

CASE NO. 12-52

R E S O L U T I O N 12-52

WHEREAS, Fred Arst, appellant, desires to construct a commercial use building at 2526-28 East Douglas, for use as a Doctor's Clinic and an Insurance Office, and has made application to the Building Inspection Superintendent for a building permit; and

WHEREAS, the Building Inspection Superintendent has formally refused said permit inasmuch as insufficient off-street parking will be provided as required by Section 28, Ordinance 18-500; and

WHEREAS, the variance desired arises from conditions which are not or dinarily found in the same zoning district, inasmuch as appellant has owned the subject property for three and one half years, intending to use it for the proposed use, and had his architectural plans drawn prior to the adoption of the amendment of the off-street parking ordinance; and

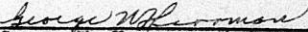
WHEREAS, the granting of the variance will not adversely affect the rights of adjacent property owners, inasmuch as present congestion problems will be lessened by the construction's affording off-street parking for ten additional cars, and by changing the use from the existing eating establishment; and

WHEREAS, the strict application of the terms of the Zoning Ordinance will constitute unnecessary hardship inasmuch as the applicant has already incurred architectural fees in the approximate amount of \$500.00 and did so several months before the enactment of the ordinance, and reducing the size of the proposed structure to accommodate the virtual doubling of off-street parking space required by the ordinance would greatly diminish the potential rental value of the property and therefore its market value; and

WHEREAS, the variance desired is not against the public interest as the appearance of this building would be an improvement over the eating establishment, and the traffic congestion would be lessened, rather than increased.

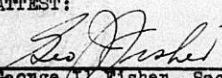
NOW THEREFORE BE IT RESOLVED by the Board of Zoning Appeals that the Building Inspection Superintendent of the City of Wichita is authorized and hereby directed to issue a permit for the erection of a commercial building at 2526-28 East Douglas.

ADOPTED at Wichita, Kansas, this 18th day of December, 1952.



George W. Hertman, Chairman

ATTEST:



George J. Fisher, Secretary

April 28, 1953

Mr. Fred Arst
212 Brown Building
Wichita, Kansas

Dear Mr. Arst:

At their meeting of April 20, 1953, the Board of Zoning Appeals by unanimous vote adopted the policy that all resolutions for which a permit has not been issued prior to July 1, 1953, will be revoked.

The Chairman of the Board of Zoning Appeals has instructed the Secretary of the Board to notify all petitioners who have not yet applied for a permit. As your appeal falls in this category, we wish to notify you of this time limit.

Sincerely,

George J. Fisher
Secretary

GJF/my

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Fred D. Arst Owner Address 212 Brown Building
To Same Applicant Address _____

Dear Sir:

Your application Dated Dec. 3, 1952

For a Permit for the erection of a building for offices and Doctors' clinic
_____ at the premises designated as

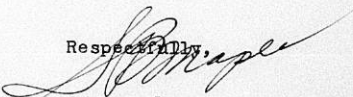
2526-28 East Douglas

Is hereby refused on this 3rd day of December, 1952,

Under Section 28, Ord. 18-500, an ^{amendment to} ~~amendment to~~ the Zoning Ordinance.

For the reason that insufficient parking space would be provided to meet the requirements of said ordinance.

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.

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

NOTICE TO PROPERTY OWNERS

December 11, 1952 1952

An appeal has been filed by Fred Arst
(Address) 212 Brown Building on behalf of _____

(Address) _____

as provided by Section 33 of the Zoning Ordinance. The appellant
desires to erect office building for Doctors' clinics but cannot
provide adequate off-street parking space on the premises
located at 8526-28 East Douglas

This appeal has been given Case No. 12-52
and a hearing will be held by the Board of Zoning Appeals on
December 18, 1952 at 1:30 p.m.
at which time you may appear, if you so desire, either in person or
by agent or attorney. Room 201 City Building.

By order of the Board of Zoning Appeals,

Eugene N. Smith
Secretary.

