

CASE NO. 4-48

S T A T U S   S H E E T

Board of Appeals Case No. 4-48

1302-16 Stackman Drive, 701-15 and 717-31 Buffum Premises in Question

James C. Wilson Appellant's Name

708 Litchfield Appellant's Address

same Owner's Name

Owner's Address

Building or Zoning Application Received by Building Inspector  
March 10, 1948

Decision of Building Inspector  
Refused

Appeal filed with Bond of Zoning Appeals  
March 23, 1948

Hearing notice and receipt  
Mailed March 23, 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 23, 1948

Protests Received

Consents Received

Prior Cases on These Premises

Case Hearings March 29, 1948

Case Decided March 29, 1948 Action of Board Not assume  
jurisdiction

Notice of Decision Sent

Court Cases

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To James C. Wilson Owner Address 709  
808 Litchfield  
To Same Applicant Address \_\_\_\_\_

Dear Sir:

Your Application Dated March 10, 1948  
For a Permit for the erection of three apartment houses  
\_\_\_\_\_ at the premises designated as  
1302-16 Stackman Drive, 701-15 and 717-31 Buffum,

Is hereby refused on this 10th day of March, 19 48,  
Under Section 18, paragraph 5 of the Zoning Ordinance.

For the reason that the front yard set-back would not be sufficient to comply  
with the requirements of said ordinance.

Respectfully,

*S. B. Maple*  
Chief Building Inspector

NOTE: Any appeal from this refusal must be filed with the Board of Zoning Appeals (Room 304, City Hall) within ninety (90) days after the date of this refusal. For further information, take this notice to the Planning Department, Room 304, City Hall.

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
20	Faulkner	Stackmans Replat of part of Stackman's 2nd Addn	✓ Stackman Building & Investment Co. <i>838 W. Lorraine</i>
22	"	"	"
24	"	"	"
26	"	"	"
28	"	"	"
30	"	"	✓ Bertha Stackman Gouldner <i>1545 Wellington Place</i>
32	"	"	"
34	"	"	"
Block A (lying W of E line of 20' alley running N & S thru said block) "			
			✓ Rancho Palomino Hotels, Inc. <i>701 Killefield</i>
2	Faulkner	Riverside	✓ Curtis A. Whitney <i>804 Faulkner</i>
4	"	"	"
6	"	"	✓ Charles C. & E. Shirley Tilford <i>806 Faulkner</i>
8	"	"	"
10	"	"	✓ Bertha L. Gibney
12	"	"	" <i>808 Faulkner</i>
1	Buffum	"	✓ Russell H. Fenn, Sr. & Burnice Maude Fenn <i>801 Buffum</i>
3	"	"	"
5	"	"	✓ Marguerite Young <i>807 Buffum</i>
7	"	"	"
9	"	"	✓ Richard & Emma E. Parsons <i>809 Buffum</i>
11	"	"	"
A	"	"	✓ Mayme J. Merry
B (S $\frac{1}{2}$ )	"	"	" <i>806 Buffum</i>
B (N $\frac{1}{2}$ )	"	"	✓ A. Herman Smith (Life estate in Rheta W. Smith) <i>805 Buffum</i>
2	"	"	" <i>808 Buffum</i>
4	"	"	✓ Frank E. & Hazel B. Kenagy
6	"	"	" <i>810 Buffum</i>

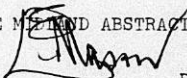
<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
8	Buffum	Riverside	✓ Ulysses L. Shelton
10	"	"	" 812 Buffum
100	Murdock (Park)	"	✓ James Murry
102	"	"	" ? 1626 W Murdock
104	"	"	"
106	"	"	✓ Guy T. Schantz
108	"	"	" 1215 West Murdock

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 East half, Block A, in Stackman's Replat of Part of Stackman's Second Addition to Wichita, Kansas, 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 March, 1948, at 7:00 o'clock A. M.

THE MIDLAND ABSTRACT COMPANY

By



President

Order No. 61711  
(GES)

BOARD OF ZONING APPEALS

Case No. 4-48  
Filed March 23 1948

APPEAL UNDER THE ZONING ORDINANCE

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

The undersigned, James C. Wilson, hereby appeals from the decision of the Building Inspector wherein a Building Permit is Refused for the construction of three apartment buildings of eight units each, or a total of twenty-four units upon the property described as the

East Half ( $\frac{1}{2}$ ) of Block A  
in Stackmans Replat of part of  
Stackman's 2nd Addition to Wichita,  
Sedgwick County, Kansas

OR

from the order or decision rendered because the appellant herein, James C. Wilson, submits that the Board of Zoning Appeals should grant an exception and variance from the strict application of the provisions of the Revised Zoning Ordinance of the City of Wichita, Kansas, for the following reasons:

1. That the exception or variance desired by the applicant arises from the facts and conditions which exist with reference to the above property which are not uniform in similar districts for the reason that said tract of land is an odd shaped tract in the nature of a half moon; is vacant property at the present time; is difficult to construct apartment houses thereon in strict compliance with the Revised Zoning Ordinance of the City of Wichita, Kansas by having a setback from Buffum Avenue of twenty feet as required by said Ordinance.
2. That the granting of the permit for the variance from the 20 foot setback, permitting the appellant to have a ten foot setback from Buffum Avenue will not adversely affect the rights of adjacent property owners or residents, as it will not shut off the view to any other buildings or improvements, and will not shut off the view to traffic on Buffum Avenue, which is not a main travelled street in the city of Wichita, and if the variance is granted and the improvements constructed, it will give increased tax valuation to the city of Wichita, as the property is now vacant and yields very little tax revenue to the city of Wichita, and in the opinion of this appellant will enhance the value of other property in the area.

3. That the strict application of the terms of said Zoning Ordinance by compelling a twenty foot setback of said improvements on said Buffum Avenue will constitute an unnecessary hardship on the appellant, who owns the East Half (E½) of said Block A above described in that he will be unable to construct said apartment houses so as to permit for adequate space in the rear for the parking of cars by people occupying said apartments when they are constructed and completed. That if the variance is granted it will enable this appellant to construct said improvements so as to leave adequate space in the rear for the parking of cars owned by the occupants thereof and thereby reduce to a minimum the necessity of the occupants of said apartments parking their cars in the street, which will hinder and delay traffic.

4. That the exception or variance desired is not against the public interest in that it will not block the vision of traffic on Buffum Avenue, it will reduce to a minimum as above stated the necessity of occupants parking cars in the street, and will put vacant property located in the city of Wichita in a useable condition.

This appeal for a grant of exception and variance of the strict application of the Revised Zoning Ordinance of the city of Wichita is made pursuant to Section 33 thereof.

The names and addresses of all owners and residents within a distance of 200 feet of the property concerned are as follows:

Name of Owner	Address
Stackman Building & Investment Co. -	838 N. Lorraine Ave., Wichita, Ks.
Bertha Stackman Gouldner -	1845 Wellington Place, Wichita, Ks.
Rancho Palomino Hotels, Inc. -	701 Litchfield, Wichita, Kansas
Curtis A. Whitney -	804 Faulkner Ave., Wichita, Ks.
Charles C. and E. Shirley Tilford -	806 Faulkner Ave., Wichita, Ks.
Bertha L. Gibney -	808 Faulkner Ave., Wichita, Ks.
Russell H. Fenn, Sr. and	
Burnice Maude Fenn -	801 Buffum Ave., Wichita, Ks.
Marguerite Young -	807 Buffum Ave., Wichita, Ks.
Richard & Emma E. Parsons -	809 Buffum Ave., Wichita, Ks.
Mayme J. Merry -	806 Buffum Ave., Wichita, Ks.
A. Herman Smith - Life Estate	
in Rheta W. Smith -	808 Buffum Ave., Wichita, Ks.
Frank E. and Hazel B. Kenagy -	810 Buffum Ave., Wichita, Ks.
Ulysses L. Shelton -	812 Buffum Ave., Wichita, Ks.
James Murry -	1626 W. Murdock, Wichita, Ks.
Guy T. Schantz -	1218 W. Murdock, Wichita, Ks.

That there is submitted herewith by reference as a part of this appeal a certified list of all of the property and property owners within a radius of 200 feet of the property concerned.

That there is likewise submitted by reference as a part of this appeal the plans and specifications of the improvements proposed to be built which were submitted to the Building Inspector of the city of Wichita.

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.

James C. Wilson  
Appellant

Appellant: James C. Wilson  
Owner: James C. Wilson  
Lessee: None

Address 708 Litchfield  
Address \_\_\_\_\_

BOARD OF ZONING APPEALS

Case No. \_\_\_\_\_

Filed \_\_\_\_\_ 1948

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in Stackmans Replat of part of  
Stackman's 2nd Addition to Wichita,  
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OR

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1. That the exception or variance desired by the applicant arises from the facts and conditions which exist with reference to the above property which are not uniform in similar districts for the reason that said tract of land is an odd shaped tract in the nature of a half moon; is vacant property at the present time; is difficult to construct apartment houses thereon in strict compliance with the Revised Zoning Ordinance of the City of Wichita, Kansas by having a setback from Buffum Avenue of twenty feet as required by said Ordinance.

2. That the granting of the permit for the variance from the 20 foot setback, permitting the appellant to have a ten foot setback from Buffum Avenue will not adversely affect the rights of adjacent property owners or residents, as it will not shut off the view to any other buildings or improvements, and will not shut off the view to traffic on Buffum Avenue, which is not a main travelled street in the city of Wichita, and if the variance is granted and the improvements constructed, it will give increased tax valuation to the city of Wichita, as the property is now vacant and yields very little tax revenue to the city of Wichita, and in the opinion of the appellant will enhance the value of other property in the area.

3. That the strict application of the terms of said Zoning Ordinance by compelling a twenty foot setback of said improvements on said Buffum Avenue will constitute an unnecessary hardship on the appellant, who owns the East Half (E $\frac{1}{2}$ ) of said Block A above described in that he will be unable to construct said apartment houses so as to permit for adequate space in the rear for the parking of cars by people occupying said apartments when they are constructed and completed. That if the variance is granted it will enable this appellant to construct said improvements so as to leave adequate space in the rear for the parking of cars owned by the occupants thereof and thereby reduce to a minimum the necessity of the occupants of said apartments parking their cars in the street, which will hinder and delay traffic.

4. That the exception or variance desired is not against the public interest in that it will not block the vision of traffic on Buffum Avenue, it will reduce to a minimum as above stated the necessity of occupants parking cars in the street, and will put vacant property located in the city of Wichita in a useable condition.

This appeal for a grant of exception and variance of the strict application of the Revised Zoning Ordinance of the city of Wichita is made pursuant to Section 33 thereof.

The names and addresses of all owners and residents within a distance of 200 feet of the property concerned are as follows:

Name of Owner	Address
Stackman Building & Investment Co. -	835 W. Lorraine Ave., Wichita, Ks.
Bertha Stackman Gouldner -	1815 Wellington Place, Wichita, Ks.
Rancho Palomino Hotels, Inc.	701 Litchfield, Wichita, Kansas
Curtis A. Whitney -	804 Faulkner Ave., Wichita, Ks.
Charles C. and E. Shirley Tilford -	806 Faulkner Ave., Wichita, Ks.
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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.

James C. Wilson  
Appellant

Appellant: James C. Wilson

Address 708 Stebbins

Owner: James C. Wilson

Address \_\_\_\_\_

Lessee: None

BOARD OF ZONING APPEALS

Case No. \_\_\_\_\_

Filed \_\_\_\_\_ 1948

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James C. Wilson  
Appellant

Appellant: James C. Wilson

Address 708 Litchfield

Owner: James C. Wilson

Address \_\_\_\_\_

Lessee: None

RECEIPT FOR REGISTERED ARTICLE No. 3928

Fee paid. 1.25 class postage paid. 8-23, 1928

Declared value, \$ 1.00 surcharge paid, \$ 0.00

From W. C. Williams

Addressed to J. C. Williams

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

Return receipt fee  in person  Special delivery fee   
Delivery restricted to addressee  or order  Postmaster, per   
Fee paid

\*\*\* 16-12206

