

CASE NO. 8-48

STATUS SHEET

Board of Appeals Case No. 8-48 (A & B)

1432 North Erie Premises in Question  
Midland Construction Co. Appellant's Name  
331 North Market Appellant's Address  
Bishop Mark K. Carroll Owner's Name  
307 East Central Owner's Address

Building or Zoning Application Received by Building Inspector  
June 30, 1948 and July 23, 1948

Decision of Building Inspector  
Denied in both cases

Appeal filed with Bond of Zoning Appeals  
A-July 8, 1948 and B-July 23, 1948

Hearing notice and receipt  
Mailed July 16, 1948, notified personally for second hearing -  
July 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 July 16, 1948 and July 24, 1948

Protests Received No formal protests received after 1st notices.  
One " " " " 2nd notice.

Consents Received

Prior Cases on These Premises

Case Hearings July 23, 1948 and Aug. 5, 1948

Case Decided 1st appeal (A) 7/23/48 Action of Board A - Denied  
2nd appeal (B) 7/23/48 & 8/5/48 B - Granted. *Variations*

Notice of Decision Sent

Court Cases

BOARD OF ZONING APPEALS

Case No. 9-48(A)

Filed July 8, 1948

A P P E A L   U N D E R   T H E   Z O N I N G   O R D I N A N C E

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

The undersigned, John P. Healy, Jr., hereby appeals  
from the decision of the Building Inspector wherein a Building Permit  
Is Refused For the reason that an insufficient rear yard would  
be provided under Section 6, Paragraph 5(c) of the Zoning  
Ordinance of the City of Wichita.  
Order Or Decision Rendered Because OR

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

*Holy Savior Building Committee*  
John P. Healy, Jr. - 47655  
Appellant.

NAMES AND ADDRESSES

Appellant John P. Healy, Jr. Address 331 North Market, Wichita, Ks.  
Owner Mark K. Cazbill, Bishop of Wichita Address 307 East Central, Wichita, Ks.  
Lessee \_\_\_\_\_ Address \_\_\_\_\_

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.

Rec. 7/29/48  
Case No. 8-48

BOARD OF ZONING APPEALS

304 City Building

8-48(B)

NOTICE TO PROPERTY OWNERS

*front yard*  
The Holy Saviour Parish Church has appealed to the Board of Zoning Appeals for permission to erect two schools and one church building on the east side of Erie, between 13th St. and 14th St., providing only a 10' set-back, instead of the 25' set-back required by the Zoning Ordinance. A previous appeal, of which you were notified, to construct the buildings without providing a rear yard set-back, was denied by the Board of Zoning Appeals.

If no protests from owners of property within 200' of the premises in question are received in this office by 5:00 p.m., August 2, 1948, permission to erect the buildings as requested will be granted. If you wish to protest this appeal, please do so in writing so that we may have a formal record of such protest. If you have any questions concerning this matter, feel free to call us, in the City Planning Office, 2-6441.

Very truly yours,

*Eugene N. Smith*  
Eugene N. Smith  
Secretary

ENS:DDR:jb

*126 Enclosure*

Dear Mr. Smith: All political parties in their platforms this year have planks proposing civil rights regardless of creed, color or national origin. Should there be any special privileges for any sect, color or group with influence? Just why do you have zoning ordinances? Is there any reason why if they wish to build schools and churches in a residence neighborhood they should not at least comply with ordinances? Otherwise, you would constantly be asked to make exceptions. For those living in the neighborhood particularly next to the proposed construction, would it seem right to have either the front or rear extending farther than their neighbors? It seems to me an impertinent and selfish request that should be rejected. Permit me to protest.

Very truly yours,

*Olive W. Garvey*  
Olive W. Garvey

*Am. + file dated +  
front valid + concerns  
+ front not valid  
unmarked*

*Roy D.*

BOARD OF ZONING APPEALS

304 City Building

g-48 (8)

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Very truly yours,

*Eugene N. Smith*

Eugene N. Smith  
Secretary

ENS:DDR:jb





1432 N. Erie, looking southeast.



1432 N. Erie, looking north.



HOLY SAVIOR PARISH  
1410 North Erie  
Wichita, Kansas

July 7, 1948

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

Gentlemen:

On June 30, 1948, the Midland Construction Company made application with the Building Inspection Division of the City of Wichita for a permit for the construction of our Church to be located in the 1400 block on North Erie, here in the City of Wichita.

The plans for the construction of the Church are as follows: the size of the Church is to be 105' x 50', constructed of cement, cinder blocks and brick veneer. However, S. P. Maple, Chief Building Inspector for the City of Wichita, refused to issue a permit for the construction of our Church and did so under authority of Section 16, Paragraph 5(c) of the Zoning Ordinance of the City of Wichita, for the reason that an insufficient rear yard would be provided. It is the plans of our Parish not only to erect a Church, but also to erect two school buildings to be 105' x 40' on the property owned by the Parish. All of the lots on the east side in the 1400 block on North Erie, with the exception of the corner lot at Thirteenth & Erie, are owned by Mark K. Carroll, Bishop of Wichita.

In view of the fact that the above located property is zoned "A", two-family dwelling district, and these lots are 135' deep, and under Section 16 Paragraph 5(c) of the Zoning Ordinance that requires a rear yard having a depth of not less than 20', we are of the opinion that strict compliance with the Zoning Ordinance renders an undue hardship to our Parish in the furtherance of the spiritual, educational and cultural development of the City of Wichita, and in particular, in the development of the northeast section of our city.

It is our sincere request that the Board of Zoning Appeals grant unto our Parish permission to erect the said buildings.

July 7, 1948

We believe that the exception or variance desired arises from some condition that is not uniform in similar districts.

We believe that the granting of the permit for the variance will not adversely effect the rights of adjacent property owners or residents. We are also of the opinion as heretofore stated that the strict application of the terms of the above cited ordinance will constitute unnecessary hardship upon the property owners represented in this appeal. We are further of the opinion that the exception or variance desired is not against the public interest.

Wherefore, we humbly request of the Board of Zoning Appeals that a permit be issued for the construction of our Church in accordance with the plans and specifications that are hereto attached to this appeal. There is also attached to this appeal the names and addresses of all owners and residents within a distance of 200 feet of the property concerned.

Respectfully submitted,

HOLY SAVIOR BUILDING COMMITTEE

*John P. Healy, Jr.*  
John P. Healy, Jr., Chairman  
*by Charles R. McClinton*  
1515 Methodist Drive.

NAMES AND ADDRESSES OF RESIDENTS

Floyd D. Keith	1320 North Erie
Raymond B. Holzman	1324 North Erie
Carl L. Rowe	1336 North Erie
Clarence E. Auburn	1315 North Erie
Gerald D. Boyles	1327 North Erie
Jim Westerhaus	1329 North Erie
Harvey T. Woods	1347 North Erie
Dixie Toews	1411 North Erie
E. T. Haslam	1413 North Erie
Richard G. Rogers	1507 North Erie
Walter W. Thompson	2805 East 13th Street
William H. Ecklor	2809 " " "
Roy M. Vogt	2815 " " "
J. N. Miles	2832 " " "
Mrs. Ruth Shepler	2830 " " "
John P. Horner	2912 " " "
Delbert G. Spangler	2921 " " "
K. E. Tague	2925 " " "
Harry N. Childers	2923 " " "
K. M. Warren	3003 " " "
A. Ivan Schuler	3004 " " "
Mrs. Ida Mae Greer	1332 North Chautauqua
Alton W. Parker	1336 " " "
Marvin D. Moss	1342 " " "
James H. Dixon - <i>Jessie Croft</i>	1410 " " "
<i>W. J. Babb</i>	1412 " " "
Lawrence G. Henry	1558 " " "
Melvin E. Russell	1305 " " "
Kenneth Lynch	1341 " " "
Wendell M. Hull	1343 " " "
Albert Alexander	1403 " " "
Daniel W. Chapman	1415 " " "
Roy E. Ashford	1417 " " "
Howard G. Norton	1429 " " "
George E. Hasty	1418 North Volutsia
Carlton K. Smith )	
A. B. Weekly )	
R. L. Christy )	1444 " "
T. R. Pugh )	

NAMES AND ADDRESSES OF OWNERS

Joe E. Morton	1849 Park Place
HSA Development Inc.	Address unknown
Elbert L. Durham	1501 North Erie
Richard A. Rogers	1507 North Erie
Arthur A. Smith	1511 North Erie
James F. Boone	1811 North Hillside Apt. 1
Lester G. Jones	1120 Dayton
John P. Honer	2912 E. 13th St.
Central Kansas Conference	
Methodist Church	
Leo R. Helsel	352 North Broadway
F. Joe Wilson	1407 North Chautauqua
Charles W. Smeltzer	1409 North Chautauqua
Roy L. Fortner	Mulvane, Kansas
G. A. Waterbury	1425 North Chautauqua
Bill L. Franke	Address unknown
Sam Heidelbecht	1435 North Chautauqua
O. D. Good	1439 North Chautauqua
Eugene Paul Christian	1447 North Chautauqua
Ted Murphy	1103 North Chautauqua
Otis L. Sims	811 South Volutsia
Ivan Schuler	1505 North Chautauqua
Jessie C. Croft	3004 East 13th Street
Southwest Federal Savings & Loan	1333 1/2 South Emporia
L. W. Bauerle, President	
E. A. Roney, deceased	130 North Market
Amelia A. Roney, his widow	
Frank A. Smith	1416 North Chautauqua
Junior Albert Watkins	1424 North Chautauqua
Morris H. Sutton	1040 Lewellen Avenue
Wichita Eagle,	1438 North Chautauqua
Marcellus Murdock, President	
Earl F. Callison	201 South Market
Benjamin John Farley	1622 North Grove
Henry Anthony	3015 East 14th Street
George Hasty	Address unknown
Armand Frey	1418 North Volutsia
Carlton K. Smith	3157 South Davidson
Frank M. Say	1444 North Volutsia
Barney Vachal	Address unknown
Sarah Levens	2919 E. 13th Street
Robert W. Smith	Address unknown
Olive W. Garvey, wife of Ray H.	1504 North Erie
president of Builders, Inc.	
Jeremiah E. Williams	126 Circle Drive
Rev. Dean H. Hays	1215 Forest
L. E. Gardner, Inc.	Address unknown
Wilbur L. Smith	1441 Payne
F. Ernest Fuson	Wichita Heights
Bottomley-Fox, Inc.	1512 North Erie
	117 East Waterman

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R. L. Christy )	1444 " "
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**RECEIPT FOR REGISTERED ARTICLE No. 3687**

26¢ fee paid. 1st class postage paid. 1948

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