

Case No. BZA 49-84 - Duran Mulf -  
requests an exception to permit the  
establishment of an automobile sales  
business on property zoned the "LC"  
Light Commercial and generally located  
on the northwest corner of Hassall &

Ported  
6-27-84

ACTION

BZA 49-84 Deny 3-0

7-24-84  
DATE



July 25, 1984

Duran Wulf  
2747 South Hydraulic  
Wichita, Ks.

Re: BZA 49-84 - Request for Exception

Dear Mr. Wulf:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 24, 1984.

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 questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
Encl.

cc: Verlon Wulf, Box 12772, Wichita  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 49-84

WHEREAS, Duran Wulf, 2747 South Hydraulic, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an automobile sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 10 and 11, Block E, Graber Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Wassall and Hydraulic (2747 South Hydraulic).

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 24, 1984, 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

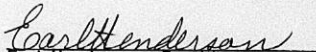
WHEREAS, the Board of Zoning Appeals has found that the exception to permit the property to be used as an automobile sales lot is not appropriate at this location.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for an exception to permit an automobile sales lot on property zoned the "LC" Light Commercial District and legally described as:

Lots 10 and 11, Block E, Graber Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Wassall and Hydraulic (2747 South Hydraulic).

be denied.

ADOPTED AT WICHITA, KANSAS, this 24th day of July, 1984.

  
Earl Henderson, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE      July 23, 1984

TO      Glen Lytle, Special Assistant for Zoning

FROM      Stanley J. Stanley, CP Coordinator

SUBJECT      BZA 49-84: Northwest Corner of  
Wassal and Hydraulic

On Thursday, July 19, CPO Neighborhood Council Area "D" considered the captioned case, a request for a zoning exception to permit the establishment of an automobile sales business on property zoned "LC" Light Commercial District. After extensive discussion, the Council voted 6-2 to recommend approval of the exception, subject to staff recommendations 1-12 as requirements.

The agent for the applicant, Verlon Wulf, was present to describe the request and respond to questions from the Council. No area residents or property owners were present. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

While the Council did vote to recommend approval of the exception, the Council is concerned that staff recommendations 1-12 are adopted as requirements, particularly the following:

- 8) The automobile business shall not be conducted with any other business on the property;
- 9) The property shall be maintained in good condition;
- 11) All requirements as set forth in this resolution shall be complied with by October 1, 1984, and prior to occupancy of the property as an automobile sales lot.
- 12) Failure of the applicant or owner to comply with the above conditions and upon notification by Central Inspection that violations exist, then the Board shall take action to void the resolution.

RECEIVED

JUL 23 1984

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

Please provide the Council's recommendation and comments to the Board of Zoning Appeals when considered on July 24.

*Stanley J. Scott*  
Stanley J. Scott  
CP Coordinator

SJS:sm  
Noted:

*Ann's Montgomery*  
Ann's Montgomery  
CRS Director

ALTERNATE FOR CASE NO. BZA 49-84

RECOMMENDATION:

Should the Board determine that the use of the property as an automobile sales lot is appropriate, then it is the recommendation of the Secretary that the application be approved subject to the following conditions:

1. All display, parking and circulation areas shall be surfaced with asphalt or concrete and marked in conformance with an approved plan and designating the spaces for employee and customer parking.
  2. A six-foot high screening fence of wood, metal or masonry shall be constructed along the west and north property lines. This fence shall be reduced to 3 feet in height for the east 25 feet along the north property line.
  3. All vehicle repair work shall be conducted entirely within an enclosed building.
  4. No new buildings shall be constructed on the site until a new site plan is submitted to the Secretary for approval. Any new buildings shall not be located closer than 45 feet to Hydraulic right-of-way or closer than 35 feet to Wassall right-of-way.
  5. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
  6. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
  7. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
  8. The automobile sales business shall not be conducted with any other business on the property.
  9. The property shall be maintained in good condition, and at no time shall there be more automobiles displayed or stored on the property than shown on an approved site plan that is retained by the Secretary in the file.
  10. Prior to release of the resolution authorizing the issuance of any permits for conversion of the property to an automobile sales lot, the applicant shall provide 3 copies of a site plan showing all improvements as required by the conditions set forth herein.
  11. All requirements as set forth in this resolution shall be complied with by October 1, 1984, and prior to the occupancy of the property as an automobile sales lot.
  12. Failure of the applicant or owner to comply with the above conditions and upon notification by Central Inspection that violations exist, then the Board shall take action to void the resolution.
-

SECRETARY'S REPORT  
CASE NO. BZA 49-84

APPLICANT: Duran Wulf, 2747 S. Hydraulic, Wichita, Kansas.

AGENT: Verlon Wulf, Box 12772, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita to permit the establishment of an automobile sales lot in the "LC" Light Commercial District.

GENERAL LOCATION: On the northwest corner of Wassall & Hydraulic (2747 S. Hydraulic).

ZONING: The application area and the property to the south and east are zoned the "LC" Light Commercial District. To the north is "AA" One-family and to the west is "A" Two-family Dwelling District.

LAND USE: Subject property is presently occupied by a former service station. Properties to the east and south are commercial, and to the north and west are residential.

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 in order to establish an automobile sales lot on the property which is zoned the "LC" Light Commercial District. The property is located at the intersection of an arterial street and a collector street. The amount of street right-of-way for Hydraulic is less than that required by the subdivision rules and regulations. However, rather than requiring the applicant to dedicate additional right-of-way, the establishment of reasonable setbacks for any new structures from the existing right-of-way lines should be made. This should not be less than 45 feet from Hydraulic and 35 feet from Wassall. The present building is approximately 70 feet from Hydraulic and 50 feet from Wassall.

The site plan submitted with the application that has been approved by the Traffic Engineer's Division on July 5, 1984, indicates a maximum of 13 spaces, 6 of which would be required as off-street parking spaces. This site is located contiguous to an arterial street, which does comply in one respect to the conditions of the ordinance for consideration by this Board, but it is the opinion of the Secretary, that this is not an appropriate use for this property due to the close proximity to residential development on the north and west.

It should be noted that the applicant is neither the owner or a contract purchaser of the property, but is only a tenant. Also, there are no other automobile sales lots in the general area, and to introduce such a use could be detrimental to the area. It is also my understanding that the applicant has fenced in the area behind the existing building and is using it as a contractor's storage yard in violation of the "LC" Light Commercial District regulations, and has been cited by Central Inspection for this violation.

In this particular case, the applicant has indicated that the property would be used in conjunction with another use. In the past, it has been the policy to not look with favor on the establishment of an automobiles sales lot on a property with any other use, and in particular at a location in close proximity to residential development.

RECOMMENDATION:

It is the opinion of the Secretary that the use is inappropriate at this location and that the application should be denied.

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ALTERNATE FOR CASE NO. BZA 49-84

RECOMMENDATION:

Should the Board determine that the use of the property as an automobile sales lot is appropriate, then it is the recommendation of the Secretary that the application be approved subject to the following conditions:

1. All display, parking and circulation areas shall be surfaced with asphalt or concrete and marked in conformance with an approved plan and designating the spaces for employee and customer parking.
  2. A six-foot high screening fence of wood, metal or masonry shall be constructed along the west and north property lines. This fence shall be reduced to 3 feet in height for the east 25 feet along the north property line.
  3. All vehicle repair work shall be conducted entirely within an enclosed building.
  4. No new buildings shall be constructed on the site until a new site plan is submitted to the Secretary for approval. Any new buildings shall not be located closer than 45 feet to Hydraulic right-of-way or closer than 35 feet to Wassall right-of-way.
  5. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
  6. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
  7. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
  8. The automobile sales business shall not be conducted with any other business on the property.
  9. The property shall be maintained in good condition, and at no time shall there be more automobiles displayed or stored on the property than shown on an approved site plan that is retained by the Secretary in the file.
  10. Prior to release of the resolution authorizing the issuance of any permits for conversion of the property to an automobile sales lot, the applicant shall provide 3 copies of a site plan showing all improvements as required by the conditions set forth herein.
  11. All requirements as set forth in this resolution shall be complied with by October 1, 1984, and prior to the occupancy of the property as an automobile sales lot.
  12. Failure of the applicant or owner to comply with the above conditions and upon notification by Central Inspection that violations exist, then the Board shall take action to void the resolution.
-

BZA CASE NO. 49-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>25</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>28</u>	TOTAL NOTICES SENT <u>7-5-84</u>

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202

July 4, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 49-84

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Duran Wuif, 2747 South Hydraulic, Wichita, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of an automobile sales business on property zoned "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lots 10 and 11, Block E, Graber Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Wassall and Hydraulic (2747 South Hydraulic).

This application has been assigned Case BZA 49-84. It will be considered by the Board of Zoning Appeals on July 24, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. 49-84

CITY OF WICHITA, KANSAS

FILED 6-26-84

APPLICATION FOR EXCEPTION

I. Name of Applicant DORAN WULF  
 Mailing Address 3747 S. HYDROITIC Phone 265-5188  
 Name of Authorized Agent VERNON WULF  
 Mailing Address Box 12772 Phone 945-2797  
 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, to permit the establishment of  
USED CAR LOT

*see  
 sign  
 order  
 wife*

on property zoned LC  
 located on the NW corner of Wessell and Hydroitic  
3747 S. HYDROITIC  
 and legally described as: LOT 1041, BLOCK E,  
GRABER ADDITION to W. S. Co., KS

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. 36-596); 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 Doran Wulf

Authorized Agent Vernon Wulf

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
 appropriate fee of 1.00 (~~1.00~~ p.m.), JUNE 26, 1984, together with  
200.00

Signed [Signature]

1/2509H

BOARD OF ZONING APPEALS  
268-4421

Columbian

APPLICATION FOR EXCEPTION

CITY OF WICHITA, KANSAS

INSTRUCTIONS TO APPLICANT

1. Applicant must complete the attached application form. All blanks should be filled in and any not applicable should be completed with N/A.
2. Applicant must submit a certified listing from an abstract company of the names and current mailing addresses of owners of all property within a distance of two-hundred (200) feet of property involved in the application. Mailing addresses submitted without ZIP CODES will be returned to the applicant.
3. Applicant must submit a statement in writing justifying the exception applied for, and indicating under which provisions of the zoning ordinance the Board of Zoning Appeals is believed to have jurisdiction.
  - X Certain types of exceptions, such as for "day care center", "off-street parking permits" and new and used car lots", and "self-service and automatic car washes", etc., require the submission of a detailed plot plan, in duplicate, approved by the office of the Traffic Engineer, drawn to scale, and showing all existing and proposed uses and structures, off-street parking spaces, all points of ingress and egress, width of drive-ways, markings for traffic channelization and any other appropriate dimensions or information which would be helpful to the Board of Zoning Appeals in consideration of the application.
4. The above listed documents shall be submitted, together with the fee prescribed by Section 2.12.580.2, Code of the City of Wichita and set forth herein. In the event there is a request for more than one exception, an additional filing fee shall be requested for each additional request. The fee should be made by check, payable to the City of Wichita.

Fees shall be as follows:

Exceptions for residential uses	\$ 75.00
All other exceptions	\$200.00

5. All documents and the fee shall be submitted to the Office of the Secretary, Board of Zoning Appeals, Tenth Floor, City Hall, 455 N. Main, Wichita, Kansas 67202, by 5:00 p.m. on the designated closing date as established by the Board. Incomplete applications will be returned to the applicant.

The Board of Zoning Appeals meets on the fourth Tuesday of each month at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

due by: June 15, 84  
→ May 29

CATCH - LORI  
PITCH - DORON  
1ST - BRENDA  
2ND - GARY ↗  
SHORT - ROBERT ↘  
3RD - CLARE  
LEFT - VERLON  
CENTER - REX  
ROVER - CONNIE  
RIGHT - CEEGA

KENTON -  
JIM -  
DEBBIE ✓

OWNERSHIP LIST

Columbian National Title Insurance of Wichita, Inc., hereby certifies the following to be a true and correct list of properties and property owners within a 200 feet radius of the following described property:

Lots 10 and 11, Block E,  
Graber Addition to Wichita,  
Sedgwick County, Kansas.      ✓ Edna V. Smith  
226 W. Central  
El Dorado, Kansas 67042

According to the last deed of record filed in the Register of Deeds Office, Sedgwick County, Kansas.

Lot 11, Block D,  
Graber Addition

✓ Elsie I. Dickerson  
2755 Greenwood  
Wichita, Kansas 67216

Lot 12, Block D,  
Graber Addition

Almeda C. Prothro  
✓ 2017 Mosley  
Wichita, Kansas 67211

Lot 13, Block D,  
Graber Addition

Nancy Flock  
✓ 962 Newbury Circle  
Wichita, Kansas 67226

Lot 14, Block D,  
Graber Addition

Paul B. O'Connell  
1609 N. Grand  
✓ Pittsburg, Kansas 66702

Lot 15, Block D,  
Graber Addition

Robert H. Johnson  
✓ 2731 S. Greenwood  
Wichita, Kansas 67216

Lot 16, Block D,  
Graber Addition

Jacob F. Parker  
✓ 2725 S. Greenwood  
Wichita, Kansas 67216

Lot 4, Block E,  
Graber Addition

Sandra L. Walling  
✓ 2726 S. Greenwood  
Wichita, Kansas 67216

Lot 5, Block E,  
Graber Addition

Jeanne A. Sims  
✓ 2732 S. Greenwood  
Wichita, Kansas 67216

Lot 6, Block E,  
Graber Addition

Peggy H. Boyd  
✓ 2738 S. Greenwood  
Wichita, Kansas 67216

Lot 7, Block E,  
Graber Addition

James A. Fox  
✓ 2742 S. Greenwood  
Wichita, Kansas 67216

Lot 8, Block E,  
Graber Addition

Raymond F. Sheids  
✓ 2748 S. Greenwood  
Wichita, Kansas 67216

Lot 9, Block E,  
Graber Addition

Eldon L. Sumpter  
✓ 2754 S. Greenwood  
Wichita, Kansas 67216

Lot 12, Block E,  
Graber Addition

✓ Quy Q. Le  
2741 S. Hydraulic  
Wichita, Kansas 67216

(See Page 2)

Lot 13, Block E,  
Graber Addition

Martin Banuelos  
2735 S. Hydraulic  
Wichita, Kansas 67216

Lot 14, Block E,  
Graber Addition

Robert L. Hershberger  
1515 Donnell  
Wichita, Kansas 67216

Lot 15, Block E,  
Graber Addition

Floyd Schroeder  
3949 W. Douglas  
Wichita, Kansas 67213

Lot 1, except the West 150 feet of the  
South 150 feet, and except the North 100  
feet, Gordon Park Addition

Queen City Lodge #296  
1720 Wassall  
Wichita, Kansas 67216

Lot 7, Block 5,  
Classen Parked Addition

Larry W. Nelson  
2703 Rose Marie Court  
Wichita, Kansas 67216

Lot 8, Block 5,  
Classen Parked Addition

Derrell W. Lyrman  
2709 Rose Marie Court  
Wichita, Kansas 67216

Lot 9, Block 5,  
Classen Parked Addition

Don T. Linton  
2715 Rose Marie Court  
Wichita, Kansas 67216

The North 200 feet of Lot 14, Block 5,  
Classen Parked Addition

William B. DeVorss  
13833 Buccaneer Way  
Sun City, Arizona 85351

A part of Lot 1, Block A, Industrial Addition  
to the City of Wichita, described as follows:  
Beginning at the Northwest corner of said  
Lot 1, thence East along the North line of  
said Lot 1, a distance of 140 feet, thence  
South parallel to the West line of said Lot  
1, a distance of 140 feet, thence West  
parallel to the North line of said Lot 1, a  
distance of 140 feet, thence North along the  
West line of said Lot 1, a distance of 140  
feet to the point of beginning.

Jimmy D. Gooch  
2802 S. Hydraulic  
Wichita, Kansas 67216

Lot 1, Block 1,  
Schrader Bros. 2nd Addition

Delaine Ferguson  
2802 S. Greenwood  
Wichita, Kansas 67216

Lots 1 and 2, Except the South 125 feet of  
the East 100 feet of Lot 2, in Schrader  
Bros. Fifth Addition

Gordon E. Royse  
R.R. 3, Box 320  
Sunrise Beach, MO 65079

Addresses as given are furnished as a service, and are not certified. Liability hereunder is  
limited to the amount of the fee paid herefor.

Columbian National Title Insurance of  
Wichita, Inc.

By: *Dwayne A. Schulke*  
Dwayne A. Schulke, Vice President

**MICROFILMED**  
 FROM THE BEST  
 AVAILABLE COPY

FORM 21-21

PAYMENT NOTICE  
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
<i>624 City of Wichita</i>	<i>2.00</i>

NAME *James White*

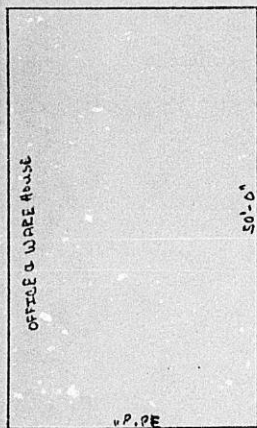
ADDRESS *2227 3rd St*

FUND *53-41071-102* DUE DATE

COMMENTS

DATE *6/21/64* BY *[Signature]*

PLOT PLAN  
LOT 10411 BUN. E GARBER ADD.



$\frac{3}{4}'' = 10'$

184'-0"

20'-0"

118'-0"

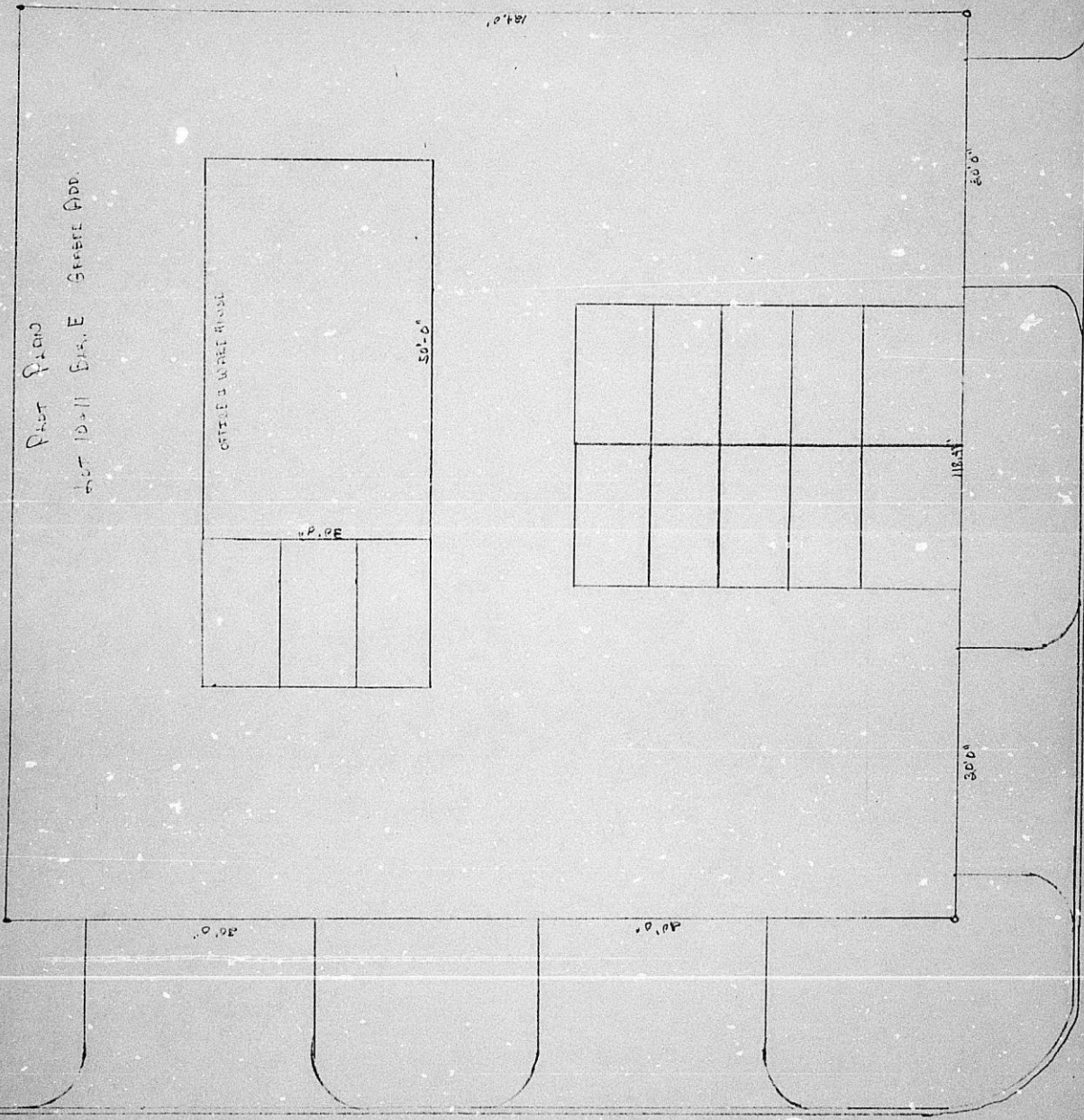
30'-0"

30'-0"

30'-0"

PLANT PLANO  
LOT 10-11 BLDG. E STREET ADD.

$\frac{3}{4}'' = 10'$



20'-0"

20'-0"

30'-0"

18'-5"

20'-0"

50'-0"

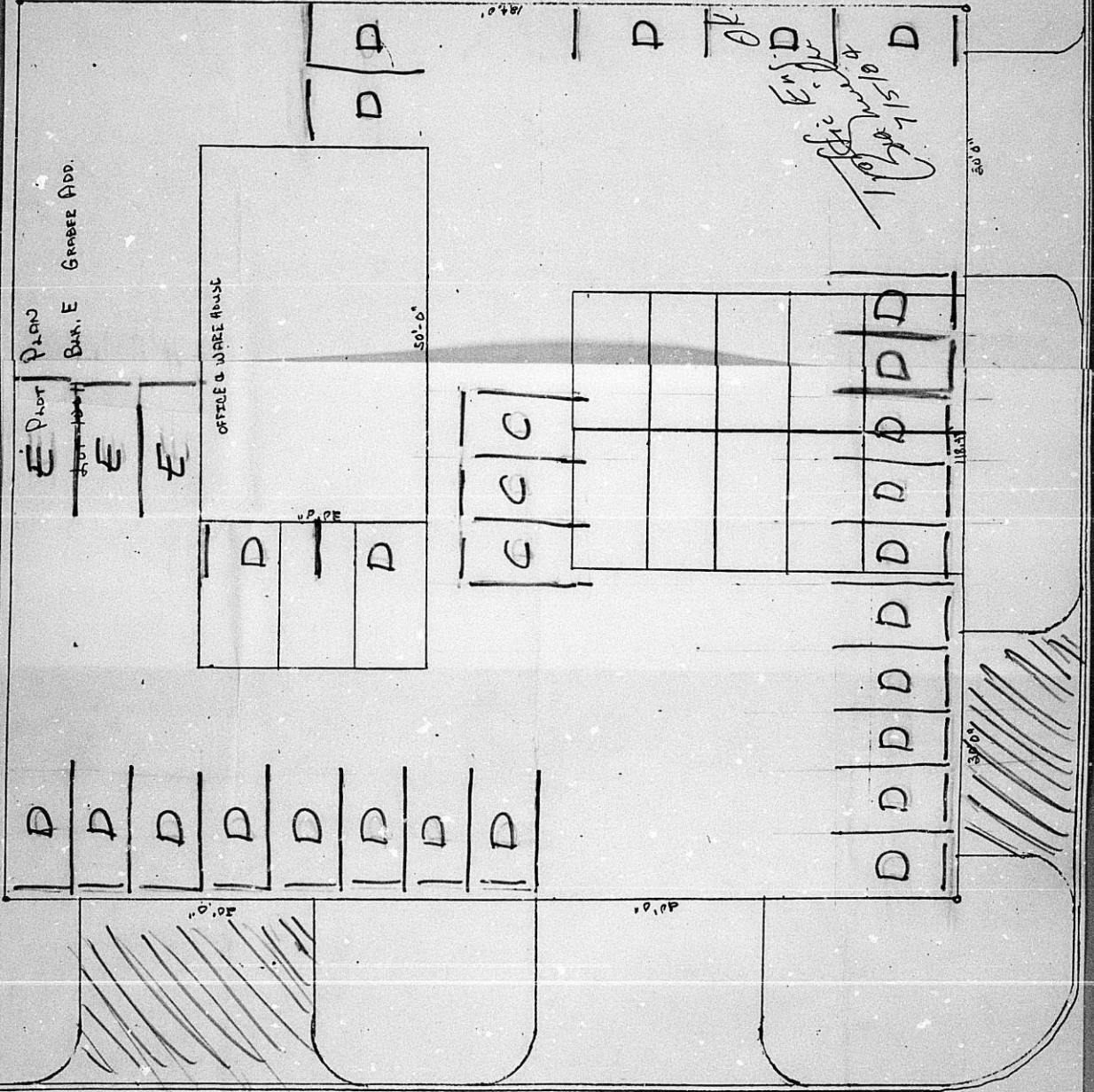
184'-0"

CITY & WHEEL ROOM

V.P. GE

3/4" = 10'

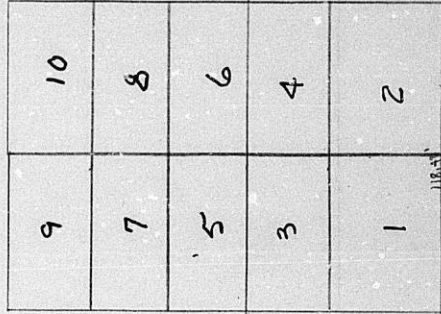
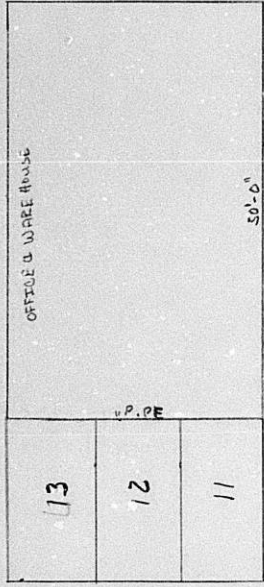
25 D  
3 E  
3 C.



Plot Plans

LOT 10 & 11 BAR. E GRABER ADD.

3/4" = 10'



OK  
 For  
 11-15-84  
 [Signature]

BZA 49-84