

2. Parking spaces shall be striped as indicated on the approved site plan.
3. All vehicle parking, storage, display and circulation areas shall be paved with concrete, asphalt, or asphaltic concrete.
4. Bumper blocks or other approved barriers shall be installed at all parking spaces adjacent to a public street to assure that vehicles do not encroach onto public sidewalk or right-of-way. Specifically, bumper blocks or other approved barriers shall be installed along parking spaces one, three, four and ten as numbered in the site plan.
5. All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lighting shall be permitted.
6. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
7. Only those signs normally permitted in the "LC" zoning district shall be permitted at this site. No string-type banners or pennants shall be permitted.
8. No body or fender work shall be done on the premises without first obtaining "C" commercial district zoning designation.
9. All automotive service or repair work must be conducted entirely within the existing structure.
10. Parking spaces shall be provided for employees and customers as required in City of Wichita Zoning Ordinance, per §§ 28.04.141(3.14), (3.17). Specifically, applicable zoning code sections require seven (7) parking spaces for operation of the automobile service and repair business, and one (1) space for the used automobile sales business. These eight (8) parking spaces shall be reserved for employees and customers, and shall not be used for display or storage of automobiles offered for sale.
11. No more than two (2) automobiles may be offered for sale at this site at any one time, unless an amended application and site plan are submitted and approved by the Board of Zoning Appeals.
12. The used automobile sales business shall be an accessory use to the automobile repair and service business now located on the site, and shall cease operation at such future date as the automobile repair and service business ceases operation.
13. The resolution authorizing used automobile sales at 4615 E. 13th Street may be declared null and void upon a finding by the Board of Zoning Appeals that the applicant has failed to comply with any of the foregoing conditions.

**BOARD OF ZONING APPEALS
WICHITA, KANSAS**

**AGENDA ITEM NO. 3
JUNE 22, 1993**

SECRETARY'S REPORT

CASE NUMBER: BZA 12-93

OWNER/APPLICANT(S): W. A. Michaelis, Jr., 211 N. Broadway, Wichita 67202
Amad Haidar, 4615 E. 13th Street, Wichita 67202

AGENT: Harrold E. Jones, 5210 E. 21st Street, Wichita 67208

REASON FOR REQUEST: Exception to allow used car sales.

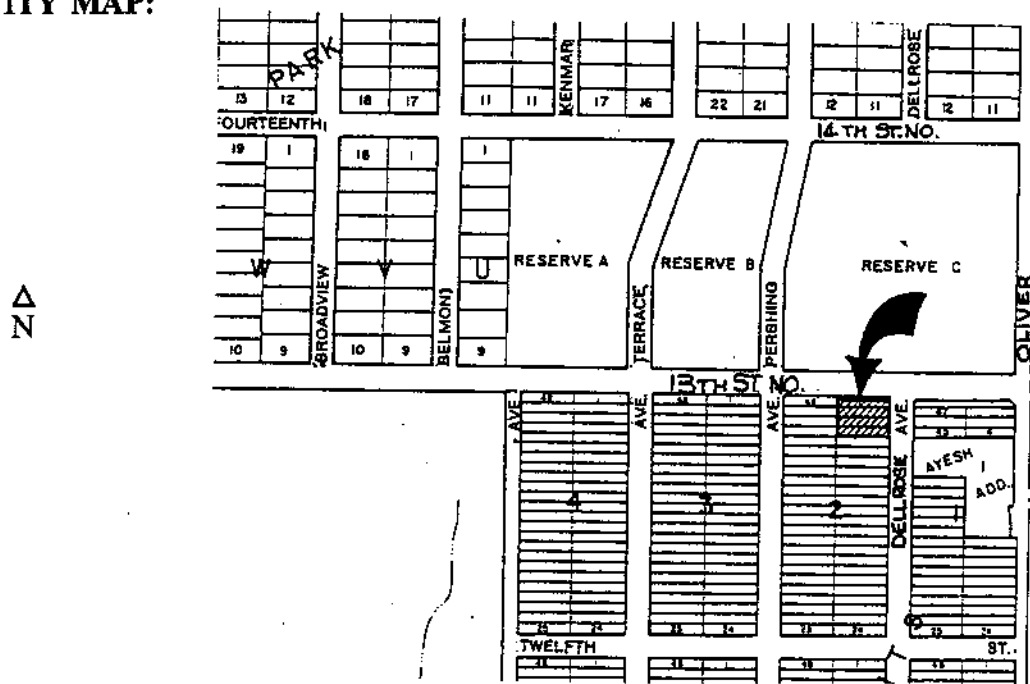
CURRENT ZONING: "LC" Light Commercial

SITE SIZE: 90' x 136'

LOCATION: South of 13th Street North, and west of Oliver.

PROPOSED USE: Used car sales.

VICINITY MAP:



JURISDICTION: The Board of Zoning Appeals has jurisdiction to consider the variance request under the provisions of the City of Wichita Zoning Ordinance, Section ~~2-12.590-B~~ 28.04, 183(2). The Board may grant the request when all five conditions required by State law are satisfied.

BACKGROUND: Applicant W. A. Michaelis, Jr., is the owner and lessor of property situated at 4615 E. 13th Street. Applicant Amad Haidar is lessee of the property, and operating as an automobile service and repair business, known as AUTO MEC CAR SERVICE. Applicants seek the exception to allow him to sell used cars as an accessory business use. The subject property is zoned "LC" Light Commercial, and as such, is not permitted by right to conduct the business of used car sales, but is allowed by special permit, per the City of Wichita Zoning Ordinance, § 28.04.183(2).

The area adjacent to the site is zoned "LC" Light Commercial, with the nearest residential property located two lots south of applicants' property. This site is approximately 90 feet deep and 136 feet wide. However, the south 30 feet (approximately) is bounded by a chain link fence, is not paved, and is not a part of the site plan submitted by applicants being considered for used automobile sales. There is an existing structure on the site, that operates as the garage and repair facility. It is approximately 45 feet long and 26 feet wide, about 1170 square feet in size.

Applicants are required to provide seven parking spaces for operation of the automobile service and repair business, per the City of Wichita Zoning Ordinance, § 28.04.141(3.17), and one space for the used automobile sales business operating out of the same structure, per the City of Wichita Zoning Ordinance, § 28.04.141(3.14). Based on the site plan [attached] submitted by applicants, and approved by the Traffic Engineer, ten spaces have been identified from the north 60 feet of the lot. As a total of eight [of those ten] spaces are required for existing and proposed business uses, only two [of those ten] spaces may be used for used automobile sales.

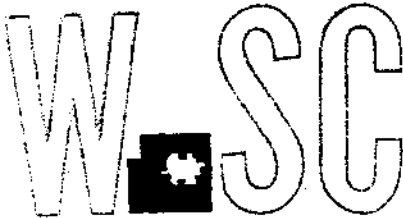
ADJACENT ZONING AND LAND USE:

North: "LC" - Shopping Center
East: "LC" - Retail Food
South: "LC" - Empty Storefront
West: "LC" - Empty Storefront

RECOMMENDATION: Should the Board determine that a used automobile sales lot is appropriate at this location, then it is the recommendation of the Secretary that the exception be granted, subject to the following conditions:

1. Development of this lot for car sales shall be in accordance with the site plan approved by the Board of Zoning Appeals. All required site improvements, as specified below, shall be completed:
 - a. in a satisfactory manner prior to use of this site for used automobile sales, and
 - b. within one year following approval of the use exception by the Board of Zoning Appeals.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

July 1, 1993

Mr. Harrold E. Jones
5210 E. 21st St.
Wichita, KS 67208

Re: BZA 12-93 - Use Exception for used car sales as an accessory use to
an auto repair business located at 4615 E. 13th Street.

Dear Mr. Jones:

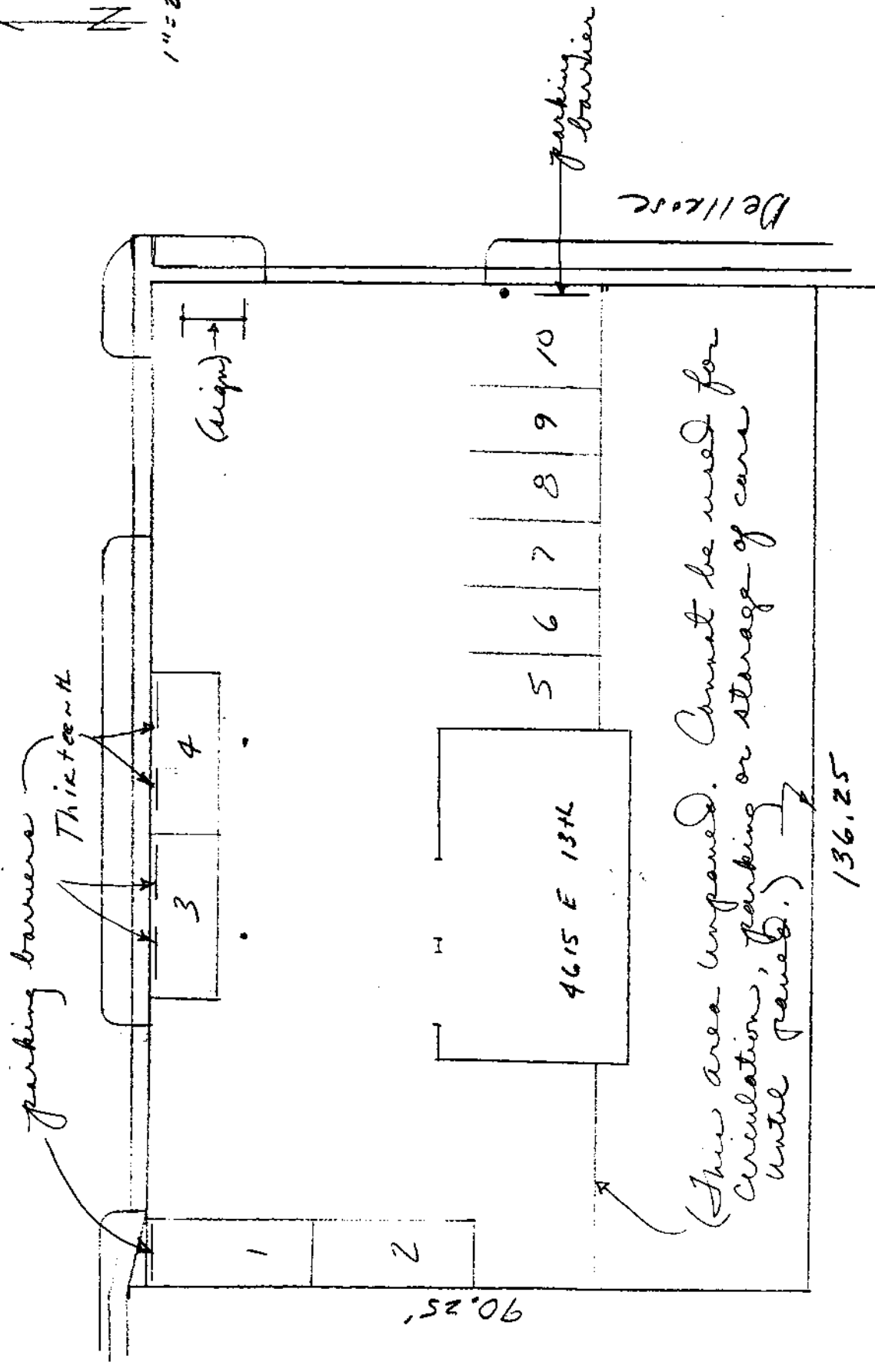
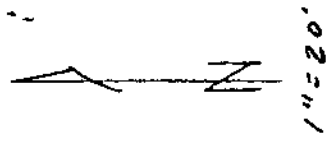
Enclosed is a signed copy of the above-referenced BZA resolution
adopted by the County Board of Zoning Appeals on June 22, 1993. This
resolution reflects the official action of the Board to grant your
request and sets out the conditions of approval. It is forwarded to you
for your information and files now that the necessary signatures have
been obtained.

Sincerely,

Louise Olivarez
Louise Olivarez, Secretary-
Board of Zoning Appeals

LDO/prf
Enclosure

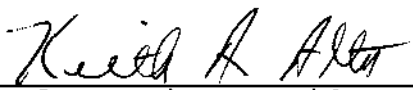
cc: Amad Haidar, 4615 E. 13th, 67202
W.A. Michaelis, Jr., 211 N. Broadway, 67202
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk



Parking & Drives
 OK For BZA
 BZA 12-93
 Approved by BZA 6/22/93
 Lots 1, 2, 3 & 4
 BLK 2 Country Club Heights
 5-19-93

5. All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lighting shall be permitted.
6. No sound projecting devices or loudspeakers shall be used.
7. Only those signs normally permitted in "LC" zoning district shall be permitted at this site. No string-type banners or pennants shall be permitted.
8. No body or fender work shall be done on the premises without first obtaining "C" commercial district zoning designation.
9. All automotive service or repair work must be conducted entirely within the existing structure.
10. Parking spaces shall be provided for employees and customers as required in City of Wichita Zoning Ordinance, per 28.04.141(3.14), (3.17). Specifically, applicable zoning code sections require seven (7) parking spaces for operation of the automobile service and repair business, and one (1) space for the used automobile sales business. These eight (8) parking spaces shall be reserved for employees and customers, and shall not be used for display or storage of automobiles offered for sale.
11. No more than two (2) automobiles may be offered for sale at this site at any one time, unless an amended application and site plan are submitted and approved by the Board of Zoning Appeals.
12. No automobiles for sale shall be elevated in any manner above the parking surface for purposes of display.
13. The used automobile sales business shall be an accessory use to the automobile repair and service business now located on the site, and shall cease operation at such future date as the automobile repair service business ceases operation.
14. The resolution authorizing used automobile sales at 4615 E. 13th Street may be declared null and void upon a finding by the Board of Zoning Appeals that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 22nd day of June, 1993.


Keith Alter, Vice-President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 12-93

WHEREAS, W. A. Michaelis, Jr. and Amad Haidar, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit used car sales as an accessory use to an auto repair business on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, except the north ten feet, and all of Lots
2, 3 and 4, Block 2, Country Club Heights, Sedgwick
County, Kansas (4615 E. 13th).

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 June 22, 1993, 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 car sales on property zoned the "LC" Light Commercial District, subject to the conditions outlined in Section 28.04.183(2), Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this application be approved to permit used car sales as an accessory use to an auto repair business on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, except the north ten feet, and all of Lots
2, 3 and 4, Block 2, Country Club Heights, Sedgwick
County, Kansas (4615 E. 13th).

subject to the following conditions:

1. Development of this lot for car sales shall be in accordance with the site plan approved by the Board of Zoning Appeals. All required site improvements, as specified below, shall be completed:
 - a. in a satisfactory manner prior to use of this site for used automobile sales and,
 - b. within one year following approval of the use exception by the Board of Zoning Appeals.
2. Parking spaces shall be striped as indicated on the approved site plan.
3. All vehicle parking, storage, display and circulation areas shall be paved with concrete, asphalt, or asphaltic concrete.
4. Bumper blocks or other approved barriers shall be installed at all parking spaces adjacent to a public street to assure that vehicles do not encroach onto public sidewalk right-of-way. Specifically, bumper blocks or other approved barriers shall be installed along parking spaces one, three, four and ten as numbered on the site plan.