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NSA 22-65 - E. Briggs & P. E. Caldwell  
will request FBI to enlarge  
a residence in "P" zone at 45th St.  
Ohio in area between 34th & 35th St.

*Smead*

No. 103½C

HASTINGS, MINN. - LOGAN, OHIO U.S.A.

Ohio street

100'

(31' parking)

39'

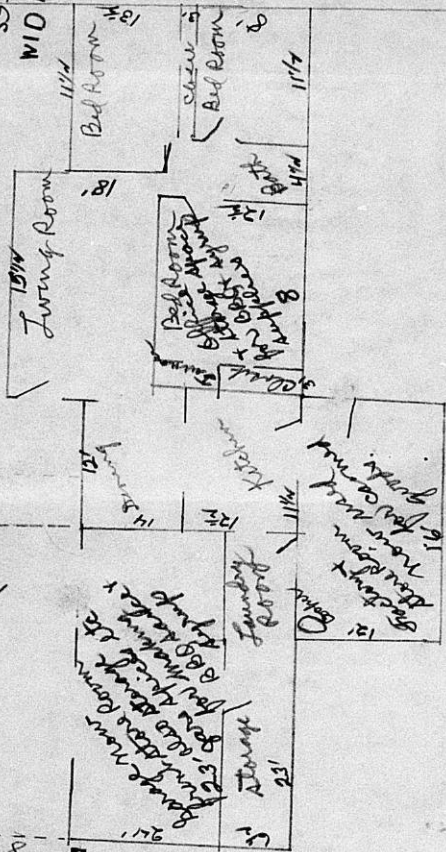
about ditch

NE corner of house

1500 ± square feet  
100 sq. ft.  
allow 100 sq. ft.  
to allow for  
garage

East 37th Street

140 ft  
Lots 17-19-21-23  
Allston add Block II  
B-14656 E 9th St  
3333 Ohio 67219  
MIDI 14xND:RN192



29'  
Storage room  
table chairs  
garage table & chairs  
equipment storage

1956 we used for heavy storage  
since 1957 for storage

Alley

3838 Ohio St., Wichita, Kans., June 4, 1965

Board of Zoning Appeals  
City of Wichita, Kansas.

Gentlemen,

This application for exception is desired to eliminate a two floor ( two steps up) between the front room and the back room and that we may store empty pop bottles in this rear room where they will not be accessible for some of our younger customers to pick up our empty bottles and bring them in and resell them to us. Also to eliminate our older customers from possibly tripping on the two steps. Then if needed for storage we can use the rear room.

We will be very thankful and grateful if you will please OK this request.

Yours very truly,

CALDWELLS MARKET

*E.E. Caldwell*

P. S. We have used the 23 x 24 foot garage , the 8 x 12 1/2 ' bed room, the 12 x 16 foot factory room and north half of laundry room for storage and the former hen house 10' x 29' for storage (latter since 1957) other rooms since 1956

We made Waufle Syrup, Barbecue sauce and Peanut Brittle in the factory room since 1956, and we sold these items and groceries at wholesale and retail since 1956.

July 6, 1965

E. Briggs and E. E. Caldwell  
3533 Ohio  
Wichita, Kansas

Gentlemen:

Re: BZA 22-65

On June 24, 1965, we advised you that the Board of Zoning Appeals had approved your request for an exception to allow the expansion of your home up to a maximum of 40% of the floor area of the existing home, on property located generally on the west side of Ohio in an area between 34th and 35th Streets North.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before July 2, 1965.

The City Clerk has advised that no appeal was filed on or before the date indicated, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the Resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:JWH:ber  
attachment

cc: Glen Lytle, Superintendent  
of Central Inspection

R E S O L U T I O N N O. B Z A 2 2 - 6 5

WHEREAS, E. Briggs and E. E. Caldwell, 3533 Ohio, Wichita, Kansas, have filed an application for an exception to permit the construction of an addition to a residence, as provided in Section 28.04.170.A.3, Code of the City of Wichita, which allows expansion of a nonconforming single family home in the "F" Heavy Industrial District, to a maximum of 40% of the floor area of the existing structure; and

WHEREAS, this application relates to property legally described as follows:

Lots 17, 19, 21, 23, Block 11, Allerton Addition,  
in the City of Wichita, Sedgwick County, Kansas;

Generally located on the west side of Ohio in an  
area between 34th and 35th Streets North; and

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under the provisions of Section 2.12,590, Code of the City of Wichita; and

WHEREAS, the property is zoned "F" Heavy Industrial; and

WHEREAS, the Board of Zoning Appeals has authority to permit expansion of a nonconforming single family home in the "F" Heavy Industrial District, provided such expansion does not exceed a maximum of 40% of the floor area of the existing structure; and

WHEREAS, the Board has determined that a hardship exists in that the occupants of the premises are utilizing the property in question as a single family residence and also devoting about 50% of the existing home for a commercial use, which includes the manufacturing of waffle syrup, barbeque sauce and peanut brittle, the income from which is his only source of income; and further, inasmuch as the Superintendent of Central Inspection has determined that the principal use of the premises is for residential purposes, the applicants cannot obtain a building permit for expansion of their manufacturing activity even though the property is zoned "F" Heavy Industrial.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that an exception be granted to allow expansion up to 40% of the floor area of the existing residential structure (which would allow construction of an additional 600 square feet of floor area) located on the following described property:

Lots 17, 19, 21, 23, Block 11, Allerton Addition,  
in the City of Wichita, Sedgwick County, Kansas;

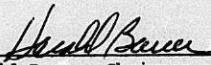
Generally located on the west side of Ohio in an  
area between 34th and 35th Streets North,

subject to the following:

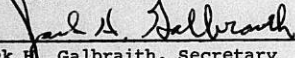
1. The construction of any addition shall be in accordance with the standards and specifications as outlined by the Superintendent of Central Inspection.

2. In no event shall it be construed that the approval of this special permit granting the applicants the right to expand up to a maximum of 600 square feet of floor area, gives the applicant the right to utilize a frame structure for commercial use. Any portion of the existing single family home which is to be utilized for a commercial activity shall be built to construction standards as outlined by the Superintendent of Central Inspection.

ADOPTED AT WICHITA, KANSAS, this 22nd day of June, 1965.

  
\_\_\_\_\_  
Harold Bauer, Chairman

ATTEST:

  
\_\_\_\_\_  
Jack H. Galbraith, Secretary

June 24, 1965

E. Briggs and E. E. Caldwell  
3533 Ohio  
Wichita, Kansas

Dear Sirs:

Re: BZA 22-65

At the regular meeting of June 22, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to allow the expansion of your home up to a maximum of 40% of the floor area of the existing home, on property located generally on the west side of Ohio in an area between 34th and 35th Streets North.

It was the decision of the Board to approve the request to allow expansion up to 40% of the floor area of the existing home, which would allow construction of an additional 600 square feet of floor area, subject to the following:

1. The applicant shall be allowed to expand up to 40% of the floor area of his existing home, which would allow construction of an additional 600 square feet of floor area.
2. The construction of any addition shall be in accordance with the standards and specifications as outlined by the Superintendent of Central Inspection.
3. In no event shall it be construed that the approval of this special permit granting the applicant the right to expand up to a maximum of 600 square feet of floor area, gives the applicant the right to utilize a frame structure for commercial use. Any portion of the existing single family home which is to be utilized for a commercial activity shall be built to construction standards as outlined by the Superintendent of Central Inspection.

Page 2 - E. Briggs and E. E. Caldwell  
June 24, 1965

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before July 2, 1965.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed and if none has been, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:JWH:ber

cc: Glen Lytle, Superintendent of Central Inspection  
Robert Finch, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 22-65

APPLICANT: E. Briggs and E. E. Caldwell, 3533 Ohio

GENERAL LOCATION: West side of Ohio in an area between 34th and 35th Streets North

REQUEST: Exception as provided in Section 28.04.170.A.3, Code of the City of Wichita, to allow the applicant to expand his home up to a maximum of 40% of the floor area of his existing home.

LAND USE: The property in question and all surrounding property has been developed for single family use.

ZONING: The property in question and all surrounding property is zoned "F" Heavy Industrial.

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 28.04.170.A.3 of the Code of the City of Wichita and to grant the variance request to allow the applicant to expand his home up to 40% of the floor area of the existing structure when a hardship can be found to exist.

COMMENTS BY THE SECRETARY

At the present time the applicant is utilizing the property in question as his home and also utilizing approximately 50% of the existing home on the property for a commercial use, which includes manufacturing of waffle syrup, barbeque sauce and peanut brittle. The Superintendent of Central Inspection has made the determination that the principal use of the property is for residential use, consequently, a building permit was denied on the basis that a single family home is no longer a permitted use in the "F" Heavy Industrial district. Even though the commercial use being carried on on this property is a permitted use in the "F" Heavy Industrial district, a determination was made at the time a building permit was requested, that the principal use of the property was for residential and any other use being carried on the property would be an accessory use. Consequently, the applicant was advised to seek relief through the Board of Zoning Appeals by applying for an exception to the ordinance to expand his existing single family home.

The applicant has informed the Secretary that the income derived from the barbeque sauce, waffle syrup and peanut brittle which he manufactures at this location, is his only source of income. The applicant is not proposing to add to that portion of his existing home which is devoted to residential use but is, rather, proposing to

add on an 8 x 21½ foot addition to the front of his garage, which is now devoted to the commercial activity being carried on on the premises. (The proposed addition has been partially constructed, however, the applicant was ordered to stop construction.)

From viewing this property in the field, the structure does not appear as if it is being utilized as a commercial structure. However, the applicant does have quite a large number of concrete blocks and building materials stored on the rear portion of his lot which is rather unsightly and does nothing to add to this single family area. However, it is assumed that if this exception is granted, the applicant will utilize a considerable number of these concrete blocks for the proposed addition.

From the plot plan submitted, it is very difficult to tell just how many square feet there are in the structure now located on this property. However, if the dimensions as shown on the plot plan are correct, there appears to be approximately 1,500 square feet in the structure now devoted to the commercial and residential use. The applicant has requested that he be allowed to expand to the maximum of 40% of the floor area of the existing structure, which would allow the construction of an additional 600 square feet of floor area, which includes the addition now proposed. The addition which the applicant is now constructing contains approximately 172 square feet of floor area. The applicant has indicated that the reason he would like to have permission to expand up to the full 600 square feet is in order to provide for future storage facilities in connection with his business.

#### RECOMMENDATION

Based on the foregoing comments, it is the opinion of the Secretary that the applicant would be burdened with undue hardship if the exception is not granted and, therefore, it is recommended that the exception be approved to allow the applicant to expand up to 40% of the floor area of the existing home which would allow construction of an additional 600 square feet of floor area. This approval shall be subject to the following conditions and requirements:

1. The applicant shall be allowed to expand up to 40% of the floor area of his existing home, which would allow construction of an additional 600 square feet of floor area.
2. The construction of any addition shall be in accordance with the standards and specifications as outlined by the Superintendent of Central Inspection of the Department of Public Works.

3. In no event shall it be construed that the approval of this special permit, granting the applicant the right to expand up to a maximum of 600 square feet of floor area, also gives the applicant the right to utilize a frame structure for commercial use. Any portion of the existing single family home which is to be utilized for a commercial activity shall be built to construction standards as outlined by the Superintendent of Central Inspection.

SECRETARY'S REPORT

35

CASE NO. BZA 22-65

APPLICANT: E. Briggs and E. E. Caldwell, 3533 Ohio

GENERAL LOCATION: West side of Ohio in an area between 34th and 35th Streets North

REQUEST: Exception as provided in Section 28.04.170.A.3, Code of the City of Wichita, to allow the applicant to expand his home up to a maximum of 40% of the floor area of his existing home.

LAND USE: The property in question and all surrounding property has been developed for single family use.

ZONING: The property in question and all surrounding property is zoned "F" Heavy Industrial.

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 28.04.170.A.3 of the Code of the City of Wichita and to grant the variance request to allow the applicant to expand his home up to 40% of the floor area of the existing structure when a hardship can be found to exist.

COMMENTS BY THE SECRETARY

At the present time the applicant is utilizing the property in question as his home and also utilizing approximately 50% of the existing home on the property for a commercial use, which includes manufacturing of waffle syrup, barbeque sauce and peanut brittle. The Superintendent of Central Inspection has made the determination that the principal use of the property is for residential use, consequently, a building permit was denied on the basis that a single family home is no longer a permitted use in the "F" Heavy Industrial district. Even though the commercial use being carried on on this property is a permitted use in the "F" Heavy Industrial district, a determination was made at the time a building permit was requested, that the principal use of the property was for residential and any other use being carried on the property would be an accessory use. Consequently, the applicant was advised to seek relief through the Board of Zoning Appeals by applying for an exception to the ordinance to expand his existing single family home.

The applicant has informed the Secretary that the income derived from the barbeque sauce, waffle syrup and peanut brittle which he manufactures at this location, is his only source of income. The applicant is not proposing to add to that portion of his existing home which is devoted to residential use but is, rather, proposing to

Page 2 - Secretary's Report  
Case No. BZA 22-65

add on an 8 x 21½ foot addition to the front of his garage, which is now devoted to the commercial activity being carried on on the premises. (The proposed addition has been partially constructed, however, the applicant was ordered to stop construction.)

From viewing this property in the field, the structure does not appear as if it is being utilized as a commercial structure. However, the applicant does have quite a large number of concrete blocks and building materials stored on the rear portion of his lot which is rather unsightly and does nothing to add to this single family area. However, it is assumed that if this exception is granted, the applicant will utilize a considerable number of these concrete blocks for the proposed addition.

From the plot plan submitted, it is very difficult to tell just how many square feet there are in the structure now located on this property. However, if the dimensions as shown on the plot plan are correct, there appears to be approximately 1,500 square feet in the structure now devoted to the commercial and residential use. The applicant has requested that he be allowed to expand to the maximum of 40% of the floor area of the existing structure, which would allow the construction of an additional 600 square feet of floor area, which includes the addition now proposed. The addition which the applicant is now constructing contains approximately 172 square feet of floor area. The applicant has indicated that the reason he would like to have permission to expand up to the full 600 square feet is in order to provide for future storage facilities in connection with his business.

RECOMMENDATION

Based on the foregoing comments, it is the opinion of the Secretary that the applicant would be burdened with undue hardship if the exception is not granted and, therefore, it is recommended that the exception be approved to allow the applicant to expand up to 40% of the floor area of the existing home which would allow construction of an additional 600 square feet of floor area. This approval shall be subject to the following conditions and requirements:

1. The applicant shall be allowed to expand up to 40% of the floor area of his existing home, which would allow construction of an additional 600 square feet of floor area.
2. The construction of any addition shall be in accordance with the standards and specifications as outlined by the Superintendent of Central Inspection of the Department of Public Works.

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Case No. BZA 22-65

3. In no event shall it be construed that the approval of this special permit, granting the applicant the right to expand up to a maximum of 600 square feet of floor area, also gives the applicant the right to utilize a frame structure for commercial use. Any portion of the existing single family home which is to be utilized for a commercial activity shall be built to construction standards as outlined by the Superintendent of Central Inspection.

**BOARD OF ZONING APPEALS**  
Room 402 City Building Annex  
104 South Main  
Wichita, Kansas

June 4, 1965

**NOTICE TO ADJOINING PROPERTY OWNERS**

Case No. BZA 22-65

An application has been filed by E. Briggs and E. E. Caldwell, 3533 Ohio, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an Exception to permit the enlargement of a single family home up to 40% of the floor area of the existing building on property zoned "F" Heavy Industrial, and legally described as follows:

Lots 17, 19, 21, 23, Block 11, Allerton Addition, in the City of Wichita, Sedgwick County, Kansas.

General description: East side of Ohio in an area between 104th and 106th streets North.

This application has been assigned Case No. BZA 22-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 8, 1965, 2:00 p.m., in Room 401 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.

Jack H. Galbraith  
Secretary

*10 notices mailed  
June 4 for  
June 22 meeting*

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main  
Wichita, Kansas

June 4, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 22-65

An application has been filed by E. Briggs and E. E. Caldwell, 3533 Ohio, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an Exception to permit the enlargement of a single family home up to 40% of the floor area of the existing building on property zoned "F" Heavy Industrial, and legally described as follows:

Lots 17, 19, 21, 23, Block 11, Allerton Addition,  
in the City of Wichita, Sedgwick County, Kansas.

Generally located on the west side of Ohio in an  
area between 34th and 35th Streets North.

This application has been assigned Case No. BZA 22-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 22, 1965, at 2:00 p.m. in Room 401 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.

Jack H. Galbraith  
Secretary

APPLICATION FOR EXCEPTION

I. Name of Applicant E Briggs & E E Caldwell ✓  
Mailing Address 3533 Ohio St 67219 Phone TE 83560  
Name of Authorized Agent Jarne  
Mailing Address 3533 Ohio Phone TE 83560  
Relationship of applicant to property is that of \_\_\_\_\_  
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section

28.04.170, Code of the City of Wichita, Kansas  
(Zoning Ordinance); to permit the installation or construction  
of AN ADDITION TO A SINGLE FAMILY HOME  
AND A COMMERCIAL BUSINESS IN THE on property zoned  
"F" HEAVY INDUSTRIAL DISTRICT. (MAXIMUM OF 40%)  
located 3533 OHIO

and legally described as: \_\_\_\_\_

Lot 17, 19, 21, 23 Block 11, Alston Addition

in the City of Wichita.

(Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant E Briggs & E E Caldwell

Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 4:30 (a.m. / p.m.), June 2, 1965, together with appropriate fee of \$50.00.

Signed James W. Klause

*WS Ohio  
in area  
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35th St  
3 4th St.*

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CERTIFICATE OF OWNERSHIP

CALLAHAN GUARANTEE TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds, Sedgwick County, Kansas, of:

Lots 17, 19, 21 and 23, Block 11,  
Allerton, Wichita, Sedgwick County,  
Kansas;

and the property within a 200 foot radius thereof.

Description	Owner
In Allerton, Wichita, Sedgwick County, Kansas:	
Block 10:	
Lots 2, 4, 6, 8, 10, 12 & 14	Ruth C. Lee ✓ c/o Myrta Lee ✓ 637 N. Topeka Wichita, Kansas
Lots 16, 18 & 20	Allerton Southern Baptist Church, Inc.
Lots 22, 24, 26, 28 & 30	Clifford Harold Craft & Martha Jayne Craft ✓ Box 68 Beverly, Kansas
Lots 32, 34, 36, 38 & 40	Clarence M. Baird & Luella K. Baird ✓ 3514 N. Ohio Wichita, Kansas
Block 11:	
Lots 1, 3, 5 & 7	Delmer C. Wyer & Opal I. Wyer ✓ 3557 Ohio Wichita, Kansas
Lots 9, 11, 13 & 15	Clarence E. McCune & Olive M. McCune ✓ 1829 S. Ash Wichita, Kansas
Lots 17, 19, 21 & 23	E. Briggs Caldwell ✓ 3533 Ohio Wichita, Kansas
Lots 25 & 27	W. R. Clevenger & Dora Clevenger ✓ 3525 Ohio Wichita, Kansas
Lots 29 & 31	Jetmore, Inc.
Lots 33 & 35	W. R. Clevenger & Dora Clevenger ✓ 3525 Ohio Wichita, Kansas
Lots 37 & 39	Gertrude Hett ✓ Hillsboro, Kansas
Block 11:	
Lots 2, 4, 6 & 8	Roy L. Benjamin & Elra R. Benjamin ✓ 3550 Wabash Wichita, Kansas

*no address*

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Description	Owner
Block 11: (continued)	
Lots 10, 12, 14 & 16	C. E. McCune & Olive M. McCune <i>DM</i> 1829 S. Ash Wichita, Kansas
Lots 18 & 20	Clarence E. McCune & Olive M. McCune <i>DM</i> 1829 S. Ash Wichita, Kansas
Lots 22 & 24	G. A. Flaming c/o R. C. Weatherby ✓ 3528 Wabash Wichita, Kansas
Lots 26, 28, 30, 32, 34, 36, 38 & 40	Wheatbelt Investment, Inc. <i>no address</i>

WITNESS our Hand and Seal at Wichita, Kansas, this 1st day of June, 1965, at 7:00 o'clock A. M.

CALLAHAN GUARANTEE TITLE CO., INC.  
By *Jean Surrigant*  
Vice President

No. 4793

FORM 223-021

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
-------------	--------

<i>Zone Application for Erection</i>	<i>\$50.<sup>00</sup></i>
--	---------------------------

Name *E. Briggs*

Address *3533 Ohio*

Type <i>R 712</i>	Due Date
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Comments:

Date <i>6-2-65</i>	By <i>Malden</i>
--------------------	------------------