

*POSTED
12-3-74
[Signature]*

ACTION

B2A COMMITTEE denied DATE 12-17-74

M.A.P.C. _____

R.C.C./B. CO. C. _____

BZA 33-74 - Ruth V. Rankin appeal
decision of Supt. of Central In-
spection to cease rental of base-
ment apartment on the east side
of Belmont in an area between
Douglas and First Street

Map No. 5747
 Sec. 23
 Twp. 27
 Range 1E

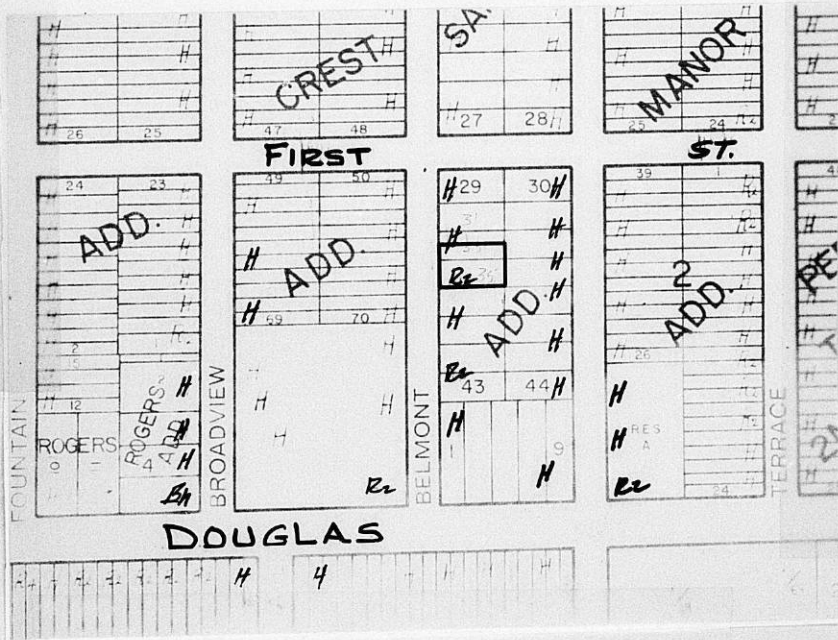
BZA- 33-74
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.2 (75 ft. by 120 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: TWO FAM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



REGISTERED MAP-LOS ANGELES
 LOCAL CH. 1-10-1960
 No. 3453C

Standard
 No. 3453C

7-19-1960
 AC 5

#

Mrs. John S. Brown

Wm. Richardson

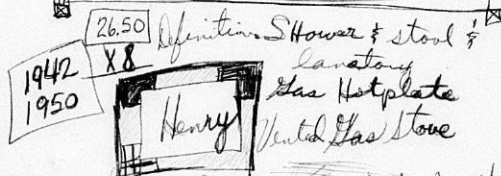
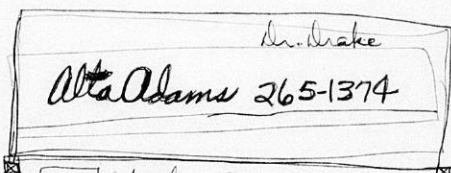
John Warren

NOTES ON 33-74

What years did you live there

What kind of furnishings were there

Do you have any knowledge as to whether anyone before or after you lived in the basement



Also had a bedroom
upstairs --

Ate some meals upstairs

142 N. BELMONT

(SOURCE: CITY DIRECTORY)

1923	M. F. MULCONERY ; R. A. THOMPSON
1924	W. B. HARRISON ; J. J. LANE
1925	J. J. LANE
1926	NO LISTING
1927	H. A. Mc GREGOR ; J. J. LANE
1928-29	I. J. WALKER ; J. J. LANE
1930	FERD MUELLER ; ROBERT MELTON
1931	JOHN B. PATTERSON ; ROBERT MELTON
1932	JOHN B. PATTERSON ; GORDON DEAN
1933-34	DEAN GORDON
1935-42	DEAN GORDON ; ABRAHAM BALDWIN
1943	HENRY C. RAT ; DEAN GORDON
1944-45	NOT PRINTED
1946	PAGE TORN OUT
1947	NOT PRINTED
1948	HENRY C. RAY ; EMMA LOU GORDON
1949	HENRY C. RAY ; RUTH V. RANKIN
1950	NOT PRINTED
1951-59	HENRY C. RAY ; RUTH V. RANKIN
1960	NOT PRINTED
1961-64	HENRY C. RAY ; RUTH V. RANKIN
1965-70	MILDRED E. RAY ; RUTH V. RANKIN
1971	ROBERT J. WILLIAMS ; RUTH V. RANKIN
1972	JOHN H. OSBORNE ; RUTH V. RANKIN
1973	RUTH V. RANKIN ; JAMES WAY
1974	RUTH V. RANKIN

1925	J. LANE	
1926	NOT LISTED	
1927	H.A. McGROGUE ; J.J. LANE	1924 W.B. HARRISON ; J.J. LANE
1928	↑	1923 M.F. McLEONERY ; R.A. THOMPSON
1929	WACKER, I.J. ; LANE, J.J.	1922 NOT LISTED
1930	FERD MUELLER ; ROBERT MELTON	
1931	JOHN PATTERSON ; ROBERT MELTON	
1932	JOHN B. PATTERSON ; GORDON DEAN	
1933	GORDON DEAN	
1934	GORDON DEAN ; ABRAHAM BALDWIN	
1935	GORDON DEAN ; ABRAHAM BALDWIN	
1936		
1937		
1938		
1939		
1940		
1941		
1942	GORDON DEAN ; ABRAHAM BALDWIN	
1943	HENRY C. RAY ; GORDON DEAN	
1944	N/A	
1945	N/A	
1946	TORN OUT	(BLACKLET = RANKIN)
1947	N/A	
X 1948	HENRY C. RAY ; EMMA LOU GORDON	(N. BLACKLET RUTH RANKIN)
* 1949	HENRY C. RAY ; RUTH V. RANKIN	
1950	N/A	
1951	HENRY RAY ; RUTH V. RANKIN	
1952	HENRY RAY ; RUTH V. RANKIN	
1953	HENRY C. RAY ; RUTH V. RANKIN	
1954	HENRY C. RAY ; " "	(150 N since 1954) (ROBERT ARMSTRONG 683-4084)
1955	" "	
1956	" "	
1957	" "	
1958	" "	
1959	" "	
1960	NOT PRINTED	
61	" "	
62	" "	
63	" "	
64	" "	
65	MILDRED E. RAY ; RUTH RANKIN	
66	" "	
67	" "	
68	" "	
69	" "	
70	" "	
71	ROBERT J. WILLIAMS ; " "	† HAPPINESS UNLIMITED LITERACY AGENCY
72	JOHN H. OSBANE ; " "	" "
73 *	RUTH V. RANKIN, JAMES WAY	" "

1947 Rankin
 * ALTA (W) FRANK
 Mrs. Adams 1949

alta
Mrs. Adams 265-1374
Anne " 267-8665

1945 Mrs. Frank Adams (Phone book) 3-2826
1946 Alta Adam
1950 (Phone Book Mrs. Frank Adams 6-1877 (Same # as Reg)
1951 Alta Adams
1952 Nothing
1953 at 218 444

JOHN H. OSBORNE 685-3263

2 ROBERT J. WILLIAMS 3004 S. DAVIDSON ST. 685-3109?
1 " " 130. N. TERRACE DR. 684-7316

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

December 4, 1974

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 33-74

An application has been filed by Ruth V. Rankin, 142 North Belmont, Wichita, Kansas, pursuant to Section 2.12.590.A., Code of the City of Wichita, requesting an appeal from the decision of the Superintendent of Central Inspection, who has issued an order for the applicant to cease the rental of a basement apartment whereas the applicant contends she has continued nonconforming use rights at this location, on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The south one-half of Lot 33 and all of Lot 35,
on Belmont, Sargent's Addition to Wichita, Kansas.
Generally located on the east side of Belmont in
an area between Douglas and First Street.

This application has been assigned Case No. 33-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 17, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

December 4, 1974

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Jack H. Galbraith
Secretary

January 7, 1975

Robert B. Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

Case No. BEA 33-74 - Appeal from the Decision of the Superintendent of Central Inspection

As you will recall, subject case was an appeal filed by Ruth V. Rankin, 142 North Belmont, where she was claiming non-conforming use rights at that address as a three family dwelling. You had previously issued her a cease and desist order for the rental of the basement apartment in violation of the zoning ordinance.

It was our understanding that she had complied with the cease and desist order and had then filed her appeal with the Board of Zoning Appeals. As you were previously informed, the Board considered this case at it's December 17, 1974 meeting and took the action of upholding your decision and therefore denied her appeal.

At least one of the Board members has since received phone calls from residents of the area, claiming that the basement is again being occupied with renters. I would appreciate you investigating this matter and if verified, take the necessary steps to bring the residence into compliance with the zoning ordinance. Please advise me of your findings so that I can transmit the information on to the Board.

JHG:LD:js

cc: **Ralph Wulz, City Manager**
James Richardson, Chairman of Board of Zoning Appeals
1857 North Poplar, 67214
John Dekker, Director of Law
Richard Shull, Law Department

RESOLUTION NO. BZA 33-74

WHEREAS, Ruth V. Rankin, 142 N. Belmont, Wichita, Kansas, pursuant to Section 2.12.590.A, Code of the City of Wichita, has appealed from the decision of the Superintendent of Central Inspection, who has issued an order to the appellant to cease the rental of a basement apartment in violation of Section 28.04.040 ("AA" Single Family Dwelling District), Code of the City of Wichita; and

WHEREAS, subject property is zoned the "AA" Single Family Dwelling District and legally described as follows:

The south one-half of Lot 33 and all of Lot 35, on Belmont, Sargent's Addition to Wichita, Kansas. Generally located on the east side of Belmont in an area between Douglas and First Street; and

WHEREAS, the Superintendent of Central Inspection has recognized the nonconforming use of subject property as a duplex (two-family dwelling) in the "AA" Single Family Dwelling District; and

WHEREAS, the appellant contends that the use of subject property over many years has established nonconforming use rights as a three-family dwelling; and

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of December 17, 1974, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an appeal under the provisions of Section 2.12.590.A, Code of the City of Wichita; and

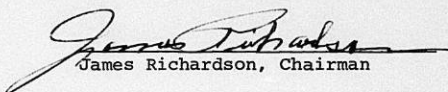
WHEREAS, the Board of Zoning Appeals, based on the fact that no evidence was presented to substantiate the appellant's claim to the nonconforming use rights as a three-family dwelling on subject property; and further based on the fact that the 1970 permit for remodeling the basement at 142 N. Belmont was issued on the basis of a two-family structure and clearly stated that the basement could not be used for another apartment, has determined that nonconforming use rights as a three-family dwelling do not exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the appeal be denied, on property zoned the "AA" Single Family Dwelling District and legally described as:

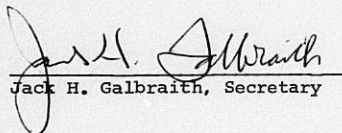
The south one-half of Lot 33 and all of Lot 35, on Belmont, Sargent's Addition to Wichita, Kansas. Generally located on the east side of Belmont in an area between Douglas and First Street.

Resolution No. BZA 33-74
Page Two

ADOPTED AT WICHITA, KANSAS, this 17th day of December,
1974.


James Richardson, Chairman

ATTEST:


Jack H. Galbraith, Secretary

December 31, 1974

**Davis S. Carson, Attorney
1200 Union National Building
Wichita, Kansas 67202**

**Subject: Case No. BZA 33-74
Request for Variance**

Dear Mr. Carson:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 17, 1974, in connection with your appeal from the decision of the Superintendent of Central Inspection on property zoned the "AA" Single Family Dwelling District and generally located on the east side of Belmont in an area between Douglas Avenue and First Street.

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call.

Sincerely,

**Larry Dobson
Assistant Secretary**

**LD:js
Encl.**

**cc: Ruth V. Rankin, 142 North Belmont, 67208
Keith D. Hiesterman, 145 N. Belmont, 67208
Robert Feldner, Supt. of Central Inspection
Don Giesek, Acting City Clerk
Joe Donnelly, Central Inspection**

DEPARTMENT OF PUBLIC WORKS - CENTRAL INSPECTION DIVISION
3RD FLOOR - 104 S. MAIN - PHONE 262-0611

No A10521

To Mrs. Ruth V RANKIN
Address 142 No. BELMONT 7-30, 1974

You are hereby notified that Renting basement apt.
located at above is in violation of

City Ordinance No. 27660 Code Chapt. 28.04.040 and you are

hereby ordered to Cease + Desist Rental of Basement
apt. as this is in violation of zoning ordinance

This Notice Must Be Complied With On
or Before 8-15, 1974

Supt. Central Inspection
Robert Feldner

By Eddie Aguir
INSPECTOR

Refusing or neglecting to comply with this notice will be followed by prosecution

December 18, 1974

Davis S. Carson, Attorney
1200 Union National Building
Wichita, Kansas 67202

Subject: Case No. EEA 33-74 -
Request for Variance

Dear Mr. Carson:

At the regular meeting of the Board of Zoning Appeals on December 17, 1974, your request appealing the decision of the Superintendent of Central Inspection on property zoned the "AA" Single Family Dwelling District and generally located on the east side of Belmont in an area between Douglas Avenue and First Street, was considered.

After considerable discussion, it was the action of the Board to deny the appeal and uphold the decision of the Superintendent of Central Inspection order to cease the rental of the basement.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Ruth V. Rankin, 142 North Belmont, 67208
John D. Arnold, 1230 North Waco, 67203
Maryann Van Sickle, 134 N. Belmont, 67208
Keith D. Niesterman, 145 N. Belmont, 67208
Rod Johnson, c/o Art Johnson, 114 N. Belmont, 67208
Robert Feldner, Supt. of Central Inspection
Don Sisick, Acting City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

. CASE NO. BZA 33-74

APPLICANT: Ruth V. Rankin, 142 North Belmont, Wichita, Kansas.

AGENT: Davis S. Carson, 1200 Union National Building, Wichita, Ks.

REQUEST: An appeal pursuant to Section 2.12.590.A, Code of the City of Wichita, appealing from decision of the Superintendent of Central Inspection an order for the applicant to cease the rental of a basement apartment, whereas the applicant contends she has continued non-conforming use rights, on property zoned the "AA" Single Family Dwelling District.

GENERAL LOCATION: On the east side of Belmont in an area between Douglas Avenue and First Street.

ZONING: Subject property is zoned the "AA" Single Family Dwelling District as are all surrounding properties.

LAND USE: Subject property is occupied by a non-conforming two-family dwelling. All surrounding properties are developed as single family residences.

JURISDICTION:

The Board has jurisdiction to consider the appeal under the provisions outlined in Section 2.12.590.A, Code of the City of Wichita.

COMMENTS BY THE SECRETARY:

The applicant is appealing a decision of the Superintendent of Central Inspection whereby the applicant was ordered to cease the rental of a basement apartment. Subject property is zoned the "AA" Single Family Dwelling District and is occupied by a two story structure, which over the years has been recognized as a legal non-conforming two-family dwelling. There is a ground floor apartment and an upstairs apartment. The applicant is claiming non-conforming use rights as a three-family dwelling, stating that the basement has also been utilized as an apartment over the years.

In her statement of justification, (copy attached) the applicant states that the basement of subject house has been used as an apartment for many years. She has lived at this location continuously since 1947, first as a renter and in 1970 became the owner

Secretary's Report
Case No. BZA 33-74
Page Two

of the property. She has furnished the name of a woman whom she knew to have lived in the basement apartment in the 1940's, and it has been verified that this woman did occupy the basement from 1942 to 1950.

On June 16, 1970, a building permit was issued to the applicant (copy attached) for the remodeling of the basement. However, subject building permit was taken out on a two family structure and no mention was made that there were three dwelling units. Upon issuance of the permit it was noted on the permit that the basement could not be used for living quarters or another apartment. A follow-up to this in January, 1972 noted on the permit that the work was incomplete and abandoned. Then at the instigation of a citizen's complaint, a representative of the office of Central Inspection discovered that the basement was being rented as an apartment, and subsequently on July 30, 1974 issued a notice to the applicant to cease and desist the rental of the basement. The applicant complied with this order and now comes before the Board with this appeal.

As of this writing the applicant has furnished no evidence for the years 1951 and on, to support her claim that this residence has maintained a three family dwelling status. It should be noted that if a non-conforming use is discontinued for a period of two years, the use shall thereafter become conforming to the district. (Section 28.04.170, Paragraph B.)

It should be pointed out that any decision by the Board of Zoning Appeals will pertain only to the provisions of the Zoning Ordinance and would have no effect on the requirements of other regulatory ordinances such as the Minimum Housing Code and the Building Code.

RECOMMENDATION:

If the applicant can show supportive evidence that subject residence has been occupied as a three family dwelling continuously (no two year period of discontinuance) since the early 1940's, it is the opinion of the Secretary that her appeal should be granted. However, should such evidence not be presented, it is the Secretary's recommendation that the Board uphold the decision of the Superintendent of Central Inspection and deny the appeal.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

December 4, 1974

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This application has been assigned Case No. 33-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 17, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

*23 Notices mailed to
adj. property owners on 12-4-74
10 Notices mailed to WAPC*

Jack H. Galbraith
Secretary

Map 5747

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. B2 F 33.74
FILED 11-19-74

APPEAL FROM ORDER OR DECISION OF THE
SUPERINTENDENT OF CENTRAL INSPECTION

✓ I. Name of Appellant Ruth Vawter Rankin
Mailing Address 142 N. Belmont, Wichita, Kansas 67208 Phone 683-0942
Name of Agent Davis S. Carson, Attorney
✓ Mailing Address 1200 Union National Building, Wichita, Ks. Phone 263-1272
Relationship of appellant to property is that of Owner
(Owner, Tenant, Lessee, Other).

II. The appellant herein appeals from a decision, determination or an order of the Superintendent of Central Inspection, as follows:
City Ordinance No. 27-660, Code Chapter 28.04.040. A Cease & Desist
Order on rental of the basement as an apartment
for property located 142 North Belmont, Wichita, Kansas
and legally described as: _____
South Half (S 1/2) of Lot 33, all of Lot 35,
on Belmont, Sargent's Addition to the city of Wichita;
in the City of Wichita; and which is presently zoned AA. The decision was rendered July 30, 1974, and refers to Section 28.04.040, of the Code of the City of Wichita.

III. The appellant 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, and 4 of the instructions.

Appellant Ruth Vawter Rankin
Authorized Agent Davis S. Carson

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 4:00 (a.m. - (p.m.)), November 19, 1974, together with appropriate fee of \$50.00.

Signed Larry Dobson

Board of Zoning Appeals
104 South Main
Wichita, Kansas 67202

STATEMENT

The undersigned, Ruth Vawter Rankin, owner of 142 North Belmont, Wichita, Kansas hereby states as follows:

That this address has been my place of abode continuously since November 15, 1947. Proof is attached, to-wit:

- 1. Copies of two Fourth National Bank statements, showing change of address from 408 North Bleckley to 142 North Belmont, "as of close of business November 19, 1947."*
- 2. Check dated September 20, 1947, to Henry C. Ray, for \$30.00, marked "as deposit on first month's rent of 142 North Belmont, which will be \$57.70."*
- 3. Rent check to Kenneth Darrel for \$45.00 dated October 1, 1947, marked as "full payment rent 408 N. Bleckley, October 1 to November 1."*
- 4. Rent check to Kenneth Darrel for \$22.50 dated November 1, 1947, marked as "full payment rent 408 N. Bleckley through November 15, 1947." This last rent check shows indeed that November 15, 1947, was my moving day from 408 N. Bleckley to 142 North Belmont.*
- 5. Rent check to Henry C. Ray for \$57.55 dated December 1, 1947, marked "as full payment rent 142 N. Belmont, December 1 to January 1." The rent from November 15, 1947 to December 1, 1947, was paid by deposit check for \$30.00 paid September 20, 1947, (see 2 above).*
- 6. Rent check to Fourth National Bank and Trust Company trustee for Effie M. Ray for \$115.00 dated December 1, 1969, and marked as "full payment rent 142-1/2 N. Belmont, December 1, 1969 to January 1, 1970. As my attorney John W. Sowers, and Earle H. Loveless, Fourth National Trustee, agreed on December 31, 1969, to terms for my buying the 142 N. Belmont property from the Fourth National Bank as trustee, this was my last rent check for 142 N. Belmont.*
- 7. My deed to the 142 N. Belmont property was signed January 23, 1970, by J. W. Shane, Senior Vice President and Trust Officer, Fourth National Bank and Trust Company, Executor of the Will of Effie M. Ray, Deceased, and attested by E. H. Loveless, Vice President and Trust Officer.*

Board of Zoning Appeals
Page 2

That the basement of this property has been used as an apartment for many years, according to my own personal observation as I have been familiar with and visited at this house since I was a small child living with my parents, and my parents lived at 447 North Belmont. Also, I have lived here continuously since November 15, 1947, a total of 27 years, that is, at 142 North Belmont.

In support of my position I further state that a lady by the name of Mrs. Adams did indeed live in the basement apartment, and I have pictures. In several forties phone books, three persons are listed as living at 142 North Belmont, including Mrs. Adams. She also is listed at 142 North Belmont in city directories I have spot checked, for instance, 1949.

Recently, I have found the heirs of the builder of this property who doubtlessly can give accurate information, when they are available, in the very near future. Mr. J. D. Arnold, and Mr. P. B. Ray, and others of this city are familiar with the use of this apartment, until I received the stop and desist order on July 30, 1974.

This is one of my few sources of income (another just ceased this week after 20 years), and I fear that if I am not able to continue to rent the basement apartment, I will have to put the property up for sale. Even if enough writing work were available, I am not strong enough to work enough hours to make up these two gaps in income. I have no relatives to whom to turn, and so future livelihood seems quite uncertain.

I further state that the basement apartment has been tremendously improved with wall-to-wall carpeting and new appliances.

Dated this 15th day of November, 1974.

Ruth Vawter Rankin

Ruth Vawter Rankin

RANKIN, RUTH VAWTER
409 N. BLECKLEY DR.
CITY 8

As of
close of
business
Oct. 19, 1947

IN ACCOUNT WITH
THE FOURTH NATIONAL BANK IN WICHITA
WICHITA, KANSAS

CHECKS PAID	DEPOSITS	DATE	BALANCE
BALANCE FORWARD		SEP 1947	275.57 *

RANKIN, RUTH VAWTER
142 N. BELMONT
CITY 8

As of
close of
business
Nov. 19, 1947

IN ACCOUNT WITH
THE FOURTH NATIONAL BANK IN WICHITA
WICHITA, KANSAS

CHECKS PAID	DEPOSITS	DATE	BALANCE
BALANCE FORWARD		OCT 18 47	333.06 *

THE FOURTH NATIONAL BANK IN WICHITA 40-1
WICHITA, KANSAS

2.

WICHITA, KANSAS

September 28, 1947 No. 1450

PAY TO THE
ORDER OF

Henry C. Flay

\$30.00

Only thirty and
(deposit on first
month amount of
142 N. Belmont
which will be \$57.70)

Ruth Vawter Rankin

no
DOLLARS

THE FOURTH NATIONAL BANK IN WICHITA 40-1
WICHITA, KANSAS

WICHITA, KANSAS

October 1, 1947 No. 1453

PAY TO THE
ORDER OF

Annella Daniel

\$45.00

only forty-five
full payment
sent 408 N. Bleckley
Oct 1-14 47

Ruth Vawter Rankin

no
DOLLARS

Inquire About
DEPOSIT BY MAIL
Saves Time ... More Convenient
A Receipt By Return Mail

THE LAST AMOUNT IN THIS COLUMN
IS YOUR BALANCE
PLEASE EXAMINE AT ONCE
IF NO ERROR IS REPORTED IN TEN DAYS
THE ACCOUNT WILL BE CONSIDERED CORRECT

THE FOURTH NATIONAL BANK IN WICHITA 40-1
WICHITA, KANSAS

November 1947 No. 1474

PAY TO THE ORDER OF Kenneth Parcel \$ 22⁰⁰/₁₀₀

only twenty-two and 00/100 DOLLARS

(Full payment
Rent 408 N. Bleckley)
Term Nov. 15, 1947



Ruth Vawter Rankin

Said
check
paid

THE FOURTH NATIONAL BANK IN WICHITA 40-1
WICHITA, KANSAS

December 1 1947 No. 1504

PAY TO THE ORDER OF Henry C. Ray \$ 57²⁵/₁₀₀

only fifty-seven and 25/100 DOLLARS

(Full payment
Rent 142 N. Belmont)
see 1-5 am



Ruth Vawter Rankin

THE FOURTH NATIONAL BANK IN WICHITA 40-1
WICHITA, KANSAS

December 1 1947 No. 1532

PAY TO THE ORDER OF Henry C. Ray \$ 57²⁰/₁₀₀

only fifty-seven and 20/100 DOLLARS

(Full payment
Rent 142 N. Belmont)
Jan 1 - Feb 1 1948



Ruth Vawter Rankin

RUTH VAWTER RANKIN 142 N. BELMONT MU 6-0942 WICHITA, KANSAS 67208		404	3349
PAY TO THE ORDER OF <u>Fourth National Bank and Trust Company</u>		3-1569	12-1-1947 40-4 1011
<u>only one hundred fifty and 00/100</u> DOLLARS		<u>57²⁰/₁₀₀</u>	
THE FOURTH NATIONAL BANK and TRUST COMPANY, Wichita WICHITA, KANSAS		(Full payment rent 142 N. Belmont) Rent 12-1-47 to 1-1-48 Ruth Vawter Rankin	
⑆000000⑆ ⑆2 7⑆ 093 5⑆		⑆47⑆000000⑆⑆500⑆	

10-20-54
Re pair 2 form res
3398

142 N. Belmont

Ruth Rankin

Daywork

Remodel - 2 fam. - brick veneer - remodel
basement - panel - cannot be used for
living qtrs or another apt. - no change
of occupancy
\$250.00

R24500

C43916

6-16-70

WORK INCOMPLETE

ABANDONED

JAN 10 1972

BILL EARLEYWINE

THE CITY OF



DEPARTMENT OF PUBLIC WORKS
CENTRAL INSPECTION DIVISION
252-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN — WICHITA, KAN. 67202

November 8, 1974

Mr. Davis S. Carson
Sowers, Carson, Johnston & Baker
1200 Union National Building
Wichita, Kansas 67202

Dear Mr. Carson:

Your letter of October 28, 1974 states that the basement at 142 North Belmont has been used as a basement apartment since 1941. You quote the provision under Section 28.04.040 relating to accessory structures which allows for nonconforming uses until April 14, 1987. The following comments are in reply to your letter:

1. The provisions for perpetuating nonconforming uses of accessory structures would not apply to the house at 142 North Belmont since it is not an accessory structure.
2. We have recognized the nonconforming use at this address as a duplex in an "AA" single family dwelling district. It was obviously built as a duplex and used as such for many years. For some reason, it was never rezoned at the time other properties in that area were changed.
3. Our records show two permits have been issued for this property. One was issued on October 26, 1954 to Henry Ray and John Maugans to repair a two-family residence, and the other issued to Ruth Rankin on June 16, 1970 to remodel a basement with the notation, "cannot be used for living quarters or another apartment". The card indicates the work was incomplete and abandoned as of January 10, 1972. Copies of our records are enclosed.



From C J W

November 8, 1974
Davis S. Carson
Re: 142 North Belmont
Page 2

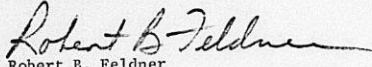
4. A notice was mailed July 31, 1974, to discontinue renting the basement to two boys. The exception we recognize cannot be extended beyond a two-family use for this property.

The Board of Zoning Appeals is the proper body to appeal this decision. If, as your client states, the basement has been rented continuously since 1941, and evidence can be produced to demonstrate this to the board, you may have some chance of a favorable decision on an appeal. In the absence of such evidence, I am very doubtful of a successful appeal. (A check of the City Directory for 1942 did not show more than one occupant at 142 North Belmont. Two parties were listed in 1946 and 1948, neither of which was a Mrs. Adams. Mrs. Rankin's name first appears in 1953 for the directories we spot checked.)

You should also be advised that had the basement been occupied at one time period - your letter states from 1941 to 1950 (perhaps during a war-time emergency or other) - if a nonconforming use is discontinued for a period of two years, the use shall thereafter become conforming to its district. (Section 28.04.170, Paragraph B.)

If you wish to make your appeal to the Board of Zoning Appeals, I have been advised the closing date for the application is November 19 for the hearing scheduled for December 17, 1974.

Sincerely,


Robert B. Feldner
Superintendent of Central Inspection

RBF:mml

cc: Joe Donnelly, Maintenance Inspection Supervisor
✓ Jack Galbraith, Metropolitan Area Planning Department

Carson
263-1272

October 28, 1974

Mr. Robert Feldner
Central Inspection Division
Department of Public Works
3rd floor, 104 S. Main
Wichita, Kansas 67202

Re: Ruth Rankin
142 North Belmont
Wichita, Kansas

Dear Mr. Feldner:

We have discussed this matter considerably with Mr. Jack Galbraith, Chief Planner, Metropolitan Area Planning Department, and Mr. Larry Dobson, Assistant Secretary of the Board of Zoning Appeals in regard to the above entitled property.

Apparently, it was not known by the Central Inspector that this property was used as a basement apartment since the year 1941, and has continued as such up to the present time.

In support of Mrs. Rankin's position, she is able to advise that a lady by the name of Mrs. Adams lived there from approximately 1941 to 1950.

Mr. Phillip Ray, an heir to the property, and Mrs. Rankin, bought the property from the Executor of the estate of Mrs. Henry Ray. Her nephew knows that this property was used as a basement apartment for those many years. Mr. John D. Arnold was familiar with the use of the apartment as well.

Under Section 28.04.040, this appears to be an adequate exception under the rule therein stated as follows:

?

"Any accessory structure constructed or erected under any building or construction permit issued by any authorized agent of the city of Wichita; or under the provisions of the zoning ordinance or any of its provisions in effect prior to April 14, 1962, may continue to exist and be maintained for a period of twenty-five years from that date; and at which time such accessory structure shall be removed...."

Mr. Robert Feldner
Page Two
October 28, 1974

In view of this information, Mr. Galbraith and Mr. Dobson thought it would be a good idea if I would contact you again prior to filing an application for review.

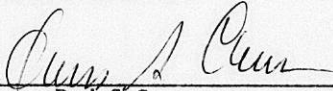
Mrs. Rankin has done considerable work in this apartment, renovated it, and brought it completely up to standards, with wall-to-wall carpeting, and really has made a very bad basement into a very fine living area.

This was the use to which these premises were put since approximately 1941, and under the zoning ordinance's exception, we would strongly request that a review be made of this in light of this information, and the order rescinded pursuant to the ordinance.

Please let me hear from you after you've had an opportunity to review this letter. Thank you very much.

Very truly yours,

SOWERS, CARSON, JOHNSTON & BAKER
A Professional Association

By 
Davis S. Carson

DSC:yp

cc: Mrs. Ruth Rankin

32A 21-67
2-66
17-67
48-67

October 15, 1974

Mr. Davis S. Carson
1200 Union National Building
Wichita, Kansas 67202

Subject: 142 North Belmont
Mrs. Ruth V. Rankin

Dear Mr. Carson:

We are in receipt of your October 7, 1974 letter requesting a hearing before the Board of Zoning Appeals, on behalf of your client, Mrs. Ruth V. Rankin, to appeal a decision rendered by the Superintendent of Central Inspection.

As set forth by the Board's Rules and Regulations, the procedure for requesting a hearing before the Board of Zoning Appeals shall be in the form of an application filed with the Secretary of the Board on forms furnished by this office. Attached to the application form is an instruction sheet to the appellant listing other requirements for filing an application. The next meeting date for which you could file an application would be for the November 26, 1974 meeting. The closing date for accepting applications for that meeting is October 29, 1974.

Enclosed are two copies of the application form for Appeal From Order or Decision of Superintendent of Central Inspection and a schedule of Meeting and Closing Dates.

If you have any questions concerning the application procedure, please call.

Sincerely,

Larry Dobson
Assistant Secretary

LD:js
Encl.
cc: Mrs. Ruth V. Rankin, 142 North Belmont 67208

AREA CODE 316
263-1272

CABLE ADDRESS
SOGAJO

SOWERS, CARSON, JOHNSTON & BAKER
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
1200 UNION NATIONAL BUILDING
WICHITA, KANSAS 67202

JOHN W. SOWERS
DAVIS S. CARSON
JAMES P. JOHNSTON
LYLE P. BAKER

October 7, 1974

CLARENCE R. SOWERS
1890-1971
ESTABLISHED
1914

Department of Public Works
Central Inspection Division
104 S. Main
Wichita, Kansas 67202



Attention: Board of Zoning Appeals

Re: 142 North Belmont
Mrs. Ruth V. Rankin

Gentlemen:

Would you be kind enough to place a request for hearing in regard to an occupancy use at the above address for the above named individual.

It is my understanding that you are having a meeting at 1:30 p. m. on October 22, 1974, and I would like to request that we be able to appear at that time to attempt to gain approval of the occupancy of the above-named property.

Briefly, this property has always been rented as a multiple family unit. It is our understanding that this property has been well maintained, and has been rented as such for over a thirty year period.

Any additional information you need prior to the hearing, we'll be happy to try to furnish.

Please acknowledge the request. Thank you very much.

Very truly yours,

SOWERS, CARSON, JOHNSTON & BAKER
A Professional Association

By *Davis S. Carson*
Davis S. Carson



DSC:yp

cc: Mrs. Ruth V. Rankin

Area Code 316
268-1272

SOWERS, CARSON, JOHNSTON & BAKER
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
1200 UNION NATIONAL BUILDING
WICHITA, KANSAS 67202

JOHN W. SOWERS
DAVIS S. CARSON
JAMES F. JOHNSTON
LYLE P. BAKER

August 15, 1974

CLARENCE R. SOWERS
1890-1971
ESTABLISHED
1914

Leland
RECEIVED
AUG 15 1974
Central Inspection Division

Circle Address
500430

Mr. Robert Feldner
Department of Public Works
Central Inspection Division
104 South Main
Wichita, Kansas 67202

Re: Cease and desist Order No. A10521
142 North Belmont, Wichita, Kansas

Dear Mr. Feldner:

Our client, Mrs. Ruth V. Rankin, forwarded to me the above stated cease and desist Order. She has made compliance with this Order by requiring the renter to vacate the premises.

This is a basement rental unit which has been rented for a number of years. Mrs. Rankin relies strongly upon the small rental income she obtains from this unit. Upon our review of the Code, under definition of "dwelling" it would appear that since she also resides on the premises she should be able to have up to four (4) lodgers or boarders.

Some of this information was conveyed to Mr. Leland Johnson of your organization and perhaps you can get in touch with him concerning the problem. We certainly would appreciate a letter indicating it would be permissible for her to continue to rent this much needed apartment for her benefit.

Any help you can give will certainly be appreciated. Please let us hear from you.

Very truly yours,

SOWERS, CARSON, JOHNSTON & BAKER
A Professional Association

By *Davis Carson*
Davis S. Carson

DSC:bs

42 N Belmont

September 17, 1974

Mr. Davis S. Carson
1200 Union National Building
Wichita, Kansas 67202

Dear Mr. Carson:

A report from Mr. Joe Donnelly, Supervisor of the Housing Section, states that the residence of Mrs. Ruth Rankin at 142 North Belmont is a nonconforming, two-family dwelling in a single family district. Thus, while it is recognized as having the privilege of a two-family dwelling, the privilege cannot be extended beyond use as a duplex.

Our records show a permit was obtained in June, 1970 for remodeling the basement, which work was later abandoned. You will note on the copy enclosed that the basement is not to be used for living quarters or another apartment.

If the financial difficulties are severe and you wish to appeal the matter, you might be able to find relief through the Board of Zoning Appeals. For some reason, this property was not included in the numerous spot exceptions to the zoning in the College Hill area at the time the zoning district was established; consequently, since it exists as a nonconforming use but not recognized in the zoning ordinance, it may be possible to demonstrate a hardship case.

The person to contact in the event you wish to investigate the possibility of an appeal is: Mr. Jack Colbraith, Chief Planner
Metropolitan Area Planning Department
104 South Main, Wichita, Kansas 67202

Sincerely,

Robert B. Feldner
Superintendent of Central Inspection

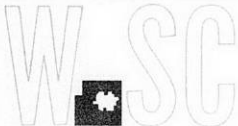
RFB:mal

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
28	Crestway	Sargent's Addition	✓ Charles Robert Lamme 201 N. Crestway 67208
30	Same	Same	✓ Thomas J. Coleman and Amy J. 155 N. Crestway 67208
N 36' 32	Same	Same	∅ Same
S 14' 32	Same	Same	✓ Robert H. Chesney & Beulah 145 N. Crestway 67208
34	Same	Same	∅ Same
N 25' 36	Same	Same	∅ Same
S ½ 36	Same	Same	✓ H. E. Jones and Anne Ashley Jones 135 N. Crestway 67208
38	Same	Same	∅ Same
40	Same	Same	684-7703 ✓ Charles W. Cookson & Margaret 127 N. Crestway 67208
N 25' 42	Same	Same	∅ Same
S ½ 42	Same	Same	Billy J. Taylor & Linda L. 121 N. Crestway 67208
44	Same	Same	∅ Same
27	Belmont	Same	✓ Elizabeth Joan Navrat 204 N. Belmont 67208
29	Same	Same	✓ The Way of Kansas Inc. c/o Dale Fair Suite 320 Page Court 67202
31	Same	Same	✓ Robert J. Armstrong and Virginia 150 N. Belmont 67208
N ½ 33	Same	Same	∅ Same
S ½ 33	Same	Same	∅ Ruth Vawter Rankin 142 N. Belmont 67208
35	Same	Same	∅ Same

Lot	Street	Addition	Property Owner
37	Belmont	Sargent's Addition	✓ Edwin L. Van Sickle & Maryann 134 N. Belmont 67208
39	Same	Same	✓ Same
41	Same	Same	✓ H. A. Loshbaugh & Vera M. 120 N. Belmont 67208
43	Same	Same	✓ Same
50	Same	Hill Crest Addition	✓ Floyd F. Jantz & Ruth Marie 811 Wiley 67203
52	Same	Same	✓ Same
54	Same	Same	✓ Same
56	Same	Same	✓ Keith D. Hiesterman & Marilyn 145 N. Belmont 67208
58	Same	Same	✓ Same
60	Same	Same	✓ Same
62	Same	Same	✓ Richard K. Hollingsworth Serena G. Hollingsworth 141 N. Belmont 67208
64	Same	Same	✓ Same
N $\frac{1}{2}$ 66	Same	Same	✓ Same
S $\frac{1}{2}$ 66	Same	Same	✓ Lance C. Nielsen & Mary Ann 137 N. Belmont 67208
68	Same	Same	✓ Same
70	Same	Same	✓ Same
27	2	Marsh Manor Addition	✓ John Silas Brown & MaryVirginia 130 N. Crestway 67208
28	2	Same	✓ Same <i>sent by mistake to 130 No Belmont. resent 12-16-74 to 130 N. Crestway</i>
29	2	Same	✓ William J. Richardson and Nina Marian Richardson 136 N. Crestway 67208
30	2	Same	✓ Same
31	2	Same	✓ Same
32	2	Same	✓ Same

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

NOT DELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE
MUNGER

John Silas Brown & Mary Virginia
130 N. Belmont
Wichita, Kansas 67208

32A 33.74



Important! Notice of Hearing Enclosed

Lot	Block	Addition	Property Owner
33	2	Marsh Manor Addition	✓ James T. Clark and Mary Ann 146 N. Crestway 67208
34	2	Same	✓ Same
35	2	Same	Arthur P. de la Garza & Cheryl 148 N. Crestway 67208
36	2	Same	✓ Same
37	2	Same	✓ Gilbert C. Clark Jr. & Frances E. 156 N. Crestway 67208

Beginning 180 feet East and 265 feet North of the Southwest corner of the East Half of the Southwest Quarter of the Northeast Quarter of Section 23-27-1E, thence East 150 feet, North 75 feet, West 150 feet, thence South to pob.

✓ Larry C. Foss & Vicki A. Foss
125 N. Belmont 67208
686-6860

Beginning 180 feet East and 95 feet North of the Southwest corner of the East Half of the Southwest Quarter of the Northeast Quarter of Section 23-27-1E, thence East 180 feet, North 170 feet, West 180 feet, South to pob except East 30 feet for street

✓ Amil J. Ablah & Carol Ann
121 N. Belmont 67208

Beginning 360 feet East and 340 feet North of the Southwest corner of the East Half of the Southwest Quarter of the Northeast Quarter Section 23-27-1E, thence North 23 feet, thence West 180 feet, South 23 feet, East 180 feet to pob, excep East 30 feet for street

✓ Lance C. Nielsen and Mary Ann
137 N. Belmont 67208

The Security Abstract and Title Company,
Inc., hereby certifies the foregoing to be a true and correct list
of property owners of:

A 200 foot radius of: The South Half of Lot 33,
all of Lot 35, on Belmont, Sargent's Addition
to Wichita, Kansas

as shown by the records on file in the Office of the Register of
Deeds of Sedgwick County, Kansas, on the 22nd day of October, 1974
at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

John Byron
Asst. Vice President

Order No. 219063
wh

Form 223

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT

Name

Address

Type

Due Date

Comments:

Date

By