

CASE NO. 9-47

RESOLUTION 9-47

WHEREAS, Mr. C. C. Smith, representing the owners of the property at 1400 North Market Street, has applied for a permit to erect an extension to the service station at that location; and

WHEREAS, the City Building Inspector has issued a formal refusal inasmuch as the existing service station is a non-conforming structure, and no addition to a non-conforming structure is permitted by the terms of Section 24 of Zoning Ordinance Number 14-432; and

WHEREAS, the variance desired arises from a condition which is not uniform over the Light Commercial district in that the building was conforming when constructed in 1930, and since a variance for an addition to the structure was granted in January, 1941; and

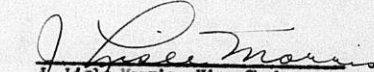
WHEREAS, the granting of this variance will not adversely affect the rights of adjoining properties; and

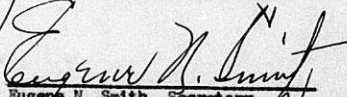
WHEREAS, the strict application of the terms of this ordinance will constitute unnecessary hardship upon this property owner if he is deprived of the opportunity to enclose the car lift; and

WHEREAS, the owners of the property in the neighborhood have been notified and have indicated they have no objection to the proposed structure;

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit to construct a washroom onto the premises known as 1400 North Market.

ADOPTED at Wichita, Kansas, this twentieth day of August, 1947.


J. Lisle Morris, Vice-Chairman


Eugene N. Smith, Secretary

STANDARD OIL COMPANY

(INDIANA)

WICHITA BRANCH
AND AGENCIES

SALES DEPARTMENT

ALL QUOTATIONS
SUBJECT TO
IMMEDIATE ACCEPTANCE
AND SPECIAL CONDITIONS
NOTED ON BACK HEREOF

C. C. SMITH, MANAGER
J. P. JONES, ASST. MANAGER

WICHITA 1, KANS. August 1, 1947

FILE M

SUBJECT

Board of Zoning Appeals
304 City Hall
Wichita, Kansas

Gentlemen:

Please find attached refusal to application for building permit, together with our appeal notice for building addition to our service station located at 1400 North Market Street on the Northeast intersection of 13th and Market, and we ask your consideration of our appeal on the facts as follows:

1. A similar situation arose in January of 1941, and we appeared before the City Building Inspector for permission to remove canopy of station and build addition to one stall for combination washing and greasing. At this time, the application was denied and was appealed to the City Planning Commission who approved the issuance of permit, their resolution No. 2-41.
2. The above mentioned condition greatly improved the appearance of the location, and the station has been kept well painted and shrubberies have been planted and the general appearance of the corner improved.
3. The addition which we desire to build at this time, will enclose a car lift which has been located on the outside of the building and which has been used for both car washing and car greasing, and to enclose this piece of equipment will again add to the appearance of cleanliness of the location, as all facilities for greasing and washing will then be on the interior of the building, and it naturally will lessen any chance of noise, etc., from that service becoming an annoyance to any adjacent property.
4. Building permit was issued March 18, 1930 on the original building on this location, Permit No. 557, which was some eight years after the zoning ordinance was passed within the City of Wichita. It was upon this fact that the permit was applied for with the intent that future building program would be permitted, since the location was commercially zoned and, naturally, if increased business warranted increased facilities, they would be granted permission without the thought that a commercially zoned location would ever revert to residential zoning without an entire withdrawal of

(continued)

business from that location. This and other pertinent facts, we believe, allowed us to proceed with our expansion program at that location as permitted in resolution No. 2-41 mentioned above.

5. Approaches and sidewalk entrances to this station will not be changed in any way.
6. Plan contemplated will consist of a 16' in width by 26' in depth, addition to the North of present facilities for washing service only, as well as a small addition to present store room which will facilitate the handling of our motor oils and greases.
7. This permit applies specifically to Sections 18 and 24 of zoning ordinance.

Since the proposed work will not greatly change the appearance or the area of our building and will only tend to improve the facilities for handling the work, and since the proposed construction extends to the North to where there is no nearby residence or business building for over 100 feet, property being owned by the Standard Oil Company, we ask your earnest consideration so that we may proceed with this work, which has been delayed and permit not requested, as we were awaiting building materials such as terra cotta trim, overhead door and heating appliances which are now on location. If we are allowed to proceed now, we can complete before freezing weather would be detrimental to the construction.

The refusal of the granting of permit would cause unnecessary hardship, because the proposed work tends to further modernize and improve the appearance of the premises by the inclusion of all outside services within the building.

Thanking you for past courtesies, we remain

Yours truly,

C. C. SMITH

By

PBS:MK

Board of Zoning Appeals
Room 304 City Hall
Wichita, Kansas

Gentlemen:

The Standard Oil Company is desirous of building an addition to their service station on the northeast corner of 13th and Market, Wichita, Kansas.

As an adjacent property owner I wish to advise I have no objection to this addition.

Signed: Elmo Hartle

My property is known as 206 E. 13th St.

BOARD OF ZONING APPEALS Case No. 9-47
Filed July 30, 1947

APPEAL UNDER THE ZONING ORDINANCE

TO THE BOARD OF ZONING APPEALS
Room ~~208~~ City Hall
Wichita, Kansas

The undersigned, Standard Oil Company (Indiana), hereby appeals from the decision of the Building Inspector wherein a Building Permit Is Refused For reason that building is non-conforming since it is a business building in a residential district and additions thereto are not permitted.

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.

Standard Oil Company (Indiana)
Appellant.

NAMES AND ADDRESSES

Appellant	<u>Standard Oil Company</u>	Address	<u>715 E. 10th</u>
Owner	<u>Standard Oil Company</u>	Address	<u>715 E. 10th</u>
Lessee	<u>E. L. Hoffsinger</u>	Address	<u>715 E. 10th</u>

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. **Section 33**
 - (d) Names and addresses of all owners and residents within a distance of 200 feet of the property concerned.

Board of Zoning Appeals
Room 304 City Hall
Wichita, Kansas

Gentlemen:

The Standard Oil Company is desirous of building an addition to their service station on the northeast corner of 13th and Market, Wichita, Kansas.

As an adjacent property owner I wish to advise I have no objection to this addition.

Signed: Mrs. Fred Brooks

My property is known as 1336 N. Market

Board of Zoning Appeals
Room 304 City Hall
Wichita, Kansas

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Signed:

John H. Burns Jr.

My property is known as 1412-1414-1416 1/2 Market

Board of Zoning Appeals
Room 304 City Hall
Wichita, Kansas

Gentlemen:

The Standard Oil Company is desirous of building an addition to their service station on the northeast corner of 13th and Market, Wichita, Kansas.

As an adjacent property owner I wish to advise I have no objection to this addition.

Signed:

Leo A. Johnson
1410 no inst.

My property is known as _____

BOARD OF ZONING APPEALS
302 City Building
Wichita, Kansas

NOTICE TO PROPERTY OWNERS

August 5, 1947

An appeal has been filed by the Standard Oil Company of Indiana, 715 East Tenth, as provided by Section 33 of the Zoning Ordinance. The appellant desires to construct an addition to a service station located at 1400 North Market, which would not be permitted under the present zoning regulations since this commercial establishment is located in a residential zone.

This appeal was heard at a meeting of the Board of Zoning Appeals on Friday, August 1, 1947, at which time the appeal was granted providing that there were no objections from property owners within 200' of the location stated above.

If you have any comments or objections please call at Room 302 City Building or call 2-6441 and ask for the Planning Office. If we do not hear from you on or before August 18, 1947, it will be assumed that the granting of this variance from the Zoning Ordinance will not adversely affect your property interests.

Eugene N. Smith

Eugene N. Smith, *js*
Secretary

BOARD OF ZONING APPEALS
302 City Building
Wichita, Kansas

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Eugene N. Smith

Eugene N. Smith, *js*
Secretary

CERTIFICATE OF OWNERSHIP

On the property within a 200 Ft. Radius of Lot 4 on 13th St
Hartle Addition.

Lots	Addition	Owners Name
4	Hartle	Standard Oil Co. <i>206 E. 13th</i>
5	"	Elno Hartle
6	"	Frank L. Dunn <i>4 Park Ave. Southborough</i>
7	"	Don L Hammond & Fred Cochran Jr.
8	"	W. P. & Fred Cochran Jr.
9	"	<i>Winters</i> Sada J Stevens <i>1411 N. Cherry</i> <i>115 S. Rattan</i>
10	"	Esther L Mooney <i>1425 N. Cherry</i>
21 & 23	Hoovers Add	Sherman H & Edna P Peavy <i>1435 Otis</i>
25 & 27	"	E. J. & A. M. Coulson <i>1431 Otis</i>
29 & 31	"	Hollis W McCullaugh & Venda Lee. <i>1061 N. Main</i>
33 & 35	"	Dewey D & Laura S Newby <i>1419 Otis</i>
1238 Market St.	Bush's Add	Carl C & Mamie A Winters <i>1345 N. Main</i>
1240 & 1242 Market St.	"	Derby Oil Co. <i>V. G. Zoller, Genl Mgr. 352 58 N. Cherry</i>
1238 & 1240 Lawrence Ave	"	Sadie Sandlin <i>1339 N. Cherry</i>
1242 & S 18ft 1244 Lawrence Ave "	"	Mary E Miles <i>303 Penn.</i>
N 7 ft. 1244 & 1246 Lawrence Ave "	"	Felecia B Hodsney
1237 & 1239 Market St.	"	Emma Russell <i>1334 N. Main</i>
1241 & 1243 "	"	Fred & Emma A Brooks <i>401 Walnut, Apt. 4</i>
1245 Market St.	"	Jimmie & George Hayford ?

THE GUARANTEE ABSTRACT COMPANY, INC., hereby certifies that a search has been made of the filings in the office of the Register of Deeds of Sedgwick county, relative to property within a 200 ft. Radius of Lot 4 Hartle Addition to the city of Wichita, Except rail road right of way and that the above and foregoing is a true exhibit of the owners of said property.

WITNESS our Hand and Seal this the 4 day of August
A. D. 1947.

THE GUARANTEE ABSTRACT COMPANY, INC.

Order no 9234
CER

By *John M. Free*

Vice President