

CASE NO. 6-49

**JOCHEMS, SARGENT & BLAES**  
**ATTORNEYS AT LAW**  
305 FARMERS & BANKERS LIFE BUILDING  
WICHITA 2, KANSAS

W. D. JOCHEMS  
J. WIRTH SARGENT  
EMMETT A. BLAES  
ROETZEL JOCHEMS  
ROBERT G. BRADEN  
S. C. DURBIN

PHONE 2-8448

April 16, 1949

In re: Appeal: 6-49, Filed April 14, 1949 (Rupert K. Wey)

The Board of Zoning Appeals  
Wichita, Kansas

Gentlemen:

This letter is submitted as an attachment to the original appeal heretofore signed by Rupert K. Wey, our client, said appeal consisting of objection taken to the action of the Board as to the erection of a metal restaurant building on Wey's property at New York and Central in the City of Wichita.

The stated objection is, " front yard set-back not maintained."

The principal points on which this appeal is based are:

- (1) There are numerous examples throughout the City of Wichita where owners have made similar use of their property in a similarly zoned district where set-back provisions were also applicable. For example, an identical metal restaurant building has been erected on the south side of the intersection at 21st and Park Place. Perhaps the most striking example, however, is that one block west of Mr. Wey's property, the American Awning Company has erected a brick building abutting the sidewalk with similar set back provisions applicable to that lot.
- (2) Mr. Wey cannot realize the fullest economic use from his property even though it is zoned "C" commercial and if the metal restaurant building were placed on the set-back line it would interfere with the occupancy of the dwelling which is already on the premises. Such interference would make the dwelling less desirable and would reduce the rental he could obtain therefrom.

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(3) Mr. Wey knows of no objections which any property owners would have to his contemplated course of action, and he also understands that there was no objection when the American Awning Company constructed its building on a similarly situated lot in the same plat, one block west of Mr. Wey's property on Central Avenue.

Respectfully submitted

JOCHEMS, SARGENT & BLAES

By

*Robert L. Pruden*  
Attorneys for Appellant,  
Rupert K. Wey

RGB:nm

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Rupert K. Wey Owner Address 1751 Park Place  
To Same Applicant Address \_\_\_\_\_

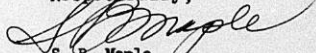
Dear Sir:

Your Application Dated April 14, 1949  
For a Permit for the erection of a metal restaurant building  
\_\_\_\_\_ at the premises designated as  
1600 East Central

Is hereby refused on this 14th day of April, 19 49,  
Under Section 20, par. 4 (a) of the Zoning Ordinance.

For the reason that a front yard set-back will not be maintained. Part of  
the frontage in this block is zoned "B" Residential and the south portion is  
"C" Commercial; therefore, requiring a residential set-back for the commercial  
building.

Respectfully,

  
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.

BOARD OF ZONING APPEALS

Case No. 6-49

Filed 4/14, 19 49

A P P E A L   U N D E R   T H E   Z O N I N G   O R D I N A N C E

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

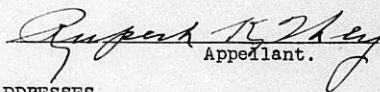
The undersigned, Rupert K. Wey, hereby appeals  
from the decision of the Building Inspector wherein a Building Permit  
Is Refused For the erection of a metal restaurant building

OR

Order Or Decision Rendered Because a front yard set-back will not be maintained. Part of the frontage in this block is zoned "B" Residential and the south portion is "C" Commercial; therefore, requiring a residential set-back for the commercial building.  
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.

  
Appellant.

NAMES AND ADDRESSES

Appellant Rupert K. Wey Address 1751 Park Place  
Owner same Address \_\_\_\_\_  
Lessee \_\_\_\_\_ Address \_\_\_\_\_

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

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

April 15, 19 **49**

Rupert K. Wey  
1751 Park Place  
Wichita, Kansas

Dear Mr. Wey \_\_\_\_\_:

Your appeal, under the Zoning Ordinance, relative to premises at  
1600 East Central

\_\_\_\_\_ has been given Board of Zoning Appeals Case No. 6-49.

All inquiries and references should always be made to that Case Number when you seek information from the Secretary.

Further, you are notified to appear before the Board of Zoning Appeals either in person, or by agent or attorney, for a hearing of your case on April 20, 19 **49**, at 3:30 p.m.  
This hearing will be held in room 201 of the City Building.

\_\_\_\_\_.  
Respectfully,

Eugene N. Smith  
Secretary, Board of Zoning Appeals

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

NOTICE TO PROPERTY OWNERS

April 15th, 19 49

An appeal has been filed by Rupert K. Wey  
(Address) 1751 Park Place on behalf of \_\_\_\_\_  
\_\_\_\_\_(Address)\_\_\_\_\_

as provided by Section 33 of the Zoning Ordinance. The appellant  
desires to erect a metal restaurant building without maintaining the  
required front yard set back on the premises  
located at 1600 East Central

This appeal has been given Case No. 6-49  
and a hearing will be held by the Board of Zoning Appeals on \_\_\_\_\_  
Wednesday, April 20, 1949 at 3:30 p.m.

at which time you may appear, if you so desire, either in person or  
by agent or attorney. The meeting will be held in room 201 of the  
City Building.

By order of the Board of Zoning Appeals.

Eugene N. Smith  
Secretary.

LIST OF PROPERTY OWNERS

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>OWNER</u>
24 & 25	New York	Phillips	Frank R. & Charlotte M. Stafford <i>539 New York</i>
26 & 27	"	"	Renald J. & Mary Erma Hopkins <i>517 New York</i>
28 & 29	"	"	Ralph L. Doran <i>511 New York</i>
30 & 31	"	"	Edwin A. & Ruby I. Turner <i>1108 N. Terra Co. Drive</i>
32 & 33	"	"	Dale I. Wallace <i>501 New York</i>
48 & 50	New York	Shirk's 3rd	✓ J. D. & Christina J. Kerr, Sr.
52 & 54	"	"	Alfred A. Pearson <i>522 New York</i>
56 & 58	"	"	Eldon Sylvester West, Jr. <i>352 Pennsylvania</i>
60 & 62	"	"	Thelma Sisk <i>504 New York</i>
64 & 66	"	"	Rupert K. Wey <i>1751 Park Place</i>
47 & 49	Pennsylvania Ave.	Shirk's 3rd	H. F. Green <i>519 Pennsylvania</i>
51 & 53	"	"	Merrill B. & Constance A. Wolf <i>515 Pennsylvania</i>
55 & 57	"	"	Maurice E. & Lucille Wolf <i>511 Pa</i>
59 & 61	"	"	Byron Looker <i>507 Pennsylvania</i>
63 & 65	"	"	William L. Graham <i>1557, Roosevelt</i>
Res. D	Mathewson Manor	2nd Addition	Sam & Helen Ladart <i>1625 E Central</i>
Res. E	"	"	Gilbert C. & Frances E. Clark, Jr. <i>308 N. Broadway</i>
Res. F )	"	"	Gladys R. Ottoway <i>3205 N St Francis</i>
Res. G )	"	"	

We hereby certify the foregoing to be a correct list of property owners of the above described property as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 15th day of April, 1949, 7 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.,

By:



President.

Order No. 44744

(LK)