

CASE NO. 12-48

STATUS SHEET

Board of Appeals Case No. 12-48

<u>1002-04 South Market</u>	Premises in Question
<u>C. C. King</u>	Appellant's Name
<u>1004 South Market</u>	Appellant's Address
<u>Same</u>	Owner's Name
	Owner's Address

11/5/48 Building or Zoning Application Received by Building Inspector

11/5/48 Decision of Building Inspector Refused because of lack of front yard set-back

11/5/48 Appeal filed with Board of Zoning Appeals.

Hearing notice and receipt \_\_\_\_\_

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 \_\_\_\_\_

Protests Received \_\_\_\_\_

Consents Received \_\_\_\_\_

Prior Cases on These Premises \_\_\_\_\_

Case Hearings \_\_\_\_\_

Case Decided \_\_\_\_\_ Action of Board \_\_\_\_\_

Notice of Decision Sent \_\_\_\_\_

Court Cases \_\_\_\_\_

Wichita, Kansas  
Nov. 12, 1948

To the Board of Zoning Appeals:

Our front porches at 1002 and 1004 S. Market Street were in need of repair; so we thought to enclose them making a little sun-room, using the same floor foundation and the same roof, not once thinking we were breaking a city ordinance.

Being very busy with other work, I had to do this work at night and evenings and had not taken time to go for a permit, which I had intended to do before I put the siding on, as we needed this before cold weather came.

So they are all finished inside with windows weatherstripped, dry walls and overhead fully insulated, electric wiring done. They are boxed and papered outside ready to side. A lot of hard labor and expense has been put forth. Had I known I was breaking the law, I certainly would not have done so. Market Street in front is 70 ft. wide. Gilbert Street on the north is 60 ft. wide. There is only one house anyways near mine, and it is 6 inches closer to the side walk than mine. Their view is not obstructed as much as the old porch with its big rock piers, latticed in and vines.

We have a cold northwest corner. We have lived on this corner for 25 years and we come asking permission to finish this work we have started. We need the room for warmth and living comfort. The occupants on the north side at 1002 have offered us \$10.00 extra per month if we would finish this.

I herewith submit the names of all the property owners who live in 200 ft. of my property and not one objects. They are pleased with the improvement.

Yours very truly,

By  
C. C. King

## The City of Wichita

City Planning Commission

205 CITY BUILDING  
WICHITA 2, KANSAS

April 9, 1949

Mr. C. C. King  
1004 South Market  
Wichita, Kansas

Dear Mr. King:

At the meeting of the Board of Zoning Appeals on March 8, 1949, your appeal, Case No. 12-48, was presented. This was an appeal from the Building Inspector's refusal to grant a permit for the enclosure of the front porches on the premises located at 1002-04 South Market because said enclosures would be an encroachment into the front yard area as required by Section 17, paragraph 5(a) of the Zoning Ordinance.

After careful consideration it was the unanimous decision of the Board that this appeal be denied because of lack of jurisdiction since the exception or variance desired does not arise from some condition which is not ordinarily found in the same zoning district.

If there are any questions concerning the decision of the Board, please feel free to call the Planning Office, room 304 of the City Building.

Very truly yours,

Eugene N. Smith  
Secretary

Filed 11/5/, 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, C. C. King, hereby appeals from the decision of the Building Inspector wherein a Building Permit is Refused For Enclosing the front porches of the duplex dwelling. These porches as enclosed would be an encroachment into the front yard area. The front yard would be cut down to approximately 15 feet. The house on the south has the same front yard set-back as this building. This job was started and nearly completed without the ~~approval of the Building Inspector~~ appellant applying for a building permit. Section 17 par. 5 (a) of the Revised 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.

*C. C. King*  
C. C. King

Appellant.

NAMES AND ADDRESSES

Appellant	<u>C. C. King</u>	Address	<u>1002-04 South Market</u>
Owner	<u>same</u>	Address	<u>same</u>
Lessee	<u></u>	Address	<u></u>

INSTRUCTIONS

- 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.
- The appellant must file an explicit Typewritten statement setting forth:
  - 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.
  - A clear and accurate description of proposed work or use.
  - Specific reference to that Section of the Zoning Ordinance under which it is claimed permit should be issued.
  - Names and addresses of all owners and residents within a distance of 200 feet of the property concerned.

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To C. C. King Owner Address 1004 S. Market  
To Same Applicant Address \_\_\_\_\_

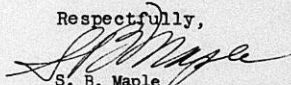
Dear Sir:

Your Application Dated Nov. 5, 1948  
For a Permit for the enclosing of front porches  
\_\_\_\_\_ at the premises designated as  
1002-04 South Market

Is hereby refused on this 5th day of November, 1948,  
Under Section 18, par. 5 (a) of the Zoning Ordinance.

For the reason that these porches as enclosed would be an encroachment into  
the front yard area. The front yard would be cut down to approximately  
15 feet. The house on the south has the same front yard set-back as this  
building. This job was started and nearly completed without the appellant  
applying for a building permit.

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.

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

NOTICE TO PROPERTY OWNERS

March 3, 1949

An appeal has been filed by C. E. KING  
(Address) 1004 South Market Street on behalf of same  
(Address)

as provided by Section 33 of the Zoning Ordinance. The appellant  
desires to enclose porches which would be an encroachment into the  
front yard area on the premises  
located at 1002-04 South Market Street.

This appeal has been given Case No. 12-48  
and a hearing will be held by the Board of Zoning Appeals on Tuesday,  
March 8, 1949, in basement of the Library at 3:30 P.M.  
at which time you may appear, if you so desire, either in person or  
by agent or attorney.

By order of the Board of Zoning Appeals.

Eugene N. Smith  
Secretary.

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

March 3, \_\_\_\_\_, 19 49

G. C. King \_\_\_\_\_:

Your appeal, under the Zoning Ordinance, relative to premises at  
1002-04 South Market Street

has been given Board of Zoning Appeals Case No. 12-48 \_\_\_\_\_.

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 Tuesday, March 8 \_\_\_\_\_, 19 49, at 3:30 P. M.  
in the basement room of the Library.

Respectfully,

Eugene N. Smith  
Secretary, Board of Zoning Appeals



LIST OF PROPERTY OWNERS

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>OWNER</u>
100	Market	Lee's	Alvin D. Schoonover 930 S. Market st.
102	"	"	Leura H. Brown 1100 Riverside ave.
104	"	"	Ben H. & Fannie L. Millar 257 N. Edgemoor
106	"	"	Helen Houston 1111 N. Broadway
108	"	"	Carl & Katie Hermann 210 E. Gilbert
110-112	"	"	Florence King 1002 + 1004 S. Market
114-116	"	"	Susie M. Woodring 1302 Ellis
118 & N. 20' of 120	"	"	Vera M. Daugherty 1018 So. Market st.
S. 5' of 120, all 122,	"	"	L. J. Simpson 1012 S. Market st.
124	"	"	Wayne M. & Esther Adrian 616 N. Delrose.
126 & N½ of 128	"	"	Raymond & Vera M. Daugherty 1018 S. Market.
99	"	"	Frank A. C. Emery 1029½ W. Douglas.
101-103	"	"	J. N. McKinster 937 S. Market st.
105-107	"	"	Della H. Dees 939 S. Market st.
109-111	"	"	Carl Beehr 425 N. Emporia Ave.
113-115	"	"	James H. Miller 105 S. Market st.
117-119	"	"	Olive E. & C. L. Cheney 1009 S. Market st.
121-123	"	"	C. A. Townsend 1015 S. Market st.
125-127	"	"	A. L. & Lois Ruth Howley 1017 S. Market st.

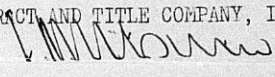
- continued -

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>OWNER</u>
99	Broadway	Lee's	Ellen R. McClellan 929 S. Broadway
101-103- 105-107-	"	"	W. H. Bretch W H Bldg.
W. 65' of 109-111	"	"	E. V. & Clara M. Garrison 907 S. Emporia
109-111- ex. W. 65'	"	"	Albert Clark 1004 N. Market
113-115	"	"	Homer V. Harrington 1005 S. Broadway
117-119	"	"	Kansas District Council of Assemblies of God, Inc. 1009 S. Broadway
121-123	"	"	S. B. Swallow 1012 S. Broadway
125-127	"	"	A. E. Arnett 1512 N. Emporia

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 8th day of November A. D. 1948 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

  
President.

Order No. 41169.

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To the Board of Zoning Appeals  
We, the undersigned are property owners  
and neighbors of C. C. King, 1004 S. Market St.  
We have no objections to him enclosing the  
porches of his duplex residence, we consider  
it an improvement.

Mrs. C. A. Townsend  
1015 So. Market St

opposite side of street

J. A. Murray  
1017 So. Market

This was (A. L. & Lois Ruth Howley)  
formally 1017 S. Market  
they sold to Murray  
opposite side of street

Jim Miller  
1005 So. Market

opposite side of street

Mrs. Vera Daugherty - Raymond Daugherty  
1018 So. Market

Lillian Simpson 1012 South Market

C. L. Cheney  
1009 S. Market.

Olive E. Cheney  
opposite side of street

Mrs. Fred A. Dees

Della H. Dees 939 So. Market St  
Block north

Carl Hermann & Katie Hermann  
215 East Gilbert

J. M. McMinster & Edith McMinster

J. A. Murray  
1017 So Market

This was (C. F. & L. D. Kirk Murray)  
formally 1017S. Market  
they sold to Murray  
opposite side of street

Jim Miller  
1005 So Market

opposite side of street

Mrs. Vera Daugherty - Raymond Daugherty  
1018 So. Market

Lillian Simpson 1012 South Market

C. L. Cheney  
1009 S. Market.

Olive E. Cheney  
opposite side of street

Mrs Fred A. Dees

Della H. Dees 989 So Market St  
Black with

Carl Hermann & Katie Hermann  
218 East Gilbert

J. M. McMinster + Edith McMinster  
937 So. Market Black with

Alvin D. Johnson  
930 So Market

Black with

Lusie M Woodring 1302 Ellis  
(1006 S. Market)

Porch-

1006

13 1/2'

1004

open  
concrete porch

1002

14'

Side walk,

5 ft from Dr  
along Dr 5 ft  
from Dr 5 ft

open  
concrete porch

1002

14'

side walk

5 ft from the  
curb  
to  
the  
edge

1004

open concrete  
porch

1002

13 1/2'

5 ft

