

CASE 6-56 HILLSIDE APT. BUILDING
Dr. and Mrs. David

Wall

LAW OFFICES OF
FLEESON, GOOING, COULSON & KITCH
FIRST NATIONAL BANK BUILDING
WICHITA 2, KANSAS
FOREST 3-1202

HOWARD T. FLEESON
HOMER V. GOOING
WAYNE COULSON
PAUL R. KITCH
DALE M. STUCKY
DONALD R. NEWKIRK
ROBERT J. HILL
GERRIT H. WORMHOUDT
THEODORE C. GEISERT
PHILIP KASSEBAUM

September 10, 1956



Director of Services
City Building
Wichita, Kansas

Dear Mr. Fisher:

As you probably gathered from my silence at this time, my client wishes to take no action regarding the Wall zoning appeal. I appreciate your courtesies of last week and assume that a satisfactory settlement to all will be arranged.

Very truly yours,

FLEESON, GOOING, COULSON & KITCH

By

Philip Kassebaum

JPK/j1

CASE NO. 6-56.

Date August 13, 1956

ZONING APPEALS PETITION

ACCEPTED AS TO FORM by the WICHITA BOARD OF ZONING APPEALS

Receipt No. 45599
(Purchasing Department)

by Rose Gallemore

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Dr. & Mrs. David Wall Owner Address 3201 East Second
To Same Applicant Address _____

Dear Sir:

Your application Dated July 31, 1956
For a Permit for the erection 6-family 2-story apartment building
_____ at the premises designated as
244 North Hillside

Is hereby refused on this 31st day of July, 1956,
Under Section 21-13 - C of the Zoning Ordinance.

For the reason that this building would be constructed without regard to the recorded platting of the lots. These lots are platted facing Hillside, thus making Hillside the front street. There has been by general usage a reversal of this plat by facing the three buildings with the front to the north. When the recorded plat is considered, it would require that the front yard be on Hillside, and a rear yard provided along the east line of the property.

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.

Case No. _____

Filed _____ 19 _____

APPEAL FOR VARIANCE OR EXCEPTION

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

The undersigned David R. Wall, M. D. hereby appeals from the decision of the Building Inspection Superintendent wherein a Building Permit is refused under Section 21-13-C to erect a 6-family 2-story apartment building at the premises located at 244 N. Hillside. This permit was denied for the reason that:

"this building would be constructed without regard to the recorded platting of the lots. These lots are platted facing Hillside, thus making Hillside the front street. There has been by general usage a reversal of this plat by facing the three buildings with the front to the north. When the recorded plat is considered, it would require that the front yard be on Hillside, and a rear yard provided along the east line of the property."

The plans, application, and all data heretofore filed with said Building Inspection Superintendent 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 *David R. Wall*
David R. Wall, M. D.

Appellant David R. Wall, M. D. Address 3201 E. Second

Owner David R. Wall, M. D. Address 3201 E. Second

Lessee _____ Address _____

APPEAL FROM REFUSAL OF BUILDING INSPECTOR TO GRANT PERMIT

FOR: Erection of an office and 6-family apartment building at 244 N. Hillside for Dr. & Mrs. David R. Wall.

2.

- A. Proposed structure will consist of a doctor's office for the owner and a two story six unit apartment building with carport and sufficient off-street parking, located as shown on the attached drawing.
- B. Lots 2, 4, 6, 8 of Hewey's addition are platted facing Hillside. This would require front yard setback on Hillside and rear yard setback along the east line of that portion of the lots under this ownership. The permit was refused under Section 21-13-C.

If usage, as the property has been developed, were considered in lieu of the platted direction this project would comply with the above ordinance.

- C.
 - 1. The variance desired arises from the fact that three buildings have been built across the four lots in question, actually facing Second Street, and occupied, used and sold in that manner for many years.
 - 2. The rights of adjacent owners will not be adversely affected, since the proposed new structure will set back from both streets more than the existing usage.
 - 3. Refusal of the permit will work a great hardship on the owner since it makes those portions of lots 2, 4, 6, 8 owned by him unavailable for any building, other than maintaining of the existing structure. The front and rear yard setbacks on the west and east sides would leave at the most 10 or 11 feet for structure.
 - 4. This variance is in the public interest for the reasons stated above, as well as the need for facilities of this type in this area of Wichita.

David R. Wall



CERTIFICATE OF OWNERSHIP

THE GUARANTEE ABSTRACT COMPANY, INC., hereby certifies the following to be the last owners as shown by the records in the office of the Register of Deeds, Sedgwick County, Kansas, of the LOTS surrounding and within a 200 feet radius of the West One-Third of Lots 2, 4, 6 and 8 on Hillside Avenue in HEWEY'S ADDITION to Wichita, Kansas

HEWEY'S ADDITION

Hillside Avenue

Owner of property

W 1/3 of Lots 2-4-6-8-) 10 & 12)	David R. Wall and Alice W. 3201 E. Second
E 1/2 of E 2/3 of Lots) 2-4-6-8)	Roy R. Nail & Freida 3207 E Second
E 1/2 of W 2/3rds of Lots) 2-4-6-8)	A. L. Bosse & Grace 3205 E second
Lots 14 & 16	W. P. Allen & Pearl E. 236 N. Hillside
Lots 18 & 20	Ray L. Harris & Opal Ruth 234 N. Hillside
Lots 22 & 24	Blanche Freden 230 N. Hillside

Holyoke Avenue

Lots 1 & 3	Wilson Rains & Juanita 255 N. Holyoke
Lots 5 & 7	Guy L. Burrignt 253 N. Holyoke
Lots 9 & 11	Vernon A. Shields & Betty M. 247 N. Holyoke address: 6035 S. Sheridan, Minneapolis, Minnesota
Lots 13 & 15	J. H. Christian & Claudia S. 241 N. Holyoke
Lots 17 & 19	Sheridan Morgridge & Marjorie 237 N. Holyoke
Lots 21 & 23	P. J. Britain 235 N. Holyoke

CHATFIELD ADDITION

Second Street

Lot 19	John R. Heasty & Robert G. 3216 E Second
Lot 20	Alexandria Abla 3210 E Second
Lot 21	John W. Welch & Gertrude 3206 E Second Address 642 N. CHATFIELD
Lot 22	Isabel McNally 3202 E. Second

Chatfield Place

Lot 1	Clifton C. Wilson 3203 Chatfield Place
Lot 2	A. E. Schultz 3209 Chatfield Place



Certificate of Title (continued)

MAPLE GROVE ADDITION

Second Street

N 47' of the S 97' of)
Lots 118-120-122-124 &)
126)

Hazel I. Greer 307 N. Hillside

S 50' of Lots 118-120-)
122-124 & 126)

Frank Slay & Rose W. 303 N. Hillside

HOPKINS & ELWOOD'S SUBDIVISION

Hillside Avenue

Lots 1-3-5 & 7 & 9 &)
11, exc the W 5' of)
Lots 9 & 11)

The City of Wichita

Lots 13 & 15

P. L. Lake 243 N. Hillside

Lots 17 & 19, exc the)
W 5' thereof)

Irene E. Stelmel 239 N. Hillside

Address: c/o MID KANSAS Fed SAVINGS
& LOAN co.
208 B. MARKET

* * * * *

WITNESS our Hand and Seal this the 13th day of August, 1956.

THE GUARANTEE ABSTRACT COMPANY, INC.

By

E. H. Walters
President

Order No. 42037-ole

BOARD OF ZONING APPEALS
Case No. 6-56

We, the undersigned, oppose the granting of the petition by David R. Wall to erect a six-family, two-story apartment building on the premises known as 244 North Hillside.

This location is the corner of Second and Hillside. It is surrounded by one-family residences. There is already a congested traffic pattern on both Hillside and Second Streets. There is a fire station on the southwest corner of Second and Hillside, and any additional congestion would be detrimental to the Fire Department.

It is spot zoning, and should not be allowed, and last, it will materially damage the value of the adjoining properties and the properties in the neighborhood.

At the time the neighbors signed a consent for Dr. Wall to use the corner as a medical clinic, he or his family agreed that it should not be used for any other purpose, and that an apartment house would never be built there.

<u>Names</u>	<u>Addresses</u>
Charles Allen & W.P. Allen	236 N Hillside
Howard L. Smith	215 N Hillside
Ms. Linda Landon	230 N Hillside
Blava W. Lake	243 N Hillside
G.L. Burright	253 W Holyoke
Maude Burright	353 W Holyoke
Ruth E. Burright	253 W Holyoke
Max & H. Christian	241 W Holyoke
J. H. Christian	241 W Holyoke
J. L. Morgridge	237 N Holyoke
Margie Morgridge	237 N Holyoke
Leticia M. Clark	233 N Holyoke
Betty P. Clark	210 N Holyoke
Shirley Eystone	240 N Holyoke
Ruth Eystone	240 N Holyoke
Rose W. Slay	231-7 Hillside
David Slay	303-7 Hillside

<u>Names</u>	<u>Addresses</u>
Hazel Chambers	3120 E 2nd
Mrs John Young	3116 E 2nd St.
J. C. Carter	256 N Lorraine
Bertie E. Brammer	227 N. Hillside
Ray L. Harris	234 N. Hillside
Mrs Ray Harris	234 N. Hillside
Mrs Martha E. Mehad	222 N. Hillside
Mrs Nellie Primes	315 N. Hillside
(Miss) Alice Primes	315 N Hillside
Mrs Hazel Greer	307 N Hillside
Dorothy G. Swartz	3001 E Second
Francis B. Swartz	3001 E Second.

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<u>Names</u>	<u>Addresses</u>
<u>A. L. Besse</u>	<u>3205 East 2nd St</u>
<u>Chas. Besse</u>	<u>" " " "</u>
<u>Ray R. Nail</u>	<u>3207 East 2nd St.</u>
<u>Mrs. Hearty</u>	<u>3216 E. 2nd St</u>
<u>Mr. G. Allen</u>	<u>3210 E 2nd</u>
<u>Wilson Rains</u>	<u>255 N. Holyoke</u>
<u>Juanita Rains</u>	<u>255 N. Holyoke</u>
<u>John Arnsbee</u>	<u>254 N. Holyoke</u>
<u>Mrs. R. R. Nail</u>	<u>3207 East Second St</u>
<u>Mr. R. A. Conyer</u>	<u>3220 East Second</u>

303 North Hillside
Wichita, Kansas
August 22, 1956



City Planning Commission
City Building
Wichita, Kansas

Attention: Mr. Fisher

Gentlemen:

We have been informed that the proposed combination office and apartment building to be built by Dr. D. R. Wall on the southeast corner of Hillside and Second would tend to delay commercial zoning within the block.

We are highly opposed to any building which would detract from the commercial possibilities of this block and delay the inevitable re-zoning of Hillside.

Sincerely,

Mr. & Mrs. Frank Slay/ag

Mr. & Mrs. Frank Slay - 303 - 231 - 7 - Hillside

BOARD OF ZONING APPEALS
Room 205, City Building
Wichita 2 Kansas



NOTICE TO PROPERTY OWNERS

August 15, 19 56

An appeal has been filed by David R. Wall, M.D.

(address) 3201 E. Second ~~xx xxxxxx xx~~

~~(xxxxxx)~~

as provided by Section 21-27 Vol. I of the City Code. The
appellant desires to erect a 6-family 2-story apartment building

on the premises located at 244 North Hillside.

This appeal has been given Case No. 6-56 and a hear-
ing will be held by the Board of Zoning Appeals on Friday
August 24, 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 He now lives in Coffeyville but
still own the property at 3203 Chatfield
and we are in favor of your permitting
this change in zoning
Elmer C. Wilson*

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, 100¢
(GPO)

POSTMARK OF
DELIVERING OFFICE
AUG 10 1956
WICHITA, KANSAS
HILLSIDE STN

RETURN TO _____

REGISTERED NO.	NAME OF SENDER
CERTIFIED NO. 727317	Geo. J. Fisher, Dir. of Service
INSURED NO.	STREET AND NO. OR P. O. BOX
	205 City Building
	POST OFFICE
	Wichita,
	STATE
	Kansas

POD Form 3811
July 1955

U. S. GOVERNMENT PRINTING OFFICE : 1955 332304-00

RECEIPT FOR CERTIFIED MAIL—15¢

No 727317

SENT TO	Dr. & Mrs. David R. Wall	POSTMARK OR DATE
STREET AND NO.	320J East Second	
CITY AND STATE	Wichita, Kansas	
If you want a return receipt, check which <input type="checkbox"/> If shows to whom and when delivered <input type="checkbox"/> If shows to whom when, and address where delivered <input type="checkbox"/>		

POD Form 3800
Apr. 1955

DELIVERING EMPLOYEE Deliver ONLY to addressee. (Does not apply to Certified mail.)
 Show address where delivered.

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

1. David R Wall M.D.
(Signature or name of addressee)

2. J. Brown Wall
(Signature of addressee's agent—Agent should enter addressee's name and the CASE above)

Date of Delivery Aug 28 1955 1955
206 800

SENIOR
 85th
 WICHITA
 KANSAS

No 727317

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO <u>Dr. & Mrs. David R. Wall</u>	POSTMARK OR DATE
STREET AND NO. <u>3201 East Second</u>	
CITY AND STATE <u>Wichita, Kansas</u>	
If you want a return receipt, check which <input type="checkbox"/> 7¢ shows to whom and when delivered <input type="checkbox"/> 31¢ shows to whom, when, and address where delivered	

F00 Form 3800
Apr. 1955

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

August 15, 1956

Dr. & Mrs. David R. Wall
3201 E. Second
Wichita, Kansas

Dear Dr. Wall:

Your appeal, under the Zoning Ordinance, relative to premises at
244 North Hillside, Wichita, Kansas

has been given Board of Zoning Appeals Case No. 6-56.

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, August 24, 1956, at 1:30 p.m.
in Room 201, City Commission Room, City Building

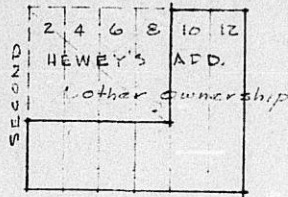
Respectfully,

Geo. J. Fisher
Secretary, Board of Zoning Appeals

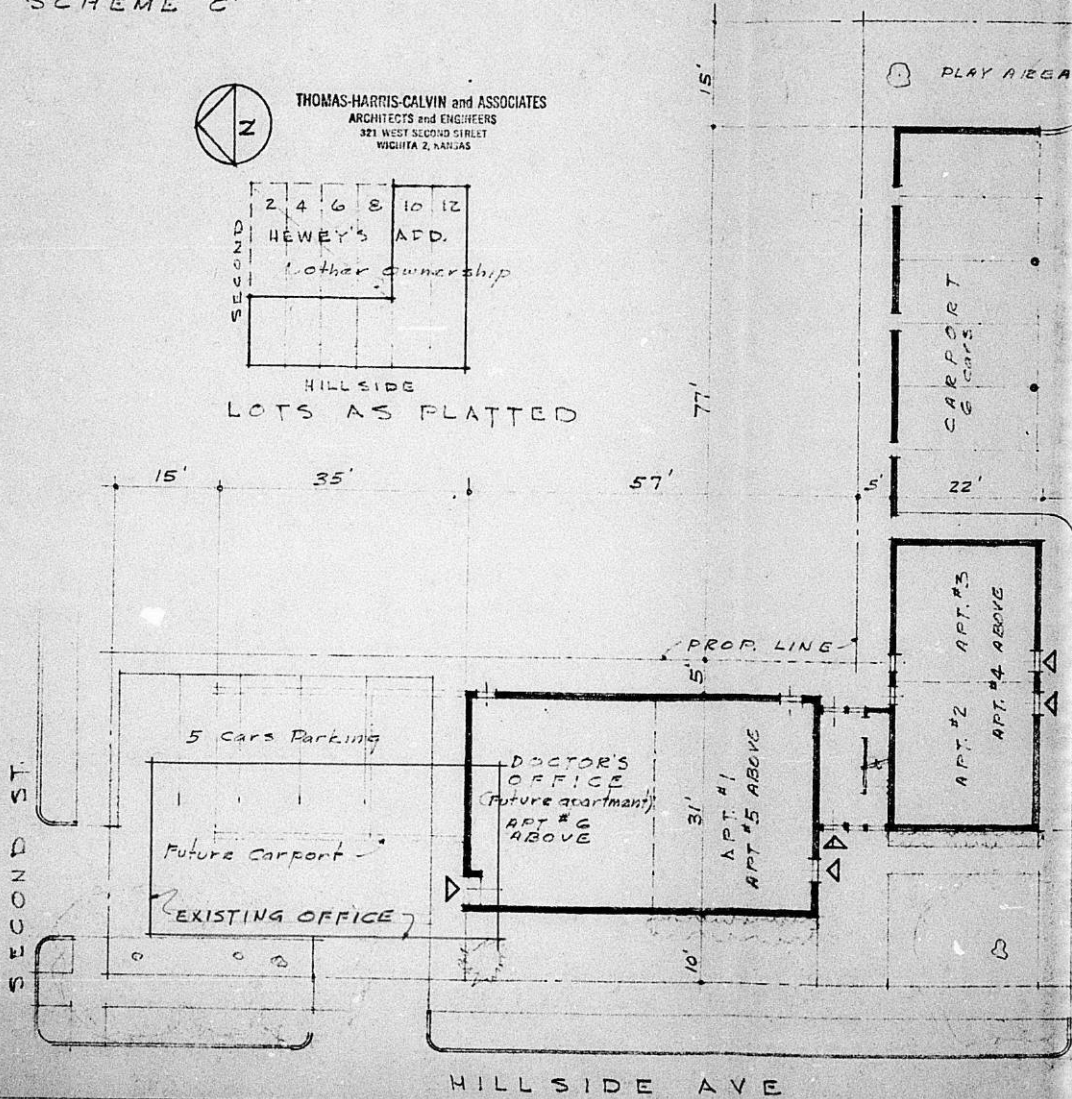
Proposed Building for
 DR. & MRS. DAVID R. WALL
 Scale 1/16" = 1'-0"
 SCHEME 'C'



THOMAS-HARRIS-CALVIN and ASSOCIATES
 ARCHITECTS and ENGINEERS
 321 WEST SECOND STREET
 WASHINGTON 2, D.C.



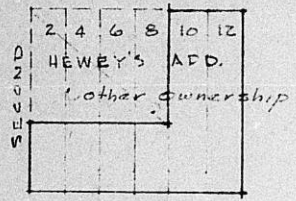
HILLSIDE
 LOTS AS PLATTED



sed Building for
 MRS. DAVID R. WALL
 1/16" = 1'-0"
 E.M.E. 'C'

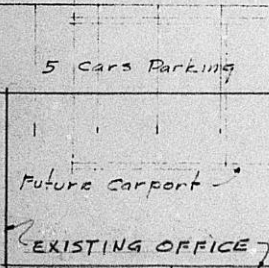
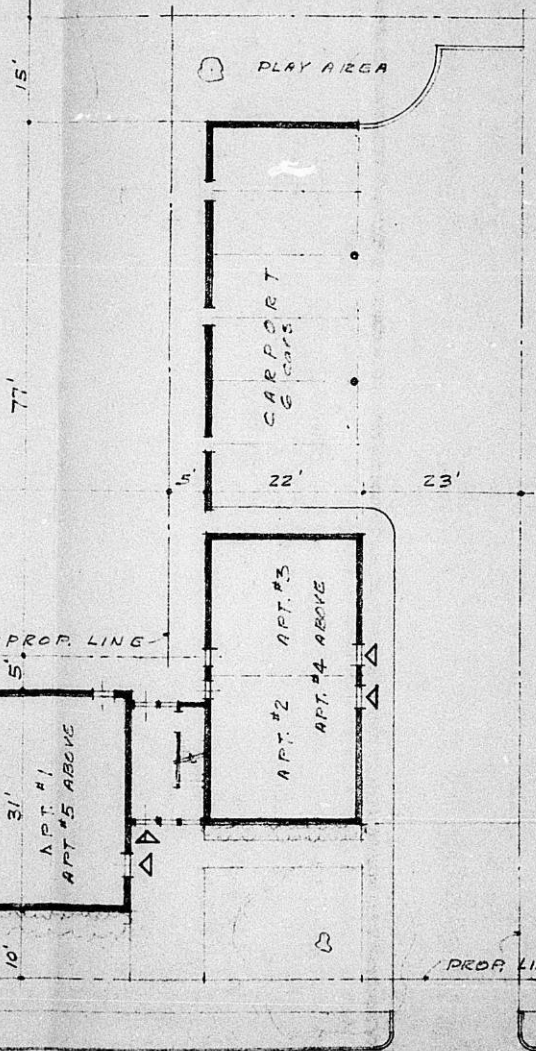


THOMAS-HARRIS-CALVIN and ASSOCIATES
 ARCHITECTS and ENGINEERS
 321 WEST SECOND STREET
 WICHITA 2, KANSAS



HILLSIDE
 LOTS AS PLATTED

15' 35' 57' 5' 22' 23'



HILLSIDE AVE

22'-6"
 PROP. LINE