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BZA 8-65 - Norbert Reischmann request  
variance to permit carport in its  
present location on W side of Ida  
between Pawnee and Scott.

B.C.C./E. CO. C.

POSTED  
3-9-65

1-5

# ACTION

DATE

*By* COMMITTEE *Approved* 3-23-65

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

BA 8-65 - Norbert Haldemann request  
variance to permit airport in its  
present location on W side of Ida  
between Payne and Scott

April 5, 1965

Mr. Herbert F. Reischmann  
2451 Ida  
Wichita, Kansas

Dear Mr. Reischmann:

Re: BZA 8-65

On March 26, 1965, we advised you that the Board of Zoning Appeals had approved your application for a Variance of the side yard set-back requirements to permit an existing carport structure to remain on property located generally on the west side of Ida in an area between Pawnee and Scott.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before April 2, 1965. 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: Glen Lytle, Superintendent  
of Central Inspection

R E S O L U T I O N N O . B Z A 8 - 6 5

WHEREAS, Norbert F. Reischmann, 2451 Ida, Wichita, Kansas, has requested a Variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow a requirement for a 6 foot side yard setback to be reduced to 2 feet, on property zoned "AA" Single Family, and legally described as follows:

Lots 41 and 43, Ida Avenue, Wabash Avenue Subdivision, Beals Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located on the west side of Ida in an area between Pawnee and Scott; 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 March 23, 1965; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.2, Code of the City of Wichita, Kansas; and

WHEREAS, the Board of Zoning Appeals has found that the variance requested arises from such condition which is unique and not ordinarily found in the same zoning district in that there is only 11 feet 11 inches of side yard from the dwelling to the property line, which is not sufficient to construct a garage, and the carport will provide protection for the applicant's car; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance would not adversely affect adjacent property owners or residents inasmuch as the carport is of metal construction and is supported by four aluminum poles and consequently it does not obstruct any light, air or view of the adjacent property owner to the south; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the Zoning Ordinance will constitute unnecessary hardship upon the property owner represented in that the carport is already constructed in the only logical place for such construction and, further, the applicant would be out considerable expense if he were required to move the carport; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

WHEREAS, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita to be present before a variance can be granted, has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that a variance be granted to allow the existing carport to remain within 2 feet of the side property line rather than observing the required 6 foot side yard setback, on property generally located on the west side of Ida in an area between Pawnee and Scott, and legally described as follows:

Lots 41 and 43, Ida Avenue, Wabash Avenue, Subdivision, Beals Addition, in the City of Wichita, Sedgwick County, Kansas,

subject to the following:

1. The variance is hereby granted from 6 feet down to 2 feet to allow the carport to remain in its present location.
2. This variance is granted to allow the 9'9" by 20' carport to remain in its present location along the south side of the house located at 2451 South Ida, and in no event shall it be so construed that this variance is granted to allow an enclosed garage to be constructed along the south side of the house, or shall it be so construed so as to permit any other addition to the house which would project into the side yard setback of 6 feet.
3. If the existing carport is ever removed by an Act of God, or by any other means, it shall not be replaced.

ADOPTED AT WICHITA, KANSAS, this 23rd day of March, 1965.

Harold Bauer  
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith  
Jack H. Galbraith, Secretary

March 26, 1965

Mr. Norbert F. Reischmann  
2451 Ida  
Wichita, Kansas

Dear Mr. Reischmann:

Re: BZA 8-65

This is to advise you that at its regular meeting of March 23, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for a Variance of the side yard setback area to permit an existing carport structure to remain, on property generally located on the west side of Ida in an area between Pawnee and Scott.

It was the action of the Board of Zoning Appeals to approve the request, subject to the following:

1. The variance is hereby granted from 6 feet down to 2 feet to allow the carport to remain in its present location.
2. This variance is granted to allow the 9'9" by 20' carport to remain in its present location along the south side of the house located at 2451 South Ida, and in no event shall it be so construed that this variance is granted to allow an enclosed garage to be constructed along the south side of the house, or shall it be so construed so as to permit any other addition to the house which would project into the side yard setback of 6 feet.
3. If the existing carport is ever removed by an act of God, or by any other means, it shall not be replaced.

Page 2 - Mr. Norbert F. Reischmann  
March 26, 1965

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board 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 April 2, 1965.

Subsequent to the expiration of the appeal period, you will be notified whether or not an appeal has been filed. If no appeal has been filed on or before April 2, 1965, 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  
Secretary

JMG:JWH:ber

cc: Ernest McEne, Attorney  
Union National Building

Glen Lytle, Superintendent  
of Central Inspection

Robert G. Finch  
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 8-65

APPLICANT: Norbert F. Reischmann, 2451 Ida

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow a carport to remain within two feet of the side property line rather than 6 feet which is the normal side yard setback requirement in an "AA" Single Family zoning district.

ZONING: The property in question is zoned "AA" Single Family, as is that property to the north, east, south and west.

LAND USE: Property in question and all surrounding property has been developed for single family residential use.

JURISDICTION

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590, Code of the City of Wichita and may grant the variance request when all four of the following conditions are found to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired is not against the public interest.

UNIQUENESS

It was pointed out in the statement of justification that this request is somewhat unique inasmuch as there is only 11 feet 11 inches from the side of the house to the south property line, which is not sufficient area to construct a garage. It is the opinion of the Secretary that the reasons submitted by the applicant are not sufficient justification for uniqueness. Several of the single family homes in this area were originally constructed without garages. The reason for this was that these houses were constructed on 50 x 120 foot lots and in order to get houses of sufficient size on the lot there was no room left to construct a garage. It should be pointed out

that there is a dedicated and unpaved public alley adjacent to the rear of these lots, which would allow the applicant to construct a detached garage on the rear of this property.

It should also be pointed out that the applicant erected this unenclosed carport on the south side of his house without checking with the Central Inspection Office. If he had checked prior to the time the carport was erected, he would have been advised that he would have to maintain a 6-foot side yard setback. The applicant has been advised by the Central Inspection Office that he is in violation of the zoning ordinance and if the Board of Zoning Appeals does not approve the request he will be required to remove the carport.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance will in no way adversely affect adjacent property inasmuch as the carport is of metal construction and is supported by four aluminum poles and consequently it does not obstruct any light, air or view of the adjacent property owner to the south.

HARDSHIP

It is the opinion of the Secretary that the applicant would be burdened with an unnecessary hardship if the variance is not granted inasmuch as the carport is already constructed. The applicant has indicated in the statement of justification that there is no place else to build a carport other than the present location. However, it would be the opinion of the Secretary that a detached garage could be constructed on the rear of this property, using the alley or the area to the south of the house as access, which would provide protection for the applicant's car.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance will in no way affect the public interest.

RECOMMENDATION

Based upon the foregoing comments, it is the opinion of the Secretary that it is very doubtful if the applicant has given sufficient justification for uniqueness. Therefore, it is recommended that the variance be denied.

If it is the desire of the Board to approve the variance request, it should be subject to the following conditions:

Page 3 - Secretary's Report  
Case No. BZA 8-65

1. The variance is hereby granted from 6 feet down to 2 feet to allow the carport to remain in its present location.
2. This variance is granted to allow the 9'9" by 20' carport to remain in its present location along the south side of the house located at 7451 South Ida, and in no event shall it be so construed that this variance is granted to allow an enclosed garage to be constructed along the south side of the house, or shall it be so construed so as to permit any other addition to the house which would project into the side yard setback of 6 feet.

SECRETARY'S REPORT

CASE NO. BZA 8-65

APPLICANT: Norbert F. Reischmann, 2451 Ida

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow a carport to remain within two feet of the side property line rather than 6 feet which is the normal side yard setback requirement in an "AA" Single Family zoning district.

ZONING: The property in question is zoned "AA" Single Family, as is that property to the north, east, south and west.

LAND USE: Property in question and all surrounding property has been developed for single family residential use.

JURISDICTION

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590, Code of the City of Wichita and may grant the variance request when all four of the following conditions are found to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired is not against the public interest.

UNIQUENESS

It was pointed out in the statement of justification that this request is somewhat unique inasmuch as there is only 11 feet 11 inches from the side of the house to the south property line, which is not sufficient area to construct a garage. It is the opinion of the Secretary that the reasons submitted by the applicant are not sufficient justification for uniqueness. Several of the single family homes in this area were originally constructed without garages. The reason for this was that these houses were constructed on 50 x 120 foot lots and in order to get houses of sufficient size on the lot there was no room left to construct a garage. It should be pointed out

**Page 2 - Secretary's Report**  
**Case No. BZA 8-65**

that there is a dedicated and unpaved public alley adjacent to the rear of these lots, which would allow the applicant to construct a detached garage on the rear of this property.

It should also be pointed out that the applicant erected this unenclosed carport on the south side of his house without checking with the Central Inspection Office. If he had checked prior to the time the carport was erected, he would have been advised that he would have to maintain a 6-foot side yard setback. The applicant has been advised by the Central Inspection Office that he is in violation of the zoning ordinance and if the Board of Zoning Appeals does not approve the request he will be required to remove the carport.

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**HARDSHIP**

It is the opinion of the Secretary that the applicant would be burdened with an unnecessary hardship if the variance is not granted inasmuch as the carport is already constructed. The applicant has indicated in the statement of justification that there is no place else to build a carport other than the present location. However, it would be the opinion of the Secretary that a detached garage could be constructed on the rear of this property, using the alley at the rear to the south of the house as access, which would provide protection for the applicant's car.

**PUBLIC INTEREST**

It is the opinion of the Secretary that the granting of the variance will in no way affect the public interest.

**RECOMMENDATION**

Based upon the foregoing comments, it is the opinion of the Secretary that it is very doubtful if the applicant has given sufficient justification for uniqueness. Therefore, it is recommended that the variance be denied.

If it is the desire of the Board to approve the variance request, it should be subject to the following conditions:

**Page 3 - Secretary's Report**  
**Case No. BZA 8-65**

1. The variance is hereby granted from 6 feet down to 2 feet to allow the carport to remain in its present location.
  
2. This variance is granted to allow the 9'9" by 20' carport to remain in its present location along the south side of the house located at 2451 South Ida, and in no event shall it be so construed that this variance is granted to allow an enclosed garage to be constructed along the south side of the house, or shall it be so construed so as to permit any other addition to the house which would project into the side yard setback of 6 feet.

CASE NO. BZA 8-65

22 NOTICES MAILED MARCH 4, 1965

MEETING MARCH 23, 1965

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

March 4, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 8-65

An application has been filed by Norbert F. Reischmann, 2451  
Ida, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City  
of Wichita, requesting a Variance to reduce the required side yard  
setback from 6 feet down to one foot, on property zoned "A" Two  
Family Dwelling District, and legally described as follows:

Lots 41 and 43, Ida Avenue, Wabash Avenue Sub-  
division, Beals Addition, in the City of Wichita,  
Sedgwick County, Kansas.

Generally located on the west side of Ida in an  
area between Pawnee and Scott.

This application has been assigned Case No. BZA 8-65, and will  
be considered by the Board of Zoning Appeals at its meeting on  
Tuesday, March 23, 1965, 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

25

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

March 4, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 8-65

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Ida, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City  
of Wichita, requesting a Variance to reduce the required side yard  
setback from 6 feet down to one foot, on property zoned "A" Two  
Family Dwelling District, and legally described as follows:

Lots 41 and 43, Ida Avenue, Wabash Avenue Sub-  
division, Beals Addition, in the City of Wichita,  
Sedgwick County, Kansas.

Generally located on the west side of Ida in an  
area between Pawnee and Scott.

This application has been assigned Case No. BZA 8-65, and will  
be considered by the Board of Zoning Appeals at its meeting on  
Tuesday, March 23, 1965, 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

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 8-65  
FILED 3-1-65

APPLICATION FOR VARIANCE

I. Name of Applicant Norbert F. Reischmann  
Mailing Address 2451 Ida, Wichita, Kansas 67216 Phone AM 2-3090  
Name of Authorized Agent \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_  
Relationship of applicant to property is that of owner  
(owner, tenant, lessee, other)

II. The variance requested is leaving carport in it's present location  
over 9'9" x 20' section of our driveway. Reduction of side yard  
requirement from 6' to 2'.  
for property located at 2451 Ida, Wichita, Kansas

and legally described as: Lots 41 and 43, Ida Avenue, Wabash Ave.  
Subdivision, Beals Add. to the City of Wichita, Kansas  
in the City of Wichita; and which is presently zoned residential.  
(Give metes and bounds description below if appropriate):

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
  - That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
  - That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
  - That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Norbert F. Reischmann  
Applicant

\_\_\_\_\_  
Authorized Agent

-----  
**OFFICE USE ONLY:** Received in office of Secretary, Board of Zoning Appeals,  
8:25 (a.m. - p.m.), March 1, 1965, together with  
appropriate fee of \$50.00.

T21-402

Belhouero & J. Howe  
Signed

BOARD OF ZONING APPEALS

CITY OF WICHITA, KANSAS

APPLICATION FOR VARIANCE

Section 2.12.590.2 VARIANCES

- a) that the variance desired arises from such conditions which is unique and which is not ordinarily found in the same zoning district;

Answer: We have a total width of 11 feet 11 inches from our house to the property line. This is not enough room to build a garage, and we need some sort of protection from the elements of nature for our car.

- b) that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

Answer: This carport is of metal construction, and cannot be a fire hazard to property of the neighbors or to our own property. This carport is a distance of nine feet two inches from any construction on the neighbor's property. It does not obstruct any view, air or sunlight since it is adjacent to the neighbor's garage. It's construction consists of a roof and four aluminum poles to hold it up. It is not enclosed in any way. It adds to the appearance and value of our property and in no way detracts from the appearance of either our property or the neighbor's property.

- c) that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal;

Answer: There is no place else to build a carport - where it is located is the only practical place for any kind of protection for our car. Because of lack of space, we cannot adhere to the strict application of zoning ordinance and have the room or land to make any improvements to our property. Since it is already constructed, and it certainly would be a hardship to have it torn down, we appeal for this variance to be approved.

- d) that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Answer: This carport can not possibly adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, for reasons given in the foregoing answers.

GENERAL STATEMENT BY PROPERTY OWNER

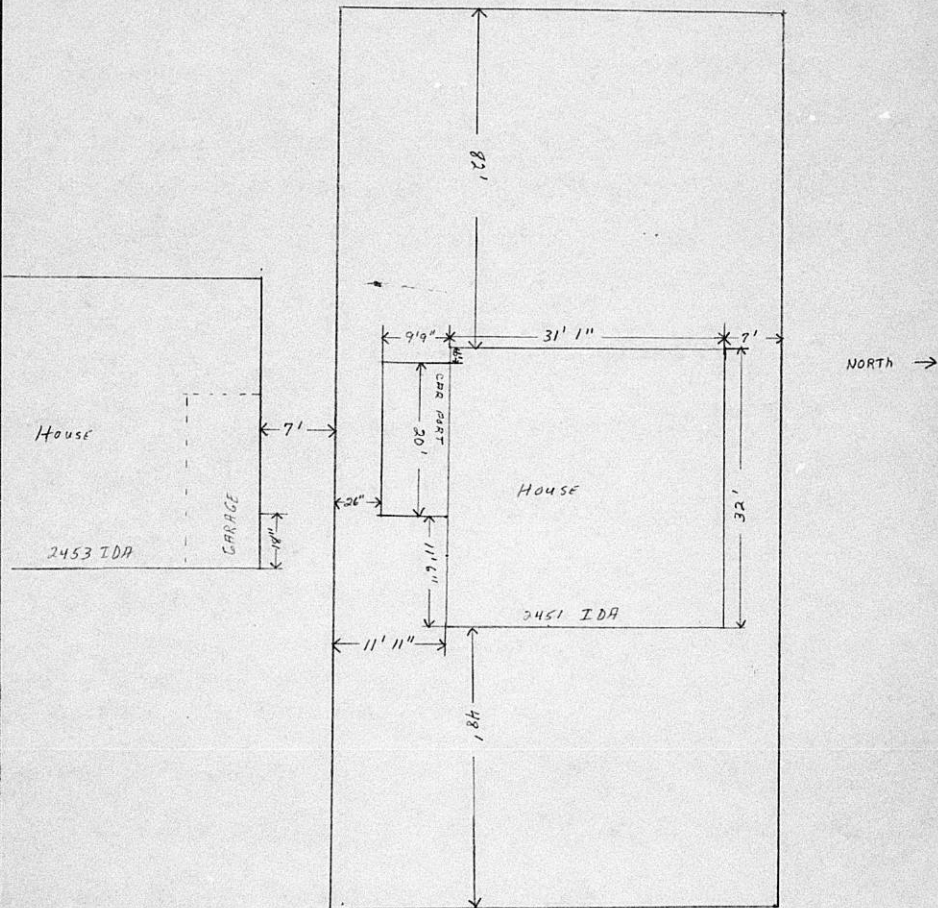
We bought this house July 29, 1948, while it was in the County. When the house was built, it was placed in the center of the lots. At the time this property was in the County, a carport or garage could have been built next to the property line. However, we have since been taken into the City and City requirements are different. We have no way of building a garage next to our house because of limited space. We have a total of eleven feet eleven inches (11'11") from our house to the property line. We feel that this carport, being of all metal construction and being nine feet two inches (9'2") from any building is in no way a fire hazard to either the neighbor's property or to our own. It is also located on the same side as the neighbor's garage and back eighteen inches (18") from the leading edge of their garage. It in no way blocks their view, air, or causes any hardship to them.

The carport is solidly attached to one side of the house, and is held up by four poles on the other side. It covers a section of our driveway nine feet nine inches by twenty feet (9'9" x 20'), and is not enclosed. There is no other area to place this carport. We need it to keep the rain, snow, frost and sun off our car. It makes our property more attractive and valuable.

We hope you will give our application for variance your most kind and thoughtful attention.

*Norbert F. Reischmann*  
Norbert F. Reischmann  
2451 Ida  
Wichita, Kansas 67216

↑  
WEST



↓  
EAST

Lots 41 and 43, Ida Avenue  
Wabash Ave. Subdivision  
Beals Add.

## OWNERSHIP LIST

Lot	Street	Addition	Property Owner
26	Ida Ave.	Wabash Subdivision	Max F. Snavely ✓ Dora Mae Snavely 330 E. 5th St. Valley Center
28	"	"	"
30	"	"	K. Wayne League ✓ Georgia League 2430 S. Ida
32	"	"	"
34	"	"	Nellie V. Keller ✓ 2426 S. Ida ✓ Jerome S. Keller Thelma B. Keller 1926 N. Gordon
36	"	"	"
38	"	"	"
40	"	"	Frank W. Bentley ✓ Norma E. Bentley 2452 S. Ida
42	"	"	"
44	"	"	"
46	"	"	"
48	"	"	Dale E. Brewster ✓ Irene E. Brewster 2638 S. Santa Fe.
50	"	"	"
52	"	"	"
54	"	"	E. V. Nelson ✓ Sylvia L. Nelson
56	"	"	2500 "Ida"
25	"	"	Allen Johnosn ✓ Madeline Johnson 2425 S. Ida
27	"	"	"
29	"	"	Garnett N. Horner ✓ Gertie Horner 2437 S. Ida
31	"	"	"
33	"	"	"

Continued page 2

Lot	Street	Addition	Property Owner
35	Ida Ave.	Wabash Ave. Subdivision	Donald E. Hickman Kathryn R. Hickman ✓ 2445 S. Ida
37	"	"	"
39	"	"	"
41	"	"	Norbert F. Reischmann ✓ Frankie Elizabeth Reischmann 2451 S. Ida
43	"	"	"
45	"	"	Charles D. Grady ✓ Pearl V. Grady 1610 S. Old Manor
47	"	"	"
49	"	"	Dennis W. Kelsey ✓ Bertha Naomi Kelsey 2455 S. Ida
51	"	"	"
53	"	"	Leonard Kuhn ✓ Josephine A. Kuhn 2501 S. Ida
55	"	"	"
26	Washington Ave.	"	Thomas H. Knoblauch ✓ Seraphine Knoblauch 2822 S. Washington
28	"	"	Herschell Weaver ✓ Etta Faye Weaver 2430 S. Washington
30	"	"	"
32	"	"	Alvin H. Weideman ✓ Rosa E. Weideman 2436 S. Washington
34	"	"	"
36	"	"	W. H. Chamberlain ✓ 5721 Minnie
38	"	"	"
40	"	"	Richard Mar Roland Keith Mar Address unknown
42	"	"	<i>no address found</i>

Continued page 3

Lot	Street	Addition	Property Owner
44	Washington Ave.	Wabash Ave. Subdivision	Reserve Savings & Loan Ass'n 2148 N. Broadway ✓
46	"	"	"
48	"	"	"
50	"	"	John Jacob Irvin ✓ LaVaun Vivian Irvin 2464 S. Washington
52	"	"	"
54	"	"	George J. Schneider ✓ Mary Lee Schneider 2502 S. Washington
56	"	"	"

We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 41 and 43, on Wabash now Ida Avenue, in Wabash Avenue Subdivision in Beals Addition to Wichita, Sedgwick County, Kansas, as shown by the deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 23rd day of February, 1965 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*J. R. Mann*  
Vice-President

Order No. 121867

Form 223-021

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

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

DESCRIPTION	AMOUNT
<i>Gas Application</i>	<i>50.00</i>

Name *Arthur L. Kishner*

Address *3451 Ida*

Type *R-712* Due Date

Comments:

Date *3-1-65* By *B. Showers*

**THE CITY OF WICHITA, KANSAS**  
 BOARD OF ZONING APPEALS  
 104 SOUTH MAIN  
 WICHITA, KANSAS  
 ZIP CODE 67202

*8-65*

*Recant 3-9-65 to  
2426 South Ida*



- Moved, left no address
- No such number
- Moved, not forwardable
- Addressee unknown

Nellie K. Keller  
 2426 South Ida  
 Wichita, Kansas

*160102*



TUR...  
TO  
RITER

