



BOARD OF ZONING APPEALS  
Room 303, City Hall  
Wichita, Kansas

NOTICE TO PROPERTY OWNERS

May 20, 1954

An appeal has been filed by G. A. Sutton Corporation  
(Address) 1812 West 2nd on behalf of \_\_\_\_\_  
\_\_\_\_\_  
(Address) \_\_\_\_\_

as provided by Section 33 of the Zoning Ordinance. The appel-  
lant desires to make an addition to a non-conforming  
commercial building on the premises  
located at 3412 West 8th Street

This appeal has been given Case No. 4-54  
and a hearing will be held by the Board of Zoning Appeals on  
Tuesday, May 25, 1954 at 1:30 P.M.  
at which time you may appear, if you so desire, either in  
person or by agent or attorney. Room 201, City Building.

By order of the Board of Zoning Appeals.

George J. Fisher  
Secretary

NOTICES SENT TO THE FOLLOWING ADJOINING PROPERTY OWNERS ON MAY 19, 1954

Delmer J. & Ida Earline Allen  
3615 Bickel  
Wichita, Ks.

Clarence K. & Doris L. Cherry  
3633 Bickel  
Wichita, Kansas

A. E. & Marvelle L. Bybee  
3432 W. 8th Street  
Wichita, Ks.

Fred Ellis  
1414 Dayton  
Wichita, Kansas

G. H. & Grace Coffey  
885 N. Sheridan  
Wichita, Ks.

Roy Reeves  
933 N. Sheridan  
Wichita, Kansas

Wayne Bolan Lumber Co.  
3400 West Douglas  
Wichita, Kansas

O. A. Sutton Corporation  
1812 West 2nd  
Wichita, Ks.

**Vornado**  
CORPORATION

**THE O. A. SUTTON CORPORATION**

1612 WEST SECOND STREET · WICHITA 1, KANSAS

June 7, 1954

Mr. George Fisher, Secretary  
City of Wichita  
Wichita, Kansas

Dear Mr. Fisher:

This is in answer to your letter of May 28, 1954.

I would like to say that we have very carefully read your letter and the copy of the minutes of the meeting of the Board of Zoning Appeals. We readily understand your feeling in this matter, and the feeling of the Board. I would like to state further that we take no exception to your feeling as you do in this matter. In the haste and expansion that is presently going on in our company, I am afraid that many of us have thought only about doing what is required to meet our production demands. You may be assured that this is now changed.

All people that are or will be concerned with such matters have been explicitly notified to follow the proper procedure and obtain proper clearance with your office prior to any construction which requires such clearance.

We want to thank you for your leniency in the past, and particularly for permitting the extension which we rather direly needed on our West Eighth Street building.

Yours very truly,

THE O. A. SUTTON CORPORATION

*Dale W. Gordon*  
DALE W. GORDON  
Vice President

DWG:njb



*Vornado*

THE O. A. SUTTON CORPORATION

1812 WEST SECOND STREET · WICHITA 1, KANSAS

June 3, 1954

City of Wichita  
Wichita, Kansas

Attention: Mr. George J. Fisher, Secretary

Gentlemen:

I have your letter of May 28, 1954 addressed to Mr. Dale W. Gordon,  
vice president.

Mr. Gordon is out of the city at the present time and will not re-  
turn until next Monday, June 7. I have talked to Mr. Gordon about  
this over the telephone, and immediately following his return, I  
will refer your letter to him.

Yours very truly,

THE O. A. SUTTON CORPORATION

*Norma Blosser*  
Norma Blosser  
Secretary to  
Dale W. Gordon

nb



28 May 1954

Mr. Dale L. Gordon  
Vice President  
O. A. Sutton Corporation  
1812 West 2nd  
Wichita, Kansas

Dear Mr. Gordon:

On May 25, 1954, the Board of Zoning Appeals considered your appeal from the refusal by the City Building Inspection Division for a building permit to build an addition to property leased by you at 3412 West 8th Street.

Attached is a copy of the minutes of that meeting and also a copy of the Resolution passed by the Board ordering the Building Inspector to issue you a permit.

I wish to call your attention to pages 2, 3 and 4 of the minutes, which definitely and clearly bring out the feelings of the Board of Zoning Appeals concerning the procedure followed by your Company previous to the meeting. I am sure you realize that any more such actions will not be looked upon with favor by the Board of Zoning Appeals. In the middle of page 4 of the minutes you will note that the motion included a request for an answer from you acknowledging that you understand the action of the Board and that incidents such as this will not happen again. Such a letter of acknowledgment should be submitted as soon as possible.

Very truly yours,

BOARD OF ZONING APPEALS

Geo. J. Fisher  
Secretary

GJF:gg  
2 Encl: see 2nd para. above

bc: Pres. & Members of the Board of Zoning Appeals  
S. B. Maple, Chief Building Inspector

BOARD OF ZONING APPEALS

Instructions to appellants

The following are to be filed in the office of the Board of Zoning Appeals, Room 303, City Building:

1. A certified list from an abstract company of the names and addresses of all property owners within a 200 foot radius of the property concerned. Names and addresses of all residents within the 200 foot area is also desirable.
2. Two typewritten copies of the appeal statement setting forth the following points:
  - (a) An accurate description of the proposed work or use.
  - (b) The principal points under which the Building Inspector issued a refusal, order or decision, including specific reference to that section of the Zoning Ordinance under which it is claimed the permit should be issued.
  - (c) Jurisdiction can be assumed only if the following four conditions are present:
    1. That the exception or variance desired arises from some condition which is not ordinarily found in the same zoning district.
    2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
    3. That the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
    4. That the exception or variance desired is not against the public interest.
3. Drawings or plans for the proposed work or use in relation to the adjacent buildings and property.
4. Photographs of the premises, if available.

*Board of Zoning Appeals*

ZONING PETITION

ACCEPTED AS TO FORM

Date 5-18-54

WICHITA CITY PLANNING COMMISSION

By *M. Weyer*

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Wayne Bolan Owner Address 2400 West Douglas

To O. A. Sutton Corporation Applicant Address 1812 West 2nd

Dear Sir:

Your application Dated May 11, 1954

For a Permit for the addition to commercial building

at the premises designated as

3412 West 8th Street

Is hereby refused on this 14th day of May, 1954,

Under Section 16, Par. C of the Zoning Ordinance.

For the reason that the building in question is a legally non-conforming use building in an "AA" District, and the proposed addition would violate the provisions of said section.

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.

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Wayne Bolan Owner Address 2400 West Douglas  
To O. A. Sutton Corporation Applicant Address 1812 West 2nd

Dear Sir:

Your application Dated May 14, 1954  
For a Permit for the addition to commercial building  
at the premises designated as  
3412 West 8th Street

Is hereby refused on this 14th day of May, 1954,  
Under Section 16, Par. C of the Zoning Ordinance.

For the reason that the building in question is a legally non-conforming use building in an "AA" District, and the proposed addition would violate the provisions of said section.

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. 4-54

Filed 5-18 19 54

APPEAL UNDER THE ZONING ORDINANCE

To: The Board of Zoning Appeals  
Room 304, City Building  
Wichita, Kansas

The undersigned, The O. A. Sutton Corporation hereby appeals from the decision of the Building Inspector wherein a Building Permit is Refused for reason that area is zoned AA Residential and that permit application was applied for an addition to a present commercial building.

OR

Order or Decision Rendered Because \_\_\_\_\_

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.

Paul W. Linder VP  
Appellant

NAMES AND ADDRESSES

Appellant The O. A. Sutton Corporation Address P. O. Box 1894  
Owner Wayne Bolan Address 3400 West Douglas  
Lessee The O. A. Sutton Corporation Address P. O. Box 1894

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.



Vornado

THE O. A. SUTTON CORPORATION

1812 WEST SECOND STREET · WICHITA 1, KANSAS

STATEMENT OF APPEAL

This application for appeal is being filed by The O. A. Sutton Corporation as tenants of building address 3412 West Eighth Street, Wichita, Kansas, in behalf of the owner, Wayne Bolan (3400 West Douglas), by reason that a building permit to build an 8' x 33' and 8' x 92' L-shaped lean-to building was denied by Building Inspection Department for reason that the area was zoned AA Residential.

The present building of which we have occupied since approximately January, 1953, was as we leased it, outside the City Limits. Since that time, unaware to ourselves, this property was taken into the City Limits sometime late in 1953. It recently became our necessity to provide small extra space area in order to meet specific manufacturing operations. Since we were not aware of this zoning action, we made necessary arrangements with the property owner, etc., to permit us to build the proposed attached space as attached. Because of this permit refusal action we are filing this appeal on the reason that it would create an unusual hardship on our manufacturing operation by not being able to complete immediately.

Walter L. Gordon, V.P.

(C) Zoning Ordinance Reference

Section 18, Paragraph C, Items 2.1, 2.2, 2.3, and 2.4.

2.1 That the exception or variance desired arises from some condition which is not ordinarily found in the same zoning district.

Ans. Due to our being tenants and not owners of this property, we did not have the knowledge of the area zoning changes that a property owner would have and, since this area was taken into the city limits since our occupancy we had no knowledge of a zoning change. Upon our unforeseen immediate need for additional building space, time does not permit customary procedure of applying for rezoning of property in question.

2.2 That the granting of the permit for the variance will not adversely effect the rights of adjacent property owners or residents.

Ans. Since there is already a commercial building of sizeable nature on this property at the time it was taken into the city limits, the proposed addition would not distract to the community nor interfere with rights of adjacent property owners, as the proposed addition would lie adjacent to the Missouri Pacific right-of-way, of which we have their complete cooperation and permission to erect this building.

2.3 That the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.

Ans. While we are tenants of property, we have adequate permission of owners for us to make this addition at our own expense; we have an immediate need for the proposed building in question in order to meet and expand our facility to give our customers adequate service on their merchandise. In our business of air conditioning which is highly seasonal, it is very essential that when hot weather begins, usually in May, that we be able to accommodate a tremendous load of air conditioner service repair which we maintain at subject address. By this reason, the application of ordinance as is enforced would create an unusual hardship on The O. A. Sutton Corporation.

2.4 That the exception or variance desired is not against the public interest.

Ans. It is our honest opinion that the variance or request for appeal if granted, would in no way be detrimental to public interest, distract from present community, nor interfere with property owners in the community.

LIST OF PROPERTY OWNERS

DESCRIPTION

OWNER

Beg 519.9'S of NE cor of SW $\frac{1}{4}$  of Sec 13-27-1W  
Thence West 1280 ft to a point on R.R. R-O-W  
thence So Easterly along RR R-O-W 440 ft thence  
East 1000 ft to a point on the East line of  
SW $\frac{1}{4}$  Thence North 335.38 ft to the place of Beg.  
except the east 885.44 ft.

Wayne Bolan Lumber Co.  
*3400 W. Doug.*

The East 885.44 ft of the following descrip-  
tion Beg 519.9 ft S of NE cor of SW $\frac{1}{4}$  of Sec  
13-27-1W Thence West 1280 ft to a point on  
RR R-O-W, Th So. Easterly along RR R-O-W 440  
ft thence East 1000 ft to the east line of  
SW $\frac{1}{4}$  thence North 335.38 ft to beg.

Roy Reeves  
*933 N. Sheridan*

Beg at a point on East line SW $\frac{1}{4}$  Sec 13-27-1W  
855.28 ft So of NE cor SW $\frac{1}{4}$  thence West 1000  
ft to the East R-O-W line of RR thence So  
Easterly 600 ft to the N W Cor Reg B College  
Place thence East 624.3 ft to a point on E  
line SW $\frac{1}{4}$  thence North 469.12ft to beg. exc  
So 75 ft of the East 185 ft of said tract

G. H. Coffey  
Grace Coffey  
*885 N. Sheridan*

LOT

ADDITION

21 Sunnyside Gardens  
22 "  
23 "  
24 "  
25 "  
26 "

Fred Ellis  
*1414 Raycon*  
Morris Bldg Co.

A. E. Bybee  
Marvelle L. Bybee  
*3433 W. 82<sup>nd</sup> St.*

~~Fred Ellis~~

Morris Bldg Co.

Lot 22 exc Westridge Acres  
S190ft

Marguerite Meyer

That part of lot 43 "  
described as beg at  
SW cor lot 43 thence  
North to NW cor said  
Lot 43 thence S East  
along Bickel ave., 231  
ft thence S West to beg.

Clarence K. Cherry  
Doris L. Cherry  
*3633 Bickel*

Lot 43 exc "  
the above desc.

Delmer J. Allen  
Ida Earline Allen  
*3615 Bickel*

We hereby certify that the foregoing is a true and correct List of Property Owners for the 200' Radius of Beg 519.9' S of NE cor SW $\frac{1}{4}$  13-27-1W, thence W 1280' to a pt on r-o-w of R. R. th SEly along r-o-w 440' th E 1000' to a pt on E ln of SW $\frac{1}{4}$  th N 335.38' to pob ex the E 885.44', in the City of Wichita, as shown by the records in the Office of the Register of Deeds of Sedgwick County, Kansas on this 17th day of May, A.D., 1954. at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.,

By 

Vice President

Order No. 2220

BB  
SK

\*

This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm  
Roll # 1