

BZA 48-64 - Willis McClurg appeals
Building Inspection decision for
property located at 1320 N. Broadway

POSTED
11-2-64

E-5

ACTION

DATE 11-24-64
By COM. MITTEE App

M.A.P.C. _____

B.C.C./B. CO. C. _____

RESOLUTION NO. BZA 48-64

WHEREAS, Willis McClurg, 1212 Carlos, Wichita, Kansas, by H. Jay Setter, Attorney, 800 Beacon Building, Wichita, Kansas, has appealed from the decision of the Superintendent of Central Inspection, as provided in Section 2.12.590.1, Code of the City of Wichita, in that the Superintendent of Central Inspection has refused to issue a permit for a "plumbing contractor's business" in an area zoned "LC", and legally described as follows:

Lot 1, Virginia Place, in the City of Wichita, Sedgwick County, Kansas, and generally located on the east side of Broadway and in an area between 12th and 13th Streets; 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 did, in regular meeting consider said application on November 24, 1964; and

WHEREAS, the applicant desires to construct a one-story cement block building, 24' x 24', for the purpose of conducting a plumbing contractor's business, showroom and retail sales outlet, which operation would involve no outside storage whatsoever and no wholesale sales of any nature or description; and

WHEREAS, the retail business would consist of the sale of plumbing supplies and fixtures, which it is anticipated would be the greater portion of the applicant's business; and

WHEREAS, all large quantities of supplies and materials purchased from wholesalers will be delivered directly to the job site.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the Superintendent of Central Inspection is hereby directed and ordered to issue a building permit for a plumbing contractor's business on the following described property:

Lot 1, Virginia Place, in the City of Wichita, Sedgwick County, Kansas, and generally located on the east side of Broadway and in an area between 12th and 13th Streets.

ADOPTED AT WICHITA, KANSAS, this 24th day of November, 1964.



Harold Bauer, Chairman

ATTEST:



Jack H. Galbraith
Secretary

December 7, 1964

Mr. Willis McClurg
1212 Carlos
Wichita, Kansas

Dear Mr. McClurg:

Re: Case No. BZA 48-64

On November 25, 1964, we advised you that the Board of Zoning Appeals had approved subject application, which was an appeal from the decision of the Superintendent of Central Inspection, who had refused a permit for construction of a plumbing contractor's shop on property zoned Light Commercial and generally located on the east side of Broadway and in an area between 12th and 13th Streets.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before December 4, 1964. The City Clerk has advised that no appeal was filed on or before that date, 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: H. Jay Setter, Attorney, 800 Beacon Building
Glen Lytle, Superintendent of Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 48-64

APPLICANT: Willis McClurg, 212 Carlos

AGENT: H. Jay Setter, Beacon Building

REQUEST: Appeal from the order of the Superintendent of Central Inspection, who has refused to issue a permit for the operation of a plumbing contractor's activities on property zoned "LC" Light Commercial.

GENERAL LOCATION: Generally located on the east side of Broadway between 12th and 13th Streets.

LAND USE: The property in question - single family

North - Liquor store
East - Single family
South - Single family
West - Boarding house

ZONING: Property in question - "LC"

North - "LC"
East - "B"
South - "LC"
West - "LC"

JURISDICTION: The Board has jurisdiction to consider the request under provisions outlined under Section 2.12.590, Code of the City of Wichita.

COMMENTS BY SECRETARY

The applicant has submitted a statement of justification which is included as Attachment #1 to this report. The applicant is requesting that he be allowed to construct a 24' x 24' concrete block building on the front of his property, which is zoned "LC" Light Commercial, so that he can carry on his plumbing contracting business. The applicant's home and a storage garage are also located on this lot, which is 65 feet in width by 135 feet in depth.

The Superintendent of Central Inspection has made the determination that a plumbing contractor's business is not a permitted use under the "LC" section of the ordinance. This determination was made on the basis that the only uses which are permitted in the "LC" district are those which are listed under the "LC" section of the ordinance (Section 28.04.090), and those uses which are purely retail, provided that all articles for sale, rent, display, storage or hire must be kept within an enclosed building.

As the Board may recall, approximately one year ago the Board granted an appeal to allow an electrical contractor's business to be constructed in an "LC" zone on the east side of Hydraulic just to the north of Pawnee. This request was granted on the basis that it was apparent that the major activity to be carried on at this location was that of providing office facilities for the electrical contractor's business, with limited retail sales. After this particular building was constructed, the Assistant Secretary, on one occasion visited the premises and found that the major portion of the business is devoted to office space for the contractor's business. One portion of the low building is used for a liquor store and another portion of the building has not yet been rented, but it is the Secretary's understanding that the vacant space yet to be leased will be leased for some type of "LC" use.

The attorney for the applicant has pointed out that "the retail business would consist of the sale of plumbing supplies and fixtures---that it is anticipated would be a small part of the applicant's business."

If retail sales of plumbing supplies and fixtures is to be only a small part of the applicant's business, then what will the balance of the business consist of?

It is the Secretary's opinion that almost any type of contractor's business consists of four or five major activities and these are primarily maintenance, installation, servicing, wholesaling and possibly some retail sales. Although it has been indicated by the attorney for the applicant that there will be no wholesaling or outside storage, it is the Secretary's opinion that this is something which is very difficult to enforce because if this appeal is granted and the applicant becomes relatively successful in his business, it may then become necessary to expand his inventory, which may necessitate some outside storage due to a lack of available storage space on the lot.

The clause under the "LC" section of the ordinance which permits "purely retail" should mean just what it says. In other words, uses which are "purely retail" in nature are permitted when there is no question that all articles for sale, hire, rent, display or storage will be kept within an enclosed building.

Another question which should be asked -- is the nature and make-up of a plumbing contractor's business the same as that of a drug store, liquor store, hardware store, laundry, printing shop, self-service laundry, etc., which are uses permitted in the "LC" district? There is a significant difference between a plumbing contractor's business as opposed to the uses just mentioned. A plumbing contractor's business is by its very nature a "heavier" type use than those uses which are specifically listed as being permitted in the

"LC" district. For instance, if the applicant is intending to offer plumbing fixtures for sale, what type of items does this include? Does it include furnaces, air conditioning units, bath tubs, commodes, pipe, tile, pipe for sewer laterals, and various accessory fixtures which are commonly offered for sale by most plumbing contractors? Does it also include the installation of these fixtures? If so, then what type of vehicles will be needed in order to transport these items to the place of installation? Wouldn't it require a vehicle larger than a pick-up truck to transport such items as furnaces, long pieces of pipe, air conditioning units to the place of installation? The applicant in his discussions with the Secretary asked about the possibility of using the basement of his house, which is also located on the lot, for the storage of plumbing supplies. The Secretary is also of the opinion that the 24' by 24' building which the applicant wants to construct is not large enough to provide very much storage space, if any space at all is going to be devoted to retail sales. Consequently, where will the storage space be provided? If the applicant is desirous of using the basement of his house for storage, then it is the Secretary's opinion that there is some question as to whether or not a frame structure can be used for this purpose.

The attorney for the applicant has stated that if this appeal is granted, it will not establish a precedent for the establishment of heavier uses in "LC" districts. The Secretary is of the opinion that the granting of this appeal would, in fact, establish such a precedent because this is not the type of use which should be permitted in shopping centers and neighborhood shopping areas, which would be the case if the appeal is granted. In fact, this same attorney is back asking again for that which was previously granted, but it is assumed that this is not based on the "precedent".

It appears that the attorney for the applicant, in bringing up the question of "heavier uses", is aware that a plumbing contractor's business is a heavier use than those uses specifically listed as being permitted in the "LC" district or he wouldn't have tried to justify the point. If the ordinance should allow this type of use, then should not the Board ask the Planning Commission and City Commission to amend the ordinance, rather than grant special privileges by interpretation? Also, there are four zones (C, D, E and F) which do permit this use without question. There are thousands of empty areas of this zoning in the urban area.

Recommendation:

Based upon the foregoing review of the case, it is the recommendation of the Secretary that the appeal be denied for the following reasons:

Page 4 - Secretary's Report
Case No. BZA 48-64

1. A plumbing contractor's business is not a ~~use~~ which is listed as being permitted under the "LC" section of the ordinance, nor is it a use which is compatible with those "LC" uses commonly found in shopping centers or neighborhood shopping areas.
2. The mixing of uses on a lot presents a situation which is very difficult to enforce. For example, it is apparent that the applicant wants to use the garage on the rear of the lot and the basement of his house for storage of equipment and supplies, which will not be permitted by the Central Inspection office since they are frame structures.
3. There are many areas in this particular vicinity which are zoned appropriately for a plumbing contractor's business, and the applicant should have checked this out before he acquired this particular property.

November 25, 1964

Mr. Willis McClurg
1212 Carlos
Wichita, Kansas

Dear Mr. McClurg:

Re: Case No. BEA 48-64

This is to advise you that at its regular meeting of November 24, 1964, the Board of Zoning Appeals of the City of Wichita, considered your appeal from the decision of the Superintendent of Central Inspection, who refused to issue a permit for the construction and occupancy of a building by a plumbing contractor, on property located generally on the east side of Broadway and in an area between 12th and 13th Streets.

The action of the Board was to find that the appeal should be granted and the Superintendent of Central Inspection shall be directed to issue the appropriate permit on the basis that the plumbing contractor's operation as outlined by the attorney for the applicant, is a permitted use under the "LC" Light Commercial section of the ordinance.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals 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 December 4, 1964.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed by that time, 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
Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: H. Jay Setter, 800 Beacon Building
Robert G. Finch, City Clerk
Glen Lytle, Superintendent of Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 48-64

APPLICANT: Willis McClurg, 212 Carlos

AGENT: H. Jay Setter, Beacon Building

REQUEST: Appeal from the order of the Superintendent of Central Inspection, who has refused to issue a permit for the operation of a plumbing contractor's activities on property zoned "LC" Light Commercial.

GENERAL LOCATION: Generally located on the east side of Broadway between 12th and 13th Streets.

LAND USE: The property in question - single family
North - Liquor store
East - Single family
South - Single family
West - Boarding house

ZONING: Property in question - "LC"
North - "LC"
East - "B"
South - "LC"
West - "LC"

JURISDICTION: The Board has jurisdiction to consider the request under provisions outlined under Section 2.12.590, Code of the City of Wichita.

COMMENTS BY SECRETARY

The applicant has submitted a statement of justification which is included as Attachment #1 to this report. The applicant is requesting that he be allowed to construct a 24' x 24' concrete block building on the front of his property, which is zoned "LC" Light Commercial, so that he can carry on his plumbing contracting business. The applicant's home and a storage garage are also located on this lot, which is 65 feet in width by 135 feet in depth.

The Superintendent of Central Inspection has made the determination that a plumbing contractor's business is not a permitted use under the "LC" section of the ordinance. This determination was made on the basis that the only uses which are permitted in the "LC" district are those which are listed under the "LC" section of the ordinance (Section 28.04.090), and those uses which are purely retail, provided that all articles for sale, rent, display, storage or hire must be kept within an enclosed building.

Page 2 - Secretary's Report
Case No. BZA 48-64

As the Board may recall, approximately one year ago the Board granted an appeal to allow an electrical contractor's business to be constructed in an "LC" zone on the east side of Hydraulic just to the north of Pawnee. This request was granted on the basis that it was apparent that the major activity to be carried on at this location was that of providing office facilities for the electrical contractor's business, with limited retail sales. After this particular building was constructed, the Assistant Secretary, on one occasion visited the premises and found that the major portion of the business is devoted to office space for the contractor's business. One portion of the new building is used for a liquor store and another portion of the building has not yet been rented, but it is the Secretary's understanding that the vacant space yet to be leased will be leased for some type of "LC" use.

The attorney for the applicant has pointed out that "the retail business would consist of the sale of plumbing supplies and fixtures---that it is anticipated would be a small part of the applicant's business."

If retail sales of plumbing supplies and fixtures is to be only a small part of the applicant's business, then what will the balance of the business consist of?

It is the Secretary's opinion that almost any type of contractor's business consists of four or five major activities and these are primarily maintenance, installation, servicing, wholesaling and possibly some retail sales. Although it has been indicated by the attorney for the applicant that there will be no wholesaling or outside storage, it is the Secretary's opinion that this is something which is very difficult to enforce because if this appeal is granted and the applicant becomes relatively successful in his business, it may then become necessary to expand his inventory, which may necessitate some outside storage due to a lack of available storage space on the lot.

The clause under the "LC" section of the ordinance which permits "purely retail" should mean just what it says. In other words, uses which are "purely retail" in nature are permitted when there is no question that all articles for sale, hire, rent, display or storage will be kept within an enclosed building.

Another question which should be asked -- is the nature and make-up of a plumbing contractor's business the same as that of a drug store, liquor store, hardware store, laundry, printing shop, self-service laundry, etc., which are uses permitted in the "LC" district? There is a significant difference between a plumbing contractor's business as opposed to the uses just mentioned. A plumbing contractor's business is by its very nature a "heavier" type use than those uses which are specifically listed as being permitted in the

Page 3 - Secretary's Report
Case No. BZA 48-64

"LC" district. For instance, if the applicant is intending to offer plumbing fixtures for sale, what type of items does this include? Does it include furnaces, air conditioning units, bath tubs, commodes, pipe, tile, pipe ~~for~~ sewer laterals, and various accessory fixtures which are commonly offered for sale by most plumbing contractors? Does it also include the installation of these fixtures? If so, then what type of vehicles will be needed in order to transport these items to the place of installation? Wouldn't it require a vehicle larger than a pick-up truck to transport such items as furnaces, long pieces of pipe, air conditioning units to the place of installation? The applicant in his discussions with the Secretary asked about the possibility of using the basement of his house, which is also located on the lot, for the storage of plumbing supplies. The Secretary is also of the opinion that the 24' by 24' building which the applicant wants to construct is not large enough to provide very much storage space, if any space at all is going to be devoted to retail sales. Consequently, where will the storage space be provided? If the applicant is desirous of using the basement of his house for storage, then it is the Secretary's opinion that there is some question as to whether or not a frame structure can be used for this purpose.

The attorney for the applicant has stated that if this appeal is granted, it will not establish a precedent for the establishment of heavier uses in "LC" districts. The Secretary is of the opinion that the granting of ~~this~~ appeal would, in fact, establish such a precedent because this is not the type of use which should be permitted in shopping centers and neighborhood shopping areas, which would be the case if the appeal is granted. In fact, this same attorney is back asking again for that which was previously granted, but it is assumed that this is not based on the "precedent".

It appears that the attorney for the applicant, in bringing up the question of "heavier uses", is aware that a plumbing contractor's business is a heavier use than those uses specifically listed as being permitted in the "LC" district or he wouldn't have tried to justify the point. If the ordinance should allow this type of use, then should not the Board ask the Planning Commission and City Commission to amend the ordinance, ~~rather than~~ grant special privileges by interpretation? Also, there are four zones (C, D, E and F) which do permit this use without question. There are thousands of empty areas of this zoning in the urban area.

Recommendation:

Based upon the foregoing review of the case, it is the recommendation of the Secretary that the appeal be denied for the following reasons:

Page 4 - Secretary's Report
Case No. BZA 48-64

1. A plumbing contractor's business is not a use which is listed as being permitted under the "LC" section of the ordinance, nor is it a use which is compatible with those "LC" uses commonly found in shopping centers or neighborhood shopping areas.
2. The mixing of uses on a lot presents a situation which is very difficult to enforce. For example, it is apparent that the applicant wants to use the garage on the rear of the lot and the basement of his house for storage of equipment and supplies, which will not be permitted by the Central Inspection office since they are frame structures.
3. There are many areas in this particular vicinity which are zoned appropriately for a plumbing contractor's business, and the applicant should have checked this out before he acquired this particular property.

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

November 5, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 48-64

An application has been filed by Willis McClurg, 1212 Carlos, Wichita, Kansas, by E. Jay Setter, Attorney, 600 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, appealing from the decision of the Superintendent of Central Inspection, who has refused to issue a permit for the operation of a plumbing contractor's activities on property zoned "LC" Light Commercial, and legally described as follows:

Lot 1, Virginia Place, in the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Broadway in an area between 12th and 13th Streets.

This application has been assigned Case No. BZA 48-64, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 24, 1964, at 2 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

20

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

November 5, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 48-64

An application has been filed by Willis McClurg, 1212 Carlos, Wichita, Kansas, by H. Jay Setter, Attorney, 800 Beacon Building, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, appealing from the decision of the Superintendent of Central Inspection, who has refused to issue a permit for the operation of a plumbing contractor's activities on property zoned "LC" Light Commercial, and legally described as follows:

Lot 1, Virginia Place, in the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Broadway in an area between 12th and 13th Streets.

This application has been assigned Case No. BZA 48-64, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 24, 1964, at 2 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

CASE NO. BZA 48-64 - 17 NOTICES MAILED NOVEMBER 5, 1964

FOR HEARING ON NOVEMBER 24, 1964

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Willis McClurg Owner Address 1212 Carlos

To Willis McClurg Applicant Address 1212 Carlos

Dear Sir:

Your application Dated October 5, 1964

For a Permit for the Occupancy and remodel

at the premises designated as

1320 North Broadway

Is hereby refused on this 20th day of October, 1964,

Under Section 28.04.090 of the Zoning Ordinance.

For the reason that

The desired occupancy is that of Plumbing Contractor
and is not listed as a use by right in the above quoted section of the
zoning ordinance.

*E 83 Broadway,
in an area
between 12 x 13*

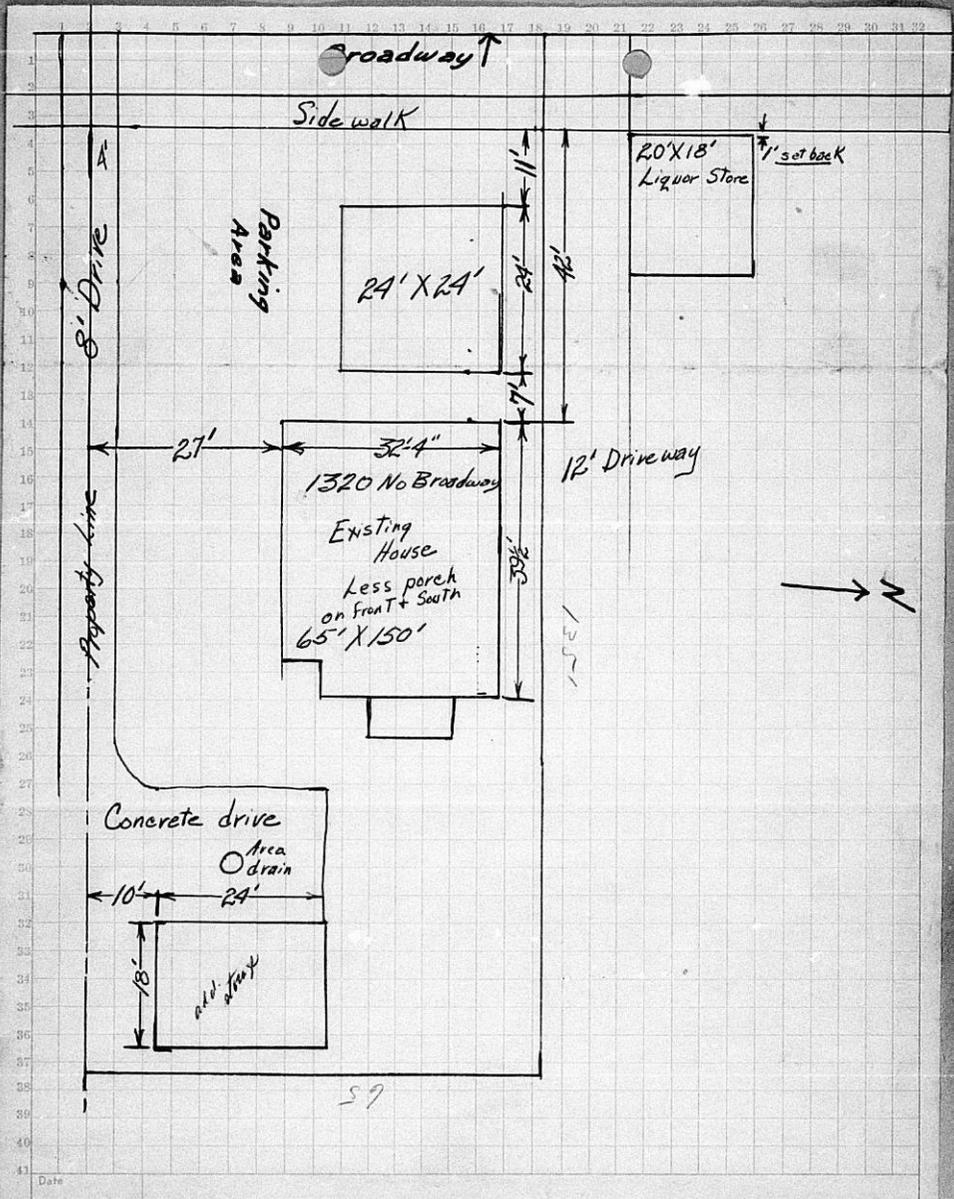
Respectfully,

Lee E. Lytle

~~Chief Building Inspector~~

Central Inspection Superintendent

NOTE: Any appeal from this refusal must be filed with the Board of
Zoning Appeals ~~(Room 309, 3rd Floor, City Hall Annex)~~ within ninety (90) days after
the date of this refusal. For further information, take this notice
to the Planning Department, ~~Room 309,~~ City Hall Annex.
4th Floor



Date

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPEAL FROM ORDER OR DECISION OF THE
SUPERINTENDENT OF CENTRAL INSPECTION

I. Name of Appellant Willis McClurg
Mailing Address 1212 Carlos Phone AM 7-5850
Name of Agent H. Jay Setter, Attorney at Law
Mailing Address 800 Beacon Building, Wichita, Kansas phone AM 2-1861
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other).

II. The appellant herein appeals from a decision, determination or an order of the Superintendent of Central Inspection, as follows:

"The desired occupancy is that of Plumbing Contractor and is not listed as a use by right in the above quoted section of Zoning Ordinance. (Light Commercial)
for property located 1320 North Broadway

and legally described as Lot 1, Virginia Place, an Addition to Wichita, Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned L.C.. The decision was rendered October 20, 1964, and refers to Section 28.04.090, of the Code of the City of Wichita.

III. The appellant hereby declares that he has submitted the following required material, together with and as part of the appeal:

- A. A clear and accurate description of the proposed work or use.
- B. The order, requirement, decision or determination by the Superintendent of Central Inspection which the appellant believes to be in error, and the principal points supporting the appellant's allegation of errors;
- C. Specific reference to that section of the Zoning Ordinance under which it is claimed the permit should be issued;
- D. Drawings or plans for the proposed work or use in relation to the adjacent buildings and property;
- E. A certified listing from an abstract company of the names and current mailing addresses of owners of all property within a distance of 200 feet of the property affected by the appeal.

Applicant Willis McClurg

Authorized Agent H. Jay Setter

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:40 (a.m. - p.m.), Oct 22, 1964, together with appropriate fee of \$50.00.

Signed James W. Howe

PROPOSED USE UNDER SECTION III (A)

The proposed use of the property in question will be that of a small plumbing contractor's business, showroom and retail sales outlet.

There would be no outside storage whatever and no wholesale sales of any nature or description.

The retail business would consist of the sale of plumbing supplies and fixtures. This, it is anticipated, would be a small part of the applicant's business. In any event, this would be purely retail and permitted in an area zoned for light commercial. If it becomes profitable to make retail sales a major portion of applicant's business, he would, of course, do so.

The applicant contemplates a one-story cement block building, which will comply with off-street parking and setback requirements.

THE ORDER, REQUIREMENT AND DETERMINATION
UNDER SECTION III (B)

The order and determination by the Central Inspection Superintendent, which the appellant believes to be in error, and the principal points supporting the appellant's allegations are as follows:

The letter to Willis McClurg, the appellant, refusing a permit for the occupancy and remodeling of the premises at 1320 North Broadway was dated October 20, 1964, a copy of which is attached hereto. In this letter, Mr. Glen E. Lytle, Central Inspection Superintendent, stated:

"The desired occupancy is that of plumbing contractor and is not listed as a use by right in the above quoted section of the Zoning Ordinance. We are concerned with Section 28.04.090."

This matter of allowing small contracting businesses to operate in L. C. zoning has been before this Board of Zoning Appeals on several previous occasions.

It is the appellant's contention that to include a relatively small plumbing contracting business in the same category as "any contractor" is not justified. The appellant's proposed use will not encompass any outside storage as compared to large building and construction contractors, who store lumber, scaffolding, equipment, large tools and other accumulated materials from previous jobs.

The appellant's outside storage would, at most, consist of the parking of his vehicles. This certainly would be less undesirable than the outside facilities that most service stations with all of the many hazards that normally exist, which are permitted in light commercial zoning.

Many small contractors are permitted and allowed to use their own residences and garages for the same type of use involved here and this is done in areas zoned "A" "AA".

It cannot be said that the proposed use will in any way create more business activity than is normally permitted in the light commercial zone.

In this case, the only question involved is the propriety of allowing a small plumbing contractor's business to be carried on in light commercial zoning.

The adjacent property on both sides of the appellant is zoned light commercial. To the north is a liquor store and restaurant and to the south are old houses.

If the purpose for the ruling in question is based upon the deterioration of the adjacent area, it is the appellant's position that this is unrealistic and that the facts do not substantiate such a conclusion.

This Board on previous occasions, has found that an electrical contracting business with no outside storage is proper in an area zoned for light commercial.

It is the appellant's position that zoning ordinances as such, should be liberally construed and especially if the circumstances, as they are here, warrant that conclusion.

In the present proposed use, none of the obnoxious features upon which such a ruling could be based, exist.

1. There will be no wholesale sales or storage.
2. There will be no outside storage of materials or equipment other than parked vehicles.
3. The proposed use will not adversely affect the rights of adjacent property owners or residents and is not against the public interest.
4. The proposed use will not create additional traffic of a different character than that normally expected and allowed in a L. C. area. (For example, service stations).
5. This Board's action, if favorable to the appellant, will not establish precedent for the inclusion of heavier uses in light commercial districts. Likewise, the appellant will not be given greater rights in an L. C. zone than are other owners of such lands similarly zoned, located and used.
6. No advertising signs, except those normally permitted in the light commercial district will be used.

The applicant in this case was formerly doing business at 1037 North Broadway, Wichita, Kansas. This property was sold and he was unaware that he would not be able to conduct the same type of business in the same type of zoned area at 1320 North Broadway, as he had been doing for several years at the former premises.

Applicant has been cited by the Central Inspection Division for violations as to unauthorized commercial use of the property and premises in question.

The applicant respectfully requests that these citations be held in abeyance until this matter is finally and completely determined.

STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS)
)
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:
Lot 1, Virginia Place, an Addition to Wichita,
Sedgwick County, Kansas.

F
Fidelity
Title
Company.
inc.

And from such examination find that the record owners thereof are as set opposite the description of the property below, viz:

Lot 1, Broadway Ave., Virginia Place.

no address found
Ferris C. & Phyllis K. Williamson, ux
No Address Available

Lot 2, Broadway Ave., Virginia Place.

✓ Preston L. Leslie, James T. Leslie,
John H. Leslie, Mary F. Shaver
Life estate: Lucy L. Leslie, sgle.
3341 Oakland

Lot 3, Broadway Ave., Virginia Place.

✓ Daisy Y. Stokes
1306 N. Broadway

Lot 4, Broadway Ave., Virginia Place.

no address found
Roscoe C. Maxwell
No Address Available

Lot 5, Topeka Ave., Virginia Place.

✓ Dorothy Dee Blase
2101 Woodland

Lot 6, Topeka Ave., Virginia Place.

✓ J. E. & Rose A. Catudal, ux
1309 N. Topeka

Lot 7, Topeka Ave., Virginia Place.

W. F. & Bertha O. Hughes, ux
No Address Available

no address found

E 116 ft of Lots 311, 313 & S 10 ft
of E 116 ft of Lot 315, Topeka Ave.,
C. L. Davidson's Add.

✓ Horace E. & Edna M. Tolbert, ux
1323 N. Topeka

E 116 ft of Lots 317 & 319 & E 116
ft of N 15 ft of Lot 315, Topeka
Ave., C. L. Davidson's Add.

✓ Joseph E. & Nancy F. Saunders, ux
1335 N. Topeka

Lots 311, 313, 315, 317, 319 exc
E 116 ft, Topeka Ave., C. L. David-
son Add.

✓ Ralph E. & Florence L. Helt, ux
1326 N. Broadway

Lots 321 & 323, Topeka Ave., C. L.
Davidson's Add.

Myrtle Corkins
No Address Available

no address found

Lot 325, Topeka Ave., C. L.
Davidson's Add.

✓ A. V. & Norma E. Sinclair, ux
1623 S. Water

Lots 310, 312, 314, 316 & 318, on
Broadway Ave., C. L. Davidson's Add.

✓ Ralph E. & Florence L. Helt, ux
1326 N. Broadway

Lots 320, 322 & 324, Broadway Ave.,
C. L. Davidson's Add.

✓ Florence O. Winders, sgle
Life Estate: Mary Watkins Winders
1336 N. Broadway

Lot 293, Topeka Ave., Forest Grove
Addition.

✓ Cleo Pearl Mitchell & Mary Alice Mitchell
631 S. Volutsia

Lot 293, Broadway Ave., Hyde &
Ferrell's Add.

✓ O. E. & Edith M. Rumsey, ux
1257 N. Broadway

Lots 1202, 1204 & 1206, Broadway
Ave., Bush's Add.

✓ Daisy Y. Stokes
1306 N. Broadway

Lots 1208, 1010 & 1012, Broadway
Ave., Bush's Add.

✓ Ralph & Perle M. Eby, ux
1315 N. Broadway

Lots 1214, 1216 & S $\frac{1}{2}$ Lot 1218, on
Broadway Ave., Bush's Add.

✓ Marjorie J. Shaw
Life Estate: Winnie O. McFadden
1321 N. Broadway

N $\frac{1}{2}$ Lot 1218, all Lots 1220, 1222,
& 1224, Broadway Ave., Bush's Add.

✓ L. Edgar & Alma D. Mott, ux
1327 N. Broadway

Lots 1226 & 1228, Broadway Ave.,
Bush's Add.

✓ Daisy N. Gelbach, wdo.
1331 N. Broadway

Dated at Wichita, Kansas this 21st
day of October, 1964 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Frank R. Hawkins OEM
V. Pres.

Tracer # 64611

17

FORM 223-021

PAYMENT NOTICE

City of Wichita

AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
<i>Exp. Reshcart</i>	<i>50.00</i>

Name *W. J. McHugh*

Address *1312 Carlos*

Type *R-712*

Due Date

Comments:

Date *10-22-64*

By *Blowers*