

CASE NO. 1-52

BOARD OF ZONING APPEALS

February 20, 1952

A meeting of the Board of Zoning Appeals was held on Wednesday, February 20, 1952, at 1:30 p.m. in the City Commission Room of the City Building. Members present were Chairman Herrman, Keeler, Morris and C. Smith. Others present were Chairman Smith, Maple and Younger.

CASE NO. 1-52

APPLICANT: George P. Consolver (Sports Center)

PREMISES AFFECTED: 3833 East Harry

ZONING: "AA" - One-Family Dwelling District

Secretary Smith reviewed the case. He stated that the applicant desires to construct an addition to the shooting gallery at 3833 East Harry, but building permit was refused on the 8th day of January, 1952, under Section 15 of the Zoning Ordinance, for the reason that this type of occupancy is not permitted in an "AA" zone. However, the area was recently annexed to the city and the present use is permissible as a non-conforming use, but the ordinance provides that there may be no extension of such use. (Section 24-3)

Secretary Smith read a letter received from Mr. Consolver in which was stated that the addition to the shooting gallery is to be 16 feet wide and 60 feet long; that inasmuch as it will tie onto one of the present buildings, there will be only one side and two ends. The side will be made from cement blocks and the ends from wood and block.

No one appeared in protest.

C. Smith asked if the amendment to the Zoning Ordinance (Section 25 - Exceptions to Use Regulations) has been published as of this date.

Mr. Maple stated that it has not been published yet, but that even if it were, the addition would not be in conformity with the amendment as the addition to the shooting gallery is to be more than 50% of the existing floor and game area.

Mr. Hamilton, representing the applicant, stated that the building to be extended is approximately 500' from any other building and about 350' from the street; that they wish to make this addition now as Sports Center will open in a short time, and they wish to have this addition completed upon opening; that considerable expenditure has been put into Sports Center and they feel the addition to this building would be beneficial to them.

Mr. Hamilton stated that the exception desired arises from some condition which is not ordinarily found in the same zoning district; that the granting of the permit for the variance will not adversely

affect the rights of adjacent property owners or residents as Sports Center owns all the property within 200' of the building; that the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner represented in the appeal inasmuch as the addition must be made at this time to be beneficial to them; and that the exception or variance desired is definitely in the public interest.

In executive session, after discussion, C. Smith moved and Morris seconded that the Board take jurisdiction and grant the variance as the four conditions of the Ordinance have been met. The motion carried unanimously.

RESOLUTION 1-52

WHEREAS, George P. Consolver, owner of the property known as Sports Center located at 3933 East Harry, has applied for a permit to make an addition to the shooting gallery located on this property; and

WHEREAS, the City Building Inspector has formally refused said permit because the present use of this building is non-conforming and the ordinance provides that there may be no extension of such use; and

WHEREAS, the variance desired arises from some condition which is not ordinarily found in the "AA" zoning district; and

WHEREAS, the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents as Sports Center owns all the property within 200' of the building; and

WHEREAS, that the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner represented in the appeal inasmuch as the addition must be made at this time to be beneficial to them; and

WHEREAS, the variance desired is not against the public interest; and

NOW THEREFORE BE IT RESOLVED, by the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit for an addition 16feet wide and 60 feet long to the existing shooting gallery at 3883 East Harry.

ADOPTED at Wichita, Kansas, this twentieth day of February, 1952.

G. W. Herrman, Chairman

ATTEST:

Eugene N. Smith, Secretary



- Two miniature golf links
- Driving range

Consolver Brothers Sports Center, Inc.

3833 East Harry Wichita 15, Kansas

February 14, 1952



- The land of magic for children
- 12 Rides for Kiddies

Mr. Tom Via
City Planning Commission
City Building
Wichita, Kansas

Dear Mr. Via,

Enclosed is our check for \$15.00 which I understand is the fee to cover our appeal on the hearing of the building permit refusal.

I also understand further that you need a statement from us as to the type of construction. This construction is merely an addition on one of our present buildings. It is to be 16 feet wide and 60 feet long. In as much as it will tie onto one of the present buildings, there will be only one side and two ends. The side will be made from cement blocks, and the ends from wood and block.

In as much as we have been trying for some time now to get this appeal heard, I would appreciate your advising me at once, if there is any additional information you need.

Very truly yours,

SPORTS CENTER, INC.

George P. Consolver

George P. Consolver
President

gpc:m



STATUS SHEET

Board of Appeals Case No. 1-52

3833 East Harry Premises in Question
Sports Center, Inc. by George P. Consolver Appellant's Name

3833 East Harry Appellant's Address
Sports Center, Inc. Owner's Name

3833 East Harry Owner's Address

Building or Zoning Application Received by Building Inspector
January 8, 1952

Decision of Building Inspector no annexation may be done
to the present building as it is operating as a non-conforming
use.

Appeal filed with Bond of Zoning Appeals 1-8-52

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 Action of Board

Notice of Decision Sent

Court Cases

BOARD OF ZONING APPEALS
Instructions to Appellants

The following are to be filed in the office of the Board of Zoning Appeals, Room 304, City Building:

1. A certified list from an abstract company of the names and addresses of all property owners within a 200 foot radius of the property concerned. Names and addresses of all residents within the 200 foot area is also desirable.
2. Two typewritten copies of the appeal statement setting forth the following points:
 - (a) An accurate description of the proposed work or use
 - (b) The principal points under which the Building Inspector issued a refusal, order or decision, including specific reference to that section of the Zoning Ordinance under which it is claimed the permit should be issued.
 - (c) Jurisdiction can be assumed only if the following four conditions are present:
 1. That the exception or variance desired arises from some condition which is not ordinarily found in the same zoning district.
 2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
 3. That the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
 4. That the exception or variance desired is not against the public interest.
3. Drawings or plans for the proposed work or use in relation to the adjacent buildings and property.
4. Photographs of the premises, if available.

BOARD OF ZONING APPEALS

Case No. _____

Filed 1-8-52, 1952

A P P E A L U N D E R T H E Z O N I N G O R D I N A N C E

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

The undersigned, Sports Center, Inc. by George, hereby appeals
from the decision of the Building Inspector wherein a Building Permit
Extension of present building.
Is Refused For This type of occupancy is not permitted in the "AA" resi-
dential zone. This district was recently annexed to the city and the
present use to which the property is being put is permissible as a non-
conforming use, but the ordinance provides that there may be no extension
of such use. OR
Order Or Decision Rendered Because _____

The Plans, application, and all data heretofore filed with said Build-
ing 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.

Sports Center, Inc.
George P. Consolver
Appellant.

NAMES AND ADDRESSES

Appellant George P. Consolver Address 3833 East Harry
Owner Sports Center, Inc. Address 3833 East Harry
Lessee _____ Address _____

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.

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Sports Center, Inc. Owner Address 3833 East Harry
To George P. Consolver Applicant Address 3833 East Harry

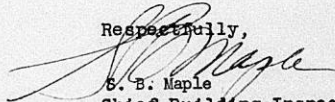
Dear Sir:

Your Application Dated Jan. 8, 1952
For a Permit for the addition of shooting gallery
at the premises designated as
3833 East Harry

Is hereby refused on this 8th day of January, 1952,
Under Section 15 of the Zoning Ordinance.

For the reason that this type of occupancy is not permitted in the "AA"
residential zone. This district was recently annexed to the city and the
present use to which the property is being put is permissible as a non-conforming
use, but the ordinance provides that there may be no extension of such use.

Respectfully,


E. E. 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.