

CASE NO. 5-42

STATUS SHEET

Board of Appeals Case No. 5-49

1942 North Broadway Premises in Question
Donald E. McCarter Appellant's Name
2423 West Douglas Appellant's Address
W. R. Stanley Owner's Name
%R. R. Santee; K.F.H. Building Owner's Address

3/8/49 Building or Zoning Application Received by Building Inspector
Erection of a commercial building

4/7/49 Decision of Building Inspector Refused because the building
would not provide the required set-back of 38' from center of
the street.

4/7/49 Appeal filed with Bond of Zoning Appeals

_____ Hearing notice and receipt

_____ 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

_____ Protests Received

_____ Consents Received

_____ Prior Cases on These Premises

_____ Case Hearings

_____ Case Decided Granted Action of Board

_____ Notice of Decision Sent

3. _____ Court Cases

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Donald E. McCarter Owner Address 2423 West Douglas
To Same Applicant Address _____

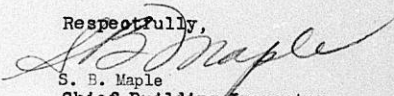
Dear Sir:

Your Application Dated April 7, 1949
For a Permit for the erection of a commercial building
_____ at the premises designated as
1942 North Broadway

Is hereby refused on this 7th day of April, 1949,
Under Section 28 of the Zoning Ordinance.

For the reason that said building would not provide the required set-back of
38 feet from the center of the street.

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.

2423 W. Douglas
Wichita, Kansas
April 12, 1949

Wichita Planning Board
City Building,
Wichita, Kansas

Att: Mr. Smith, Secretary

Gentlemen:

We hereby solicit your cooperation and approval in granting a waiver of Section 28 of the Zoning Ordinance which would permit my erecting a building on Lot 5, Lawrence Ave., now Broadway, Unity Addition to the City of Wichita, commonly known as 1944 N. Broadway.

Inasmuch as all other buildings in this block excepting one 50 foot space in addition to the one in question have buildings on the side walk line, we feel that this is not an injustice to any property owner concerned.

Furthermore, we are willing to sign a waiver releasing the city of Wichita from any responsibility on the building covering that portion of the lot which we are asking you to release.

Attached hereto are plans for the type building we propose to erect. Also a list of property owners within a radius of 200 feet as compiled by the Security Abstract Company.

Respectfully submitted

Donald E. McCarter
Donald E. McCarter

BOARD OF ZONING APPEALS

Case No. 5-49

Filed 4/7/, 19 49

APPEAL UNDER THE ZONING ORDINANCE

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

The undersigned, Donald E. McCarter, hereby appeals
from the decision of the Building Inspector wherein a Building Permit
Is Refused For the erection of a commercial building

OR

Order Or Decision Rendered Because the said building would not provide
the required set-back of 38 feet from the center of the street.
Section 28 of the Zoning Ordinance.

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.

Donald E. McCarter

Appellant.

NAMES AND ADDRESSES

Appellant Donald E. McCarter Address 2423 West Douglas
Owner W. R. Stanley Address % R. R. Santee
Lessee _____ Address K. F. H. Building

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

LIST OF PROPERTY OWNERS

<u>LOT</u>	<u>ADDITION</u>	<u>OWNER</u>
1	Unity Add.	F. M. & Julia Eyestone 829 N. Pershing
2	"	{ A. E. Arnett 1512 N. Emporia
3	"	{ Alfred E. & Eva Arnett
4	"	Ira J. Weaver 1948 N. Broadway
5	"	? X Harry A. & Lucille M. Stanley
6	"	George H. & Peggy Easley 536 N. Deltrose
7	"	Dunn Investment Co. 125 1/2 N. Topeka
8	"	{ C. A. & Pearle I. Bunyan Mulvane, Ks
1	North Lawrence Ave.	{ C. A. & Pearle I. Bunyan
3	"	Arnold J. Ecklund 2236 Rosenthal
5-7	"	Walter A. Stippich 1343 N. Broadway
2 & N. 8.19' of 4	"	Robert & Mary Viola Bonat 1713 N. Topeka
S. 16.82' of 4 & N. 23.65' of 6	"	Mary L. German 1911 N. Topeka
1 & N. 15' of 2	Daymore	W. L. Morris 136 S. Pershing
S. 25' of 2, all 3	"	George M. & Flora L. Kreuzberg 414 N. Gordon
4	"	N. F. Rogers 911 Faulkner
5	"	Walter F. & Frances Palmer 1540 Penn- sylvania
6	"	Ira A. & Mary A. Weaver 1948 N. Broadway
7	"	? X Coreen Lottie Hedges
8	"	F. C. Harms 526 S. Grove
9	"	? X Mirriam E. Selden Nelson

- continued -

<u>LOT</u>	<u>BLK</u>	<u>ADDITION</u>	<u>OWNER</u>
10-12	8	Fairview Add.	Fenley J. & Hazel R. Houser 201 E 53rd
14-16	8	"	Fenley J. & Hazel R. Houser
18-20-22	8	"	Charles W. Price 1919 N. Broadway
24	8	"	Nellie O. McCune 341 N. Hillside
26-28- 30-32- 34-36-	8	"	Nellie Christopher Grabendike 402 N ^{Clifton}
38-40	8	"	Stewart W. Cole 1421 Park Place
E. 70' of 42-44-46- 48-	8	"	Standard Oil Co. 715 E 10th

We hereby certify the foregoing to be a correct list of property owners as above described, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 12th day of April, A. D. 1949 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Kenneth P. Brown*
President.

Order No. 44653.

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BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

April 13, _____, 19 49

Donald E. McCarter
2423 West Douglas
Wichita, Kansas

Dear Mr. McCarter _____:

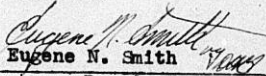
Your appeal, under the Zoning Ordinance, relative to premises at
1942 North Broadway

has been given Board of Zoning Appeals Case No. 5-49.

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 Wednesday, April 20, 19 49, at 3:30 p.m.
in room 201 of the City Building

Respectfully,


Eugene N. Smith
Secretary, Board of Zoning Appeals

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

NOTICE TO PROPERTY OWNERS

April 13, 1949

An appeal has been filed by Donald E. McCarter
(Address) 2123 West Douglas on behalf of W. R. Stanley
E. R. Santee, K.F.H. Bldg.
as provided by Section 33 of the Zoning Ordinance. The appellant
desires to erect a commercial building without observing the required
front yard set-back on the premises
located at 1942 North Broadway

This appeal has been given Case No. 5-49
and a hearing will be held by the Board of Zoning Appeals on Wednesday
April 20, 1949 at 3:30 P.M.
at which time you may appear, if you so desire, either in person or
by agent or attorney. The meeting will be held in room 201 of the
City Building.

By order of the Board of Zoning Appeals.

Secretary.

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

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(Address) 5 E. R. Santos, K.F.H. Bldg.
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