

CASE NUMBER 18-51

CASE NO. 18-51

APPLICANT: Dave Hallock

PREMISES AFFECTED: 1854 North Waco (rear)

ZONING: light Commercial

Secretary Smith reviewed the case. He stated that the owner wishes to remodel the garage on the rear of his lot into an apartment; that application for a permit to remodel this garage was refused on the 20th day of September, 1951, under Section 19-5b, c, and d of the Zoning Ordinance, for the reason that there is insufficient side and rear yards and that there would be an insufficient amount of lot area.

Mr. Bonham, representing the appellant, stated that the reason they wish this change is that with the present shortage of housing, if they remodel this garage into an apartment, it would be quite beneficial to them; that there is already an existing apartment on the second floor of this garage which has been there for twenty years or more; that after the present housing shortage is over, they want to tear the building down and build an electric shop there; that there is no opposition from any of the adjacent property owners.

No one appeared in protest.

Mr. Maple stated that there is no rear yard as the building is built right on the alley and that there is a small 2' side yard on the north of the garage; that the ordinance states that there should be 3,000 sq. ft. per family in this district; that if the garage is remodeled into an apartment there will be three families located on this lot which would necessitate 9,000 sq. ft.; that the size of this lot is 7,000 sq. ft.

C. Smith stated that as this building is non-conforming and the side yard and rear yard has already been established, no waiver of the ordinance will be necessary; that the only requirement to be met is the lot area, and that this requirement is really only a technicality.

Keeler stated that there is precedent for approval, as there have been one or two similar cases in other districts.

Mr. Bonham stated that there is a store north of their property and on the south are residents; that the change would create no hardships on any of the surrounding residents.

In executive session, after considerable discussion, C. Smith moved and Morris seconded that the Board take jurisdiction and grant the variance as the four conditions of the Ordinance have been met. The motion carried unanimously.

RESOLUTION 18-51

ELECTION OF OFFICERS

Secretary Smith stated that as it is the beginning of a new year, officers should be re-elected.

C. Smith moved that George W. Herrman be nominated for Chairman of the Board of Zoning Appeals. Morris moved that the nominations be closed and the Secretary instructed to cast a unanimous ballot for Herrman. The motion was seconded and carried unanimously.

C. Smith moved that J. Lisle Morris be nominated for Vice-Chairman of the Board of Zoning Appeals. Keeler moved that the nominations be closed and the Secretary instructed to cast a unanimous ballot for Morris. The motion was seconded and carried unanimously.

J. Lisle Morris moved that E. N. Smith be nominated for Secretary of the Board of Zoning Appeals. C. Smith moved that the nominations be closed and E. N. Smith declared elected by unanimous ballot. The motion was seconded and carried unanimously.

As there was no further business to come before the board at this time, the meeting was adjourned.

Eugene N. Smith  
Secretary

STATUS SHEET

Board of Appeals Case No. 18-51

1854 (rear) N. Waco Premises in Question  
Dave Hallock Appellant's Name  
1854 N. Waco Appellant's Address  
same Owner's Name  
same Owner's Address

9-20-51 Building or Zoning Application Received by Building Inspector

~~9-20-51~~ Decision of Building Inspector refused for insufficient  
side and rear yards and lot area

9-20-51 Appeal filed with Bond of Zoning Appeals

Hearing notice and receipt

The variance or exception desired arises from some condition  
which is not uniform in similar districts

The granting of the permit for the variance will not prejudice  
the rights of adjacent property owners or residents

Adjoining Property Owners Notified

Protests Received

Consents Received

Prior Cases on These Premises

Case Hearings

Case Decided Action of Board

Notice of Decision Sent

Court Cases

BOARD OF ZONING APPEALS  
Room 304, City Hall  
Wichita, Kansas

NOTICE TO PROPERTY OWNERS

Feb. 16, 1952, 1952

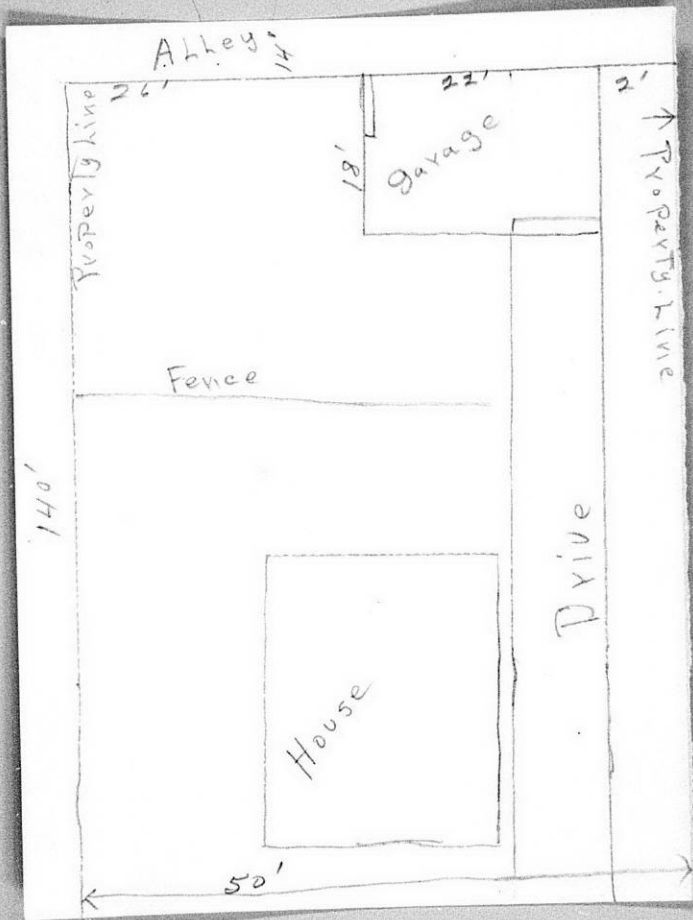
An appeal has been filed by Mr. Dave Hallock  
(Address) 1854 N. Waco on behalf of \_\_\_\_\_  
\_\_\_\_\_  
(Address) \_\_\_\_\_  
as provided by Section 33 of the Zoning Ordinance. The appellant  
desires to Remodel from a one-family residence to a two-family  
residence on the premises  
located at 1854 N. Waco

This appeal has been given Case No. 18-51  
and a hearing will be held by the Board of Zoning Appeals on \_\_\_\_\_  
February 20, 1952 at 1:50 p.m.  
at which time you may appear, if you so desire, either in person or  
by agent or attorney.

City Commission Room

By order of the Board of Zoning Appeals.

E. N. Smith  
Secretary.



BOARD OF ZONING APPEALS  
Instructions to Appellents

The following are to be filed in the office of the Board of Zoning Appeals, Room 304, 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.



CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Dave Hallock Owner Address 1854 N Waco

To Dave Hallock Applicant Address 1854 N Waco

Dear Sir:

Your Application Dated 9-20-51

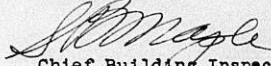
For a Permit for the remodeling from a one-family residence to two-family residence at the premises designated as 1854 (Rear) N Waco

Is hereby refused on this 20th day of September, 1951,

Under Section 19-5b, c, d of the Zoning Ordinance.

For the reason that insufficient side and rear yards and there would be an insufficient amount of lot area.

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.

THE CITY OF WICHITA  
K A N S A S

DEPARTMENT OF SERVICE

SERVICE DIVISIONS

BUILDING INSPECTION  
ENGINEERING  
SEWAGE DISPOSAL  
SEWER  
STREET  
TRAFFIC ENGINEERING  
WATER SUPPLY



EUGENE N. SMITH  
DIRECTOR OF SERVICE

...

205 CITY BUILDING  
WICHITA 2, KANSAS

29 February 1952

G. W. Hermann, Chairman  
Board of Zoning Appeals  
Beacon Building  
Wichita 2, Kansas

Dear George:

I am sending you a letter which I received from Fred Plough relative to the appeal filed by Dave Hallock concerning 1854 North Waco. I think that Mr. Plough is sincere in his statement that he did not receive the notice of the hearing in time to enter his protest. In checking with the Planning Office, I find that the notices were not registered as is the usual case.

Since the Board has already rendered a decision I do not know what action you wish to take relative to this letter but I am holding up the resolution which is usually sent to the Building Inspector following the granting of an appeal. It would be my suggestion that the matter be held in abeyance until the next meeting of the Board and, on the basis of this protest, that the case be reopened.

Will you please advise me what your wishes are in the matter, and either return this letter to me or hang on to it.

Very truly yours,

Eugene N. Smith, Chairman  
Board of Zoning Appeals

ENS:ab:lrb

cc: Fred Plough, 1848 N. Waco  
Dave Hallock, 1854 N. Waco  
S. B. Maple, Building Inspector

Encl: Letter from Fred Plough

*Chairman - Board of Zoning Appeals*  
**Brotherhood Railway Carmen of America**

Affiliated with American Federation of Labor

OFFICERS

J. L. FERREL, President  
819 N. Market  
JOHN L. WHITE, Recording Sec'y  
1004 W. 33rd Street  
E. R. BLACKWELL, Financial Sec'y  
3121 Salina  
VICTOR PURKEY, Treasurer  
1136 N. Sheridan

LOCAL L. P. B. COMMITTEE  
FRED PLOUGH, Chairman  
1848 N. Waco  
C. E. PHILLIPS, Secretary  
3405 Wellington Place  
JOHN L. WHITE, Member  
1004 W. 33rd Street

**Wichita Lodge No. 644**

WICHITA 4, KANSAS

February 23 1952

*W. W. Storman  
Bureau Bldg.*

Mr. E. N. Smith  
Room 201 City Building  
Wichita Kans.

Dear Sir;

I have before me a notice dated February 16 1952. that an appeal had been filed by Dave Hallock of 1854 N. Waco to Remodel from a one family residence to a two family residence. On the premises of 1854 N. Waco.

Case No. 18-51 . Hearing to be held by the board of Zoning appeals on February 20, 1952 at 1:30 p.m . At which you may appear if you so desire .

This notice was mailed to Mr. John A. Watson. I did not receive any notice of that meeting and did not have a chance to inter my protest at that time.

I hope that you will consider this as my protest to having this building remodeled from a one family to a two family residence. I am asking that your board decline Mr. Hallock's request.

My reason is. I own as my home the adjoining property on the south such rental property would decrease the value of it and make it less desirable as a home. The property on the north is a store building. Which might explain why in the past why children living in that property elected to use my yard and drive way for a play ground. My drive way is along the property line and I had to be very careful in backing my car out that I did not run over a small child

The building they want to remodel is now a double garage and is less than two feet from the side property line and is next in the alley. There is just 60 inches between that building and my garage at the ground level. I got a City permit and built my garage according to the City building code in 1937.

I think the City building code is a fine thing . But the purpose for which it was intended for will be defeated if it is not enforced.

Thanking you for any consideration you might give this letter

I am yours

*Fred Plough*  
Fred Plough  
1848 N. Waco Wichita Kans.

# Brotherhood Railway Carmen of America

Affiliated with American Federation of Labor



## OFFICERS

J. L. FERREL, President  
1919 N. Market  
JOHN L. WHITE, Recording Sec'y  
1004 W. 33rd Street  
E. R. BLACKWELL, Financial Sec'y  
319 Salina  
VICTOR PURKEY, Treasurer  
1136 N. Sheridan

## LOCAL L. P. B. COMMITTEE

FRED FLOUGH, Chairman  
1848 N. Waco  
C. E. PHILLIPS, Secretary  
346 Wellington Place  
JOHN L. WHITE, Member  
1004 W. 33rd Street

## Wichita Lodge No. 644

WICHITA 4, KANSAS

March 1 1952

Mr. E. N. Smith  
Room 201 City Building  
Wichita Kansas.

Dear Sir;

If you will please refer to my letter to you under date of February 23 this year. In which I advised you that I was opposed to Mr. Dave Hallock Remodeling from a one-family residence to a two family residence.

I wish to advise on this date Mr. Dave Hallock and I have reached an agreement. That before this part of the building that he is remodeling is rented he will build a fence from his building he is remodeling to a tree about 50 or 60 feet west,

I am confident Mr. Hallock will make his promise good. In return I am of this date withdrawing my protest in my letter of February 23 1952 to you.

cc to Dave Hallock

Yours

*Fred Flough*  
1848 North Waco