

CASE No. 11-49

Cancelled
7/17/49

S T A T U S S H E E T

Board of Appeals Case No. 1149

408 East Harry Premises in Question
F. H. Sell Appellant's Name
607 S. Holyoke Appellant's Address
T. H. Slothower (Harold Goodwin, Atty) Owner's Name
136 S. Belmont (48681) Owner's Address

6-15-49 Building or Zoning Application Received by Building Inspector
addition to building at 408 East Harry

6-15-49 Decision of Building Inspector refused as the required set-
back of 38 feet from the center of Harry Street would not be
maintained.

7-1-49 Appeal filed with Bond of Zoning Appeals

7/27/49 Hearing notice and receipt

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

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

7/25/49 Adjoining Property Owners Notified

Protests Received NONE

Consents Received

Prior Cases on These Premises

Case Hearings

7/29/49 Case Decided Action of Board APPROVED

SUBJECT TO WAIVER OF DAMAGES BEING FILED

Notice of Decision Sent

Court Cases

LIST OF PROPERTY OWNERS

<u>LOT</u>	<u>ADDITION</u>	<u>OWNER</u>
E. 100' of 12	Zimmerly's	* Dunn Mercantile Co. 127 1/2 N Topeka
W. 50' of E. 150' of 12	"	Blake & Clara Belle Baird 420 E. HARRY
W 1/2 of 12	"	Victor S. Hodgkin 1849 S. BRADWAY
N. 64' of E 1/2 of 13	"	Maud L. White 822 COLUMBIA
S. 50' of E 1/2 of 13	"	H. B. Fairbanks 1541 S.E. EMPORIA
N. 38' of W 1/2 of 13	"	Cleto & Maria V. Gonzalez 1540 S. TOPEKA
S. 38' of W 1/2 of 13	"	Victor S. Hodgkin
S. 38' of N. 76' of W 1/2 of 13	"	Frank Carlson 1548 S. TOPEKA
N. 64' of W 1/2 of 14	"	Thos. E. Markland 1536 S. TOPEKA.
S. 64' of E 1/2 of 14	"	Clinton P. & Evelyn A. Blakely 1533 S. EMPORIA
N. 50' of E 1/2 of 14	"	Cora V. Helbert 1531 S. EMPORIA
S. 50' of W 1/2 of 14	"	G. M. & Ada Headley 1534 S. TOPEKA
N 1/2 of E. 150' of 9	"	Mary Chapin Clark 1537 S. TOPEKA
S 1/2 of E. 150' of 9	"	Frank E. Dunham 1539 S. TOPEKA
N. 45' of E. 140' of 10	"	Wm. Hartenstine 1541 S. TOPEKA.
S. 45' of N. 90' of E. 140' of 10	"	H. L. McDivitt 1543 S. TOPEKA.
S. 24' of E. 140' of 10	"	David W. Kershner 1545 S TOPEKA
N. 21' of E. 140' of 11	"	David W. Kershner
S. 43' of N. 64' of E. 140' of 11	"	Jewell R. & Robert O. Royston 1549 S. TOPEKA.

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<u>LOT</u>		<u>ADDITION</u>	<u>OWNER</u>
S. 50' of E. 140' of 11		Zimmerly's	Leona Robinson 432 N. KELLEY
1	Emporia	Strong & Rogers	Cedric E. Smith 353 N. OLIVER
3-5	"	"	G. W. Edwards 1605 S. Emporia
7-9	"	"	Harold E. Powell 1611 S. Emporia
1 & N. 5' of 3	Topeka	"	Wm. E. Lawson 1601 S. TOPEKA
S. 20' of 3, all 5	"	"	Lila A. Hobaugh 1605 S. TOPEKA
7-9	"	"	Esther E. Hershberger 1607 S. TOPEKA
E. 50' of 2 & E. 50' of N. 10' of 4	"	"	Ruth C. Marshall 2227 AUMA
W. 90' of 2 & W. 90' of N. 10' of 4,	"	"	Merite N. Lygrisse BERNARD BROS.
S. 15' of 4, all of 6	"	"	Hattie Shutts
8-10	"	"	W. A. Shrum 1606 S. TOPEKA

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We hereby certify the foregoing to be a correct list of property owners as above described, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 22nd day of July A. D. 1949 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By



~ President.

Order No. 47066.

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Form 3806-S (Rev. 11-48)
 Receipt for Registered Article No. 1277 Postmaster per. CR
 Fee paid 25 cents. 1.27 Cares postage. POSTMARK
 Declared value 2.00 Surchage paid, \$.....
 Return Receipt fee Spl. Del'y fee
 Delivery restricted to address:
 In person or order Fee paid
 A receiving employee will place his initials in space
 indicating restricted delivery:
 NOTICE TO SENDER: This receipt is not valid unless it is identical to the one on which
 this receipt is based. In case of discrepancy, the receipt is void.
Mr. F. H. Sell Wichita, Kan.
 (Name of addressee) (P. O. and State of address)

BOARD OF ZONING APPEALS
 CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

July 27, , 1949

Mr. F. H. Sell :

Your appeal, under the Zoning Ordinance, relative to premises at
408 East Harry

has been given Board of Zoning Appeals Case No. 11-49.

All inquiries and references should always be made to that Case
 Number when you seek information from the Secretary.

Further, you are notified to appear before the Board of Zoning
 Appeals either in person, or by agent or attorney, for a hearing of
 your case on Friday, July 29, , 19 49 , at 1:30 p.m.
in Room 201 of the City Building.

Respectfully,

Eugene N. Smith
 Secretary, Board of Zoning Appeals

*Cancelled
#7749*

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To T. H. Slothower Owner Address 136 S. Belmont
To F. H. Sell Applicant Address 607 S. Holyoke

Dear Sir:

Your Application Dated June 15, 1949
For a Permit for the Addition to the building
_____ at the premises designated as
408 East Harry

Is hereby refused on this 15th day of June, 1949,
Under Section 28 of the Zoning Ordinance.

For the reason that the required set-back of 38 feet from the center of
Harry Street would not be maintained.

Respectfully,
S. B. Maple
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.

Cancelled
4/9/49

BOARD OF ZONING APPEALS Case No. 11-49
Filed July 1., 19 49

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, F. H. Sell, hereby appeals
from the decision of the Building Inspector wherein a Building Permit
Is Refused For addition to the building at 408 East Harry

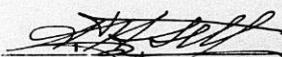
OR

Order Or Decision Rendered Because the required set-back of 38 feet
from the center of Harry Street would not be maintained, as required
in Section 19 of the Zoning Ordinance.

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	<u>F. H. Sell</u>	Address	<u>607 S. Holyoke</u>
Owner	<u>T. H. Slothwer</u>	Address	<u>136 S. Belmont</u>
Lessee	<u></u>	Address	<u></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.