

CASE 3-56 LINCOLN HEIGHTS
MERCHANTS ASSOCIATION

From the desk of
GEO. J. FISHER

Case No. 3-56 - Lincoln Heights Assoc.

Case in Court Friday Sept. 28, 1956
Defense entered a Demurrer. Judge did
not uphold the demurrer and asked that
a \$30,000 bond be put up.

ct

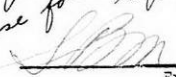
DEPARTMENT OF SERVICE

Please Deliver to -

Allen	Sceriy	Maple
Angel	Fisher	Smith
Douglass	Grabham	

Answer, sending me a copy.
 For your information & file.
 For your recommendation.
 Note & see me about this.
 Please handle.
 Note & return.

SEP 13 1957
 DEPARTMENT OF SERVICE

This was all assigned
"B. B. therefore
special requirement
put appeals
Catherine in Bd of Case folded 9/16


Date _____ From _____

FOLLOW UP

Yes

No

FOR YOUR ATTENTION

_____	John Allen	<input checked="" type="checkbox"/>	S.B. Ma;
_____	Jim Angell	_____	Max Minc
_____	Ralph Douglass	_____	Bill Smi

Location Douglas & Dellrose

Comments Parking Lot on S.W
corner being used but not
according to provisions of
Permit granted by Bd of
Zoning appeals - No screening
fence and no rails along
sidewalk. Better check into
it

Report AD 9/28/57

Carbon pulled

Completed: Date _____ Name _____

W. D. JOCHEMS
J. WIRTH SARGENT
EMMET A. BLAES
ROETZEL JOCHEMS
ROBERT G. BRADEN
J. FRANCIS HESSE
JAMES W. SARGENT
S. C. DURBIN
STANLEY E. WISDOM
VINCENT L. BOGART
CECIL E. MERREL

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

15 August 1956



AMHERST 2-8447

Mr. George Fisher
City Building
Wichita, Kansas

Dear Mr. Fisher:

Enclosed are the rewritten pages 1 and 4 for the
Lincoln Heights Merchants Association Off Street
Parking Permit.

Very truly yours,

JOCHEMS, SARGENT & BLAES

Roetzel Jochems
Roetzel Jochems

RJ:c
Enclosures

cc: Mr. Douglas E. Shay
Attorney at Law
729 Beacon Building
Wichita, Kansas

extra

CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS

OFF STREET PARKING SPECIAL PERMIT
(Case 3-56)

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS there was filed with this Board by Lincoln Heights Merchants Association, a corporation, an Off Street Parking Appeal for a special permit to construct and maintain a parking area on the premises described as follows:

All of Lots 1 and 2, and also Lots 17 and 18 except the South 10 feet thereof, all in Block 2, Lincoln Heights Addition to the City of Wichita, Sedgwick County, Kansas,

which appeal was set for hearing before this Board on the 29th day of June, 1956, and

WHEREAS, notice of said hearing was mailed to all owners within a distance of 200 feet of the property concerned, and at said hearing evidence was presented and arguments heard from the parties concerned, and

WHEREAS, the Board finds that:

1. The said appeal was in the form and manner required by the ordinances of the City of Wichita and the rules and regulations of this Board.
2. Notice of the said appeal prior to the said hearing was given to all property owners as required by the said ordinances, rules and regulations.

6. Adequate bumper guards or wheel stops shall be installed for the parking spaces.

7. All space on the said premises not required for parking, driveways, entrances, etc., shall be landscaped with plantings of trees, grass, ornamental shrubs, etc., to make the same reasonably attractive.

8. No spaces for the parking of vehicles shall extend westward beyond the building line on Pershing Avenue as extended on a straight line north from the existing residences.

9. No spaces for the parking of vehicles shall extend westward beyond the building line on Delirose Street as extended on a straight line north from the existing residences.

10. The said premises shall at all times be maintained free of all weeds, dust, trash and other debris, in such manner that the same shall not constitute a nuisance.

Dated this ____ day of August, 1956.

THE BOARD OF ZONING APPEALS OF THE
CITY OF WICHITA, KANSAS

By _____
Chairman

ATTEST:

Secretary







To: Board of Zoning Appeals
City of Wichita
City Building
Wichita, Kansas

Gentlemen:

We, the undersigned property owners and home owners within one block of

Lots 1, 2, 17, and 18, except the South 10' of said Lots 17 and 18, in Block 2, Lincoln Heights Addition to Wichita, Kansas,

do hereby ~~protest~~ and oppose the petition filed by Lincoln Heights Merchants Association, seeking a special permit under Section 13 B of the City Ordinances of the City of Wichita Ordinance No. 19-725 as amended, for the establishment of offstreet parking on said property.

<u>NAME</u>	<u>ADDRESS</u>		
<i>R. H. Kindsley</i>	<i>120 South Pershing</i>		
<i>L. E. Shum</i>	<i>103</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>A. D. Bennett</i>	<i>125</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>James A. Kuor</i>	<i>131</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Wm. Berges</i>	<i>155</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>H. W. Ordway</i>	<i>154</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Theresa Dru</i>	<i>140</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Ernest J. Quipoint</i>	<i>143</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>W. R. Murfin</i>	<i>150</i>	<input type="checkbox"/>	<input type="checkbox"/>

To: Board of Zoning Appeals
City of Wichita
City Building
Wichita, Kansas

15 OWNERS

Gentlemen:

We, the undersigned property owners and home owners within one block of

Lots 1, 2, 17, and 18, except the South 10' of said Lots 17 and 18, in Block 2, Lincoln Heights Addition to Wichita, Kansas,

do hereby protest and oppose the petition filed by Lincoln Heights Merchants Association, seeking a special permit under Section 13 B of the City Ordinances of the City of Wichita Ordinance No. 19-725 as amended, for the establishment of offstreet parking on said property.

NAME

ADDRESS

Footnote:
Mrs. Glenn Porter 134 N. Pershing
Faye Hines 1407 N. Pershing
Dr. R. A. Holzgammuth 1157 N. Pershing
Mrs. Laurence E. Curfman 122 N. Pershing
Hubert M. Dye 129 N. Pershing
Jack S. Duggs 154 No. Pershing
Wm. W. Keuttel 150 N. Pershing
J. D. Dickman 4601 E. 12th
Nora Hammond 106 N. Pershing
Ray Hammond 106 N. Pershing
Mrs. J. G. Hockett 104 N. Pershing
James R. Porter 134 No. Pershing
Richard C. Reida - 116 No. Pershing
Stella C. Chapp - 155 No. Pershing

To: Board of Zoning Appeals
City of Wichita
City Building
Wichita, Kansas

Gentlemen:

We, the undersigned property owners and home owners within
one block of

Lots 1, 2, 17, and 18, except the South
10' of said Lots 17 and 18, in Block 2,
Lincoln Heights Addition to Wichita,
Kansas,

do hereby protest and oppose the petition filed by Lincoln Heights
Merchants Association, seeking a special permit under Section 13 B
of the City Ordinances of the City of Wichita Ordinance No. 19-725
as amended, for the establishment of offstreet parking on said
property.

NAME

ADDRESS

Richard W. Jones	139 So. Dellrose
Lucia S. Holmes	139 So. Dellrose
Maxine Condon	111 So. Dellrose
James C. Condon	111 So. Dellrose
Mildred A. Brazill	115 So. Dellrose
Frances H. Kelgore	119 S. Dellrose
Chas W. Barrett	129 S. ^{Del} Dellrose
Betta C. Bartlett	129 S. Dellrose
B. C. Burns	149 S. Dellrose
Betty M. Burns	149 S. Dellrose
J. J. Johnson	151 S. Dellrose
Mildred Johnson	151 S. Dellrose
E. Holgerson	171 S. Dellrose
Evelyn Holgerson	171 So Dellrose
Knue	119 So Dellrose
E. J. Price	153 S. Dellrose
Walter B. Price	

Frank B. Steinkirchner	160 S. Dellrose
Adna B. Steinkirchner	160 S. Dellrose
Allen Brazell	115 So. Dellrose
Robert S. Brandon	136 So. Dellrose
E. Leध्ये E. Brandon	136 So. Dellrose
Orville R. Eby	150 S. Dellrose
Martha Eby	150 S. Dellrose
Olymer Smith	172 S. Dellrose
Alma L. Smith	172 S. Dellrose
Mr + Mrs Hotte	178 So. Dellrose
Patricia A. Coddington	128 N. Dellrose
Sylvia Roseberry	136 N. Dellrose
Thomas L. Scherer	139 N. Dellrose
Mrs. Esther Callihan	127 N. Dellrose
Mr. H. C. Callihan	127 N. Dellrose
Raymond F. Scherer	139 N. Dellrose
James G. Moore	147 No. Dellrose
Estyude B. Moore	147 No. Dellrose
Mr. Carl E. Bailey	142 N. Dellrose
Walter E. Morris	146 N. Dellrose
Phyllis F. Cooper	140 S. Dellrose

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

AMHERST 2-8447

W. D. JOCHEMS
J. WIRTH SARGENT
EMMET A. BLAES
ROETZEL JOCHEMS
ROBERT G. BRADEN
J. FRANCIS HESSE
JAMES W. SARGENT
S. C. DURBIN
STANLEY E. WISDOM
VINCENT L. BOGART
CECIL E. MERKEL

29 May 1956

In re: Lincoln Heights Merchants Association

Board of Zoning Appeals
Room 302, City Building
Wichita, Kansas

Gentlemen:

We wish to certify that we have examined the original executed copy of a lease given by Dale Kidwell and Esther Steinberg as Lessors and Lincoln Heights Merchants Association as the Lessee covering the following described property:

Lots 1, 2, 17 and 18, Block 2, Lincoln Heights Addition to Wichita, Sedgwick County, Kansas, except the South 10 feet of Lots 17 and 18.

In our opinion, the said document creates a valid and existing leasehold covering the said premises for a period expiring on May 31, 1964, for the purpose of being used for free off-street automobile parking.

Very truly yours,

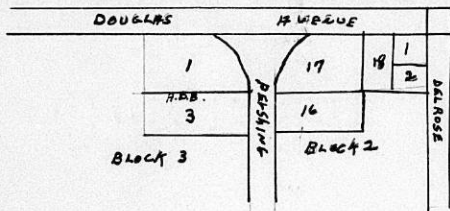
JOCHEMS, SARGENT AND BLAES

By


Emmet A. Blaes

EAB:cw

Lots 1, 2, 17, and 18, Block 2,
Lincoln Heights Addition to the
City of Wichita, Kansas



Present Zoning: A (two family duplexes)

Sales from H. K. Lindsley and Jessie P. Lindsley, his wife to
Esther Steinberg.

Warranty Deed dated July 30, 1948, recorded August 11, 1948, Book 701,
Page 71.

From H. K. Lindsley and Jessie P. Lindsley, his wife to Esther Steinberg.

Covering Lots numbered one (1) and two (2) and Lot numbered eighteen (18)
except the South 10 feet thereof, Block Two (2), Lincoln Heights Addition
to the City of Wichita.

Restrictions contained in Deed: NONE

Warranty Deed dated July 30, 1948, recorded August 11, 1948, Book 701,
Page 73.

From H. K. Lindsley and Jessie P. Lindsley, his wife to Esther Steinberg.

Covering Lot numbered seventeen (17), except South 10 feet thereof, Block
Two (2), Lincoln Heights Addition to the City of Wichita.

Restrictions contained in Deed: During the next ensuing 15 years from and
after the date hereof, no house shall be
built on the lot herein described, other
than a two-story single family residence,
to cost not less than \$18,000 and to be
set back on said lot in line with other
residences in the same block on Pershing
Avenue. No garage, out-building, or
temporary building shall be used on said
premises as a residence, pending the
erection of a dwelling thereon. No used,
second-hand or previously constructed
house or building of any kind shall be moved
(over)

or placed as a whole or part, or in sections upon said lot. Conveyance of title of said lot shall not be made to others than persons of the white race. Violations of the above restrictions may be restrained, enjoined and prevented by grantor, his heirs or assigns, by any legal or equitable remedy at such time available.

KAHRS & NELSON

ATTORNEYS AT LAW

FOURTH NATIONAL BANK BUILDING

WICHITA 2, KANSAS

AUSTIN M. COWAN (1885-1949)

W. A. KAHR

ROBERT H. NELSON

JULIAN H. ZIMMERMAN

PATRICK F. KELLY

TELEPHONES

AMHERST 2-3441

AMHERST 2-3442

May 29, 1956

Mr. Tom Via, Director
City Planning Commission
239 West William
Wichita, Kansas

Dear Tom:

We understand that Dale Kidwell, et al, owners of several lots constituting a corner at Douglas on the north, Dellrose on the east and Pershing on the west, will make application to the Board of Zoning Appeals for permission to use said property as a parking lot. We represent Mr. Lee Thorn, who lives on the northwest corner of Pershing and Douglas and whose property will be materially effected if such a petition is granted. We cannot determine from a geographical standpoint if Mr. Thorn's property is within 200 feet of the property hereinbefore referred to.

We are, therefore, writing this letter requesting that if any application is filed for permission to use the corner above described as a parking lot by Dale Kidwell, et al, that a notice be promptly given to this office of such application.

With kind regards, we remain,

Yours very truly,

W. A. Kahrs
OF KAHR & NELSON

WAK:ks

cc: Mr. Lee Thorn



Catherine File - Notice will go to property owners within 200 ft. might call these people if they happen to be outside 200' limit *ED 5/31*



Form 3811
Rev. 1-4-49

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 Lincoln Hughes
(Signature or name of addressee)

2 J. W. Wash
(Signature of addressee or agent should enter address and name on this ONE slip)

Date of delivery JUN 22 1956, 19

U. S. GOVERNMENT PRINTING OFFICE 16-7288-3

RECEIPT FOR CERTIFIED MAIL—15¢

No 727318

SENT TO	POSTMARK OR DATE
Lincoln Hqts. Merchant Assoc.	
STREET AND NO.	
4801 E. Douglas	
CITY AND STATE	
Wichita, Kansas	
If you want a return receipt, check which <input type="checkbox"/> 7c shows to whom, when, and address where delivered <input type="checkbox"/> 31c shows to whom, when, and address where delivered	

POD Form 3800
Apr. 1955

Post Office Department
OFFICIAL BUSINESS

JUN 22
1958
KANS.

POSTAGE WILL BE PAID BY ADDRESSEE

GIVE
CRO
FUND

Return to **Geo. J. Fisher, Dir. of Service**
(NAME OF ADDRESSEE)

Street and Number
or Post Office Box: **205 City Building**

REGISTERED ARTICLE

No. _____

INSURED PARCEL

No. _____

**WICHITA,
KANSAS.**

No 727318

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO	POSTMARK OR DATE
Lincoln Hqts. Merchant Assoc.	
STREET AND NO.	
4801 E. Douglas	
CITY AND STATE	
Wichita, Kansas	
If you want a return receipt, check which <input type="checkbox"/> It shows to whom and when delivered <input type="checkbox"/> It shows, to whom, when, and address where delivered	

POD Form 3800
Apr. 1955

CASE NO. 3-56

Date June 12, 1956

ZONING APPEALS PETITION

ACCEPTED AS TO FORM by the WICHITA BOARD OF ZONING APPEALS

Receipt No. 43429
(Purchasing Department)

by Rose Hellenore

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

_____ June 20 _____, 19 56

Lincoln Heights Merchants Association
4801 E. Douglas
Wichita, Kansas

Dear Sirs _____:

Your appeal, under the Zoning Ordinance, relative to premises at
Lincoln Heights Addition (South side Douglas between Dellrose and
Pershing)

has been given Board of Zoning Appeals Case No. 3-56.

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, June 29, 19 56, at 1:30 p.m.
at Room 201, City Commission Room at the City Building

_____.
Respectfully,

Geo. J. Fisher
Secretary, Board of Zoning Appeals

Copy sent to N. J. Bledsoe, Jr.

BOARD OF ZONING APPEALS

Room 205, City Building
Wichita 2 Kansas

NOTICE TO PROPERTY OWNERS

June 19 _____, 19 56

An appeal has been filed by N. J. Gessler, Jr.
(address) 4801 E. Douglas on behalf of
Lincoln Heights Merchants (address) 4801 E. Douglas
Association
as provided by Section 21-27 Vol. I of the City Code. The
appellant desires to use premises for free off-street automobile
parking, (South side Douglas between Dellrose and Pershing)
on the premises located at Lincoln Heights Addition.

This appeal has been given Case No. 3-56 and a hear-
ing will be held by the Board of Zoning Appeals on Friday.
June 29, 1956, at 1:30 p.m. in Room 201 of the City
Building, 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.

Geo. J. Fisher
Secretary, Board of Zoning Appeals

ct

**RETURN
TO
CITY CLERK**

OWNERSHIP LIST

LOT	BLOCK	ADDITION	PROPERTY OWNERS
1	2	Lincoln Heights	Esther Steinberg Dale Kidwell Beacon Building
2	"	"	"
3	"	"	James C. Condon Helen Maxine Condon 111 S. Dellrose
4	"	"	J. Allen Brazill Mildred S. Brazill 115 S. Dellrose
5	"	"	R.H. Kilgore Frances L. Kilgore 119 S. Dellrose
6	"	"	Charles V. Bartlett Betta C. Bartlett 129 S. Dellrose
15	"	"	May Morris 136 S. Pershing
16	"	"	H.K. Lindsley 120 S. Pershing
S 10' of Lot 17	"	"	H.K. Lindsley
S 10' of Lot 18	"	"	H.K. Lindsley
17 exc. S 10'	"	"	"
18 exc. S 10'	"	"	Esther Steinberg Dale Kidwell 305 Beacon Building
1	1	"	Esther Steinberg Dale Kidwell 305 Beacon Building
3	"	"	Lee E. Thorn Lena V. Thorn 103 S. Pershing
4	"	"	A.D. Barnett 125 S. Pershing
	3	"	Lee J. Hobbs 131 S. Pershing
1		Wasson Manor	Walter Morris Inv. Co., Inc. 208 N. Broadway
W 45' of Lot 2		"	Bertha Stackman Gouldner 1845 Wellington Place
2 exc. W 45'		"	"
3		"	Henry T. Kimbrough <i>Address Unknown</i>
Reserve A		"	Frederick Wasson Nannie M. Wasson 4620 E. Douglas

LOT	BLOCK	ADDITION	PROPERTY OWNERS
145		East Lawn Addition	Margaret M. Hocket 104 N. Pershing
146		"	"
147		"	"
S 5' of Lot 148		"	"
N 20' of Lot 148		"	Nora B. Hammond 106 N. Pershing
149		"	"
S $\frac{1}{2}$ of 20		Pershing Terrace 2nd.	Clayton S. White Ruth E. White 4520 E. Douglas
21		"	"
22		"	"
23		"	"
24		"	"

*Kenneth Hohe
Beacon Bldg.*

We hereby certify the foregoing to be a true and correct list of property owners within a radius of 200 feet of lots 17 and 18, exc the South 10 feet thereof and all of lots 1 and 2, all in Block 2, Lincoln Heights, an Addition to Wichita, Sedgwick County, Kansas, as shown by the records in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 12th day of May, 1955 at 2:00 P. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

[Signature]
Vice-President

Order No. 16176

The above certificated is extended from the 12th day of May 1955 A.D. at 2:00 P. M. to the 29th day of May 1956 A. D. at 7:00 A. M. all ownerships being the same as they were at that time.

order no. 28594 THE SECURITY ABSTRACT AND TITLE COMPANY INC.

BY

John M. Bell
VICE PRESIDENT