

Ken Stewart,
Case No. 1-58 - attorney for Mr. &
Mrs. David R. Cole, and Dr. & Mrs.
V. A. Mueller

B.Z.A. case

The City



of Wichita

N^o 9559

Wichita, Kansas 2-7 1958

check \$ 30⁰⁰

Received of Beys, Hondres and Donaldson

The Sum of Thirty & no DOLLARS

Being For G.P. 712 - zoning petition - R# 4043

Department Treasury

Capital Savings
Collectible

FEB-758

03391

A TR —

30.00

Cashiers Official Receipt

No 6386293

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO Kenneth P. Stewart		POSTMARK OR DATE
STREET AND NO. 340 South Broadway		
CITY AND STATE Wichita Kansas		
<small>If you want a return receipt, check which <input type="checkbox"/> 7c shows to whom and when delivered</small>		<small>If you want re- stricted deliv- ery, check here <input type="checkbox"/> 20¢ fee</small>
<small>31c shows to whom, when, and address where delivered</small>		

POD Form 3800 July 1955 Replaces previous editions of this form which MAY be used.

INSTRUCTIONS TO DELIVERING EMPLOYEE

- DELIVER ONLY TO ADDRESSEE (20¢ additional)
- SHOW ADDRESS WHERE DELIVERED IN ITEM 4 BELOW (31¢ additional)

RECEIPT

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. SIGNATURE OR NAME OF ADDRESSEE <input checked="" type="checkbox"/> Kenneth P. Stewart
2. SIGNATURE OF ADDRESSEE'S AGENT (Agent should enter addressee's name in item 1 above)
3. DELIVERY DATE FEB 12 1955

RECEIPT FOR CERTIFIED MAIL—15¢

N: 6386293

SENT TO Kenneth P. Stewart		POSTMARK OR DATE
STREET AND NO. 340 South Broadway		
CITY AND STATE Wichita Kansas		
<input type="checkbox"/> If you want a return receipt, check which of whom, when, and address where delivered	<input type="checkbox"/> If you want restricted delivery, check here	<input type="checkbox"/> 20¢ fee

POD Form 3800 July 1955 Replaces previous editions of this form which MAY be used.

POST OFFICE DEPARTMENT OFFICIAL BUSINESS FEB 18 1958 WICHITA KANSAS	RECEIVED FEB 12 1958 WICHITA KANSAS
INSTRUCTIONS: Fill in address and number of recipient. Complete instructions for delivery elsewhere, when applicable. Moisture-resistant and securely attach to back of article. Reverse front of article RETURN RECEIPT REQUESTED.	
REGISTERED NO.	NAME OF SENDER
CERTIFIED NO. 6386293	City Planning
INSURED NO.	STREET AND NO. OR P. O. BOX
	104 South Main City Bldg
	Annex
	CITY, ZONE, AND STATE
	Wichita Kansas

Original sent by Certified Mail on February 11, 1958.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

February 11th _____, 19 58

Mr. Kenneth P. Stewart
340 South Broadway
Wichita, Kansas

Dear Mr. Stewart _____:

Your appeal, under the Zoning Ordinance, relative to premises at
437 North Oliver, Wichita, Kansas

has been given Board of Zoning Appeals Case No. 1-58, _____.

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 Friday, February 21st _____, 19 58, at 1:30 p.m.
on the Fourth Floor of the City Building Annex, 104 South Main,
Wichita, Kansas.

Respectfully,


Secretary, Board of Zoning Appeals

BOARD OF ZONING APPEALS
FOURTH FLOOR, CITY BUILDING ANNEX
104 South Main
Wichita, Kansas


February 11, 1958

An appeal has been filed by Mr. and Mrs. David R. Cole,
437 North Oliver, and Mr. and Mrs. V. A. Mueller, 4421 East
Second, Wichita, Kansas, by Kenneth P. Stewart, attorney,
as provided by Section 21-27, Volume I of the City Code. The
appellant desires to operate a ceramic school or ceramic art
studio

on the premises located at 437 North Oliver, Wichita, Kansas.

This appeal has been given Case No. 1-58, and a hear-
ing will be held by the Board of Zoning Appeals on Friday,
February 21, 1958, at 1:30 p.m., on the Fourth floor of the
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.

By order of the Board of Zoning Appeals.


Secretary, Board of Zoning Appeals

February 5, 1958

Mr. Kenneth P. Stewart
Boyer, Hondros & Donaldson
Wichita Federal Savings Building
340 South Broadway

Dear Mr. Stewart:

Enclosed is receipt No. 4043 showing payment of \$30.00 filing fee for Case No. 1-58, being the appeal of Mr. and Mrs. David R. Cole and Dr. and Mrs. V.A. Mueller concerning the property at 437 North Oliver.

Mr. Robert M. Moore, chairman of the Board of Zoning Appeals has advised us that he expects to definitely set a date the first of the week for a meeting of the Board to consider this appeal and any others pending at that time.

Very truly yours,

Berniece Rathke
Planning Assistant I

Encl.

LAW OFFICES OF
BOYER, HONDROS & DONALDSON

WICHITA FEDERAL SAVINGS BUILDING

340 SOUTH BROADWAY

WICHITA 2, KANSAS

JOHN E. BOYER
GEORGE J. HONDROS
PAUL J. DONALDSON
HAROLD T. BECK
KENNETH P. STEWART
HENRY E. HERRMAN

February 4, 1958

Office of the City Planning Commission
City Hall Annex
Wichita, Kansas

Gentlemen:

In connection with the appeal of Mr. and Mrs. David R. Cole and Dr. and Mrs. Vernetta A. Mueller, Jr. filed with your office January 30, 1958, we now deliver abstractor's ownership list in accordance with Planning Commission procedures.

As we advised by telephone today, it would be appreciated if this appeal could be heard at an early date. Your cooperation is sincerely appreciated.

Yours very truly,

BOYER, HONDROS & DONALDSON

By *Kenneth P. Stewart*

KPS:gc

Enclosure

P.S. We enclose the 7th copy of our appeal.

KPS



LAW OFFICES OF
BOYER, HONDROS & DONALDSON

WICHITA FEDERAL SAVINGS BUILDING

340 SOUTH BROADWAY

WICHITA 2, KANSAS

JOHN E. BOYER
GEORGE J. HONDROS
PAUL J. DONALDSON
HAROLD T. BECK
KENNETH P. STEWART
HENRY E. HERRMAN

January 30, 1958

Office of City Planning Commission
Police Academy Building
Wichita, Kansas

Gentlemen:

Please find enclosed Appeal for Variance
or Exception to the Board of Zoning Appeals re-
garding 437 North Oliver, Wichita, Kansas, owned
by Mr. and Mrs. David R. Cole.

Our Check No. 10515 in the amount of
\$30.00 is attached.

Yours very truly,

BOYER, HONDROS & DONALDSON

By *Kenneth P. Stewart*
gc

KPS:gc

Enclosures



Topeka
207 Kansas Ave
Phone CE 5-2326

D. A. WINTERS CO.

Wholesale Liquor Dealer

256 N. EMPORIA WICHITA, KANSAS
Phone HO 4-5353

*Rec'd BZA
2/21/58*

Arkansas City
416 S. Summit
Phone 3791

February 11, 1958

Boyer, Hondros & Donaldson
Wichita Federal Savings Bldg
340 South Broadway
Wichita 2, Kansas

Attn: Mr. Kenneth P. Stewart

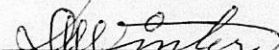
Dear Sir:

In reply to your letter of February 3rd subject property at 437 North Oliver, property of David R. Cole; I have no objections to the property being occupied by Mrs. V. A. Mueller and I have no objection to her operating a ceramic art studio.

Any help I can be to you or Mr. Cole please let me know.

Yours very truly,

D. A. WINTERS COMPANY


Owner

DAW'E



WINTERS DELUXE

KENTUCKY STRAIGHT BOURBON

No Finer Bourbon at Any Price

OWNERSHIP LIST

LOT	STREET	ADDITION	PROPERTY OWNERS
2	Oliver	East Lawn 2nd	Seth Wright 446 No. Ella Wright Dellrose
4	"	"	"
6	"	"	"
8	"	"	"
10	"	"	"
12	"	"	"
14	"	"	"
16	"	"	"
18	"	"	David R. Cole 437 No. Grace Cole Oliver
20	"	"	"
22	"	"	D. A. Winters 431 No. Oliver
24	"	"	"
1	Block 1	East Boulevard	Irene Weathers 428 No. Oliver
3	"	"	Dan J. Coffey 424 No. Mary F. Coffey Oliver
5	"	"	W. G. Brainerd 143 No. Hamilton Byron Brainerd but not 136 No.
13	"	"	X Oliver Square Co. Inc.
2	Oliver	Central Avenue Sub of Prospect Place	W. H. Luther 447 No. Grace Luther Prospect
4	"	"	"
6	"	"	Ralph A. Worrall 421 No. Helen Worrall Oliver
8	"	"	"
10	"	"	X Kenneth L. Sullivan Avis E. Sullivan
12	"	"	"
1	Dellrose	"	Paul Rosenhamer 432 No. Jean Rosenhamer Dellrose
3	"	"	"

LOT	STREET	ADDITION	PROPERTY OWNER
5	Dellrose	Central Avenue Sub of Prospect Place	George F. Binderim <i>424 No. Dellrose</i>
7	"	"	"
9	"	"	X Hortense C. Campbell
11	"	"	"
2 N 19.3'	"	"	Lee A. Waller <i>429 No. Dellrose</i> Iky R. Waller
2 S. 5.7'	"	"	Max Semberger <i>425 No. Dellrose</i> Emily Semberger
4	"	"	"
1 E 18.75'	"	East Lawn 2nd	Seth Wright Ella Wright
3 E 18.75'	"	"	"
5 E 18.75'	"	"	"
7 E 18.75'	"	"	"
9 E 18.75'	"	"	"
11	"	"	"
13 N 20'	"	"	"
1 ex E 18.75'	"	"	X Kathryn Davis
3 ex E 18.75'	"	"	"
5 exc E 18.75'	"	"	"
7 ex E 18.75'	"	"	"
9 ex E 18.75'	"	"	"
S 5' 13	"	"	X S. H. Wright
15	"	"	"
17	"	"	"
N 10' 19	"	"	"
19 S 15'	"	"	M. T. Kinton <i>2404 Wilms</i> Fern E. Kinton
21	"	"	"
23	"	"	"
12	"	"	Jacob Thomas Whallon Mary Angela Whallon
14 N4.3'	"	"	" <i>145 No. Dellrose</i>

LOT	STREET	ADDITION	PROPERTY OWNER
14 S 20.7'	Dellrose	East Lawn 2nd	Carl H. Luedeman Alice L. Luedeman <i>443 No. Dellrose</i>
16	"	"	"
18 N 9.3'	"	"	"
18 S 15.7'	"	"	John L. Care Carolee T. Care <i>439 No. Dellrose</i>
20	"	"	"
22 N 14.3'	"	"	"
22 S 10.7'	"	"	Lee A. Waller Iky R. Waller
24	"	"	"

We hereby certify the foregoing to be a true and correct List of Property Owners for a two hundred foot radius of Lots 18 and 20, on Oliver, in East Lawn Second Addition, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, on this the 31st day of January, A.D., 1958 at 7:00 A. M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.,

By:

J. R. ...
Vice-President

Order No. 45851

Case No. _____

Filed _____

APPEAL FOR VARIANCE OR EXCEPTION

TO: The Board of Zoning Appeals
Room 205, City Building
Wichita, Kansas

The undersigned, Mr. and Mrs. David R. Cole and Dr. and Mrs. V. A. Mueller, respectively owners and contract purchasers, hereby appeals from the decision of the Building Inspection Superintendent wherein a Building Permit is refused under Section 21-13A of the Zoning Ordinance to operate a ceramic school or ceramic art studio in the premises located at 437 North Oliver, Wichita, Kansas. This permit was denied January 27, 1958 for the reason that intended use was not in strict conformity with the zoning ordinance for "BB" classification. A copy of the refusal to grant such permit is being attached to the original of this appeal.

The undersigned have not made a previous application or appeal under the Zoning Ordinance affecting these premises.

The undersigned further declare that all the statements contained in all of the information transmitted herewith are true and correct to the best of their knowledge.

BOYER, HONDROS & DONALDSON

By *Kenneth P. Stewart*
Attorney and Agent for
Appellants

Mr. and Mrs. David R. Cole
437 North Oliver

Dr. and Mrs. V. A. Mueller
4421 East Second



STATEMENT OF APPEAL

(a) Description of proposed work or use of premises.

Appellant, Mrs. V. A. Mueller, plans to use premises for the operation of a ceramic school or ceramic art studio. She plans to teach ceramic arts to any and all persons who desire to receive such instruction. Incidental to appellant's practice of the ceramic arts and her intended operation of a ceramic art studio, said appellant shall have available for her students the raw materials and supplies necessary to the practice and teaching of ceramic arts. Her past experience with such an operation would indicate that her former students and other persons will be interested in purchasing from her the raw materials and supplies used in connection with ceramic arts. To a limited extent, appellant desires to display for sale her own ceramic art work.

In order to carry on the operation as planned, it is not necessary to alter the exterior of the premises which are presently occupied as a residence. Appellant shall use the house on the premises in its present condition. Ample parking in connection with her intended operation is provided by a driveway on the property and the rear yard. A sign will be placed on the front of the house indicating its use as a ceramic art studio.

(b) Principal points under which the Building Inspector issued a refusal.

1. Refusal of Building Inspector was on basis that intended use was not in strict conformity with Zoning Ordinance, Section 21-13A for the reason that "the use to which you wish to put this building would involve the sales of raw materials to other than those who are students. It is also desired to sell a small amount of novelty items which would be made at this place. This section of the ordinance covering "BB" classification states that no goods, wares or merchandise may be sold, and since these sales would be made to anyone who might apply, it would be in my opinion not in strict conformity with the zoning ordinance."
2. Appellants believe that variance should be permitted Zoning Ordinance, Section 21-27C2:

"Exceptions and Variances:

Further, the board (of zoning appeals) shall have jurisdiction and power to grant exceptions and variances from the strict application of the provisions of this article;

In support thereof, appellants state that property in question is abutted on the north by property presently zoned "A", but used for light commercial building, parking and driveway area. Appellants' petition to rezone light commercial was denied and property zoned "BB".

Zoning Ordinance, Section 21-13.1, "BB" Office District Regulations, permits limited sales of prescriptions from apothecaries operated in connection with medical or dental clinics (21-13.1A 2 and 7). Section 21-13B, Multiple-family Dwelling District Regulations, sub-section A6 permits the operation of educational institutions. The intended use by appellant, Mrs. Mueller, is primarily the operation of a ceramic art studio. Her sales of raw materials and her own ceramic arts are incidental to the operation of such studio.

(c) Jurisdiction for appeal.

1. Exception or variance desired arises from conditions not ordinarily found in the same zoning district.
 - (aa) Appellants' property is abutted on the north by seventy-five (75) foot frontage on Oliver which is zoned "A" but used partially for light commercial and partially for parking and driveway for light commercial.
 - (bb) Intended use of premises will not necessitate any exterior alteration of premises; general appearance of premises will remain exactly the same.
 - (cc) Intended use of premises for ceramic art studio, as outlined, will provide a definite "buffer" to residence property located south of appellants' property; and, at the same time, will permit appellants to economically utilize their property for a non-residential purpose. It is the contention of appellants that their property has been rendered unsuitable for residential occupancy because of the business use directly to the north.
 - (dd) The intended use by appellants is such a limited use that it will not create any additional traffic problem whatsoever.

For all of the above reasons, appellants contend:

That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

That the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.

That the exception or variance desired is not against the public interest.

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Dr. V. A. Mueller Owner Address 4421 E. Second

To Same Applicant Address _____

Dear Sir:

Your application Dated January 27, 1958

For a Permit for the ceramic school

_____ at the premises designated as

437 N. Oliver

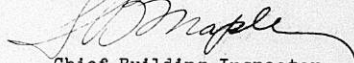
Is hereby refused on this 27th day of January, 1958,

Under Section 21-13A of the Zoning Ordinance.

For the reason that

The use to which you wish to put this building would involve the sales of raw materials to other than those who are students. It is also desired to sell a small amount of novelty items which would be made at this place. This section of the ordinance covering "BB" classification states that no goods, wares or merchandise may be sold, and since these sales would be made to anyone who might apply, it would be in my opinion not in strict conformity with the zoning ordinance.

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.