

CASE NO. 2-48

STATUS SHEET

Board of Appeals Case No. 2-48

204 West 18th Street Premises in Question  
Sisters of the Most Precious Blood Appellant's Name  
Farmers and Bankers Building Appellant's Address  
Same Owner's Name  
Owner's Address

Building or Zoning Application Received by Building Inspector  
March 3, 1948

Decision of Building Inspector  
Refused

Appeal filed with Bond of Zoning Appeals  
March 22, 1948

Hearing notice and receipt  
Mailed March 22, 1948 + May 5, 1948

The variance or exception desired arises from some condition  
which is not uniform in similiar districts

The granting of the permit for the variance will not prejudice  
the rights of adjacent property owners or residents

Adjoining Property Owners Notified  
Mailed March 22, 1948 + May 5, 1948

Protests Received

Consents Received

Prior Cases on These Premises

Case Hearings March 29, 1948 (deferred) + <sup>April 26, 1948</sup> May 12, 1948

Case Decided May 12, 1948 Action of Board Not have jurisdiction

Notice of Decision Sent

Court Cases

Zoning Bd. Case

BUILDING INSPECTION DIVISION

October 26, 1948

Fred Aley, City Attorney

S. B. Maple, Chief Building Inspector

204 West 18th

Some little time ago I was talking to you about the zoning violation at this place, and I stated that to my knowledge the owners have not taken any steps to bring the property into compliance with the zoning ordinance.

This violation is one of long standing and consists of using a building for a dormitory or boarding house in an "RB" district, which is, according to our interpretation of the ordinance, a violation thereof. These people have been notified several times. In fact, one of the notifications was before the property was purchased, and they were then advised that it could not be used for the purpose for which they desired to use it. They also took an appeal from the decision of the Building Inspector to the Board of Zoning Appeals, which upheld the inspector's interpretation of the ordinance.

The property is owned by the Sisters of the Most Precious Blood, who were represented by Jochems, Sargent & Blase. Our dealings were with Rootzel Jochems.

Since there evidently has been no recent effort on the part of the owners, since the denial before the Board of Appeals, to bring this property into compliance with law, it is felt that perhaps it might not be out of the way to ask for a restraining order or something of that nature from the court.

Since the zoning ordinance places the responsibility for the enforcement of the same upon the Building Inspector, I am passing this matter on to you with the request that some action be taken.

S. B. Maple  
Chief Building Inspector

SEM MG  
Cc  
Venerable Mother Ventura  
Sacred Heart College, 3100 McCormick  
City Manager  
Director of Service  
Director of Research

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Sisters of the Most Precious Blood <sup>Owner</sup> Address Farmers & Bankers Bldg.  
To Same Applicant Address \_\_\_\_\_

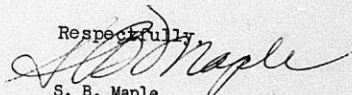
Dear Sir:

Your Application Dated March 3, 1948  
For a Permit for the remodeling  
\_\_\_\_\_ at the premises designated as  
204 West 18th Street

Is hereby refused on this 3rd day of March, 1948,  
Under Section 17, Par. 2 of the Zoning Ordinance.

For the reason that said property lies within the "RB" District, as  
established by said Zoning Ordinance, in which district dormitories are not permitted,  
and that such non-conforming usage of the property was established after the  
enactment of said Zoning Ordinance.

Respectfully,

  
S. B. Maple  
Chief Building Inspector

NOTE: Any appeal from this refusal must be filed with the Board of  
Zoning Appeals (Room 203, City Hall) within ninety (90) days after  
the date of this refusal. For further information, take this notice  
to the Planning Department, Room 203, City Hall.

Filed March 27 1948

## APPEAL UNDER THE ZONING ORDINANCE

TO THE BOARD OF ZONING APPEALS  
Room 304, City Hall  
Wichita, Kansas

The undersigned, Roetzel Jochems, as attorney for <sup>owner</sup>, hereby appeals from the decision of the Building Inspector wherein a Building Permit <sup>remodelling by installation of a fire escape at 204 W. Eighteenth Street, the ground of the refusal being the</sup> Is Refused For <sup>fact that the property, used as a dormitory for girl junior college students, lies within the "RB" district, a non-conforming use established after the enactment of the Zoning Ordinance.</sup>

~~under no objection has been received because~~ The ground of this appeal is for relief from unnecessary hardship occasioned by a strict application of the Zoning Ordinance, as fully set forth in the attached statement.

The Plans, application, and all data heretofore filed with said Building Inspector are attached hereto and made a part of this appeal.

I have not made a previous application or appeal under the Zoning Ordinance affecting these premises.

I hereby declare that all the statements contained in all of the information transmitted herewith are true.

Roetzel Jochems  
Appellant.

## NAMES AND ADDRESSES

Appellant	<u>Roetzel Jochems</u>	Address	<u>305 Farmers &amp; Bankers Life Bldg.,</u>
Sisters Adorers of the Most Precious Blood		Address	<u>3100 McCormick</u>
Owner of Wichita, Kansas, a Kansas Corporation		Address	<u>3100 McCormick</u>
Lessee	<u>Sacred Heart College &amp; Academy</u>	Address	<u>3100 McCormick</u>

## INSTRUCTIONS

1. This appeal must be typewritten and filed within ninety (90) days after the date of the decision of the Building Inspector from which this appeal is taken.
2. The appellant must file an explicit Typewritten statement setting forth:
  - (a) The principal points on which this appeal is made. These points shall be the same as those under which the Building Inspector issued a refusal, order, or decision.
  - (b) A clear and accurate description of proposed work or use.
  - (c) Specific reference to that Section of the Zoning Ordinance under which it is claimed permit should be issued.
  - (d) Names and addresses of all owners and residents within a distance of 200 feet of the property concerned.

TO THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA:

The appellant in this case is Roetzel Jochems, attorney for the owner.

The property owner is a Kansas corporation as the legal entity of an order of Catholic sisters known as the Sisters Adorers of the Most Precious Blood. For a great many years these sisters have maintained their convent at the southwest edge of this city, 3100 McCormick--the old St. John's Academy property. A few years ago, this institution became known as Sacred Heart College and Academy, and the school is maintained for girls of high school and junior college classes.

The dormitory facilities at 3100 McCormick having long since become inadequate owing to increased enrollment, the sisters decided in the summer of 1946 to endeavor to acquire off-campus facilities instead of attempting to build new quarters. On this account, they purchased the subject property.

The property is the former residence of Mr. W. E. Holmes, and was built by Mr. Clapp. It is as completely fireproof as any structure with wood floors and doors could possibly be. Erected in 1918 at a cost of between 50 and 60 thousand dollars, it could not today be duplicated for anywhere near that amount.

It consists of three full stories and a full basement, concrete, brick and tile throughout except for floors and doors.

It is ideally suited for its present use, despite its distance from the school.

By the same token, on account of its quality, size and condition, it is sadly out of place in its block, which is zoned "RB" for 4-family use. The non-conforming use consists in the employment of the building for dormitory purposes. It houses 33 junior college girls and 4 sisters.

Though this property is now exempt from regular taxation on account of the nature of its ownership, prior to its present ownership it was assessed at \$13,500, as contrasted with an assessed valuation of \$3,500.00 for the next higher property in the block.

Appellant alleges that the three jurisdictional grounds set out in Section 33 of the Zoning Ordinance are present by reason of the foregoing facts and that this Board may and should grant the relief sought by appellant, namely, a reversal of the decision of the Building Inspector refusing the owner a permit to erect a fire escape, and such variance or exception from the strict application as to the Board may seem proper.

W. D. JOCHEMS  
J. WIRTH SARGENT  
EMMET A. BLAES  
ROETZEL JOCHEMS  
ROBERT O. BRADEN

JOCHEMS, SARGENT & BLAES  
ATTORNEYS AT LAW  
305 FARMERS & BANKERS LIFE BUILDING  
WICHITA, KANSAS  
2

PHONE 2-8448

21 April 1948

In re: Appeal of The Sisters of the Most Precious  
Blood

Mr. David Rowlands  
City Building  
Wichita, Kansas

Dear Mr. Rowlands:

Enclosed is a copy of the argument and brief which  
I have submitted by mail to the members of the  
Board of Zoning Appeals of the City of Wichita.

Very truly yours,

JOCHEMS, SARGENT & BLAES

By

*Roetzel Jochems*  
Roetzel Jochems

RJ:wr  
Enc.

BEFORE THE BOARD OF ZONING APPEALS  
OF THE CITY OF WICHITA

In the matter of the appeal of )  
 )  
THE SISTERS OF THE MOST PRECIOUS BLOOD ) Case No. 2-48  
OF WICHITA, KANSAS, a Kansas Corporation, )  
 )  
Appellant )  
 )  
\_\_\_\_\_ )

SUPPLEMENTAL ARGUMENT AND BRIEF OF APPELLANT

This matter was presented to the Board at its regular hearing held March 29, 1948, at which time by action of the Board, the matter was taken under advisement with an indication that an opinion would be solicited from the office of the City Attorney.

The appellant hereby takes the liberty of filing with the members of the Board an argument supplementary to that already submitted on March 29, supported by a brief of authorities on the general subject of the jurisdiction and powers of this Board.

The building permit which was refused was for the erection of a fire escape, an alteration which would necessarily be approved concerning any property which complied with use and occupancy regulations. The action of the building inspector in refusing the permit was one in which that officer had no discretion, by reason of the requirements of Section 30 of the zoning ordinance.

It is the contention of the appellant that the four jurisdictional requirements established by Section 33 of this ordinance are had in this case. Appellant feels that Condition No. 1 relating to non-uniformity is satisfied by the unusual nature of the property in question located in a block where non-conforming uses are already in existence. (Note the boarding and lodging house immediately North of the appellant's property).

Conditions 2, 3 and 4 are met as evidenced by the fact that no neighboring owners have indicated any objections, and that there is no question as to the hardship feature.

Your Board is what is known as "Board of Adjustment" under the Department of Commerce standard zoning act, and where the word "board" is used in the following quotations, it is employed in referring to a Board of the character of yours.

"In applying the regulations, the administrative officers are required to observe a uniform course where the conditions are uniform, and thus treat all property alike. Where the conditions of certain property are such in the opinion of the board that to apply the prescribed rules of law would work injustice to the property owner, or would be impracticable, the board may originate special rules to be applied with the limitation that they must conform to the intent or purpose of the zoning law. In every such case the change or exception required would be the rule of action, not initiated and expressed in exact terms by the legislative body, either state or city, but by an administrative board acting not as its agent, but as a board of officers belonging to the executive branch. Every change or exception governed by the board rules would depend, to be sure, upon the circumstances of the individual case.

"This is the governmental method of continental European cities and the cities of the British Isles, where for the most part the general laws empower the local authorities to do named things, but do not exact uniformity of action as to any particular set of functions by precise rules."

3 McQuillin Municipal Corporations, 2d Ed., Sec. 1050, p. 523.

"The discretion conferred upon this board is by its very nature more elastic than the written provisions of the law relating to the laying out of zones and regulating the uses of real estate and the kinds of structures and methods of building and maintaining them therein can possibly be. When a zoning law says that those charged with the duty of prescribing the zones and regulations shall do so and so, or shall not do such and such, it withholds from them any leeway. It treats all property alike where the surrounding conditions are the same or substantially the same. It establishes a uniform rule. The legislative department thus states the conditions under which, in the discretion vested in it by the Constitution, regulations, restrictions and prohibitions as to the use of property may be imposed. This is in keeping with the division of governmental powers into legislative, executive and judicial, and also with our theory of "a government of laws, not of men." But as a fact it is realized that the conditions of all real estate relating to zoning in any old and largely built up city are not, nor can they be, the same or even so substantially. These conditions may vary in the same district or zone. How, then, can all property affected be treated alike and thus mete out substantial justice to all owners? Where conditions widely differ, to treat all of the property owners alike would mean injustice to some. The creation of the board, and investing it with discretionary powers to make changes and special exceptions to the terms of the law "in harmony with its general purpose and intent and in accordance with general or specific rules therein contained" means that when diversities in conditions exist, all property is not to be dealt with alike. Property surrounded by peculiar or exceptional conditions need not, if the board so determines, be made subject to the uniform rules laid down by the hard and fast provisions of the law. The board is vested with broad discretionary powers. It not only acts as an administrative body in applying the uniform rules of law when the conditions prescribed therein are found to exist, but is given power also to make changes therein and exceptions thereto when the conditions surrounding given property are different from any that could have been anticipated by the lawmakers. In such case the restrictions specified in the rigid law are not to prevail, but such as the board, after investigation of the relevant facts, determines should be applied to the end that the law as designed may be carried out fairly and justice be done, as near as possible, to all property thereby affected."

ibid, page 527.

Appeal of Floersheim, 348 Pa. 98, 34 A. (2d) 68, it was held that the action of a board of adjustment in permitting occupancy of a dwelling as a synagogue and a residence for the rabbi was not shown to be arbitrary, capricious and unreasonable.

In White vs Board of Adjustment of City of Birmingham, 245, Ala. 48, 15 So. (2d) 585, the court stated: "One of the principal purposes of the board of adjustment is to apply the discretion of experts to exceptional instances where permits are desired, not strictly conforming to the regulations provided in the ordinance."

In Lea vs Board of Adjustment of City of Rocky Mount, 226 N. C. 107, 37 S. E. (2d) 128, the court pointed out that a building inspector is a purely administrative agent, and that in issuing building permits, he must follow literal provisions of zoning regulations. On the other hand, the board of adjustment was authorized and created so that an applicant who thinks he requires some amelioration of the strict letter of the law may have a forum in which he may be heard.

In Griggs vs City of Paterson, 132 N. J. L. 145, 39 A. (2d) 231, a variance was allowed to permit the operation of a funeral home in a residential zone.

In Oklahoma City vs Harris, 191 Okla. 125, 126 P. (2d) 988, it was held that where literal enforcement of a zoning ordinance would result in unnecessary hardship, the board of

adjustment may vary the application of the ordinance in a particular case, so that substantial justice may be done, in such a manner and to such an extent as will not be contrary to the spirit of the ordinance or the public interest.

In Thomas vs Board of Standards and Appeals of City of New York, 268 App. Div. 352, 33 N. Y. S. (2d) 219, it was held that the standard for granting a variance is sufficient which requires that each variance shall be designed to promote the public health, safety and general welfare and that the board in granting a variance shall give reasonable consideration to the character of the district, its peculiar uses, the conservation of property values, and the direction of building development in accord with a well-considered plan.

Appellant respectfully asks this Board to give careful consideration to this appeal, and to make, if possible, a personal inspection of the property in question, and study the character of its neighborhood, and to base its decision upon the liberal interpretation of its jurisdiction in line with the broad and progressive spirit indicated by the foregoing authorities.

Respectfully submitted,

*Rochel Joehans*

Rochel Joehans,  
Attorney for The Sisters of the Most Precious Blood

THE CITY OF WICHITA

OFFICE OF Planning and Research DATE April 7, 1948

TO Fred W. Aley, City Attorney

FROM David D. Rowlands, Planning and Research Assistant

SUBJECT Board of Zoning Appeals  
Case No. 2-48

At the meeting of the Board of Zoning Appeals held March 29, 1948, Case No. 2-48 was heard by the Board of Zoning Appeals on which no decision was rendered.

As you probably know, the Board cannot assume jurisdiction to grant an exception or variance from the strict application of the provisions of the zoning ordinance unless it first finds that the following conditions are present:

1. That the exception or variance desired arises from some condition which is not uniform in similar districts.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the exception or variance desired is not against the public interest.

First class cities in the State of Kansas are empowered to create Boards of Zoning Appeals by virtue of a statute passed in 1939 which may be reviewed in the 1945 Supplement to G.S. of Kansas 1935, Section 12-714 and 715. The provision in Wichita's zoning ordinance, namely Section 33, which creates the Board of Zoning Appeals was developed in conformance with the authority granted by the statute.

This controversial case involves an appeal by the Sisters of the Most Precious Blood relating to the premises located at 204 West Eighteenth Street. This property was purchased for dormitory purposes for the institution known as the Sacred Heart College and Academy. Thirty-three junior college girls and four Catholic Sisters are now housed in this structure which is located in an "RB" or four-family dwelling district, and which therefore makes the use of this property for a dormitory an illegality.

Some discussion arose as to the merit of changing the zoning from an "RB" to a "B" or multiple-family use, thereby permitting the

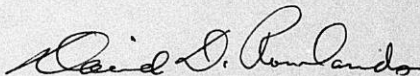
Page 2 - Fred W. Aley  
April 7, 1948

operation of this dormitory in the proper zone. However, it was pointed out by one of the members of the Board that the City Planning Commission would probably not deem it advisable to spot zone this particular property for the accommodation of one organization, and that it was his opinion that the general character of the neighborhood did not justify the establishment of a "B" use district at this location.

Under the zoning ordinance, public schools, elementary schools, high schools, and private schools having a curriculum equivalent to and substantially the same as that of a public elementary school or public high school are permitted in any zone of the city. Inasmuch as this dormitory is an essential adjunct to the school since accommodations of one type or another are necessary to house out of town students, the proposition was entertained by some members of the Board that this dormitory might conceivably be considered a part of the school, thereby acquiring the status of a legitimate operation. If this interpretation were placed on this matter, then it is quite possible that condition one, namely, "that the exception or variance desired arises from some condition which is not uniform in similar districts" would be present in this instance. In brief, it was pointed out that this dormitory building would be permitted in this neighborhood if the academy itself were located at these premises. Other members of the Board did not agree with this conclusion.

The Board then by motion referred this appeal to the Legal Department for its interpretation and opinion. Attached herewith is the folder obtaining all of the data on this case identified as No. 2-48.

An opinion on this matter by Wednesday, April 21, would be appreciated.



David D. Rowlands  
Planning and Research  
Assistant

DDR:la  
CC: Lawrence Curfman  
E. N. Smith

List of owners within 200 ft of: Lots 1-3-5-7-9-11, Blk 2 & all Res A adj sd Lots on West, Fairview Addn, E 4.68 ft Res B, Carey Park Addn lying East of Lots 46-48, Blk 1, Carey Park Also Res B, Carey Park Addn lying East of Lots 38-40-42 & 44, Blk 1, Carey Park Addn

Lots 1-3-5-7-9 & 11, Blk 2 & all of Res A adj. said lots on West, in Fairview Addn., East 4.68 ft. Res B, Carey Park lying East of Lots 46 & 48, Blk 1, Carey Park, Also Res B, Carey Park Addn lying East of Lots 38-40-42-44, Block 1, Carey Park Addn ✓ The Sisters of the Most Precious Blood

Lots 13 & 15 & that part of Res A adj on West, in Blk 2, Fairview Addn

James H. & Luella M. Rhoades<sup>2</sup>

Lots 17 & 19, Blk 2, Fairview

✓ Ray W. & Margaret B. Clark  
1921 Wellington Pl.

That part of Res A, adj Lots 17 & 19, on West Block 2, Fairview Addn

H. L. McClaran<sup>2</sup>

Lots 21 & 23, Blk 2, Fairview Addn

A. C. Mallnow<sup>2</sup>

That part of Res A adj Lots 21 & 23 on West, Blk 2, Fairview Addn

✓ Clapp Investing Corp.  
301 N. Main

Lots 25 & 27, Blk 2, Fairview Addn

✓ Sam. M. Tambling  
1933 Wellington Pl.

Res A, adj Lots 25 & 27, Blk 2 on West, Fairview Addn

Sam Tambling

West 100 ft Lots 1-3-5-7, Blk 4 Fairview Addn

✓ L. A. & Wade H. Barnfield 1126 N. St. FRANCIS

East 40 ft Lots 1-3-5-7, Blk 4 Fairview Addn

✓ L. H. Quilliam  
1904 WELLINGTON PL.

Lots 9 & 11-13- & 15, Blk 4 Fairview Addn

✓ Carrie B. Pennock  
1912 Wellington

Lots 17 & 19, Blk 4, Fairview Addn

✓ Elmer & Gurtha C. O'Bryan 3022 SWELTON

Lots 21 & 23, " "

✓ W. L. Morris  
121 N. Mt.

Lots 25 & 27, " "

✓ J. W. & May N. Garrott  
3502 E. 2d

Lots 41-43-45-47, Blk 3, Fairview Addn

✓ E. J. Nodurfth  
1844 Wellington

Lot 39, Blk 3, Fairview Addn

Lucile Nodurfth  
1844

Lot 37 " "

✓ Getto & Florence McDonald 1838 Wellington

Lots 37-39-41-43-45-47 & that part  
of Res A, adj on West, Blk 1,  
Fairview Addn

Lots 46 & 48, Blk 1, Carey Park Addn  
& West 3.32 ft Res B, on East

Lots 42 & 44, Blk 1, Carey Park Addn

Lots 38 & 40 " "

Lots 34 & 36, " "

Lots 30-32, " "

Lots 28 & 26, " "

Lots 22 & 24, " "

N 300 ft & S 450 ft of Res. B, Blk 1,  
Carey Park Addn

Lots 45 & 47, Blk 2, Carey Park Addn

Lots 41 & 43, Blk 2, Carey Park Addn

Lots 37 & 39, " "

Lots 33 & 35, " "

Lots 29 & 31, " "

Lots 25 & 27, " "

Lots 21 & 23, " "

East 40 ft Lots 50 to 60 even Blk 8  
& that part of Res A adj on East,  
Carey Park Addn

West 94 ft Lots 50-52-54-56, Blk 8,  
Carey Park Addn

West 94 ft of Lots 58 & 60, Blk 8,  
Carey Park Addn

Lots 49 & 51, Block 7, Carey Park Addn

Lots 53 & 55, Blk 7, Carey Park Addn

Lots 57 & 59, Block 7, Carey Park Addn

THE MIDLAND ABSTRACT COMPANY hereby certifies: That the foregoing is a true and correct list of the owners of the various lots and/or tracts lying within a radius of 200 feet from Lots 1-3-5-7-9-11, Blk 2 & all Res A adj. sd lots on West, Fairview Addn E 4.68 ft Res B, Carey Park Addn lying East of Lots 46-48, Blk 1, Carey Park Also Res B, Carey Park Addn lying East of Lots 38-40-42-44, Blk 1, Carey Park Addn as shown by the deed records in the office of the Register of Deeds of Sedgwick County, Kansas, on this date.

Witness our hand and seal this 16 day of February, 1948, at 7:00 o'clock  
A. M.

THE MIDLAND ABSTRACT COMPANY

By

✓ Bertha Stackman Gouldner  
1845 Wellington

✓ Levi & Beulah Armstrong  
1901 FAIRVIEW

✓ John H. Booth  
1908 "

Marie Cole  
? NOT LISTED

✓ Lawrence A. & Eileen C.  
Karcher 1916 FAIRVIEW

✓ Bridget M. Egan  
1920 FAIRVIEW

✓ Walter R. & Iva L.  
Plush 1924 F

✓ C. W. & Marie I. Givens  
2051 F

✓ J. H. Seidl  
2012 N. BROADWAY

✓ O. G. & Lauretta B.  
Sanders 1903 F

✓ William A. & Zola Zahourek  
1006 MAPLE

✓ Hazel Ruick 1913 F

✓ Phillip J. & Pearl Schafer  
1912 F

✓ Venus F. & Claude C. Hale  
1929 F

✓ Cordis E. Vice, Jr & Helen  
M. Vice 111 W. 12th

✓ Ernest N. & Kathryn Landwehr  
139 S. GLENN

Bertha Stackman Gouldner

✓ William David Halfhill  
1856 FAIRVIEW

✓ Price W. & Cecil B. Fugit  
757 GREENWOOD

✓ Harold & Mida Fry  
1912 MECHAN

✓ James A. Miller  
401 N. CHAUTAUQUA

✓ Joe W. & Ethel Foster  
1249 S. TROPIC

Order No. 61282  
(GES)

President

## BOARD OF ZONING APPEALS

Case No. 2-48

Filed \_\_\_\_\_, 19\_\_\_\_

## APPEAL UNDER THE ZONING ORDINANCE

TO THE BOARD OF ZONING APPEALS  
Room 304, City Hall  
Wichita, Kansas

The undersigned, Roetzel Jochems, as attorney for/ owner, hereby appeals from the decision of the Building Inspector wherein a Building Permit <sup>remodelling by installation of a fire escape at 204 W. Eighteenth Street, the ground of the refusal being the</sup> fact that the ~~property~~ <sup>property, used as a dormitory for girl junior college students,</sup> lies within the "RB" district, a non-conforming use established after the enactment of the Zoning Ordinance. ~~OK~~

~~ORDER OF DECISION RENDERED BECAUSE~~ The ground of this appeal is for relief from unnecessary hardship occasioned by a strict application of the Zoning Ordinance, as fully set forth in the attached statement.

The Plans, application, and all data heretofore filed with said Building Inspector are attached hereto and made a part of this appeal.

I have not made a previous application or appeal under the Zoning Ordinance affecting these premises.

I hereby declare that all the statements contained in all of the information transmitted herewith are true.

\_\_\_\_\_  
Appellant.

## NAMES AND ADDRESSES

Appellant	Roetzel Jochems	Address	305 Farmers & Bankers Life Bldg.,
Sisters	Adorers of the Most Precious Blood	Address	3100 McCormick
Owner	of Wichita, Kansas, a Kansas	Address	3100 McCormick
Lessee	Sacred Heart College & Academy	Address	3100 McCormick

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Appellant alleges that the three jurisdictional grounds set out in Section 33 of the Zoning Ordinance are present by reason of the foregoing facts and that this Board may and should grant the relief sought by appellant, namely, a reversal of the decision of the Building Inspector refusing the owner a permit to erect a fire escape, and such variance or exception from the strict application as to the Board may seem proper.

**RECEIPT FOR REGISTERED ARTICLE No. 3723**

Fee paid, 1st class postage paid, 3-22, 1948

Declared value, \$ 10.00 Surcharges paid, \$ 0.00

From City of Wichita, Kansas

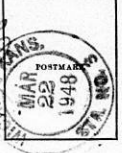
Addressed to Hester & Sons, Inc., 1000 Broadway, Wichita, Kansas

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee 10 Special delivery fee 10

Delivery restricted to addressee 10 Postmaster, per 10

\*\*\* 16-12066



**RECEIPT FOR REGISTERED ARTICLE No. 3788**

Fee paid, 1st class postage paid, 3-22, 1948

Declared value, \$ 10.00 Surcharges paid, \$ 0.00

From City of Wichita

Addressed to Hester & Sons, Inc., 1000 Broadway, Wichita, Kansas

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