

CASE 2-50

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Marian Hill Owner Address 1532 Park Place

To Same Applicant Address _____

Dear Sir:

Your Application Dated April 20, 1950

For a Permit for the erection of a commercial building

_____ at the premises designated as
2247 North Broadway

Is hereby refused on this 20th day of April, 1950,

Under Section 28 of the Zoning Ordinance.

For the reason that as planned, said building would not provide the front-yard set-back as required for a building built on either side of a "Major Street Thoroughfare" as defined by said ordinance. Said applicant desires to bring said building to the front property line, whereas said ordinance requires that it be set back 38 feet from the center of the right-of-way.

Respectfully,

S. B. Maple
S. B. Maple
Chief Building Inspector (4)

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.

STATUS SHEET

Board of Appeals Case No. 2-50

2247 North Broadway Premises in Question
Mrs. Otis Hill Appellant's Name
1532 Park Place Appellant's Address
Same Owner's Name
Same Owner's Address

Building or Zoning Application Received by Building Inspector
April 20, 1950

Decision of Building Inspector

Denied

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

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

W A I V E R

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned, Marian Hill and Otis J. Hill, husband and wife, are the owners of the following described property:

Lots 7 and 9 on North Broadway Avenue,
Block 1, Highland Addition to the City
of Wichita, Sedgwick County, Kansas,

at a location now commonly known as 2247 North Broadway Avenue,
and

WHEREAS, the undersigned have applied for a building permit to authorize the construction of a building upon the above described premises fronting upon the property line; and

WHEREAS, the Building Inspector has heretofore denied said application for a building permit for the reason that the building proposed would constitute a violation of Section 28 of the Zoning Ordinance 15-371 of the City of Wichita pertaining to major street set backs; and

WHEREAS, the undersigned have filed an appeal from the said determination of the Building Inspector, which appeal was heard by the Board of Zoning Appeals of the City of Wichita on June 29, 1950, and as appellants, the undersigned, have offered to waive all claims for damages to said projected building (as distinguished from the ground or land thereunder) which may hereafter arise by reason of any future street widening program of the City of Wichita, such offer of waiver having been freely presented by the undersigned and stipulated in the records of the foregoing meeting of the said Board of Zoning Appeals, and

WHEREAS, the Board of Zoning Appeals on June 29, 1950, accepted said waiver of the undersigned and granted the appeal as aforesaid, and allowed the variance as therein sought:

NOW, THEREFORE, in consideration of the issuance by the City of Wichita of a building permit in conformity with the planning variance aforesaid, the undersigned, Marian Hill and Otis J. Hill, husband and wife, as owners of the property above described, hereby waive any and all claims against said City for damages to any building upon the premises (as distinguished from the ground or land thereunder) now or hereafter erected arising by reason of any future widening of North Broadway Avenue to the extent that such building shall constitute a variance from the provisions of Section 28 of the Ordinance 15-371 adopted on August 17, 1948.

THIS WAIVER shall run with the above described real estate and shall extend to and be binding upon the undersigned, their heirs, executors, administrators, devisees, trustees and assigns, together with all future owners, mortgagees and lien holders of the above described real estate.

Owners

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BE IT REMEMBERED, That on this ____ day of July, 1950, before me, the undersigned, a notary public in and for the County and State aforesaid, came Marian Hill and Otis J. Hill, husband and wife, who are personally known to me to be the same persons who executed the within waiver, and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

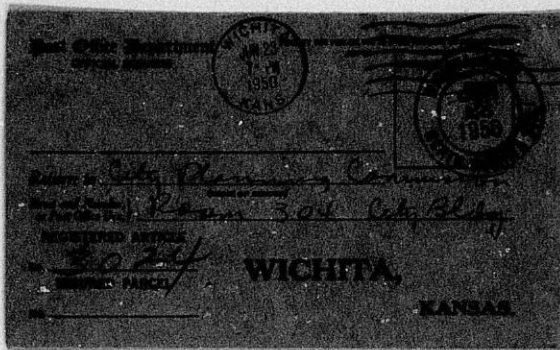
Notary Public

My Commission Expires: _____

The foregoing waiver is hereby approved as to form only this ____ day of July, 1950.

CITY OF WICHITA LEGAL DEPARTMENT

BY _____
Ass't. City Attorney



RETURN RECEIPT

Received from the Postoffice the amount of Postal Notes, the amount of which appears on the back of the Cash.

John Morrison G. Hill

Harriet Christy

PAID BY POSTOFFICE

This Appellant desires to build a building on property at 2247 N. Broadway up to the property line, said building to be occupied as a liquor store and to be built of pumice stone with a glass front, and glass side windows extending back from front. Appellant made application on the 20th day of April 1950 to erect said building on the front property line and was refused a permit by the Building Inspector under Section 28 of the Zoning Ordinance. This Appellant feels that exception from said Ordinance should be made permitting her to build said building on the front property line for the reason that if said building is set back, the building cannot be seen by the traffic moving from north to south on said street, for the reason that there are other buildings to the north of this location, and for the further reason that under the law governing liquor stores, she cannot erect signs, advertising said business.

That the granting of a permit for variance from the Zoning Ordinance will not adversely affect the right of adjacent property owners or residents, but in fact will add to the value of the adjacent property.

That strict compliance with the terms of Section 28 of the Zoning Ordinance compelling her to set said building back from the front property line will constitute an unnecessary hardship upon her as set out above.

That the exception from said Section 28 of said Zoning Ordinance allowing her to build her building from the front property line back will not be against the public interest.

That said district is a business district and that there are no houses in said block and nothing but business buildings.

That said Appellant is attaching hereto, the names and addresses of all property owners and residents within a distance of 200 feet of the property concerned, and also a sketch showing the location of said building.

In the event said street is widened, Appellant will waive all claims against the City for expense of moving or remodeling said building.

NAMES AND ADDRESSES OF ALL OWNERS AND RESIDENTS
WITHIN A DISTANCE OF 200 FEET OF
THE PROPERTY CONCERNED

Anna Nora McGaugh (Mrs. B. A.)	1401 Park Place
Myrth McGaugh Gulp (Mrs. Ralph)	747 Faulkner
Arthur H. Zimmerman	525 Ellis
Lyda Joan Hockett Ruth Draper Carter (being the heirs of Orange D. Draper, Jr). Wade W. Wightman, their agent and attorney	Clearwater, Kansas 3333 Boundary St. San Diego, Calif. 308 Schweiter Building
Otis J. Hill	1532 Park Place
Marian Q. Hill	1532 Park Place
William H. Washburn	212 East 22nd Street
Minnie Lish Wehmeyer	2226 North Market
Dora Reece	2221 North Market
Walter & Mae Sikes	2232 North Market
Joseph R. Streller	Perry, Oklahoma
Mrs. Carrie Morse (widow of Frank A. Myers, deceased)	2117 North Market
Nina Hainline	2240 North Market
Mrs. Martin Lentz (daughter and heir of W. F. Melton)	220 South Holyoke
Gilbert Rockey	Rose Hill, Kansas
Coreen Lottie Hedges	712 North State, Eureka, Kansas

The attached sketches are not too accurate as to scaling, but will give a general idea of the corner and the size of the proposed building. It seemed futile to employ an architect until it is known what will be permitted by the Board of Appeals.

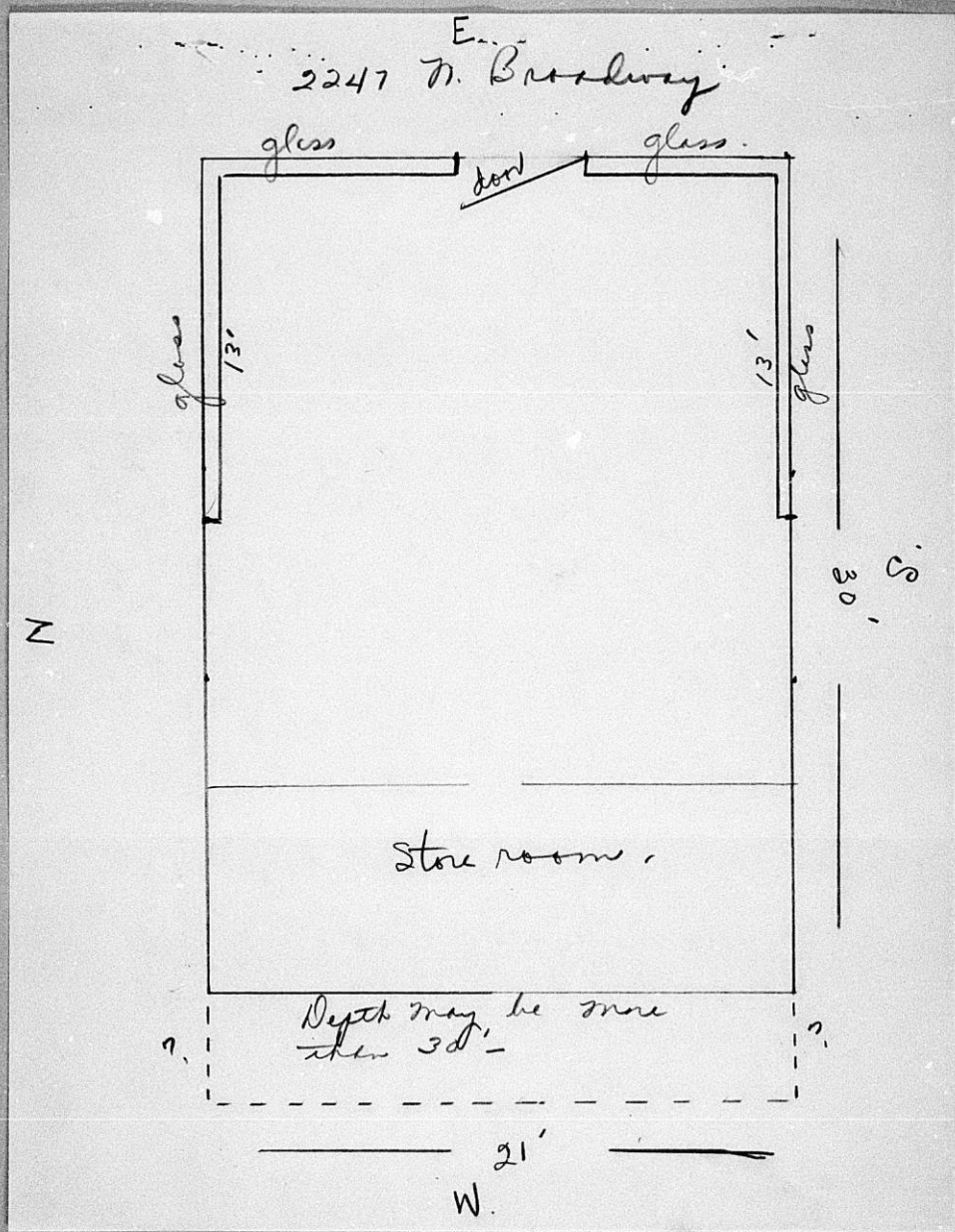
The building is to be a one story one, cement floor, plate glass for front and a portion of the sides—depth of side glass will be determined by location of building as decided by the Board. This also applies to the depth of building. Material for walls will be of numice stone. Contract for roof will be let to John Manville, and will also be insulated by them.

If this appeal to place the proposed building on the front property line is granted, construction will be such that, when Broadway is widened, the required front portion to be removed can be done with a minimum of time and expense to me. Steel beams, footings, division of side plate glass, etc., will be included in the original construction to conform with the required number of feet which will be used in widening Broadway. If the set back is 13 feet, the plan is to add that much to the depth of the building, so that it will be ready for use when needed.

It is true that the cost of construction will be greater at this time, but will be less in the event I am required to remove so many feet from the front of the building. Since I am aware that I waive liability to the city for the portion of the building to be removed, it seems only sensible to incur the extra expense in the original construction.

Maxim Hiep.

2247 N. Broadway



22nd Street

Green store

35'

fence -

Hall
Room

Room

Room

Resto.
etc.

Brooklyn

125'

Brooklyn

Vacant space
have a few
trucks in here

Proposed
Kldg.

N.

S.

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

NOTICE TO PROPERTY OWNERS.

June 21, 1930

An appeal has been filed by Marion Hill
(Address) 1535 Park Place on behalf of _____
_____ (Address) _____

as provided by Section 33 of the Zoning Ordinance. The appellant
desires to erect a commercial building to the front property line
without holding the required setback on the premises
located at 2247 N North Broadway

This appeal has been given Case No. 2-50
and a hearing will be held by the Board of Zoning Appeals on _____
Thursday, June 29, 1930 at 3:00 p.m.
at which time you may appear, if you so desire, either in person or
by agent or attorney. Room 304, City Building

By order of the Board of Zoning Appeals.

Eugene H. Smith
Secretary.

Mailed 6-22-50

Anna Nora McGaugh
Myrth McGaugh Culp
Arthur H. Zimmerman
Lyda Joan Hockett - to Wade W. Wightman, atty.
Ruth Draper Carter
Otis J. Hill
Marion J. Hill
William H. Washburn
Minnie Lish Wehmeyer
Dora Reece
Walter & Mae Sikes
Joseph R. Streater
Mrs. Carrie Morse
Nina Hainline
Mrs. Martin Lentz
Gilbert Rokey
Coreen Lottie Hedges