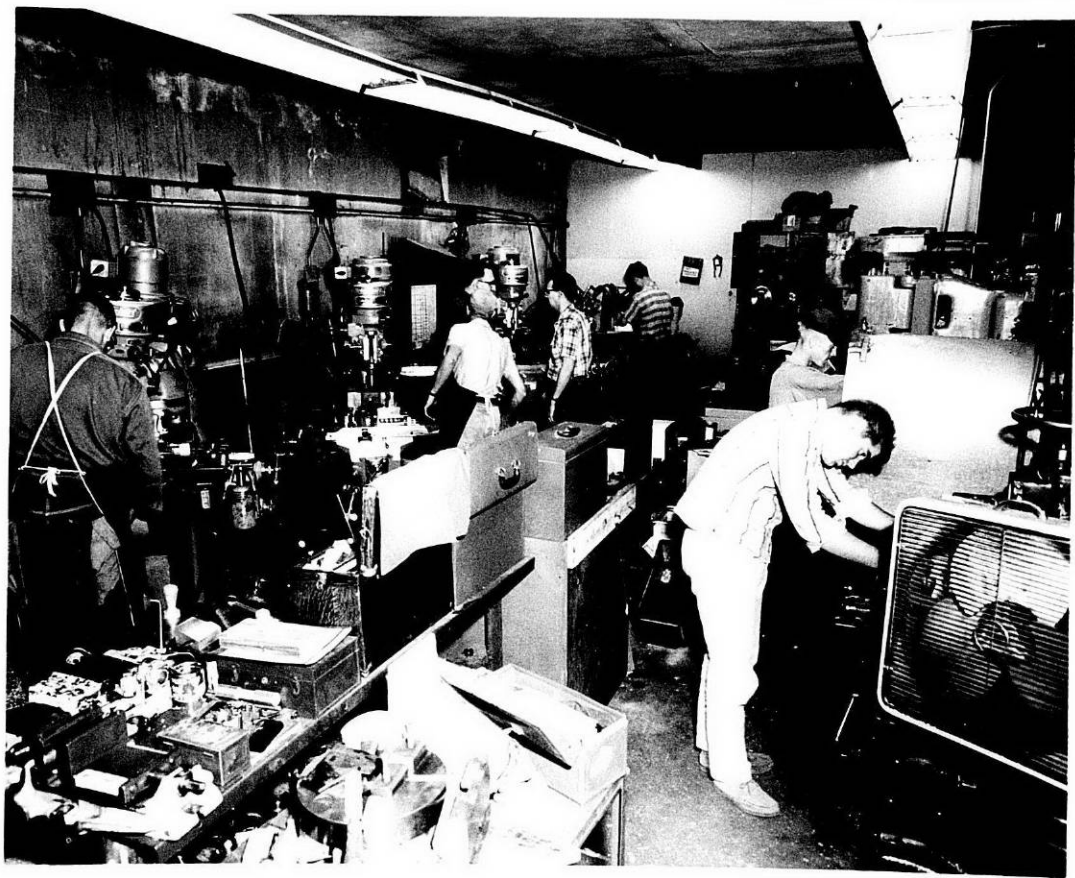
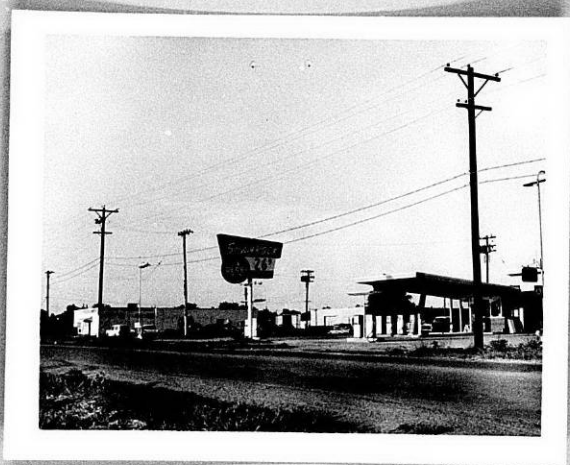


7-57 L. & S. MACHINE SHOP







MARTIN AND POPE
ATTORNEYS AT LAW
SUITE 400 - BROWN BUILDING
DOUGLAS AT BROADWAY
WICHITA 2, KANSAS

MARVIN J. MARTIN
CARROLL F. POPE

October 25, 1957



Board of Zoning Appeals
205 City Building
Wichita, Kansas

In Re: Permit for enlargement of premises located at
340 South West Street, Wichita, Kansas.

Gentlemen:

Reference is made to possible conflicts in the record pertaining to the above.

In this case, the Building Inspector's refusal to issue the permit was for the reason that "the machine shop employs more than that allowed in Section 21-15 and with the addition would employ approximately twenty more persons." This letter will serve to advise that L & S Machine Co., Inc., is not requesting the permission to enlarge for the purpose of employing additional people, even though such information may have incorrectly been submitted to the Building Inspector or your own office. We have checked with the superintendent of the company and find that employment is between forty and fifty persons at this time, and that no increase in space is requested for additional personell.

In addition, we are herewith amending Paragraph C 1 of our appeal statement as follows, in order that it may more clearly reflect the actual situation.

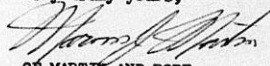
C. 1. That the exceptions or variance desired arises from some condition which is not ordinarily found in the same zoning district.

Ordinarily, machine shops employing more than ten people are not found in "C" areas for the reason that the same are not allowed. However, this building is operating as a non-conforming use and as such employs more than ten people. The area in question was zoned as an "E" area from 1953 until July 11, 1956, at which time it was re-zoned as a "C" area. While in the "E" zone appellant had no limitations on employees. However, when the area was re-zoned on July 11, 1956, it became a non-conforming use, in view of the fact that it employed more than ten people.

Board of Zoning Appeals
In Re: L & S Machine Co., Inc.
October 25, 1957
Page 2

Trusting that this will give you the information you need to complete
your files, we remain,

Very truly yours,


OF MARTIN AND POPE

MJM:mk

APPEAL STATEMENT

A. An accurate description of the proposed work or use.

The premises involved are presently occupied by the appellant, L & S Machine Co., Inc., as a machine shop carrying on machine work confined solely to the defense industry. At the present time the operation is overcrowded and inefficient due to lack of space. A permit has been requested for an addition to the existing building in order to remedy this situation.

B. 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.

The Building Inspector refuses to issue the permit for the reason "that the machine shop employs more than that allowed in Section 21-15 and with the addition would employ approximately twenty more persons. In the "C" district machine shops are permitted providing not over 10 persons are employed."

It is requested that the Board of Zoning Appeals grant appellant the building permit under the Board's authority to grant exceptions and variances as set forth in Section 21-27. In this regard, we call the Board's attention to the fact that appellant has operated with approximately 30 to 40 people for some time at this location as a non-conforming use and is building this addition to alleviate over crowded conditions of present employees and equipment rather than to increase employment. } See Refusal

C. The Board's authority to grant such exceptions and variances is dependant upon the appellant meeting certain requirements. These requirements are met by the undersigned as follows:

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

The area in question was zoned as an "E" area from 1953 until July 11, 1956, at which time it was re-zoned as a "C" area. While in the "E" zone appellant had no limitations on employees. However, when the area was re-zoned on July 11, 1956, it became a non-conforming use, in view of the fact that it employed more than ten people.

Appellant's work is limited solely to the defense industry. It is more intricate and detailed than others in the vicinity and as such requires more personnel and equipment. Because of the

Appeal Statement

Page 2

type of work being handled by it, it must be progressive and meet competition. During the past months, competition in the defense industry has become increasingly keen. Appellant has known for some time that its operation was overcrowded and that this overcrowded condition was costing it from 30 to 35% in efficiency. Because of this present competition, and because of appellant's peculiar situation in being dependent 100% upon defense orders, it is essential that it have this additional space in which to operate.

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

The property adjacent to the area in question is used for the following purposes:

Star Lumber Company	Lumber storage and maintenance shop
Shomrock Oil	Filling station
A. L. Bradshaw Company	Machine shop
Midwest Lead & Metal Company	Smelter
Vacant Lot	

As can be seen, this area is used for heavy commercial and industrial purposes. Such usage will not be adversely effected by an addition to appellant's building. In addition, it should be noted that appellant's operation will not vary by reason of the proposed addition, so the granting of the permit for variance should not effect these adjacent parties in any way, regardless of the usage being made of their property.

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

Appellant took over and began operation of his business in the area in question at a time when such operation was permitted. He has put time and money in to making this a successful business. In order to continue to be successful, it is necessary that he meet competition. As noted above, appellant has been aware for some time that his overcrowded operation has cost him from 30 to 35% due to loss in efficiency. Competition is now forcing him to cut this in-

Appeal Statement
Page 3

efficiency ratio. If the Board does not grant this permit, it will constitute an unnecessary hardship upon him with possible drastic results.

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

This is a machine shop lying within the city limits of Wichita and paying its fair share of taxes for the benefits it receives. It is in accord with the public interest for the business to survive and to continue to contribute to its employees, to the general economy of the city, and to the tax responsibility for maintenance of the city benefits.

Respectfully submitted,

STANLEY SMYLTZER
L & S MACHINE CO., INC.

By *Marion J. Martin*
of Martin and Pope, their attorneys

MARTIN AND POPE
ATTORNEYS AT LAW
1110-1116 BROWN BUILDING
DOUGLAS AT BROADWAY
WICHITA 2, KANSAS

MARVIN J. MARTIN
CARROLL F. POPE

September 10, 1957

AMHERST 5-3238

Board of Zoning Appeals
205 City Building
Wichita, Kansas

Gentlemen:

The Building Inspection Department denied an application for enlargement of the premises located at 340 South West Street on the 21st day of August, 1957. Appeal is hereby made from this decision.

Accordingly, we are submitting herewith information as requested by your instructions to appellant.

1. A certified list of the names and addresses of all property owners within a 200 foot radius of the property concerned is attached hereto, marked Exhibit "A". Names and addresses of the residents of a 200 foot area are as follows:

- (a) Area immediately West: Vacant
- (b) Area immediately to the North of the captioned property:
Star Lumber Company, 325 South West Street
- (c) Area immediately East: A. L. Bradshaw Company, 3910 Anna Street
- (d) Area immediately Southeast: Midwest Lead and Metals Company, 401 Illinois
- (e) Area immediately South: Shamrock Oil Company, 400 South West Street

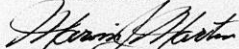
I am also enclosing seven typewritten copies of our appeal statement setting forth the points as requested by you, together with seven drawings of the proposed work in relation to the adjacent building property and seven photographs of the same.

Board of Zoning Appeals
September 10, 1957
Page 2

I would appreciate it if you would advise us as to the date of hearing, in order that we may make the necessary arrangements to have our clients present.

I have also enclosed the executed statement, in duplicate, as requested in your instructions, together with check in the amount of \$30.00.

Very truly yours,



OF MARTIN AND POPE

MJM:mk
Enc.

CASE NO. 7-57

Date Sept 13, 1957

ZONING APPEALS PETITION

ACCEPTED AS TO FORM by the WICHITA BOARD OF ZONING APPEALS

Receipt No. 3282
(Purchasing Department)

by Catherine Tompkins

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Stanley Smyltzer Owner Address 340 South West

To Allen S. Hughes Applicant Address 3200 North Charles

Dear Sir:

Your application Dated August 21, 1957

For a Permit for the addition to the machine shop
in the building at the premises designated as
340 South West

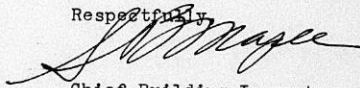
Is hereby refused on this 21st day of August, 19 57

Under Section 21-15 and 21-22 of the Zoning Ordinance.

For the reason that the machine shop employs more than that allowed in
Sec 21-15 and with the addition would employ approximately twenty more persons.

In the "C" district machine shops are permitted providing not over 10 persons
are employed.

Respectfully,



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.

*See
attached
statement*

DELIVERING EMPLOYEE Deliver ONLY to addressee. (Does not apply to Certified mail.)
 Show address where delivered.

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)

2. *Conrad D. ...*
(Signature of addressee's agent; Agent should enter addressee's name on line ONE above)


Date of Delivery _____, 19____

RECEIPT FOR CERTIFIED MAIL—15¢

No. 730765

SENT TO Stanley Smyltzer		POSTMARK OR DATE
STREET AND NO. 340 South West Street		
CITY AND STATE Wichita, Kansas		
If you want a return receipt, check which <input type="checkbox"/> It shows to whom and when delivered.		If you want restricted delivery, check here <input type="checkbox"/> 20¢ fee

PDD Form 3800 July 1955 Replaces previous editions of this form which MAY be used.

POST OFFICE DEPARTMENT OFFICIAL BUSINESS		PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, 500¢ (GPO)		
RETURN TO _____				
REGISTERED NO.	NAME OF SENDER Geo. J. Fisher			
CERTIFIED NO.	STREET AND NO. OR P. O. BOX 205 City Building			
INSURED NO.	POST OFFICE Wichita			
	STATE Kansas			
POD Form 3811 July 1955		U. S. GOVERNMENT PRINTING OFFICE: 1955 500304-10		

RECEIPT FOR CERTIFIED MAIL—15¢		
No. 730765	SENT TO Stanley Smyltzer	POSTMARK OR DATE
	STREET AND NO. 340 South West Street	
	CITY AND STATE Wichita, Kansas	
	<input type="checkbox"/> If you want a return receipt, check which It shows to whom and when delivered <input type="checkbox"/> It shows to whom, when, and address where delivered <input type="checkbox"/> 20¢ fee	
POD Form 3800 July 1955	Replaces previous editions of this form which MAY be used.	

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

October 1, , 19 57

Mr. Stanley Smyltzer
L & S Machine Company
340 South West Street
Wichita, Kansas

Dear Mr. Smyltzer :

Your appeal, under the Zoning Ordinance, relative to premises at
340 South West Street

has been given Board of Zoning Appeals Case No. 7-57 .

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 October 11, , 19 57 , at 1:30 p.m.
In Room 201 of the City Building

Respectfully,

Geo. J. Fisher
Secretary, Board of Zoning Appeals

cc: Mr. Marvin J. Martin
1110-1116 Brown Building
Wichita, Kansas

BOARD OF ZONING APPEALS

Room 205, City Building
Wichita 2 Kansas

NOTICE TO PROPERTY OWNERS

October 1, 1957

An appeal has been filed by Marvin J. Martin, Attorney
(address) 1110-1116 Brown Building on behalf of
Stanley Smyltzer and the
L. & S. Machine Co., Inc. (address) 340 South West Street
as provided by Section 21-15 Vol. I of the City Code. The

appellant desires to make an addition to the existing building.
The machine shop employs more than that allowed in Section 21-15 and
with the addition would employ approximately 20 more persons.
on the premises located at 340 South West Street

This appeal has been given Case No. 7-57 and a hear-
ing will be held by the Board of Zoning Appeals on Friday
October 11, 1957, at 1:30 p.m. in Room 201 of the City
Building, 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.

Geo. J. Fisher
Secretary, Board of Zoning Appeals

ct

This notice sent to property owners and residents within a 200'
radius on 10-1-57.

ct