

Case 8-26-70

BZA 9-23-70 Withdrawn prior to
publication and filing fee refunded
to applicant 8-1-70

BZA 23-70 - McClellan-Fallon, Inc.
requests VARIANCE to reduce req.
setback adjacent to N and S prop.
lines from 20 ft. to 16 ft. on
west side of McComas bet. First
and Pearl Streets

POSTED
8-6-70
[Signature]

Closed 8-26-70

BZA 9-22-70 Withdrawn prior to
publication and filing fee refunded
to applicant 8-1-70

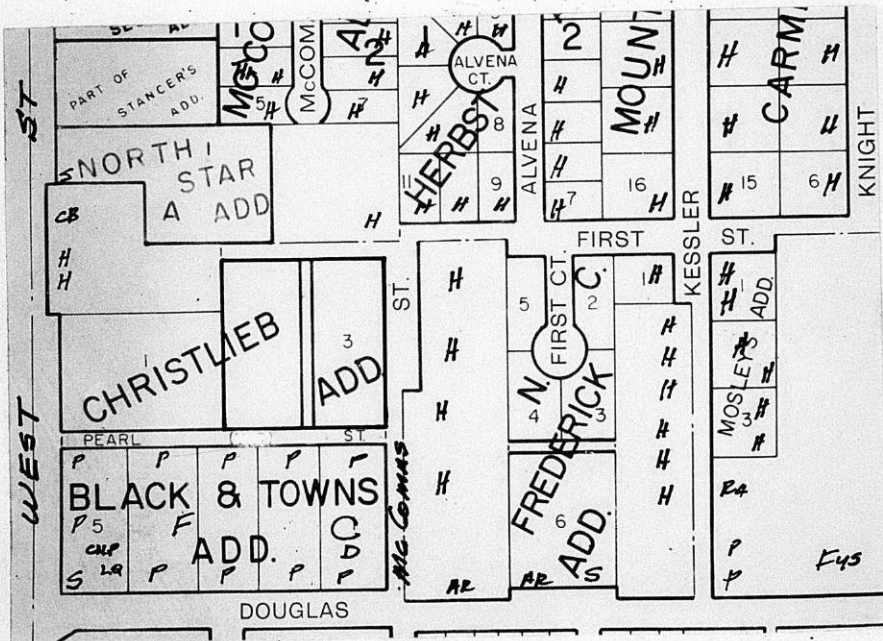
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Map No. 5247
 Sec. 24
 Twp. 27S
 Range 1W

BZA 23-70
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
 1. Acres: 2.0 (300 ft. by 300 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM South PARKING LOT
 West UNDEVELOPED North UNDE
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: VACANT
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



Form 29-029

AUTHORIZATION TO REFUND
City of Wichita

Route:
Original to City Treasurer
File Duplicate

Please write check payable to:

Name *Smith, Gary*

Address *200 W. Douglas*

Check No.

Amount *750.00*

| Refund of: | Circle Charge | Refund of: | Circle Charge |
|--|---------------|--|---------------|
| Retail Beer License Fees | G1-R22A | Sanitation Charges | U6-R74D |
| Dance Hall License Fees | G1-R25F | Municipal Court Fines & Bail Bond Forfeitures | G1-66 |
| Sewer Tap & Wye Permits | U3-R74C | Payroll Deduction: Blue Cross & Blue Shield Group Life Insurance | T1-9 T1-8 |
| Sewer Permits | U3-R36 | Commissions for Collection of Past Due Accounts | G1-R80 |
| Other License & Permit Fees | G1-66 | Other | <i>750</i> |
| Rabies Innoculation & Dog Permit Vouchers | T1-4 | | |

Reason for refund:

*Refund of deposit - T1-15 - 2/15/70
required for party fee on B&A case 23-2 which
was not paid - amount to be refunded \$750.00*

Department, Division Head or
Authorized Representative

Signature

Date

[Signature] *2/15/70*

MAP
5244

APPLICATION FOR VARIANCE

I. Name of Applicant McClellan-Fallon, Inc.

Mailing Address 1302 Iroquois (03) Phone 943-8954

Name of Authorized Agent Smith, Shay, Farmer & Wetta

Mailing Address 200 W. Douglas, Suite 830 Phone 267-5293

Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is a variance of the present 20 foot setback on Pearl and First Streets to a 16 foot setback

for property located South of First Street between West and McComas Streets

and legally described as: Lots 2 and 3 in Christlieb's Addition to Wichita, Sedgwick County, Kansas

Lot 2 LC
in the City of Wichita; and which is presently zoned Lot 3 B

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. 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;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

McClellan-Fallon, Inc.

Applicant
SMITH, SHAY, FARMER & WETTA

By Hessie E. Shay
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 3:15 (a.m. p.m.), July 30 1970 together with appropriate fee of \$50.00.

B. Rathko & G. Lynn Shickey
Signed

STATEMENT

Applicant makes this application for variance due to a finished proposal for housing development to take place on this tract. The plans for such housing development are being coordinated between applicant and the Wichita Local Housing Authority.

There presently is required a twenty foot setback on the property in question. Applicant's and the Housing Authority's plan calls for only sixteen feet on two sides of this tract. This amounts to a reduction of four feet in the setback requirement.

Section 2, 12.590.B, Code of the City of Wichita and its requirements will be met by the applicant and its application. This requested variance is in no way contrary to the specific terms of Title 28, it is not contrary to the public interest, and if a literal enforcement of the provisions of Title 28 took place, unnecessary hardship will result thereby.

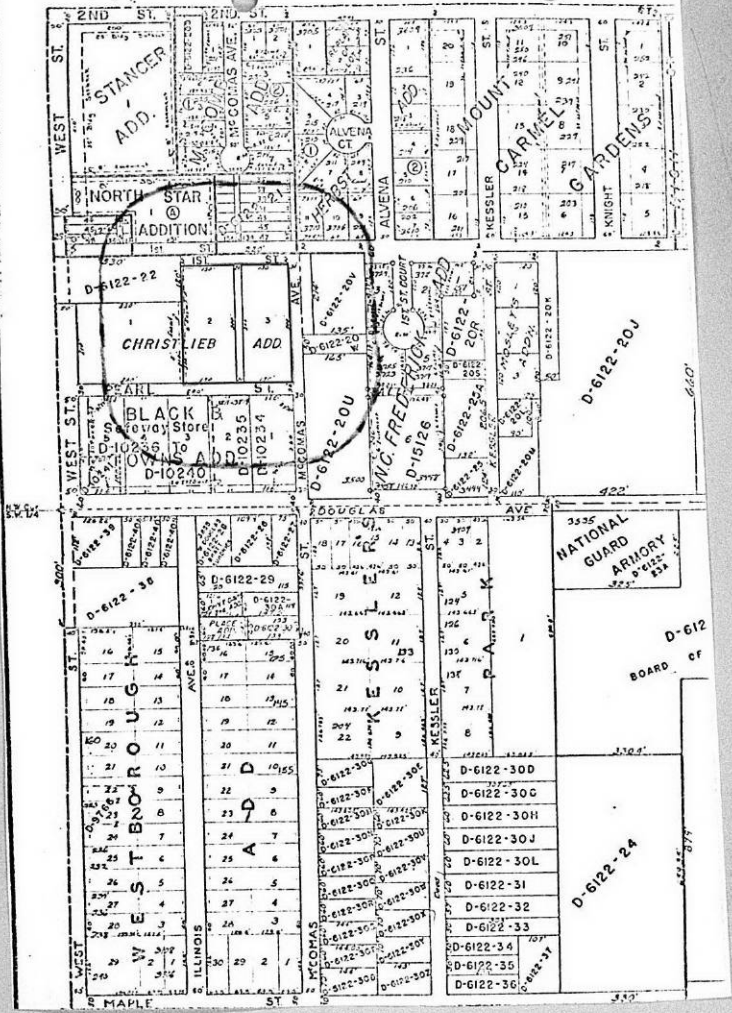
Applicant further states that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents; that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and that granting the variance desired will not be opposed to the general spirit and intent of Title 28, Zoning Ordinance of the City of Wichita.

McCLELLAN-FALLON, INC.
Applicant

SMITH, SHAY, FARMER & WETTA

By Dennis C. Shay
Authorized Agent

S.W. 1/4 SEC. 24 TW



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:

Lots 2 & 3, Christlieb Addition, Wichita, Kansas.


 Fidelity
 Title
 Company,
 inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

| | | | |
|--|---|---|-------|
| Lots 1, 2 & 3, Christlieb Addition. | ✓ | McClellan-Fallon, Inc. 1302 Iroquois Rd. | 67203 |
| Lots 1 & 2, exc W 12' Lot 2, Black & Town's Addition. | ✓ | Leland W. Black & Charles D. Towns 121 N. Colorado | 67212 |
| W 12' Lot 2, all Lots 3, 4 & 5, exc S 100' of W 100' Lot 5, Black & Town's Addition. | ✓ | Metropolitan Life Insurance Co. 340 S. Hydraulic | 67211 |
| S 100' of W 100' Lot 5, Black & Town's Addition. | ✓ | Leland W. Black & Charles D. Towns 121 N. Colorado | 67212 |
| Lot 4, N. C. Frederick Addition. | ✓ | Washington Investments, Inc. Res. Agt: J. Ashford Manka, P. O. Box 4034 | 67201 |



- Lot 5, N. C. Frederick Addition. *Handwritten*
Wilma L. Copeland, sgle.
No Address Available
- Lot 6, N. C. Frederick Addition. ✓N. C. & Ina C. Frederick, ux
808 W. 19th St. 67203
- Lot 1, Blk A, North Star Addition. ✓North Star Lodge, Inc.
212 N. West St. 67203
- Lot 6, Blk 1, Herbst Addition, exc S 95.5'. ✓Edward A. & Frances V. Szambecki,
213 Alvena 67203 ux
- S 95.5' Lot 6, all Lot 7, Blk 1, Herbst Add. ✓John R. & Marlene J. Stiff, ux
211 Alvena 67203
- Lot 9, Blk 1, Herbst Addition. ✓John T. & Edna M. Davis, ux
2929 River Park Dr. 67203
- 10, Blk 1, Herbst Addition. ✓Carl E. & Hattie Ritter, ux
3706 W. 1st St. 67203
- Lot 11, Blk 1, Herbst Addition. ✓Bob W. Brown
3710 W. 1st St. 67203
- D-6122-20 ZA: Beg 660' S of NW cor SW $\frac{1}{4}$
Sec 24, Twp 27, R 1 W; th N 110'; E 200';
S 110'; W to beg., exc W 30' for St. ✓Maurice J. & Helen E. Chappell, ux
142 N. West St. 67203
- D-6122-21: Beg 660' S & 431' E of NW cor SW $\frac{1}{4}$
Sec 24-27-1W; th N 210'; E 220'; S 210'; W to
beg. ✓Ray A. & Rita Jean Zellner, ux
201 N. McComas 67203
- D-6122-20 V: Beg 40 rds E & 40 rds S of NW
cor SW $\frac{1}{4}$ Sec 24-27-1W; th E 165'; S 264'; W
165'; N to beg., exc S 50' & exc W 30'. ✓Leander P. & Irene M. Landwehr, ux
150 N. McComas 67203
- D-6122-20 W: N 50' of Beg 660' E & 660' S of
NW cor SW $\frac{1}{4}$ Sec 24-27-1W; E 165'; S 264'; th
W 165'; N to beg., exc W 30'. *Handwritten*
I. J. Lanning
No Address Available
- D-6122-20 U: Beg 660' E & 924' S of NW cor
SW $\frac{1}{4}$ Sec 24-27-1W; E 165'; S 396'; W 165';
N to beg. ✓Stella H. Royal
130 N McComas 67203
- D-6122-22: N 120' of W 330' of a tract desc
as: Beg 660' S of NW cor SW $\frac{1}{4}$; th S 330'; E
660'; N 330'; W to beg., exc W 30' for St.
Sec 24, Twp 27, R 1 W. ✓W. E. Christlieb &
Charlotte Brickler, jt.
Life Estate: Katie M. Christlieb.
12816 Telephone Ave.,
Chino, Calif.

Dated at Wichita, Kansas this 28th day
of July, 1970 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elmer M. Fairlee Sec. OEM

FORM 273-001

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FL.

| | | | |
|--------------|-------------|-------------|-------------|
| Bldg & Elev. | Elec. | Elev. Insp. | Exam. Fees |
| Hse. Mvr. | Hse. Moving | Licse. | Mech. |
| Oil Well | Pav. Cuts | Plans | Plbg. Cert. |
| Sanitation | Sewer | Signs | Sidewalk |
| Street | Trailer | | |

DESCRIPTION AMOUNT

B3 Application 50⁰⁰

Name Smith, Shay, Farmer & Wetzel

Address 200 W. Douglas

Type R-71-C Due Date 7-30-70

Comments:

Date

By

7-30-70

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1