

CASE NO. 14-49 .

STATUS SHEET

Board of Appeals Case No. 14-19

752 SOUTH HYDRAULIC Premises in Question

MRS. WILLY Appellant's Name

752 SOUTH HYDRAULIC Appellant's Address

Mrs. Willy Owner's Name

752 SOUTH HYDRAULIC Owner's Address

Building or Zoning Application Received by Building Inspector

Decision of Building Inspector

Appeal filed with Bond 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

9/16/49 Adjoining Property Owners Notified

Protests Received None

Consents Received

Prior Cases on These Premises

Case Hearings

9/23/49 Case Decided Granted Action of Board

Notice of Decision Sent

Court Cases

BOARD OF ZONING APPEALS

Case No. 14-49

Filed

ADDRESSES OF PROPERTY OWNERS IN AREA

Alaskan Amusement Co.	752 South Hydraulic
Wible Ice & Cold Storage Co.	1004 S. Hydraulic
Ella Wible	752 South Hydraulic
Olive W. Garvey	16 Lakeside Boulevard Eastborough
Ruth G. and R.L. Cochener	Unknown
Willard W. Garvey	16 Hampton Road, Eastborough
James S. Garvey	Unknown
Olivia Rae Garvey	Unknown
Maxine S. Viney	211 West 19th
Ruth G. & R.L. Cochener	Unknown
Builders, Inc.	352 North Broadway
Elwood E. & Eula R. Wednam	No Address
Nelson R. Boyes	1038 S. Kansas
Aaron B. & Rosamond B. Cecil	Unknown
Edwin J. and Clinta McDonald	731 South Hydraulic
Airlane Baptist Church	747 South Hydraulic
Jack D. & Dorothy L. Harper	1837 North Estelle
J.C. Livingston	751 South Hydraulic
F.E. & Effie Alma Edwards	1003 South Hydraulic
Maud M. Akler	2445 Ida Avenue
O.W. and Freda Slinkard	1013 South Hydraulic
Roy A. & Sara Fern Buchholz	1017 South Hydraulic
Anna & H.R. Hodge	1216 South Broadway
T. Wilson Rutledge & Mary R.	1023 South Hydraulic

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BOARD OF ZONING APPEALS

Case No. 14-49

Filed _____, 19____

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, The Alaskan Amusement Company, hereby appeals from the decision of the Building Inspector wherein a Building Permit is Refused For addition to a skating rink

OR

Order Or Decision Rendered Because said proposed addition would be on a non-conforming use building, and under the zoning ordinance no structural alteration nor addition may be made to such building, which is located in the "B" residential zone. 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.

THE ALASKAN AMUSEMENT COMPANY

By Worrell S. Kuvron
President - - Appellant.

NAMES AND ADDRESSES

Appellant The Alaskan Amusement Co. Address 752 South Hydraulic

Owner The Alaskan Amusement Co. Address 752 South Hydraulic

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.

BOARD OF ZONING APPEALS

Case No. 14-49

Filed

APPELLANT'S STATEMENT IN SUPPORT OF
APPEAL UNDER THE ZONING ORDINANCE

The undersigned, The Alaskan Amusement Company, hereby submits its statement in support of its appeal under the Zoning Ordinance, Case No. 14-49:

1. The appeal is for the purpose of obtaining an exception or variance from strict application of the provisions of the Zoning Ordinance, all in accordance with Sec. 33 of the Ordinance.

2. The problem arises with reference to the property belonging to the appellant, the legal description of which is as follows:

North 280 feet of Reserve B, S. N. Wible's
Addition to the City of Wichita.

This is the property upon which is located The Alaskan Ice Palace. On the present zoning map, the property appears to be in the B Multiple-family Dwelling District. As a consequence thereof, the use of the premises for The Alaskan Ice Palace since the time the building thereon was built is entirely proper and legal but is not in conformity with the present zoning of the area. Anticipated requirements for the coming hockey season make necessary an enlargement of the lobby space along the west side of the building, the proposed enlargement consisting of extending the lobby along the west side of the building a distance of thirteen feet six inches (13' 6"), all as reflected by the floor plan

submitted herewith. Inasmuch as the use of the building is a non-conforming use under the Zoning Ordinance, the Building Inspector acting under the authority of Sec. 24 of the Ordinance, has refused to issue a permit for the enlargement of the said lobby space. As a result, this appeal has been taken.

3. The granting of the said exception or variance is wholly proper under Sec. 33 of the Zoning Ordinance. The situation meets the four required conditions set forth in the Ordinance:

a. The exception or variance desired arises from a condition which is not ordinarily found in the B Zoning District, that is, the proper and legitimate operation of a business which is a non-conforming use under the Ordinance.

b. The granting of the Permit for the variance will not adversely affect the rights of any adjacent property owners or residents. The enlargement of the lobby will not change the use to which the premises are already being put. Furthermore, the enlargement of the lobby will not extend the present building any nearer to any of the adjoining properties along the same side of the street. Furthermore, it will still leave the building setting back more than 120 feet away from the street, that is, Hydraulic. There is submitted herewith a list prepared by the Midland Abstract Company showing the owners of all real estate within 200 feet of the Appellant's premises, and a further list prepared by the Appellant showing the addresses of all such property owners insofar as the Appellant has been able to determine the same.

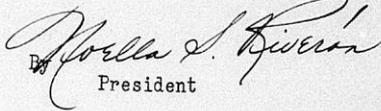
c. The strict application of the terms of the Zoning Ordinance will constitute unnecessary hardship upon the Appellant inasmuch as it would prevent a reasonable and appropriate expansion of the building which is consistent with the requirements of the activities conducted therein. It is to be expected in the life of any business institution that normal development and changing circumstances will occasionally necessitate alterations or enlargements of the type here involved. It was never intended that zoning ordinances should jeopardize a business institution by unreasonably restricting or prohibiting such normal development.

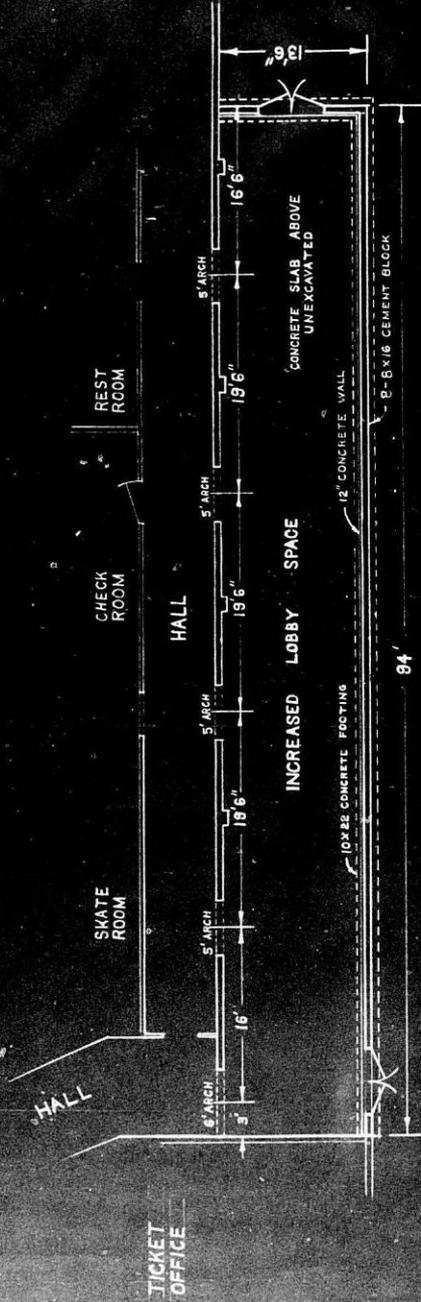
d. The exception or variance desired is not against the public interest. As a matter of fact, independently of any benefit to the Appellant, there is a substantial public interest to be served in the allowance of this appeal. The enlargement contemplated is essential to the inclusion of Wichita in a professional ice hockey league, an event which would be of great interest to all followers of such sport. Negotiations have already been completed for a franchise for a Wichita team, and the prospects for such a project will be seriously jeopardized unless the proper facilities can be provided.

Taking all of the facts and circumstances together, the conditions for an exception or variance are amply met, and we urge that the same be granted.

Respectfully submitted,

THE ALASKAN AMUSEMENT COMPANY

Noella S. Riverson
By  President



SCALE: $\frac{1}{8}'' = 1'$
FLOOR PLAN

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

NOTICE TO PROPERTY OWNERS

September 21, 1949

An appeal has been filed by Ella B. Wible
(Address) 752 South Hydraulic on behalf of Alaskan Amusement
Company, Inc. (Address) 752 South Hydraulic
as provided by Section 33 of the Zoning Ordinance. The appellant
desires to build an addition to their non-conforming skating rink
_____ on the premises
located at 752 South Hydraulic

This appeal has been given Case No. 14-49
and a hearing will be held by the Board of Zoning Appeals on Friday
September 23, 1949 at 1:30 p.m.
at which time you may appear, if you so desire, either in person or
by agent or attorney. This meeting will be held in room 201 of the
City Building.

By order of the Board of Zoning Appeals.

Eugene N. Smith
Secretary.

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

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September 21, 1949

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Room 304, City Hall
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CITY OF WICHITA
BUILDING INSPECTION DIVISION

Alaskan Amusement Co., Inc.
To ~~Ella B. Wible~~ Owner Address 752 South Hydraulic
To *Ella B. Wible* Applicant Address *Same*
dec. & Treasurer

Dear Sir:

Your Application Dated Sept. 14, 1949
For a Permit for the addition to a skating rink
at the premises designated as
752 South Hydraulic

Is hereby refused on this 15th day of September, 1949,
Under Section 24, paragraph 1 of the Zoning Ordinance.

For the reason that said proposed addition would be on a non-conforming use
building, and under the zoning ordinance no structural alteration nor addition may
be made to such building, which is located in the "B" residential zone.

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.

BOARD OF ZONING APPEALS

Case No. 14-49

Filed 9/14/, 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, Alaskan Amusement Company, Inc., hereby appeals from the decision of the Building Inspector wherein a Building Permit Is Refused For purpose of building an addition to a skating rink

OR

Order Or Decision Rendered Because Said proposed addition would be on a non-conforming use building, and under the zoning ordinance no structural alteration nor addition may be made to such building, which is located in the "B" residential zone. (Section 24, paragraph 1 of the Zoning Ord.) 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 Ella B. Wible Address 752 South Hydraulic
Owner Alaskan Amusement Co., Inc. Address same
Lessee _____ Address _____

INSTRUCTIONS

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