

BZA 12-58 Mrs. Harold Welsh  
1716 Harrison

*Johnston*

Office AM 24406  
Home FO 3-8940

Case NO. 12-58

Filed November 14, 1958

APPEAL FOR VARIANCE OR EXCEPTION

TO: The Board of Zoning Appeals  
Fourth Floor, City Building Annex  
Wichita, Kansas

The undersigned Mrs. Harold Welsh hereby appeals from the decision of the Building Inspection Superintendent wherein a Building Permit is refused under Section 21-11 to remodel and add a third apartment at the premises located at 1716 Harrison (1002 Coolidge). This permit was denied for the reason that only two-family residences are permitted in an "A" Zoning District.

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 Mrs. Harold Welsh  
(Law M. Welsh)

Appellant Mrs. Harold Welsh Address 1002 Coolidge

Owner same (under contract) Address \_\_\_\_\_

Lessee \_\_\_\_\_ Address \_\_\_\_\_

(This appeal shall be filed in duplicate, with a \$30.00 filing fee within ninety days after the date of the decision of the Building Inspector.)

**DON C. MOEHRING, C. E.**  
 CONSULTING CIVIL ENGINEER  
 210 KFH BUILDING      TELEPHONE FD3-8781  
 WICHITA 2, KANSAS

#18020-A

DON. C. MOEHRING II, ASST. ENGINEER

HARRY G. HACKETT, ASST. ENGINEER

January 10, 1958

LICENSED PROFESSIONAL ENGINEERS

SEWAGE, SEWAGE DISPOSAL  
 WATER WORKS, ROADS AND PAVEMENTS  
 SPECIAL STEEL AND CONCRETE PROBLEMS  
 DRAINAGE, IRRIGATION, AIRPORTS  
 VALUATIONS, APPRAISALS, SURVEYS  
 SUBDIVISIONS, SITE PLANNING

REFERENCE— "WHO'S WHO IN ENGINEERING"

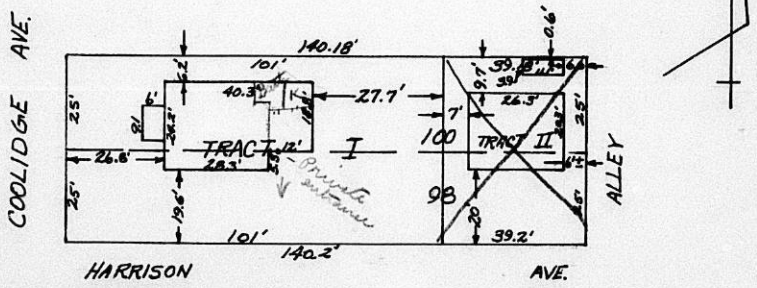
State of Kansas    )  
                           ) SS  
 County of Sedgwick)

I, Don C. Moehring, a Civil Engineer in said State and County, do hereby certify that I have surveyed Lots 98 and 100, on Coolidge Avenue, in Riverside Addition to Wichita, Sedgwick County, Kansas, and divided the same as follows:

Tract I: The West 101 feet of Lots 98 and 100, on Coolidge Avenue, in Riverside Addition to Wichita, Sedgwick County, Kansas.

Tract II: Lots 98 and 100, on Coolidge Avenue, in Riverside Addition to Wichita, Sedgwick County, Kansas, except the West 101 feet thereof; and the accompanying sketch is a true exhibit of said survey.

*Don Moehring, C.E.*  
 Don C. Moehring, C. E.  
 Consulting Civil Engineer



Wichita, Kansas  
November 11, 1958

Board of Zoning Appeals

Gentlemen:

I would like to appeal to you for a change of zoning at 1002 Coolidge W 1/2 of lots 98 & 100, Riverside Addition. The corner of Coolidge and Harrison Streets.

I have an attached garage which I would like to rent as an apartment. Through a misunderstanding, I received the wrong information as to the type of zoning in my location.

I called the Building Inspection Department to ask about having a new address for my basement apartment on Harrison (1716) and was given permission. At the same time, I asked about remodeling my garage into a small apartment. The clerk checked the zoning and came back and told me it was alright. I believe some confusion was caused as the same corner in the next block is zoned for more than two families.

After some consideration, I decided to go ahead with the apartment. I got a plumbing permit and installed a full bath and kitchen plumbing, with separate vents for each. I then went to get a building permit to finish the apartment and after some confusion, partly on my part, I was told the property was not zoned for another apartment but I could rent it as a bedroom.

I have spent a great deal of money and time on this unit. Besides the cost of the plumbing labor and fixtures, I had bought an apartment size refrigerator and stove surface units. The carpenter has built some of the kitchen cabinets. The electrician has installed needed outlets, light, etc. in the kitchen area. The outside of the apartment area is exactly as it was - there have been no exterior changes.

Renting this as a bedroom will not give me the additional income which I need. Bedrooms do not rent well now and my chances of additional income will be much greater as an apartment.

As I am alone, and the basement apartment is rented to a girl reporter with the Wichita Eagle and as the new apartment (with your approval) is only large <sup>enough</sup> for one person, it will make three people living in the house. There are three separate bathrooms. The apartment are very nice and will attract good renters.

I have remodeled the outside with wrought iron, landscaping, attractive rail fencing etc. My neighbors are quite pleased with the way I have improved the property.

My property is in an area of two and three family homes. In fact,

November 14, 1958

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I am just across the street (Harrison) from such an area. So I truthfully do not believe I will be hurting any of my neighbors if I am given your approval to finish this apartment.

I have passed a petition and have talked with most of them and they have been very sympathetic with my problem.

Gentlemen, I base my plea on the fact it will constitute unnecessary hardship for me to be denied this appeal. I am a widow with a low income and through this misunderstanding over zoning I have spent a great deal of my insurance money.

I need the additional income from this apartment very badly.

Sincerely,

*Mrs. Lois M. Welsh*

(Mrs. Lois M. Welsh)

BOARD OF ZONING APPEALS  
FOURTH FLOOR, CITY BUILDING ANNEX  
104 South Main  
Wichita, Kansas

November 17, 1958

NOTICE TO ADJOINING PROPERTY OWNERS

An appeal has been filed by Mrs. Harold Welsh,

1002 Coolidge, Wichita, Kansas.

as provided by Section 21-27 of the Zoning Ordinance. The appellant desires to remodel the structure at 1002 Coolidge-1716 Harrison, to add an additional apartment, making three apartments in this area zoned "A" Two family dwelling district.

This appeal has been given Case No. 12-58, and a hearing will be held by the Board of Zoning Appeals on Tuesday,

November 25, 1958, at 1:30 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.

By order of the Board of Zoning Appeals.

Leland R. Edmonds  
Leland R. Edmonds, Secretary  
Board of Zoning Appeals

NOTICES MAILED NOVEMBER 17, 1958, to the following:

Nettalse Ann Lygrisse  
155 North Pershing

Mabel Jendel  
956 Coolidge

Drury F. & Lenna C. Pierce  
1660 Hood

Lenna C. Tomb  
1660 Hood

Nettle Peters  
1006 Coolidge

Winona Jones  
1612 North Edwards

Roy R. & Evelyn F. Lavy  
1016 Coolidge

Orvalle V. & Louise Millikan  
1022 Coolidge

Clifford H & Bonnie J. Mann  
510 Riverview

Sherman W. & Aral Jones  
953 Coolidge

William D & Helen M. Grimes  
1029 Porter

Harold E. & Christine B. Quick  
1001 Coolidge

Charles L. & Myrl E. Shideler  
1007 Coolidge

Fred M. & Rose E. Gegen  
1013 Coolidge

Tim McLeod & Dollie McLeod  
1017 Coolidge

John Ross & Jeanne Bryant  
Milton, Kansas

Roy P. & Clara L. Wideman  
1531 Woodrow Avenue

Rosalie C. Culp  
1001 Woodrow Avenue

Cecil G. Pierce & Ruby I. Pierce  
945 Woodrow Avenue

Clyde W. Watt & Nina B. Watt  
1007 Woodrow Avenue

Daisy M. Vierling  
1015 Woodrow Avenue

*notice sent to  
Kratia Boyle  
1001 Woodrow  
on Nov. 19, 1958*

*(notice returned 11-20-58  
Resent to 7124 Southwest Blvd)*

**# 1-INSTRUCTIONS TO DELIVERING EMPLOYEE**

Deliver **ONLY** to addressee  Show address where delivered  
(Additional charges required for these services)

---

**RETURN RECEIPT**

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)  
*Mrs. Harold Helsh*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

---

DATE DELIVERED **NOV 21 1958** ADDRESS WHERE DELIVERED (only if requested in item #1)

GS-16-71542-4 GPO

**RECEIPT FOR CERTIFIED MAIL—15¢**

**No. 6386310**

SENT TO <i>Mrs. Harold Helsh</i>	POSTMARK OR DATE
STREET AND NO. <i>1002 Coolidge</i>	
CITY AND STATE	

If you want a return receipt, check which <input type="checkbox"/> It shows to whom and when delivered	<input type="checkbox"/> It shows to whom, when, and address where delivered	If you want restricted delivery, check here <input type="checkbox"/> 20¢ fee
---	--	---

PDD Form 3800 July 1955 Replaces previous editions of this form which MAY be used.

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

PENALTY FOR PREPAID MAIL TO AVOID  
PAYMENT OF POSTAGE, \$300

POSTMARK OFFICE  
NOV 21 1958  
KANS.

INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.

RETURN TO

POD Form 3811 Jan. 1958

REGISTERED NO.	NAME OF SENDER
CERTIFIED NO. 62386310	Mrs. Shavel Davis
INSURED NO.	STREET AND NO. OR P.O. BOX 102 S. Main
	CITY, ZONE AND STATE Shelton, Kansas

CS-16-7158-4

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO  
Mrs. Shavel Davis

STREET AND NO.  
102 S. Coolidge

CITY AND STATE

POSTMARK OR DATE

No: 62386310

If you want a return receipt, check which  
 74 shows to whom and when delivered  
 316 shows to whom, when, and address where delivered

If you want restricted delivery, check here  
 206 fee

POD Form 3800 July 1955 Replaces previous editions of this form which MAY be used.

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

November 17, 1958

CERTIFIED MAIL

Mrs. Harold Welsh  
1002 Coolidge  
Wichita, Kansas

Dear Mrs. Welsh \_\_\_\_\_:

Your appeal, under the Zoning Ordinance, relative to premises at  
1002 Coolidge - 1716 Harrison, Wichita, Kansas

has been given Board of Zoning Appeals Case No. 12-58.

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 Tuesday, November 25, 1958, at 1:30 p.m.  
in Room 401, City Building Annex, 104 South Main, Wichita, Kansas

Respectfully,

\_\_\_\_\_  
Secretary, Board of Zoning Appeals

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Mrs. Harold Welsh Owner Address 1002 Coolidge

To Same Applicant Address \_\_\_\_\_

Dear ~~Sir~~ Madam:

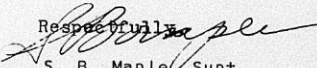
Your application Dated 11-14-58

For a Permit for the remodeling of the structure  
\_\_\_\_\_ at the premises designated as  
1716 Harrison (1002 Coolidge)

Is hereby refused on this 14th day of November, 1958,

Under Section 21-11 of the Zoning Ordinance.

For the reason that since this property is located in the "A" zoning district, it would not be permissible to add an additional apartment in this building and make it a three-family house because such occupancy is not permitted in this district. A two-family residence is the most that one may have in this district.

Respectfully,  


S. B. Maple, Supt.  
Building Inspection  
~~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.

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

CITY BUILDING ANNEX 104 S. MAIN STREET WICHITA 2, KANSAS

October 31, 1958

Mrs. Lois M. Welch  
1002 Coolidge  
Wichita, Kansas

Dear Mrs. Welch:

In our discussions of your problem the following items were brought out:

1. The present zoning of your property is "A" which means that single family and two-family houses are permitted in this district.
2. You have at the present time a house in which two families are living and you wish to finish an attached garage as an apartment.
3. When you applied for a permit at the Building Inspection Division there was a misunderstanding concerning your address and the zoning district in which your property is located.

The incident, I feel, is most unfortunate. It appears that no action, however, can be taken to adjust the original error through the Building Inspection office.

I have talked to Mr. McCaig of the Building Inspection Division and Mr. Tom Wood, Chief Assistant City Attorney, about this matter. From my discussions with them it appears that there are at least three alternatives from which you can choose a means of attempting to accomplish your original purpose. These are:

1. Apply for a change in zoning to "RB" or "B". The closing date for applications for zone changes is November 1 if the matter is to be heard at the December 18 Planning Commission Meeting. This seems to be a rather short time for you to prepare the application and a somewhat lengthy period until action can be taken.
2. The matter could be taken before the Board of Zoning Appeals. In this manner you could ask for a variance which would permit you to have a three family house in the two-family district. Your appeal could be based on the special problems and your financial expenditures in this particular situation.

Handed for  
B. E. A. Gage

-2-

3. You could rent the apartment to roomers with no cooking privileges without going either to the Board of Appeals or asking for a change in zoning.

I believe the instructions that are included with the application forms for a zoning change and appeal are self-explanatory. If you decide to choose either of those courses of action and run into difficulty in preparing your application we will be glad to help clarify the instructions. Should you have any further questions concerning your property or the steps that you wish to take please contact either myself or Mr. Leland R. Edmonds here at the Planning Office.

Sincerely yours,

Jerrold A. Moore  
Senior Planner

JAM:DD

**THE CITY OF WICHITA**

**OFFICE OF** Building Inspection

**DATE** November 24, 1958

**TO** Leland R. Edmonds, Secretary, Board of Zoning Appeals

**FROM** S. B. Maple, Superintendent of Building Inspection

**SUBJECT :** Case #12-58  
1002 Coolidge

Since there has been a misunderstanding on the part of the appellant in this case and all of the facts have not been brought out, it is believed that it would be helpful for the Board if a report be given by the Building Inspection Division. It is felt that Mrs. Welch, the appellant, has acted with the best of intentions and has had no desire to violate the City's Zoning Ordinances.

The records of the Administrative Division show that the number "1716 Harrison" has been assigned, so evidently this number was given to Mrs. Welch. It is not known whether or not there was any question asked at the time the number was assigned about the zone of the property. It is known, however, that the clerk who assigned the number would not be in a position to answer a question regarding zoning since that comes under another section of our organization. On September 18th, there was a plumbing permit issued to a licensed plumber for a full set of plumbing, and the job was inspected by the plumbing inspector the next day. The inspector does not enforce zoning, therefore, he had no way of knowing of any impending violation.

Some five weeks later on October 28th, Mrs. Welch made her application for a building permit to put in a garage apartment. Mr. McCaig, Asst. Superintendent of Building Inspection, happened to be in the outer office at that time and he personally waited upon Mrs. Welch. He stated to me that she gave the address as 1002 Coolidge and that he told her he thought that this was in the "A" district, and, therefore, the additional apartment in the house would not be permitted. He took out the sectional zoning map and when it was shown to Mrs. Welch, she stated that her place was on the corner of Franklin and Coolidge which is one block south of Harrison and Coolidge, so indicated on the plat, and a new number was assigned to her on Franklin Avenue. Since the corner of Franklin Avenue is zoned as a "B" apartment house district, the permit was issued. She had hardly left the building, however, when it was discovered that the correct location of her building is at 1002 Coolidge which is at the corner of Harrison and Coolidge. She was immediately notified of this error by the district inspector who contacted her at the job. He told her that it would not be possible for her to have her apartment due to the fact that it would make a three-family dwelling in an "A" district, but that it would be permissible for her to have a sleeping room to rent out in connection with her own housing unit. At the time the inspector talked to her, she stated that for some unknown reason she had miscalled the names of the two side streets, and he states that she was still confused in the matter.

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11-24-58

Mrs. Welch came into the office on the following day, October 29th, and turned in her permit which was no longer of any use to her and a requisition was written for a refund. A new permit was then issued for her, changing the attached garage into a sleeping room, to be used only for that purpose and not as a housing unit.

These facts are brought out not to contradict anything Mrs. Welch has stated in her petition, but they serve as a supplement thereto and to explain the position of the Building Inspection Division in the matter.

SBM:jg

  
S. B. Maple, Supt.  
Building Inspection

CERTIFICATE OF OWNERSHIP

\* \* \* \*

THE GUARANTEE ABSTRACT COMPANY, INC., hereby certifies the following to be the owners as shown by the last deed of record in the office of the Register of Deeds, Sedgwick County, Kansas, of the LOTS surrounding and within a radius of 200 feet of the West Half of Lots 98 and 100, Coolidge Avenue, in Riverside Addition to Wichita, Sedgwick County, Kansas.

RIVERSIDE ADDITION

<u>Coolidge Avenue</u>	<u>Owner of Property</u>
Lots 86 & 88	Nettalese Ann Lye-risse <i>155 North Pershing</i>
Lots 90, 92, 94 & 96	Mabel Jendel. <i>956 Coolidge</i>
E $\frac{1}{2}$ of Lots 98 & 100	Drury F. Pierce and Lemna C. Pierce <i>1660 Wood</i>
W $\frac{1}{2}$ of Lots 98 & 100	Lenna C. Tomb (W) <i>1660 Wood</i>
Lots 102 & 104	Nettie Peters <i>1006 Coolidge</i>
Lots 106 & 108	Winona Jones <i>1612 No. Edwards</i>
Lots 110 & 112	Roy R. Lavy and Evelyn F. Lavy <i>1016 Coolidge</i>
Lots 114 & 116	Orvalle V. Millikan & Louise Millikan <i>1022 Coolidge</i>
Lot 87	Clifford H. Mann and Bonnie J. Mann <i>510 Riverview</i>
Lots 89 & 91	Sherman W. Jones and Aral Jones <i>953 Coolidge</i>
Lots 93 & 95	William D. Grimes and Helen M. Grimes <i>1029 Porter</i>
Lots 97 & 99	Harold E. Quick and Christine B. Quick <i>1001 Coolidge</i>
Lots 101 and 103	Charles L. Shideler and Myrl E. Shideler <i>1007 Coolidge</i>
Lots 105 & 107	Fred M. and Rose E. Gegen <i>1013 Coolidge</i>
Lots 109 & 111	Tim McLeod and Dollie McLeod <i>1017 Coolidge</i>
Lots 113 & 115	John Ross Bryant and Jeanne Bryant <i>Millton, Kansas</i>

WOODROW AVENUE

Lot 87 & 89	Roy P. and Clara L. Wideman <i>1531 Woodrow Avenue</i>
Lots 91, 93 & 95	Cecil G. Pierce and Ruby I. Pierce <i>945 Woodrow Avenue</i>
All of Lots 97 & 99, & the S. 15' of 101	Rosalie C. Culp <i>1001 Woodrow Avenue</i>
The N 10' of Lot 101, & all of 103 & 105	Clyde W. Watt & Nina B. Watt <i>1007 Woodrow Avenue</i>
Lots 107 & 109	Daisy M. Vierling <i>1015 Woodrow Avenue</i>

\* \* \* \*

WITNESS our Hand and Seal this 10th day of November, 1958, at 7:00 o'clock A. M.

THE GUARANTEE ABSTRACT COMPANY, INC.

By *Nellie M. Lester*  
Vice-President

Order No. 46779/a



19 owners

November 10, 1958

We, the undersigned, have no objection for Mrs. Lois M. Welsh to have an apartment instead of a sleeping room.

1. Mrs. & Mr. Harold E. Guick - Let 97499  
1001 Coolidge
2. Mr & Mrs Chas. S. Skidder - Let 1014103  
1007 Coolidge
3. Mr & Mrs Cecil Pierce - Winona Jones  
(Mrs. Harold M. J.)  
1612 No. Edwards  
945 Woodrow
4. Mr. & Mrs. Charles Jendel  
956 Coolidge
5. Mr & Mrs. Clifford Mann - Let 87  
951 Coolidge (510 Riverside)
6. Mr & Mrs Sherman Jones - Let 89491  
953 Coolidge
7. Mrs. W. D. Dymal - 959-959 Coolidge  
1029 - Peter
8. Mr. B. Skidman - Let 87 + 89.  
941 + 943 Woodrow
9. Mrs. Daisy Vurling  
1015 Woodrow  
Mr & Mrs Fred Segen  
1013 Coolidge  
(7124 S. West Blvd)
10. Mrs. Ann Lygness - Mr & Mrs Keith Stewart  
(948-950 Coolidge) 1012 Coolidge  
mailing address 155 N. Pershing
11. Jim McLeod - Lowell V. Millikan  
1017 Coolidge and Louise Millikan  
1022 Coolidge
- X 12. Gracie Boyle - Mr and Mrs Roy R. Lavy  
1001 Woodrow 1016 Coolidge
13. Nettie Peters  
10062 Coolidge

B3a 12-58

November 11, 1958

(6)

WE, THE UNDERSIGNED RESIDENTS, HAVE NO OBJECTION TO MRS. WELSH MAKING ANOTHER APARTMENT IN HER HOME.

Mrs. Bonnie Parrish  
951 Coolidge

Mrs. May E. Daniels  
1015 Woodrow

Mrs. Leslie Fritts  
1021 Coolidge

Mrs. Annie Law  
1710 Harrison

Donald D. McMillen  
1006 Coolidge

Virgil Sidener  
960 Coolidge

