and a copy thereof will be mailed to you soon.

If you have any questions concerning this matter, please call.

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkj

cc: Glen Lytle, Superintendent of Central Inspection
Ralph Eberly, City Clerk
James McIntosh, 2406 East Central, Wichita

January 30, 1967

Mr. L. S. Richardson
3819 East Pawnee
Wichita, Kansas 67218

Dear Mr. Richardson:

Re: Case No. BZA 39-66 - Request for
an Exception to the zoning ordi-
nance to permit the installation
of a new and used car lot to be
located in an "LC" zone.

At the regular meeting of the Board of Zoning Appeals on Jan-
uary 24, 1967, your request for an exception to permit the in-
stallation or construction of a new and used car lot on property
zoned "LC" Light Commercial and being located on the east side of
Hillside in an area between Ross Parkway and 31st Street South,
was considered.

It was the action of the Board to defer this matter until the
next regular meeting, February 28, 1967, in order to obtain an
opinion from the legal counsel. This meeting will be held at
2:00 p.m., Room 401 City Building Annex, 104 South Main, Wichita.

If you have any questions, please call.

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:ktg
cc: Glen Lytle, Superintendent of Central Inspection
Ralph Eberly, City Clerk
James McIntosh, 2406 East Central, Wichita

WICHITA-SEDGWICK COUNTY

DATE
January 30, 1967

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Arthur Johnson, Assistant City Attorney

FROM: Ronald A. Williamson, Assistant Secretary

SUBJECT: Case No. 252 39-67 - Exception to permit the establishment of a new and used car lot

At its regular meeting on January 24, 1967, the Board of Zoning Appeals considered the above request for property located on the east side of Hillside between 11st Street and Ross Parkway. It was the action of the Board to defer this request until February 28, 1967 so that a legal opinion could be obtained pertaining to the type of conditions that may be attached.

During the consideration of the case, the Board discussed whether they could attach a condition which would permit the site to be utilized by this individual only and at such time as he no longer would occupy the site the exception would be null and void. The legality of such a condition was questioned and at that time I pointed out the problems which would arise as to the administration and enforcement of such a condition. The Board then instructed me to contact you for a determination as to the legality of this type of condition.

I would appreciate your comments on this matter so that they may be forwarded to the Board prior to the February 28, 1967 meeting.

RAW:kgj

COPY

January 30, 1967

Arthur Johnson, Assistant City Attorney

Ronald A. Williamson, Assistant Secretary

Case No. BZA 39-66 - Exception to permit the establishment of a new and used car lot

At its regular meeting on January 24, 1967, the Board of Zoning Appeals considered the above request for property located on the east side of Hillside between 31st Street and Ross Parkway. It was the action of the Board to defer this request until February 28, 1967, so that a legal opinion could be obtained pertaining to the type of conditions that may be attached.

During the consideration of the case, the Board discussed whether they could attach a condition which would permit the site to be utilized by this individual only and at such time as he no longer would occupy the site the exception would be null and void. The legality of such a condition was questioned and at that time I pointed out the problems which would arise as to the administration and enforcement of such a condition. The Board then instructed me to contact you for a determination as to the legality of this type of condition.

I would appreciate your comments on this matter so that they may be forwarded to the Board prior to the February 28, 1967 meeting.

RAW:kgg

SECRETARY'S REPORT

CASE NO. BZA 39-66

APPLICANT: L. S. Richardson, 3819 East Pawnee, Wichita, Kansas

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita to permit the installation or construction of a new and used car lot

GENERAL LOCATION: East side of Hillside between Ross Parkway and 31st Street

LAND USE: Subject property is occupied in part by an auto repair shop with the balance vacant. To the west is a drive-in ice cream store, and a single family home; duplexes are to the north and east and the land to the south is vacant

ZONING: Subject property is zoned "LC" as is that to the south. West is "LC" and "RB" and to the north and east is "RB".

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.3, Code of the City of Wichita. The Board may grant this exception providing the conditions outlined under Section 28.04.183.2, Code of the City can be met.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to the Zoning Ordinance to permit the establishment or construction of a new and used car sales lot on property zoned "LC". The site is presently occupied in part by an auto repair shop, the remaining area is vacant.

The ordinance states that the Board may grant exceptions in the "LC" Light Commercial District to permit the establishment of new and used car lots. The primary purpose for this is that new and used car lots are not appropriate in every light commercial area and it is to be the decision of the Board as to where the proper locations should be. If it were felt that new and used car lots were appropriate in all "LC" areas, then the use would be permitted out right without Board of Zoning Appeals approval.

New and used car lots, by their nature of being primarily outdoor display areas, are not the type of uses which should be encouraged in neighborhood and many strip commercial areas. In addition to the outdoor display there are such things as night lighting, signs and advertising banners and streamers which make this an undesirable use which should not be permitted in all areas of the City. The visual appearance of new and used car lots is not the most aesthetically pleasing and, therefore, the use should be limited to only certain commercial areas which tend to have similar uses of a heavier commercial nature. Indiscriminate approval of car lots tends to create commercial blight which adversely affects the entire neighborhood.

New and used car lots are highway oriented uses and usually other similar uses such as mobile home sales, boat and marina sales, trailer, vehicle and equipment rental operations and camping equipment sales congregate in the same area. Basically, the majority of these uses are located on North and South Broadway and East and West Kellogg which are two of the major highways in the City.

A considerable amount of thought was given to the proper and logical locations of new and used car lots when the preliminary draft of the prototype zoning ordinance was prepared. It was the conclusion of the consultants that new and used car lots are highway oriented uses and that extreme care should be given in assigning locations because over use could easily produce commercial blight.

It should also be pointed out that if this request were approved, it would certainly encourage additional requests in the area some of which certainly would be for used car lots in conjunction with service stations and other uses.

RECOMMENDATION

It is the recommendation of the Secretary that the exception to permit the establishment of the new and used car lot not be approved inasmuch as car lots are not the type of uses that should be encouraged in neighborhood commercial areas such as this but are, in fact, a highway oriented use and, therefore, should be located where the majority of the other new and used car lots are which is on either North or South Broadway or East or West Kellogg.

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

January 13, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No BZA 39-66

An application has been filed by L. S. Richardson, 3819 East Pawnee, Wichita, Kansas, pursuant to Section 2.12.590.3, Code of the City of Wichita, requesting an exception to permit the installation or constructing of a new and used car lot on property zoned "LC" Light Commercial and legally described as follows:

Lots 52-53 and 54, Block C, in Planeview Subdivision No. 2 being a subdivision in Section 2, Township 28 South, Range 1 East of the 6th Principal Meridian, in Sedgwick County, Kansas.

This application has been assigned Case No. BZA 39-66, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 24, 1967, 2:00 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.

Jack H. Galbraith
Secretary

Mailed 19 1-13-67

L. S. Richardson
3819 E. Pawnee
Wichita, Kansas
December 27, 1966

Board of Zoning Appeals
Room 402 City Building Annex
104 South Main
Wichita, Kansas

To Whom It May Concern:

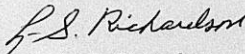
I now own a building located in the 3000 block of South Hillside. I would like to lease this building to a party interested in opening a new car dealership.

This party will be present at the hearing to answer any and all questions that the commission and/or members of the committee may need answered.

This application is made for an exception as provided in Section 28.04.183.2, Code of the City of Wichita, Kansas (Zoning Ordinance).

Thank you.

Sincerely yours,



L. S. Richardson

ISR/mm

5799

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 59-66
FILED 12-28-66

APPLICATION FOR EXCEPTION

I. Name of Applicant L. S. Richardson
Mailing Address 3819 E. Pawnee Phone MI 4-7369
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.183.2, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of New and Used Car Lot

_____ on property zoned
L. C. 4 BB, located On E side of Hillside in area
4300 Block South Hillside
bet. Ross Parkway & 3rd St. and legally described as: Lots
52 - 53 & 54 Block C, Plainview., Subdivision # 2
_____, 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 L. S. Richardson
Authorized Agent _____

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 9:30 (8:30 - p.m.), DEC 28, 1966, together with appropriate fee of \$50.00.

Signed Ronald G. Williamson

CERTIFICATE OF OWNERSHIP

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CALLAHAN 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, of the real estate within a radius of 200 feet of and including the following described property.

Lots 52-53 and 54, Block C, in Planeview Subdivision No. 2. being a subdivision in Section 2, Township 28 South, Range 1 East of the 6th Principal Meridian, in Sedgwick County, Kansas.

DESCRIPTION	Owner/Owners	Address
Planeview Sub. No. 2. Block C.		
Lot 50	X Arthur E. Bradley and Dorothy A.	No Address <i>none found</i>
Lot 51	D same	
Lot 52	✓ Lawrence S. Richardson & Geneva Ann	3819 E. Pawnee 67218
Lot 53	D same	
Lot 54	D same	
Lot 15	X Lola Gochis	No address <i>none found</i>
Lot 16	✓ Trinity Assembly of God of Wichita, Inc.	2938 So. Hillside 67216
Lot 17	✓ Willard F. Leslie & Imogene D.	2949 Sayles Court 67210
Lot 18	D Lawrence S. Richardson & Geneva Ann	3819 E. Pawnee
Lot 19	✓ Alfred R. Lopez and Caroline	2961 Sayles Court 67210
Lot 20	D Arthur E. Bradley and Dorothy A.	No Address <i>none found</i>
Lot 21	✓ Andrew J. Tole and Pauline	4643 Laura 67216
Lot 22	✓ Roger L. Morton and Kathleen L.	3032 So. Yale 67210
<u>Dunham Addition.</u> Lot 1	✓ Trustees of Full Gospel Evangelistic Chapel	3033 So. Hillside 67216
<u>Dunhams 4th Add.</u> Lot 1	✓ James J. Sheahan and Lucille B. Sheahan	2445 Victoria 67216
<u>Dunham's 8nd Add.</u> Lots 1 and 2	✓ James R. Pomodoro & Rose	3021 Range Road 67216
Beg. 1697.25' S. of NE/c. SE/4 3-28-1 E, S 91', W 239', N 91', E 239' to beg.	✓ Full Gospel Evangelistic Chapel	3033 So. Hillside 67216
Beg. 1515' S of NE/c. SE/4 3-28-1 E, S 91.125', W 239', N 91.125', E 239', to beg.	✓ Martha and W. H. Dunham	3025 So. Hillside. 67216
<u>Dunham 3rd Add.</u> Lot 1	D Full Gospel Evangelistic Chapel	3033 So. Hillside.

WITNESS our Hand and Seal this the 26th day of December, 1966

at 7:00 o'clock A.M.

CALLAHAN GUARANTEE TITLE CO. Inc.,
By *Nellie M. Festinger*
Vice-President.

Order No. 11217

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
BZH	\$50.00

Name *L.S. Richardson*

Address *3819 E. Pawnee*

Type _____ Due Date _____

Comments: *R-712*

Date *12-28-66* By *K Galloway*

THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS 67202



Mr. James McIntosh
2406 East Central
Wichita, Kansas

*resent to
Jim's Import Cycles
2818 E. 31st St. So.*

Map No. 5744
 Sec. _____
 Twp. _____
 Range _____

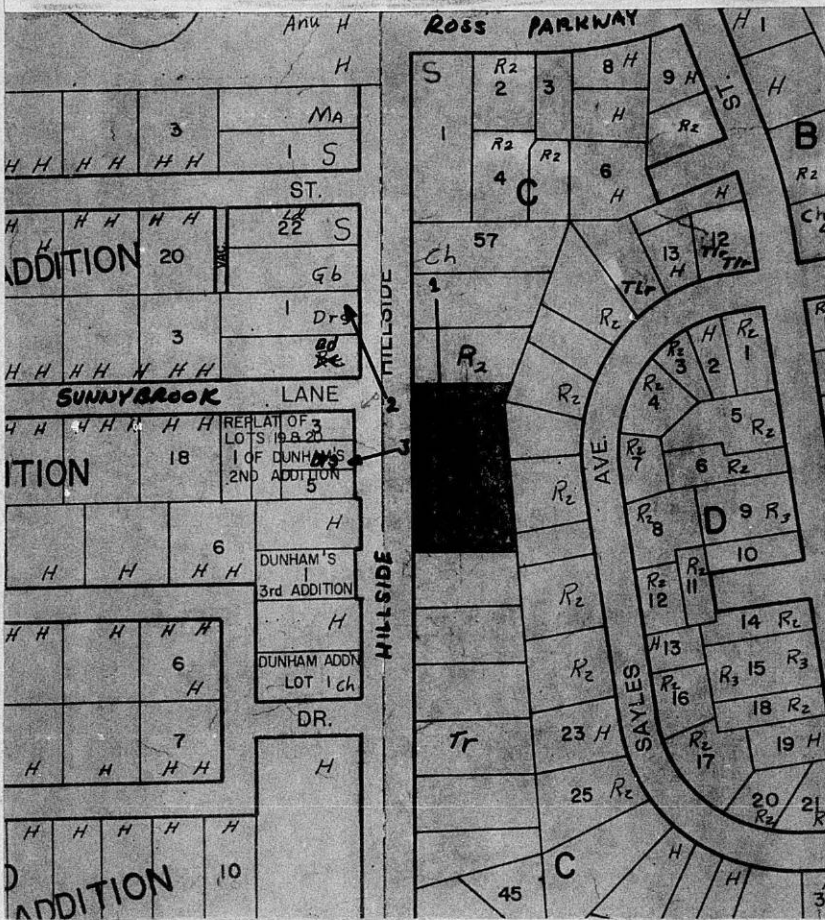
E2A 39-66
 SC2- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East Duplex South vacant
 West Single family ice cream sale North Duplex
4. Sketch Plan Land Use is for: Residential
5. Present Land Use is for: Auto repair
6. Area (is) (~~is not~~) platted.

PHOTO DATA:

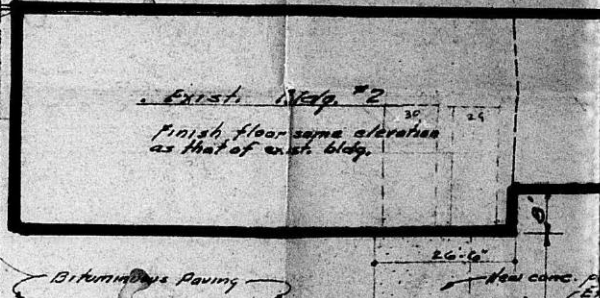
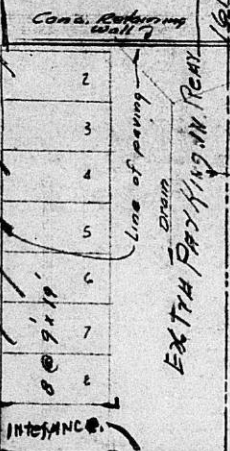
Taken by Menclee Date 1-5-67 Time 3:30 p.m.



LOT 53

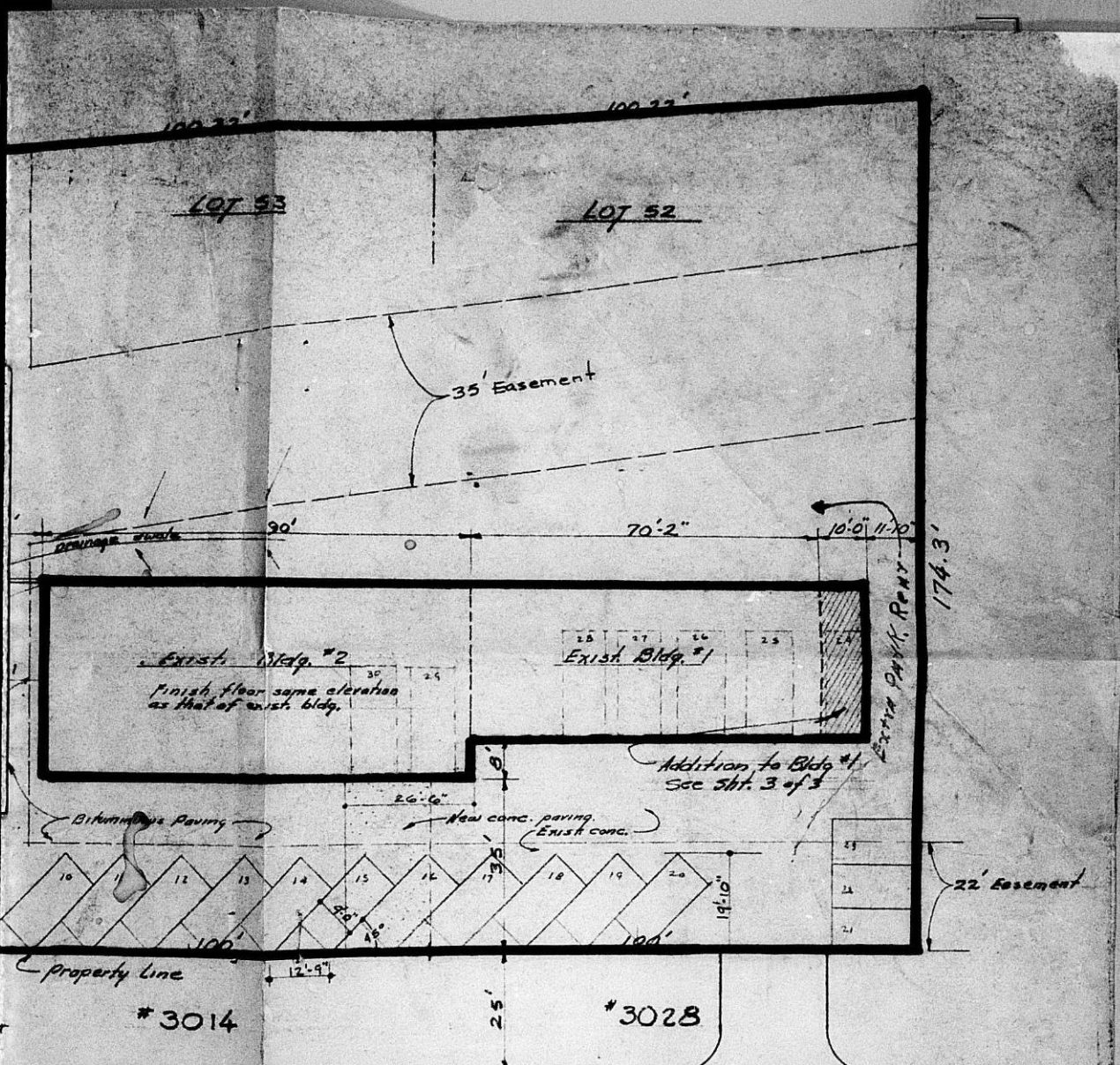
35' Easem

12' Cement Block
 WALL 5' HEIGHT
 BITUMINOUS PAVING
 PAVING FOR NEW
 HAND USED CHYS
 Lot 54
 same ownership



LOCAL DESCRIPTION
 Lots 52-53 & 54
 PLAINVIEW SUB
 Wichita, Kan

HILLSIDE AVE.



LEGAL DESCRIPTION:
 Lots 52-53 & 54, Block "C"
 PLAINVIEW SUBDIVISION #2
 Wichita, Kansas.

HILLSIDE AVE. SITE PLAN
 1" = 20'

