

No. 11-47

S T A T U S   S H E E T

Board of Appeals Case No. 11-47

712 South Osage \_\_\_\_\_ Premises in Question

Tommy Kallail \_\_\_\_\_ Appellant's Name

1302 West Douglas \_\_\_\_\_ Appellant's Address

same \_\_\_\_\_ Owner's Name

\_\_\_\_\_ Owner's Address

\_\_\_\_\_ Building or Zoning Application Received by Building Inspector  
12-3-47

\_\_\_\_\_ Decision of Building Inspector  
denied

\_\_\_\_\_ Appeal filed with Bond of Zoning Appeals  
12-19-47

\_\_\_\_\_ Hearing notice and receipt  
Notices mailed 1-20-48

\_\_\_\_\_ The variance or exception desired arises from some condition  
which is not uniform in similiar districts.

\_\_\_\_\_ The granting of the permit for the variance will not prejudice  
the rights of adjacent property owners or residents

\_\_\_\_\_ Adjoining Property Owners Notified  
Mailed 1-20-48

\_\_\_\_\_ Protests Received

\_\_\_\_\_ Consents Received

\_\_\_\_\_ Prior Cases on These Premises

\_\_\_\_\_ Case Hearings Jan. 26, 1948

\_\_\_\_\_ Case Decided Jan. 26, 1948 Action of Board Dismissed (Bd.  
did not have  
jurisdiction)

\_\_\_\_\_ Notice of Decision Sent

\_\_\_\_\_ Court Cases

BOARD OF ZONING APPEALS Case No. 11-47

Filed Dec. 19, 1947

APPEAL UNDER THE ZONING ORDINANCE

TO THE BOARD OF ZONING APPEALS  
Room 205, City Hall  
Wichita, Kansas

The undersigned, Tommy Kallail, hereby appeals  
from the decision of the Building Inspector wherein a Building Permit  
Is Refused For the erection of a grocery store 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.

Tommy Kallail  
Appellant.

NAMES AND ADDRESSES

Appellant Tommy Kallail Address 1302 W. Douglas  
Owner Tommy Kallail Address 1302 W. Douglas  
Lessee \_\_\_\_\_ Address \_\_\_\_\_

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. - Sec. 33
  - (d) Names and addresses of all owners and residents within a distance of 200 feet of the property concerned.

- (a) Erection of a grocery store building in rear of location of present building;
- (b) The present building is too far gone for efficient use as a grocery store, and I intend to build a new store in rear of the old one and remodel the old store into a residence if permission is granted.
- (c) Section 33
- (d)

Comment:

Termites have destroyed the floor of the present building to such an extent that the feasibility of repairing it make it very unbeneficial.

The building has also slipped a little from its foundation, the east wall partitions and the toilet facilities are all in such a condition that it would more profitable to either remodel or build a new building. Since I am not allowed to remodel I then desire to build. If I am allowed to build a new building then it is only logical that the surrounding property increases in value and would be beneficial to adjoining property owners.

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Tommy Kallail Owner Address 1302 West Douglas  
To Same Applicant Address \_\_\_\_\_

Dear Sir:

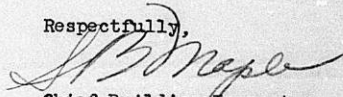
Your Application Dated 12-3-47  
For a Permit for the erection of a grocery store building  
\_\_\_\_\_ at the premises designated as  
712 South Osage

Is hereby refused on this 3rd day of December, 19 47,  
Under Section 17 of the Zoning Ordinance.

For the reason that commercial buildings are not permitted in the "RB"  
Use District.

The applicant desires to discontinue the building on the front of this lot  
as a grocery and move into the new building that would be built. He would  
then remodel the old grocery store into a residence.

Respectfully,

  
Chief Building Inspector

NOTE: Any appeal from this refusal must be filed with the Board of  
Zoning Appeals (Room 203, City Hall) within ninety (90) days after  
the date of this refusal. For further information, take this notice  
to the Planning Department, Room 203, City Hall.

We, the undersigned, vigorously oppose change 712 South Osage from a Residential Building Zone to a Light Commercial Zone:

Mrs. B. Estelle McIntire.

Miss June R. McIntire

Mr. O. W. Adams

Mrs. O. W. Adams

7114 Emma Owen

A. J. Owen

Mrs. Gus Hamm

Mrs. Fannie E. Waddington.

We, the undersigned, vigorously oppose changing 712 South Osage from a Residential Building Zone to a Light Commercial Zone:

Mrs. Mary C. Bay

808 • Dayton Ave City

Wm. E. Showalter

646 So. Osage city.

P. B. Emmert

742 Hendryx city.

Theodore R. King

755 Hendryx Ave City

C. M. Dillon.

744 Hendryx city

J. I. Liles

816 Hendryx City

Mrs. E. E. Everett

818 Dayton city

List of owners within a radius of 200 feet from 712 S. Osage.

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>OWNER</u>
85	Hendryx	Glendale	Clarence M. & Mary Ethel Dillon
87	"	"	744 Hendryx Floyd R. & Lois I. Emmart
89	"	"	" 742 Hendryx
91	"	"	O. E. Page 738 Hendryx
64	"	"	Mary Conway
66	"	"	G. H. Vandenberg
68	"	"	" 805 Hendryx
70	"	"	Garrat H. & Pearl A. Vandenberg
72	"	"	"
74	"	"	Thomas Kallail
76	"	"	"
78	"	"	Theodore R. & Ellen King
80	"	"	" 741 Hendryx
82	"	"	Jacob J. & Florence F. Applegate
84(W 8-1/3')	"	"	" 751 Hendryx
84(E 16-2/3')	"	"	Dan & Mary Ellen Tontz
86	"	"	" 320 N. Denton
88	"	"	"
90	"	"	Norman Carl Mueller
92	"	"	" 735 Hendryx
63	Dayton	"	Fannie E. Waddington 3919 Pine Knot Ct. Lois M. & June Rosetta McIntire 814 Dayton
65	"	"	O. W. & Ethel Louise Adams
67	"	"	" 804 Dayton
69	"	"	Charles E. & Zelma Hamm
71	"	"	" 802 Dayton

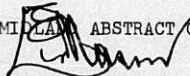
<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>OWNER</u>
73	Dayton	Glendale	Glenn & Nettie Bartholomew
75	"	"	"
77	"	"	"
79	"	"	"
81	"	"	Harry E. & Gabriella Armour
83	"	"	"
85	"	"	A. J. & Erman Owen
87	"	"	"
89	"	"	Andrew J. Reaville
91	"	"	"
1	Osage (Campbell)	"	Arthur L. & Luella Baird
3	"	"	"
5	"	"	"
7	"	"	"
9	"	"	Chester S. & Ruth A. Robinson
2	"	"	William E. & Marguerite M. Showalter
4	"	"	"
6	"	"	Ida De Muth
8	"	"	"
10	"	"	Tony J. & Georgia Ann Steckline

THE MIDLAND ABSTRACT COMPANY hereby certifies: That the foregoing is a true and correct list of the owners of the various lots and/or tracts lying within a radius of 200 feet from Lots 74 & 76, Hendryx Ave., Glendale Addition to the City of Wichita, as shown by the deed records in the office of the Register of Deeds of Sedgwick County, Kansas, on this date.

Witness our hand and seal this 19 day of December, 1947, at 7:00 o'clock A. M.

THE MIDLAND ABSTRACT COMPANY

By



President

Order No. 60656  
(GES)

**RECEIPT FOR REGISTERED ARTICLE No.**

3877

Postage fee paid 1.00 class postage paid 15-34 1948

Declared Value, \$ 10.00 Surchargo paid, \$ 0.00

From Wichita Falls, Texas (City)

Addressed to Mr. J. H. ... (Street and number) (Post office and State)

Wichita Falls, Texas (Address) (Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery

Receipt fee 0.00 per person 0.00 Special delivery fee 0.00

Very restricted to addressee 0.00 per order 0.00 Postmaster, per 0.00

10-12066



FOR RE...