

Case No. BZA 52-87 - Gordon Royse requests an exception to permit the establishment of an automobile sales business on property zoned "TC" Light

*10/20/88*

ACTION

BZA 52-87 Approved 1/26/88  
DATE

SAND

100' Sec 4-1-88

Checked 10

Shot 5:12

Record ✓

*Need to remove from zoning  
maps.*

*parted*

Case No. BZA 52-87 - Gordon Royce re-  
quests an exception to permit the  
establishment of an automobile sales  
business on property zoned "1C" light

**ACTION**

BZA 52-87 *Approved* 1/26/89  
DATE

5445D

*200' Sec 4-1-88*  
*Checked 70*  
*Shot 512*  
*Record ✓*

*Need to remove from zoning  
maps. 506 3-21-89 KX*

*See BZA 13-89*

DATA SHEET

MAP NO.: 5445D

CASE NO. BZA 52-87

(CPO 4A, 1/21/88)

REQUEST: Exception to permit the establishment of an automobile sales business

EXISTING ZONING: "LC" Light Commercial District

GENERAL LOCATION: On the northeast corner of Seneca and Merton.

APPLICANT: Gordon E. Royse  
 ADDRESS: Route 3, Box 320, Sunrise Beach, MO 65079      PHONE: 314-374-7061

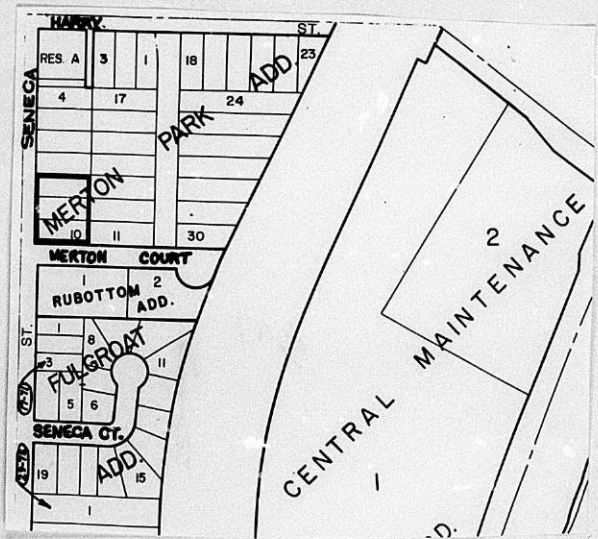
AGENT: Gregory D. Burger  
 ADDRESS: 6827 Winterberry Cr., Wichita, KS 67226      PHONE: 688-1948

AREA DATA

Acres: (190 ft. by 160 ft.)

Adjacent Zoning and Land Use:

North	LC	<u>duplexes</u>
South	C	<u>tire store and auto repair</u>
East	E	<u>outdoor equipment storage</u>
West	LC	<u>vacant music store</u>



PL1-0066

LOS ANGELES, CHICAGO, LOS AN  
 MCGREGOR, TX, JACKSONVILLE, FL  
 USA

**S**  
 No. 2-153C

**BZA 52-87**

**IMPORTANT MESSAGE**

FOR Louise  
DATE 3/23/89 TIME 9:05 A.M.  
P.M.

WHILE YOU WERE AWAY

OF Rod. Burger  
PHONE No. 264-3030

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE Clean Sweep - Jim's Barbecue

Home address  
1000 Highway 101

SIGNED Ben

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4561

March 17, 1989

Mr. Roderick L. Burger  
7627 E. 37th St. North #1901  
Wichita, KS 67226

RE: BZA 52-87 Exception permitting auto sales in the "LC"  
district (NE corner Seneca and Merton)

Dear Mr. Burger:

On January 26, 1988, the Board of Zoning Appeals approved a land use exception to permit auto sales in the light commercial district at the northeast corner of Seneca and Merton. This approval was conditioned upon compliance with ten items as set forth in BZA Resolution No. 52-87 which included such requirements as striping the lot and providing parking barriers as shown on the approved site plan. All site improvements were to be completed within one year. The BZA Resolution, as well as the "LC" zoning district regulations, prohibit body and fender work.

We have been advised by the Central Inspection Division of the City of Wichita that you have not complied with the site improvement requirements and that you are doing auto body repair at this location. C.I.D. made several attempts, starting in early January of this year, to get you to comply with the BZA and zoning code requirements but to this date you have failed to comply. Therefore, your BZA exception permitting auto sales at this location is null and void (see condition #9 and #5 of BZA Resolution No. 52-87 attached). You no longer have local land use authorization to sell automobiles at this location and you should immediately remove the sales vehicles from this property. Continued use of this property for auto sales will result in additional citations being issued to you for land use violations. If you have any questions about this matter, you may call me at 268-4421.

Sincerely,

Louise Olivarez  
Assistant Secretary  
Board of Zoning Appeals

Roderick L. Burger  
Page 2

cc: Gregory D. Burger, 6827 Winterberry Circle, Wichita, 67226  
Gordon E. Royse, Route 3 Box 320, Sunrise Beach, MO. 65079  
Monty Robson, Superintendent of C.I.D.  
Joe Donnelly, Zoning Administrator  
Lance Flowers, Inspector, C.I.D.  
Dale Rea, Deputy City Clerk

CENTRAL INSPECTION DIVISION, CITY OF WICHITA

State of Kansas, Sedgwick County, City of Wichita. THE UNDERSIGNED BEING DULY SWORN, SAYS THAT

No. 645

CASE NO.

NAME RODERICK L Burger #B62724

DATE OF BIRTH OR ABOUT DATE & YEAR 3-15-89

CITATION

ADDRESS 7627 E 37th N #1901

RACE White

SEX Male

DATE OF BIRTH 10-0-35

CITY - STATE Wichita ks

TIME 9:25 AM

AT LOCATION 1660 S. Seward

COMPLAINT

WITHIN THE CORPORATE LIMITS OF THE ABOVE NAMED CITY, COUNTY AND STATE DID THEN AND THERE UNLAWFULLY:

SEC. NO.	VIOLATION	SEC. NO.	VIOLATION	SEC. NO.	VIOLATION
301(a) OF THE UBC	FAILED TO OBTAIN A BUILDING PERMIT	302(a) OF THE UBC	FAILED TO CONFORM TO THE APPROVED PLANS	28.04.	BUILD TOO CLOSE TO PROPERTY LINE
304(d) OF THE UBC	FAILED TO CALL FOR A REQUIRED INSPECTION	3305 OF THE UBC	FAILED TO CONFORM TO STAIRWAY REQUIREMENTS	2517-2518 OF THE UBC	FAILED TO CONFORM TO WOOD FRAME CONSTRUCTION REQUIREMENTS
302(b) OF THE UBC	FAILED TO KEEP APPROVED PLANS AT JOB SITE	MISC	DESCRIBE <u>Contrary to 28.04.090</u>		
308 OF THE UBC	PERMITTED OCCUPANCY OF A BUILDING WITHOUT A CERTIFICATE OF OCCUPANCY	MISC	DESCRIBE <u>Doing Body Repair In LC zone</u>		

OF THE UNIFORM BUILDING CODE AS ADOPTED BY REFERENCE AT SECTION 18.04.010 AND/OR OTHER REFERENCED SECTIONS OF THE CODE OF THE CITY OF WICHITA, KANSAS AND THE UNDERSIGNED HEREBY REQUESTS THAT THE ABOVE PERSON BE BROUGHT BEFORE THE MUNICIPAL COURT OF SAID CITY.

SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 19\_\_

Returnable Forthwith

Clerk of Municipal Court, p.1. dep.

Lance Thayer  
(Signature and Identification)

FILED \_\_\_\_\_

KA-418

Clerk of Municipal Court, p.1. dep.

I AGREE TO APPEAR IN SAID COURT WITHIN 10 DAYS

RODERICK L. BURGER

3-15-89

RESOLUTION NO. BZA 52-87

WHEREAS, Gordon E. Royse, Route 3, Box 320, Sunrise Beach, Missouri 65079, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of an automobile sales business on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 8, 9 and 10 Merton Park Addition, Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Seneca and Merton.

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 26, 1988, 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 an automobile sales business on property zoned the "LC" Light Commercial District and 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 an automobile sales business on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 8, 9 and 10 Merton Park Addition, Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Seneca and Merton.

subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. Only those signs as permitted in the "LC" district, including off-site billboards where applicable, shall be permitted on this site.
4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
5. All motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site unless "C" zoning is obtained.
6. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance with the standards established by the Traffic Engineer's office. Parking spaces shall be marked and designated for customers and shall not be used for display of cars for sale or for employee parking.
7. Parking barriers of bumper blocks or posts and chain shall be installed as indicated on the approved site plan to prevent parked cars from encroaching onto public right-of-way.
8. The applicant shall contingently dedicate by separate instrument ten additional feet of right-of-way for Seneca prior to release of this resolution authorizing car sales at this location and within 90 days of approval by the Board or this application shall be considered denied and closed. The contingency shall be the City's need for the right-of-way for any street related purpose.

9. The car sales business shall be established in accordance with all requirements set forth in this resolution within 12 months after approval by the Board or the resolution shall become null and void.
10. No business except a car sales business shall be operated on this site under the conditions of this exception.

ADOPTED AT WICHITA, KANSAS, this 26th day of January, 1988.

*Danny E. Jenkins*  
\_\_\_\_\_  
Danny E. Jenkins, President

ATTEST:

*Jack H. Galbraith*  
\_\_\_\_\_  
Jack H. Galbraith, Secretary

VOID

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: February 18, 1988

TO: Dale Rea, Deputy City Clerk

FROM: Louise Olivarez, Principal Planner

SUBJECT: Recording of contingent dedication associated with case BZA  
52-87. Northeast corner of Seneca and Merton.

FILE COPY

At the January meeting of the Board of Zoning Appeals, case #BZA 52-87 was approved subject to the applicant submitting a document which contingently dedicates ten feet of additional right-of-way for Seneca. The contingency is the need for the right-of-way for street purposes.

The contingent dedication has been submitted. Would you please record this document with the Register of Deeds and bill the recording cost to the Planning Department (755-68-360-50000-295-000-000).

If you have any questions, please call me at 4494.

LO/lw

Attachment

PL/0372/1

February 5, 1988

Gregory D. Burger  
6827 Winterberry Cr.  
Wichita, KS 67226

Re: BZA 52-87 - Exception to permit the establishment of an automobile sales business. Northeast corner of Seneca and Merton.

Dear Mr. Burger:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on January 26, 1988. This Resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files that now the contingent street dedication has been submitted.

Also enclosed is one copy of the approved site plan. If you have questions concerning this matter, please call our office.

Sincerely,

Louise Olivarez  
Assistant Secretary  
Board of Zoning Appeals

LO/lw

Enclosure

cc: Gordon E. Royse, Route 3, Box 320, Sunrise Beach, MO 65079  
Monty Robson, Superintendent of Central Inspection (w/site plan)  
Joe Donnelly, Zoning Administrator (w/site plan)  
Dale Rea, Deputy City Clerk  
PL/0360/1

CONTINGENT DEDICATION

WHEREAS, Gordon E. Royse and Jaquetta J. Royse are the owners of real property described as follows, to-wit:

Lots 8, 9 and 10 Merton Park Addition, Wichita, Sedgwick County, Kansas.

and

WHEREAS, said owners have requested an exception to permit a car sales business on said property in the Light Commercial zoning district; and

WHEREAS, as a condition of approval of said exception (case BZA 52-87), the Wichita Board of Zoning Appeals is requiring the dedication to the public of a portion of said property for street purposes, but said dedication not to occur until the land is needed for street purposes, including paving, excavation, fill, drainage, and other similar street purposes;

NOW, THEREFORE, the owners hereby dedicate to the public for street purposes, the following described property, to-wit:

The west ten (10) feet of Lots 8, 9 and 10 Merton Park Addition, Wichita, Sedgwick County, Kansas,

but the right of the public to use said property shall not occur until road improvements are proposed to be made.

It is the intent of the owners that this contingent dedication shall be a covenant running with the land and shall be binding upon their successors and assigns and all subsequent owners of any part or parcel of said property covered by the dedication.

EXECUTED this 1<sup>st</sup> day of Feb., 1988.

Gordon E. Royse  
Gordon E. Royse  
Jaquetta J. Royse  
Jaquetta J. Royse

STATE OF MISSOURI ss  
COUNTY Morgan

THIS INSTRUMENT was acknowledged before me on Feb 1, 1988 by Gordon E. Royse and Jaquetta J. Royse

Tracy Richards  
Notary Public

TRACY RICHARDS  
NOTARY PUBLIC - STATE OF MISSOURI  
COMMISSIONED IN CAMDEN COUNTY  
COMMISSION EXPIRES: JULY 29 - 1988

My Commission Expires: 7:29 . 88

January 27, 1988

Gregory Burger  
6827 Winterberry Circle  
Wichita, Kansas 67226

Re: BZA 52-87 - Exception to permit the establishment of an  
automobile sales business (Northeast corner of Seneca and Merton)

Dear Mr. Burger:

At the regular meeting of the Board of Zoning Appeals on January 26, 1988, your request for an exception was considered. It was the action of the Board to grant your request subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. Only those signs as permitted in the "LC" district, including off-site billboards where applicable, shall be permitted on this site.
4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
5. All motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site unless "C" zoning is obtained.
6. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance with the standards established by the Traffic Engineer's office. Parking spaces shall be marked and designated for customers and shall not be used for display of cars for sale or for employee parking.
7. Parking barriers of bumper blocks or posts and chain shall be installed as indicated on the approved site plan to prevent parked cars from encroaching onto public right-of-way.

FILE COPY

January 27, 1988

- received  
2-4-88*
8. The applicant shall contingently dedicate by separate instrument ten additional feet of right-of-way for Seneca prior to release of this resolution authorizing car sales at this location and within 90 days of approval by the Board or this application shall be considered denied and closed. The contingency shall be the City's need for the right-of-way for any street related purpose.
  9. The car sales business shall be established in accordance with all requirements set forth in this resolution within 12 months after approval by the Board or the resolution shall become null and void.
  10. No business except a car sales business shall be operated on this site under the conditions of this exception.

The Resolution setting forth the official action of the Board will be released as soon as the contingent dedication is executed and returned to this office.

If you have any questions, please call our office.

Sincerely yours,

Louise Olivarez  
Assistant Secretary  
Board of Zoning Appeals

LO/lw

cc: Gordon E. Royse, Route 3, Box 320, Sunrise Beach, MO 65079  
Monty Robson, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection w/BZA Inspection Sheet  
Dale Rea, Deputy City Clerk

PL/0347/1

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE January 25, 1988

TO Lousie Olivarez, Principal Planner

FROM Shirley Mast, Administrative Aide III



SUBJECT BZA 52-87: Northeast corner of  
Seneca and Merton

On Thursday, January 21, 1988, West River CPO Council 4A considered the captioned case, a request for an exception to permit the establishment of an automobile sales business, on property zoned the "LC" Light Commercial District. Council members were provided the Notice of Public Hearing and the MAPD secretary's report. After discussion, the Council voted 8-0 to recommend that the exception be approved subject to the applicant adhering to the recommendations outlined in the MAPD secretary's report.

The applicant's agent, Gregory Burger, was present to describe the request and respond to questions. No adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 52-87 is considered at the January 26th meeting.

SM:dm

SECRETARY'S REPORT

CASE NUMBER: BZA 52-87

OWNER/APPLICANT/AGENT: Gordon E. Royse (applicant)  
Gregory D. Burger (agent)

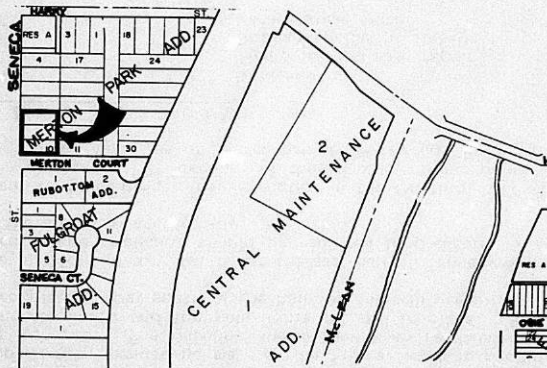
REQUEST: Exception pursuant to Section 28.04.183.2 Code of the City of Wichita to permit the establishment of an automobile sales business

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 190 feet by 160 feet

LOCATION: On the northeast corner of Seneca and Merton (1660 S. Seneca)

PROPOSED USE: Used car lot



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.

BZA 52-87 SR

**BACKGROUND:** The applicant is requesting an exception to permit the establishment of an automobile sales business on three platted lots totaling 30,400 square feet and located at 1660 S. Seneca. The property is the site of a former service station and auto repair garage. It is surrounded by "LC", "C" and "E" zoning and uses except for three duplexes located to the north on "LC"-zoned lots owned by this applicant. One driveway from Seneca is shared by the application area and the duplexes and two other driveways from Seneca serve the application area only. Merton is unpaved with two driveways into the site. The one closest to Seneca will be blocked off to permit the display of cars. The agent who is the contract purchaser has stated he does not want to remove the former pump islands because he may, in the future, want to provide gasoline on site for his vehicles. The gasoline pumps have been removed from the islands but the concrete bases and the pole lights are still in place. A large billboard also occupies the site just south of the building and will remain.

Only 40 feet of right-of-way exists for the east half of Seneca whereas 50 feet is the standard. The applicant should be required to dedicate 10 additional feet and adjust the site plan accordingly.

The applicant is requesting a use exception in the existing "LC" district rather than a zone change to "C" because of the adopted zoning policy which favors "BB" zoning on the east side of Seneca between Harry and Pawnee.

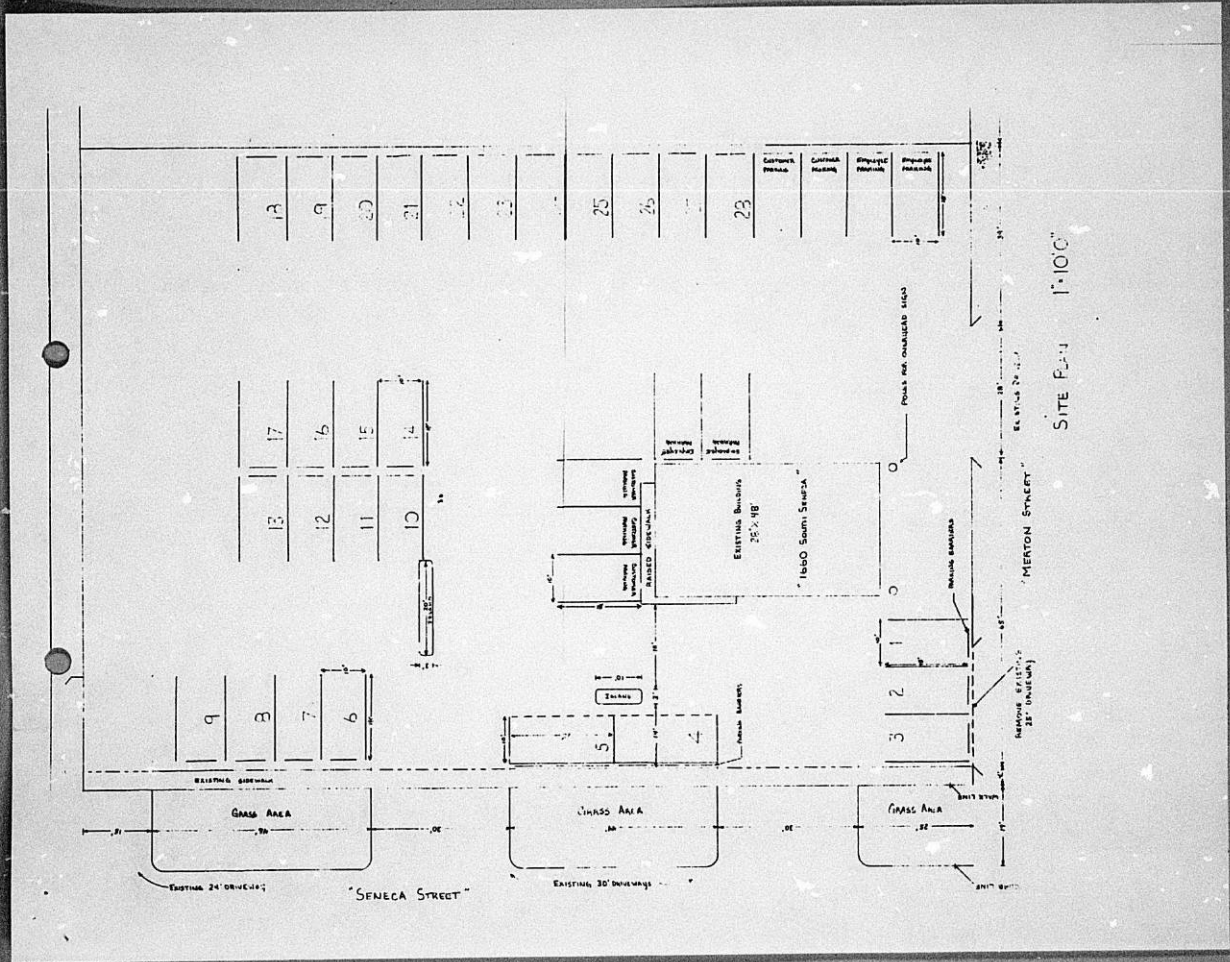
**ADJACENT ZONING AND LAND USE:**

NORTH	LC	Duplexes
SOUTH	C	Tire store and auto repair
EAST	E	Outdoor equipment storage
WEST	LC	Vacant music store

**RECOMMENDATION:** Should the Board determine that a car lot is appropriate at this location, it is recommended that the exception be approved subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. Only those signs as permitted in the "LC" district, including off-site billboards where applicable, shall be permitted on this site.
4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
5. All motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site unless "C" zoning is obtained.
6. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance with the standards established by the Traffic Engineer's office. Parking spaces shall be marked and designated for customers and shall not be used for display of cars for sale or for employee parking.

7. Parking barriers of bumper blocks or posts and chain shall be installed as indicated on the approved site plan to prevent parked cars from encroaching onto public right-of-way.
8. The applicant shall dedicate by separate instrument ten additional feet of right-of-way for Seneca prior to release of this resolution authorizing car sales at this location and within 90 days of approval by the Board or this application shall be considered denied and closed.
9. The car sales business shall be established in accordance with all requirements set forth in this resolution within 12 months after approval by the Board or the resolution shall become null and void.



BZA CASE NO. 52-87

14 LEGAL ADVERTISEMENT SENT TO MAPC & BZA

2 NOTICES SENT TO APPLICANT/AGENT

7 ~~1~~ NOTICES SENT TO ADJOINING PROPERTY OWNERS

5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT ~~1~~ 12/9/87

- 1 NOTICES SENT TO CPO
- 2 NOTICES SENT TO CITY MANAGER & CITY COUNCIL REPRESENTATIVE TO DISTRICT
- 4 NOTICES TO MAPD STAFF  
Jack Galbraith  
Louise Olivarez  
Barbara Harris  
Karen Crook

PL1-0062

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

December 31, 1987

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 52-87

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 Gordon E. Royse requesting an exception.

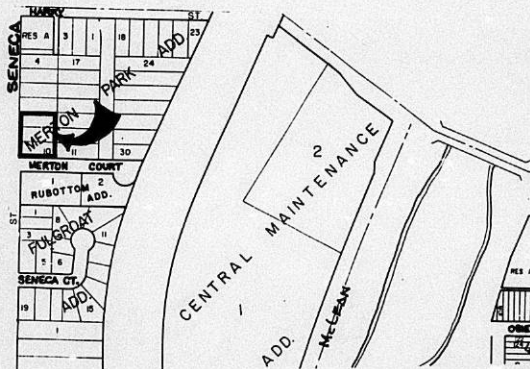
Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of an automobile sales business on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lots 8, 9 and 10 Merton Park Addition, Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Seneca and Merton.

This application has been assigned Case No. BZA 52-87. It will be considered by the Board of Zoning Appeals on Tuesday, January 26, 1988 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 in or objections to 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.

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

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council 4A, West River, will consider this case at their meeting to be held on Thursday, January 21, 1988, at 7 p.m. in Stanley/Aley Community Center, 1749 South Martinson. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



( \_\_\_\_\_ ) Published in The Daily Record, December 31, 1987

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 26th day of January, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.:

1. Case No. BZA 52-87 - Gordon E. Royse, Route 3, Box 320, Sunrise Beach, Missouri 65079, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of an automobile sales business on property zoned the "LC" Light Commercial District and legally described as follows:  
  
Lots 8, 9 and 10 Merton Park Addition, Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Seneca and Merton.
  
2. Case No. BZA 53-87 - 920 Partnership, 443 N. Maize Road, Wichita, Kansas 67212, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 10 feet to 0 feet on property zoned the "LC" Light Commercial District and legally described as follows:  
  
Lot 2, Block 1, Regency Plaza Addition, Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Central and Maize Road.
  
3. Case No. BZA 54-87 - O.L.C. Properties, a partnership, 7310 E. Kellogg, Wichita, Kansas 67206, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of an off-street parking lot for the adjacent medical office building on property zoned the "AA" One-family Dwelling District and legally described as follows:  
  
The north 160 feet of the east 35 feet of Lot 1, Temple Addition to Wichita, Sedgwick County, Kansas, together with that part of Vacated Stratford Street lying east of and adjacent to the north 160 feet of said Lot 1. Generally located between 7011 and 7015 East Central.

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 31st day of December, 1987.

Jack H. Galbraith, Secretary

File by Apr. 27  
For Reg. 1944 26

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 driveways, 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	\$200.00
Exceptions for other uses permitted in residential districts	300.00
Exceptions for uses in all other districts	400.00
For uses on a zoning lot exceeding 3 acres	500.00
A deferral at request of applicant requiring the mailing of new notices or readvertisement	50.00

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 N. Main, Wichita, Kansas.

BOARD OF ZONING APPEAL  
CITY OF WICHITA, KANSAS

CASE NO. \_\_\_\_\_  
FILED \_\_\_\_\_

*SAFECO*

APPLICATION FOR EXCEPTION

I. Name of Applicant (owner)  
Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_  
Name of Authorized Agent X \_\_\_\_\_ (lessee)  
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 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of AN AUTOMOBILE SALES BUSINESS

on property zoned the "LC" Light Commercial  
located on the northeast corner of Seneca and Morton Court  
and legally described as: \_\_\_\_\_

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. 39-285); and that the appropriate fee is herewith tendered;
- c. 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.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.

Applicant owner

Authorized Agent lessee

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
(a.m./p.m.), \_\_\_\_\_, 19\_\_\_\_, together with appropriate  
fee of \_\_\_\_\_.

Signed \_\_\_\_\_

for 1-26-88  
mtg

APPLICATION FOR EXCEPTION

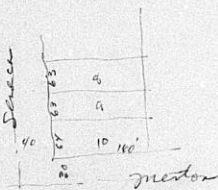
I. Name of Applicant GORDON E ROYSE  
Mailing Address RT 3 Box 320, Sunrise Beach, Mo 65079 (Lessee) Phone 314-324-7461  
Name of Authorized Agent GREGORY D BURGER  
Mailing Address 4827 WINTERBERRY CIRCLE WICHITA, KANSAS 67206 Phone 316-688-1948  
Relationship of applicant to property is that of OWNER  
(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 AW  
AUTOMOBILE SALES BUSINESS

on property zoned THE "LC" LIGHT COMMERCIAL  
located ON THE NORTHEAST CORNER OF BENEA AND MERTON  
and legally described as: LOTS 8, 9, AND 10 MERTON PARK ~~ADDITION~~

in the City of Wichita.  
Size: 190' x 160'

- 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. 39-285); and that the appropriate fee is herewith tendered;
  - c. 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.
  - d. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.



Applicant Gordon E Royse, owner  
Authorized Agent Gregory D. Burger

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
12:15 (a.m./p.m.), 12-23, 1987, together with appropriate  
fee of 400.00.

CPO 4A  
1-21-88

Signed Lennie Olmstead

MAP # 5445D (N) LC (S) C (E) E (W) LC

OWNERSHIP LIST

Lot	Addition	Property Owner
Lot 5	Merton Park Addition	Fred M. Alvey c/o J. P. Weigand & Sons Inc. 150 N. Market Wichita, KS 67202
<i>off location Seneca</i> Lots 6, 7, 8, 9 & 10	"	✓ Gordon E. Royle Jaquetta J. Royle Rt. 3, Box 320 Sunrise Beach, MO 65079
Lots 11, 12, 13, 14, 15 & 16	"	✓ Layne-Western Co. Inc. 1011 W. Harry Wichita, KS 67213
Lots 1 & 2	Rubottom Addition	✓ Allen D. Cross Jr. Charla R. Cross 2418 Rio Vista Wichita, KS 67204
Lot 1	Mapco Addition	✓ Finaserve Inc. 8350 N. Central Expressway Dallas, TX 75206
Lots 23, 25, 27, 29, 31, 33, 35, 37 & 39, Block A	Princess Addition, on Seneca	✓ Francis D. Jabara 35 Hampton Rd. Wichita, KS 67207
Lots 41, 43, 45 & 47, Block A	"	✓ Uhlik Music, Inc. 1645 S. Seneca Wichita, KS 67213

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

lots 9 and 10, Merton Park Addition to Wichita, Kansas, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 23rd day of April, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Mary Kable*  
Sr. Vice-President

Order No. 379117  
nj

*Con't*

UPDATE AND AMEND  
OWNERSHIP LIST #379117

We hereby update and amend Ownership List No. 379117 to the include the property owners within a 200 foot radius of:

Lots 8, 9 and 10, Merton Park Addition to  
Wichita, Kansas, Sedgwick County, Kansas.

on the 23rd day of December, 1987, at 7:00 o'clock A.M., without change except:

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 5		Merton Park Addition	✓ Farmers & Merchants State Bank - Derby 330 E. Madison Derby, KS 67037

Additional Property

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 4		Merton Park Addition	✓ Farmers & Merchants State Bank - Derby 330 E. Madison Derby, KS 67037
Lot 17		"	✓ Layne-Western Co. Inc. 1011 W. Harry Wichita, KS 67213
Lots 17 & 19	Block A	Princess Addition, on Seneca	✓ Donald R. Sebastian Joann G. Sebastian 2227 Greenfield Wichita, KS 67217
Lot 21	Block A	"	Francis D. Jabara 35 Hampton Rd. Wichita, KS 67207

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Mary Stalle*  
Sr. Vice-President

Order No. 389538  
nj

**MICROFILMED**  
 FROM THE BEST  
 AVAILABLE COPY

FORM 29-001      PAYMENT NOTICE  
 City of Wichita

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

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DESCRIPTION	7100	AMOUNT
Exception		

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NAME Greg Burger

ADDRESS \_\_\_\_\_

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FUND	DUE DATE
4076	11/23

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COMMENTS \_\_\_\_\_

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DATE	BY
11/23	BT

\*

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

Roll # 3