

CASE NO. 9-52

ZONING PETITION

ACCEPTED AS TO FORM

Date 10-30-52

2960
Clyde Presley
2334 Wellington Place

WICHITA CITY PLANNING COMMISSION

By B. Rathke

BOARD OF ZONING APPEALS
Instructions to Appellants

The following are to be filed in the office of the Board of Zoning Appeals, Room 304, City Building:

1. A certified list from an abstract company of the names and addresses of all property owners within a 200 foot radius of the property concerned. Names and addresses of all residents within the 200 foot area is also desirable.
2. Two typewritten copies of the appeal statement setting forth the following points:
 - (a) An accurate description of the proposed work or use
 - (b) The principal points under which the Building Inspector issued a refusal, order or decision, including specific reference to that section of the Zoning Ordinance under which it is claimed the permit should be issued.
 - (c) Jurisdiction can be assumed only if the following four conditions are present:
 1. That the exception or 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 terms of this ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
 4. That the exception or variance desired is not against the public interest.
3. Drawings or plans for the proposed work or use in relation to the adjacent buildings and property.
4. Photographs of the premises, if available.

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Clyde Presley Owner Address 2334 Wellington Place
To Same Applicant Address _____

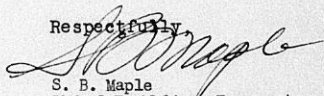
Dear Sir:

Your Application Dated Oct. 22, 1952
For a Permit for the remodeling
_____ at the premises designated as
2334 Wellington Place

Is hereby refused on this 22nd day of Oct., 1952,
Under Sections 18 and 24 of the Zoning Ordinance.

For the reason that this property is in the "B" residential district and it is desired to rebuild the rear portion of the store, and since this building is a non-conforming use, it would not be permissible to do so. The ordinance further requires that there be a 5' side yard on the side of the building, and this addition would be setting only 4' from the line, if the addition is built on the line with the existing 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.

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Clyde Presley Owner Address 2334 Wellington Place
To Same Applicant Address _____

Dear Sir:

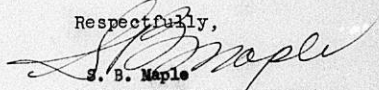
Your Application Dated Oct. 22, 1952

For a Permit for the remodeling
_____ at the premises designated as
2334 Wellington Place

Is hereby refused on this 22nd day of Oct., 1952,
Under Section# 18 and 24 of the Zoning Ordinance.

For the reason that this property is in the "R" residential district and it
is desired to rebuild the rear portion of the store, and since this building is
a non-conforming use, it would not be permissible to do so. The ordinance
further requires that there be a 5' side yard on the side of the building, and
this addition would be setting only 4' from the line, if the addition is built
on the line with the existing 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.

2334 Wellington Place
Wichita, Kansas
October 22nd, 1952

To The Board of Zoning Appeals
Room 304, City Hall
Wichita, Kansas

Re--Remodeling Permit
2334 Wellington Place
Wichita, Kansas

Gentlemen:

- (a) There is a shed roof, three room structure, 12 feet by 20 feet, at the rear of main building at 2334 Wellington Place, Wichita, Kansas, that I wish to remodel. I propose to tear this three room structure down, and rebuilt into one room 12 ft by 20 ft., with a gable roof to match the present main building. The present building is occupied as a grocery and meat store, and the present three rooms are not adaptable to this occupancy, although they are being used for this purpose at the present time.
- (B) The remodeling permit was refused for the reason that this property is in the "B" residential district and it is desired to rebuild the rear portion of the store, and since this building is a non-conforming use, it would not be permissible to do so. The ordinance further requires that there be a 5 ft. side yard on the side of the building, and this addition would be setting only four foot from the line, if the addition is built on the line with the existing building. Refusal is made under sections 18 and 24 of the Zoning Ordinance.
- (C 1) That the rebuilding of this structure, would not change existing structure, but would be an improvement as the present structure is in bad repair. A new building would be an improvement to the neighborhood, and the fire hazards from an old building would be less.
- (C 2) The granting of this remodeling permit would in no way affect the rights of adjacent property owners, as I propose to rebuild a building the same size as the existing building, and the occupancy will remain the same
- (C 3) The strict application of the terms of the ordinance will constitute unnecessary hardship upon myself as property owner, because the three rooms now in the existing building are not adaptable to the present occupancy, and the present structure is not in good enough repair that I can remodeling the interior to

any degree of satisfaction. The front of the building is used for the grocery business, and at the present time the three rooms are also used in this business, but to be able to render any degree of service with this time of arrangement is impossible.

- (C 4) The issuing of this remodeling permit would not be against public interest, for the grocery store is a small community store, and any changes would be for the betterment of the community.

Yours truly,

Clyde Presley



PRESLEY

BOARD OF ZONING APPEALS

Case No. _____

Filed _____, 19____

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, Clyde Presley, hereby appeals
from the decision of the Building Inspector wherein a Building Permit
Is Refused For 2334 Wellington Place, Wichita, Kansas for the remodeling
of three rooms on the rear of ~~existing~~ present building.

OR

Order Or Decision Rendered Because _____

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.

Clyde Presley
Appellant.

NAMES AND ADDRESSES

Appellant	<u>Clyde Presley</u>	Address	<u>2334 Wellington Place, Wichita, Ka</u>
Owner	<u>same</u>	Address	<u>same</u>
Lessee	<u>same</u>	Address	<u>same</u>

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.

H. Hass ✓ 2348
 Booker ✓ 2346
 W.P. McClinton 2344
 V.E. Pickett ✓ 2342
 J. Frederick ✓ 2338
 Edwards ✓ 2339
 Alice Mulvey ✓ 2347
 Mullineaux ✓ 2335
 M. Gilsinger ✓ 2347
 Gospel church 2345
 Berta D. Ball ✓ 2330
 Caroline Kauffman 2328 x
 Larna Thomas ✓ 2314
 E.B. Presley ✓ 2312
 Clara F. Curtis ✓ 2308
 W.M. Berry ✓ 2325
 Stella Beauchamp 2315

Roy Gillott ✓ 2311
 Jane Wilson 2309
 H.A. Blue ✓ 2309
 E.L. Mullineaux, Hosp. assembly - 2343
 Harry + Dorothy Smith, 2329
 Sidney Warren 2325
 Armando Gutierrez 2319
 Albert Lippincott 2317
 Paul Ahler 2328 x
 Wellington Place

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

NOTICE TO PROPERTY OWNERS

October 31, 19 52

An appeal has been filed by Clyde Presley
(Address) 2534 Wellington Place on behalf of _____

(Address) _____

as provided by Section 33 of the Zoning Ordinance. The appellant
desires to remodel and make an addition to present non-conforming
building. Required side yard would not be provided on the premises
located at 2534 Wellington Place

This appeal has been given Case No. 9-52
and a hearing will be held by the Board of Zoning Appeals on _____
November 10, 1952 at 2:30 p.m.
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.

E. H. Smith
Secretary.

BOARD OF BOARDING ATTACHEES

Notices sent out to property owners on October 31, 1952

Clara L. Curtis
2328 Wellington Place
Wichita, Kansas

Albert L. & Frances D. Lippencott
2317 Park Place

Armando Gutierrez & Marina M. Gutierrez
2319 Park Place

Sidney Arvel Warren
2325 Park Place

Harry H. & Dorothy Smith
2329 Park Place

E. L. Mullineaux
Gospel Assembly Church
2343 Park Place

D. A. & Eva Blue
2309 Wellington Place

June Wilson
2309 Wellington Place

Roy Gillott
2311 Wellington Place

Estella B. Buchanan
2315 Wellington Place

William M. Berry
2325 Wellington Place

Clara L. Curtis
2308 Wellington Place

Elbridge B. Presley
2312 Wellington Place

Lorna B. Thomas
2314 Wellington Place

Carolyn Kauffman
2328 Wellington Place

Bertha B. Ball
2330 Wellington Place

Clyde G. & Viva D. Presley
2334 Wellington Place

Gospel Assembly Church
2345 Park Place

Margaret E. Gelsinger
2347 Park Place

E. L. & Roxie Ella Mullineaux
2335 Park Place

Myrtle Edwards
2339 Wellington Place

Alice M. Mulvey
2347 Wellington Place

Richard H. & Jennie Frederick
2338 Wellington Place

Victor E. & Elsie L. Fickett
2342 Wellington Place

Wilber P. & Josie D. McClintock
2344 Wellington Place

Mr. O. A. Booher
2346 Wellington Place

Frederick H. Haas
2348 Wellington Place