

CASE No. 14-50



CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To F. A. McKulsky Owner Address 1701 S. Clifton

To F. A. McKulsky Applicant Address 1701 S. Clifton

Dear Sir:

Your Application Dated 10-28-50

For a Permit for the addition to tavern and drive in restaurant

at the premises designated as

3525 East Harry

Is hereby refused on this 28th day of October, 1950,

Under Sections 16 & 24 of the Zoning Ordinance.

For the reason that

this building is located in a district that was recently annexed to the city which is an "A" District. It is a legal non-conforming use but the ordinance does not permit additions thereto. The appellant desires to make a small addition to house toilet facilities.

CASE 14-50

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.

**The Security Abstract and Title Co., Inc.**

203 Bitting Building 524 North Market  
 Tel. 3-5737 Wichita, Kansas Tel. 4-2626

**ABSTRACTING ORDER AND INVOICE**

**Nº 61822**

Billing Date 10/30/50

Order Date 10/30/50

Wanted

**RUSH**

CHARGE TO F. A. McKusky, 1701 S. Clifton. 62-6155

DESCRIPTION Tr. in NW¼ 35-27-1E Beg. at NE cor.

NW¼ NW¼; W 132' S 200' E 132' N to beg.

200 ft. radius

**Papers Left**

Extend \_\_\_\_\_ Dist. Ct. Proc.

U. S. Ct. Ctf \_\_\_\_\_ Probate Proc.

Make Abst.—New—Supl. \_\_\_\_\_ Plat

Comply with Req. \_\_\_\_\_

Ctf. of Title \_\_\_\_\_ **Ownership List**

Remarks: \_\_\_\_\_

Deliver to 524 N Market

**Abstracting Charges**

Entries @ \$1.00

Certificate

U. S. Court Ctf.

District Court Proceedings

Probate Court Proceedings

Plat

Ctf. of Title

**ownership**

TOTAL

3 00

3 00

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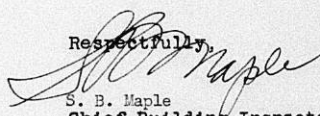
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2.

(a) This building is leased for a tavern and drive-in restaurant, which requires two toilets. Due to limited floor area of the building, we propose the toilets be added on the south and west of the building which already has doors that can be used to enter each toilet. One toilet will be five feet from the south corner of the building to the north and five feet west. The other, five feet from the west corner of the building to the east and five feet south. This addition is to be constructed of the same material as the building.

(b) attached

(c) We feel that the following conditions are present.

1. The exception or variance desired arises from the condition that the building was established on this site and used for a commercial dairy before and after this property was taken into the city. At the time it was annexed to the city, the area was zoned "A", making a non-conforming legal commercial. The dairy has been moved. This building had been satisfactorily approved for a new type of business which requires toilet facilities. We appeal to you to make an exception to this ordinance since this building was constructed when out of the city limits.
2. Granting of the permit will not adversely affect the rights of adjacent property owners or residents, because the location of the building on the property has sufficient space in all directions. To the east of the building there is approximately fifty feet, adjacent property at this point is a grocery store which is out of the city limits. To the west of the building there is approximately fifty feet, and adjacent property at this point is a poultry farm. We own the property south 60 feet, which is open land.
3. Strict application to the terms of the ordinance will constitute unnecessary hardship to the property owner because it will lower the value of the property for commercial use. Placing of the toilets on the inside of the present building will hamper operation to the extent of losing the lease on the building, which will constitute a total loss on the property in question to the property owner.
4. The exception or variance desired is not against the public interest because it will be an improvement to the property and of convenience to the public that frequent this establishment.

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  2. Granting of the permit will not adversely affect the rights of adjacent property owners or residents, because the location of the building on the property has sufficient space in all directions. To the east of the building there is approximately fifty feet, adjacent property at this point is a grocery store which is out of the city limits. To the west of the building there is approximately fifty feet, and adjacent property at this point is a poultry farm. To the south the property 600 feet, which is open land.
  3. Strict application to the terms of the ordinance will constitute unnecessary hardship to the property owner because it will lower the value of the property for commercial use. Fixing of the toilets on the inside of the present building will hinder operation to the extent of losing the lease on the building, which will constitute a total loss on the property in question to the property owner.
  4. The exception or variance desired is not against the public interest because it will be an improvement to the property and of convenience to the public that frequent this establishment.

**RECEIPT FOR REGISTERED ARTICLE No.** 3080

Fee paid 25, 19 50

Class postage paid 10 Return receipt fee 0  
 Special delivery fee \_\_\_\_\_

Declared value, \$ 10


Surcharge paid, \$ \_\_\_\_\_

Restricted delivery (Accepting customer will place initials in proper space) \_\_\_\_\_ in person \_\_\_\_\_  
 or order \_\_\_\_\_ Fee paid \_\_\_\_\_


From The City of Wichita  
(Street and office) City (Post office and State)

Addressed to J.A. ...  
(Street and number) 1701 ... (Address) Postmaster, per ...

GPO 49-10-12050-5 (Post office and State)



**Post Office Department**  
 OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO NON-PAYMENT OF POSTAGE, 50c

THROUGH COMMUNITY CH

Return to Planning Office  
(Name of addressee)

Street and Number, or Post Office Box, 304 City Bldg.

REGISTERED ARTICLE  
 No. 3080

INSURED PARCEL  
 No. \_\_\_\_\_

**WICHITA, KANSAS.**

**RECEIPT FOR REGISTERED ARTICLE No.** 2080

Fee paid 35 (Cash) 11, 19 50

Class postage paid 10 Return receipt fee 0  
 Special delivery fee \_\_\_\_\_

Declared value, \$ 10

Surcharge paid, \$ \_\_\_\_\_

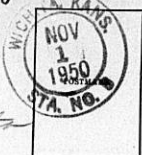
Restricted delivery (Accepting employee will place initials in proper space) \_\_\_\_\_ in person \_\_\_\_\_  
 or order \_\_\_\_\_ Fee paid \_\_\_\_\_

From 24 City of Muskogee (Street and city) (State) \_\_\_\_\_

Addressed to J. A. McKelvey (Address) (Post office and State) \_\_\_\_\_  
121 S. Washington (Street and number) (Post office and State) \_\_\_\_\_

Postmaster, per me

GPO c9-16-12569-2



Form 8811  
Rev. 1-4-40

**RETURN RECEIPT**

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 J. A. McKelvey  
(Signature or name of addressee)

2 \_\_\_\_\_  
(Signature of addressee's agent—Agent should write addressee's name on line ONE above)

Date of delivery NOV 2 1950, 19 \_\_\_\_\_

U. S. GOVERNMENT PRINTING OFFICE 16-12821

S T A T U S   S H E E T

Board of Appeals Case No. 14-50

3525 East Harry Premises in Question  
F. A. McKulsky Appellant's Name  
1701 S. Clifton Appellant's Address  
same Owner's Name  
Owner's Address

10-28-50 Building or Zoning Application Received by Building Inspector

10-28-50 Decision of Building Inspector refused as is a legal non-conforming use and cannot make additions thereto

10-28-50 Appeal filed with Bond of Zoning Appeals

11-1-50 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

11-1-50 Adjoining Property Owners Notified

Protests Received

Consents Received

Prior Cases on These Premises

11-3-50 Case Hearings

Case Decided                      Action of Board

Notice of Decision Sent

Court Cases