5-58 - Thomas F.Lahey, appellant
premises at 4820 East Central

H. BACHUS & SONS

• • 725 EAST WATERMAN • TELEPHONE FOrest 3-7288 • WICHITA 2, KANSAS • •

March 25,1958.

Board of Zoning Appeals,
City of Wichita,
Wichita Kansas.

Gentlemen:

RE: Case No 5-58
4820 E.Central Ave.,
Wichita, Kansas.

Relative to the above case of Lahey Mortuary, who have requested the granting of permission to build a mortuary at the above location, this is to advise that we are the owners of Oliver Square Shopping Center, located at the southeast corner of Oliver and Central, and which is across the street of captioned case.

We are objecting to the granting of this petition as we consider that such a business enterprise will effect the business of our lessees, will cause additional traffic congestion on Central Avenue, and that our parking area will be used for funeral occasions when we do not have sufficient parking space as it is.

Thanking you for your consideration, we are,

Sincerely yours,

H.Bachus and Sons.

By A. J. Bachus

Lahey MORTUARY
1401 EAST DOUGLAS
WICHITA 7, KANSAS

March 17, 1958

TOM LAHEY
JOHN D. SCHNEIDER
GEORGE N. THOMAS

Board of Zoning Appeals,
4th Floor, City Bldg. Annex
Wichita, Kansas

Gentlemen:

The following points are presented for your consideration:

(a) The proposed work is a remodeling of an existing structure, using the existing exterior walls to convert the building into a funeral chapel.

(b) The refusal to grant a permit was based on Section 21-14 1.26 of the zoning ordinance which requires the proposed building to be 200 feet from the nearest residential property.

(c) The following conditions exist:

1. The exception desired arises from the fact that part of the property zoned AA that is violated is used as a city drainage ditch and the balance of the property violated is so located that it is reached by measuring down the back property lines of the property involved - that the building is not visible from the AA property involved because of the terrain and intervening commercial buildings - and that the two properties involved do not front on a common street.

2. The two properties are so remotely connected that granting a permit for the variance will not adversely affect the property owner involved.

3. The strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner represented in the appeal because it would involve vacating an existing building - tearing down and rebuilding twenty feet east to avoid a property that is not physically violated by the existing building.

4. The exception is not against the public interest.

Sincerely,

Thomas F. Lahey

Thomas F. Lahey

Enclosures

August 1956

Following are the names and mailing addresses of property owners within a radius of 200 feet of Lots 30, 31, 32, 33, Block 14, in East Highlands Addition.

A Statement of Ownership with legal description is attached.

Oliver Square Co., Inc.
725 East Waterman
Wichita, Kansas

M. E. Wilkinson
2102 South Water
Wichita, Kansas

Esther Steinburg,
315 East Douglas
Wichita, Kansas

Prater & Prater, Inc.
(Name changed to
Western Properties &
Investment Co., Inc.)
204 North Market
Wichita, Kansas

O. F. & Mary Jane Sullivan
725 West Douglas
Wichita, Kansas

E. M. & Maxine Clickner
4921 East Elm
Wichita, Kansas

City of Wichita
City Bldg.
Wichita, Kanses

Frank E. & Hattie A. Willis
3220 E. Zimmerly
Wichita, Kansas

Rex L. & Billie Jean Dugan
4907 E. Elm
Wichita, Kansas

Patty Ann & John R. King
4903 E. Elm,
Wichita, Kansas

Philip A. & Eliz. Ruth Lyon
4820 E. Central
Wichita, Kansas

Jesse L. & Ina Graham
1403 Harding
Wichita, Kansas

Philip A. & Eliz Ruth Lyon
4820 E. Central
Wichita, Kansas

J. Douglas & Velma I. Lansdowne
3837 East 21st. St.
Wichita, Kansas

Jesse L. & Ina L. Graham
1403 Harding
Wichita, Kansas

City of Wichita
City Bldg.
Wichita, Kansas

Grace H. Heller
212 North Pine
Guthrie, Oklahoma

HUGH M. BASOW
602 N. Glendale
Wichita, Kansas

RALPH L. SPENCER
4921 E. ELM
WICHITA

Tom Lahey AM 2-3411
Bill: Lahey Mortuary
1401 E. Douglas

Case NO. 5-58

Filed 3-17-58 12:45

APPEAL FOR VARIANCE OR EXCEPTION

TO: The Board of Zoning Appeals
Fourth Floor, City Building Annex
Wichita, Kansas

The undersigned Thomas F. Lahey hereby appeals from the decision of the Building Inspection Superintendent wherein a Building Permit is refused under Section 21-14 1.26 to _____ at the premises located at 4820 E. Central

This permit was denied for the reason that building was not required distance from AA zoning

The plans, application, and all data heretofore filed with said Building Inspection Superintendent 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 Thomas F. Lahey

Appellant Thomas F. Lahey Address 1401 E Douglas, Wichita, Kans.

Owner Philip A. Lyon Address 3 English, (Eastb.) Wichita,

Lessee Thomas F. Lahey Address 1401 E Douglas, Wichita, Kans.

(This appeal shall be filed in duplicate, with a $30.00 filing fee within ninety days after the date of the decision of the Building Inspector.)

CITY OF WICHITA

BUILDING INSPECTION DIVISION

To Lahey Mortuary Owner Address 1401 East Douglas

To Dondlinger & Sons Const. Co. Applicant Address 1206 East Lincoln

Dear Sir:

Your application Dated March 17, 1958

For a Permit for the remodeling of the building

at the premises designated as

4820 East Central

Is hereby refused on this 17th day of March, 19 58,

Under Section 21-14, 1.26 of the Zoning Ordinance.

For the reason that this building is located less than the 200' that is required by the ordinance for a mortuary to be located from a "AA" district. The property facing on Elm Street and east of this building is less than the required 200'.

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.

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS.
SEDGWICK COUNTY)

The undersigned, duly bonded and qualified abstracter within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the Office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property within a radius of 200 feet of: Lots 32 and 33, Block 14, East Highland Add.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz:

LOT	BLOCK	STREET	ADDITION	OWNER
29	4	Oliver	East Highland	O. F. & Mary Jane Sullivan, ux
30	"	"	" "	" " "
31	"	"	" "	" " "
32	"	"	" "	" " "
33	"	"	" "	" " "
34	"	"	" "	" " "
35	"	"	" "	" " "
36	"	"	" "	" " "
23	5	Bleckley Dr.	" "	Hugh M. & Rebecca L. Basow, ux
17	14	Elm	" "	Ralph L. & Shirley F. Spencer, ux
18	"	"	" "	" " "
19	"	"	" "	City of Wichita
20	"	"	" "	Frank E. & Hattie A. Willis, ux
21	"	"	" "	" " "
22	"	"	" "	Rex L. & Billie Jean Dugan, ux
23	"	"	" "	" " "
24	"	"	" "	Patty Ann & John R. King, vir
25	"	"	" "	" " "
26	"	"	" "	Philip A. & Elizabeth Ruth Lyon, ux

LOT	BLOCK	STREET	ADDITION	OWNER
27	14	Elm	East Highland	Jesse L. & Ina Graham, ux
28	"	"	" "	" " "
29	"	"	" "	" " "
30	"	"	" "	Philip A. & Elizabeth Ruth Lyon, ux
31	"	"	" "	" " "
32	"	"	" "	" " "
33	"	"	" "	" " "
34	"	Central	" "	J. Douglas & Velma I. Lansdowne, ux
35	"	"	" "	" " "
36	"	"	" "	Jesse L. & Ina L. Graham, ux
37	"	"	" "	" " "
38	"	"	" "	" " "
39	"	"	" "	" " "
40	"	"	" "	City of Wichita
41	"	"	" "	Grace H. Hellar
42	"	"	" "	" "
13	1	Central	East Boulevard	Oliver Square, Inc.
1	2	Bleckley	" "	M. E. Wilkinson
3(N 33.51')	2	"	" "	" "
3(S 16.49')	2	"	" "	Esther Steinberg
5	2	"	" "	" "
2	2	Harding	" "	Prater & Prater, Inc.
4	2	"	" "	" " "

Dated at Wichita, Kansas, this 17th day of March, 1958, at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By Elsie M. Farrell
Sec.

1790

PAY AT CITY TREASURER'S OFFICE — FIRST FLOOR BZA

TO: RALPH EBERLY, City Treasurer Pd 3-17-58

FROM: LEROY L. LITTLE, Director of Planning ITEM NO. 5-58

Please collect from ~~MR.~~ Lahey Mortuary (Jim Lahey)

whose mailing address is 1401 E. Douglas, Wichita Kansas

the sum of $50.00 which is the fee required for Boundary Zoning Appeals case

Please retain this memorandum for your records.

NOTICE TO PATRONS: No Petition associated with this memorandum will be processed until the fee is paid.

PLANNING DEPARTMENT

By Bernice Falkes

Title Planning Asst I

BOARD OF ZONING APPEALS

FOURTH FLOOR, CITY BUILDING ANNEX

104 South Main

Wichita, Kansas

March 17, 1958

NOTICE TO AFFECTED PROPERTY OWNERS

An appeal has been filed by Thomas F. Lahey, 1401 East Douglas, Wichita, Kansas as provided by Section 21-27, Volume I of the City Code. The appellant desires to remodel the building designated as 4820 East Central, Wichita, Kansas.

This appeal has been given Case No. 5-58, and a hearing will be held by the Board of Zoning Appeals on Friday, March 28, 1958, at 1:30 p.m. in the meeting room on the Fourth Floor of the City Building Annex, 104 South Main, Wichita, Kansas, 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.

Leland R. Edmonds

Leland R. Edmonds, Secretary
Board of Zoning Appeals

NOTICES MAILED MARCH 17, 1958

Thomas F.Lahey
Lahey Mortuary
1401 East Douglas
CERTIFIED MAIL

Oliver Square, Inc.
725 East Waterman

Prater & Prater, Inc.
(Western Properties & Inv. Co., Inc.
204 North Market

Esther Steinberg
315 East Douglas

M. E. Wilkinson
2102 South Water

Grace H. Hellar
212 North Pine

J. Douglas & Velma I. Lansdowne
3837 East 21st Street

Jesse L. & Ina Graham
1403 Harding

Philip A. & Elizabeth Ruth Lyon
4820 East Central

Patty Ann & John R. King
4903 East Elm

Rex L. & Billie Jean Dugan
4907 East Elm

Frank E. & Hattie A. Willis
3220 East Zimmerly

Ralph L. & Shirley F.Spencer
4921 East Elm

Hugh M. & Rebecca L.Basow
602 North Glendale

O. F. & Mary Jan Sullivan
725 West Douglas

No. 803955

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO
Mr. Thomas F. Lahey

STREET AND NO.
Lahey Mortuary 1401 East Douglas

CITY AND STATE
Wichita, Kansas

POSTMARK OR DATE

If you want a return receipt, check which
☐ *7¢ shows to whom and when delivered*
☐ *31¢ shows to whom, when, and address where delivered*

If you want restricted delivery, check here
☐ *20¢ fee*

POD Form 3800
Mar. 1956

Replaces previous editions of this form which MAY be used.

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

POSTMARK OF POST OFFICE

KANS. WICHITA MAR 18 8 30 AM '58 WASHINGTON STREET STA.

INSTRUCTIONS.—*Show name, address and number of article below. Complete "Instructions To Delivering Employee" on other side, when applicable. Moisten gummed ends and securely attach to back of article. Endorse front of article* RETURN RECEIPT REQUESTED.

REGISTERED NO.	NAME OF SENDER Planning Department
CERTIFIED NO. 803955	STREET AND NO. OR P.O. BOX 104 South Main Annex Bldg.
INSURED NO.	CITY, ZONE, AND STATE Wichita, Kansas

POD Form 3811 (Rev. 1955)

No. 803955

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO
Mr. Thomas F. Lahey

STREET AND NO.
Lahey Mortuary 1401 East Douglas

CITY AND STATE
Wichita, Kansas

POSTMARK OR DATE

If you want a return receipt, check which
☐ *7¢ shows to whom and when delivered*
☐ *31¢ shows to whom, when, and address where delivered*

If you want restricted delivery, check here
☐ *20¢ fee*

POD Form 3800
Mar. 1956

Replaces previous editions of this form which MAY be used.

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ DELIVER ONLY TO ADDRESSEE (20¢ additional)
☐ SHOW ADDRESS WHERE DELIVERED IN ITEM 4 BELOW (31¢ additional)

RECEIPT

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. SIGNATURE OR NAME OF ADDRESSEE
x Lahey Mortuary

2. SIGNATURE OF ADDRESSEE'S AGENT (Agent should enter addressee's name in Item 1 above)
T. F. Lahey

3. DELIVERY DATE
3/18/ 19 58

4.

16—71549-1 GPO

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

March 17th, 1958

Mr. Thomas F. Lahey
Lahey Mortuary
1401 East Douglas
Wichita, Kansas

Dear Mr. Lahey:

Your appeal, under the Zoning Ordinance, relative to premises at 4820 East Central, Wichita, Kansas

has been given Board of Zoning Appeals Case No. 5-58.

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, March 28, 1958, at 1:30 p.m. in the meeting room on the Fourth Floor of the City Building Annex, 104 South Main, Wichita, Kansas.

Respectfully,

Leland R. Edmonds
Secretary, Board of Zoning Appeals

*

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