

# ACTION

BZA COMMITTEE \_\_\_\_\_ DATE 2-28-11

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

BZA 9-61 - BLANCHAT MACHINE CO. REQUESTS A VARIANCE FROM AN ORDER BY THE BLDG. INSP. SUPER. TO INSTALL A GATE ON LEONINE ROAD.

RESOLUTION 3-61

WHEREAS, PAUL J. BLANCHAT AND VINCENT W. BLANCHAT, CO-PARTNERS DOING BUSINESS AS BLANCHAT MACHINE COMPANY, 3323 MAPLE, WICHITA, KANSAS, HAVE APPEALED FROM A DECISION, DETERMINATION, OR ORDER OF THE BUILDING INSPECTION SUPERINTENDENT, RELATED TO CONSTRUCTION OF A MASONRY WALL ON DESCRIBED PROPERTY AS REQUIRED BY BZA RESOLUTION 3-54 AS ADOPTED OCTOBER 28, 1958;

WHEREAS, ON OCTOBER 28, 1958, THE BOARD OF ZONING APPEALS DIRECTED AND AUTHORIZED THE SUPERINTENDENT OF BUILDING INSPECTION TO ISSUE A PERMIT FOR THE CONSTRUCTION OF AN ADDITION TO THE MACHINE SHOP AT THE REAR OF 3323 MAPLE, ON THE CONDITIONS THAT:

1. CONSTRUCTION OF A SIX (6) FOOT ATTRACTIVE MASONRY FENCE FROM THE SOUTH LINE OF THE ALLEY ON THE EAST SIDE OF LEONINE ROAD, THENCE TO THE FIRST PROPERTY LINE SOUTH, THENCE ALONG THE SOUTH PROPERTY LINE TO THE EAST TO A POINT DIRECTLY SOUTH OF THE SOUTHWEST CORNER OF THE PRESENT GEAR SHOP BUILDING. THE FENCE IS TO JOIN THE GEAR SHOP BUILDING.
2. FROM THE SOUTHEAST CORNER OF THE PRESENT GEAR SHOP TO THE WEST LINE OF THE NORTH-SOUTH ALLEY BETWEEN LEONINE ROAD AND ALL HALLOWS ROAD, A CHAIN LINK FENCE TO BE CONSTRUCTED WITH A MINIMUM HEIGHT OF SIX (6) FEET. THE FENCE IS TO JOIN THE GEAR SHOP BUILDING.
3. THE MASONRY WALL ALONG LEONINE ROAD TO HAVE ONLY ONE OPENING FOR PEDESTRIAN ENTRANCE NOT TO EXCEED FOUR (4) FEET IN WIDTH.
4. THE WINDOW OPENINGS ON THE SOUTH SIDE OF THE PRESENT GEAR SHOP BUILDING ARE TO BE CLOSED WITH MASONRY SIMILAR TO THAT OF THE REMAINDER OF THE BUILDING.

WHEREAS, THE APPELLANT HAS CONSTRUCTED A WALL SUPPOSEDLY IN COMPLIANCE WITH CONDITION 1. AS SPECIFIED ABOVE, BUT WHICH WALL IS NOT ENTIRELY MASONRY, BUT PARTIALLY OF WOOD; AND FURTHER HAS NOT PROVIDED FOR A FOUR FOOT OPENING FOR PEDESTRIAN ENTRANCE ON LEONINE ROAD, AS PROVIDED IN CONDITION 3. ABOVE, BUT RATHER, HAS CONSTRUCTED THE MASONRY AND WOOD WALL IN SUCH A MANNER THAT A 15 FOOT SECTION CAN BE REMOVED FOR PURPOSES OF INSTALLING HEAVY MACHINERY OR EQUIPMENT IN THE MACHINE SHOP BUILDING, AND

WHEREAS, THE SUPERINTENDENT OF BUILDING INSPECTION HAS DETERMINED THAT THE APPLICATION FOR A BUILDING PERMIT TO INSTALL A PERMANENT GATE IN THE MASONRY WALL BE DENIED INASMUCH AS IT IS AGAINST THE BOARD OF ZONING APPEALS RESOLUTION 3-54 AS ADOPTED ON OCTOBER 28, 1958, AND

WHEREAS, THE APPELLANT HAS INDICATED THAT IT IS NOT PROPOSED THAT THE REMOVABLE SECTION IN THE WALL BE USED FOR EMPLOYEES OR CUSTOMERS AND WILL BE KEPT LOCKED EXCEPT WHEN USED OCCASIONALLY BY HEAVY TRUCKS; AND

WHEREAS, THE APPELLANTS HAVE FILED AN APPLICATION FOR VACATION OF THE ALLEY RUNNING EAST AND WEST THROUGH THEIR PROPERTY, AND ANOTHER RUNNING NORTH AND SOUTH MIDWAY BETWEEN ALL HALLOWS ROAD AND LEONINE ROAD; AND

WHEREAS, THE APPELLANT PROPOSES TO INSTALL A CHAIN LINK FENCE AROUND THE ENTIRE PROPERTY IF THE ALLEYS ARE APPROVED FOR VACATION; AND

WHEREAS, THE APPELLANTS BELIEVE THEIR PROPOSAL SUBMITTED AT THIS TIME WILL BE BETTER FOR EVERYBODY INVOLVED BECAUSE IT WILL CLOSE IN THEIR WHOLE OPERATION AND STILL GIVE THEM A CHANCE TO USE THE NEW BUILDING EFFICIENTLY.

WHEREAS, THE BOARD OF ZONING APPEALS HAS DETERMINED THAT IT HAS JURISDICTION TO HEAR SUCH AN APPEAL UNDER THE PROVISIONS OF SECTION 1, PART D.1, OF THE CODE OF THE CITY OF WICHITA, AS AMENDED BY ORDINANCE No. 24-506; AND

WHEREAS, THE ONLY PART OF THE FENCE WHICH IS NOT MASONRY AS CALLED FOR IN THE RESOLUTION DATED OCTOBER 28, 1958, IS A 16 FOOT REMOVABLE SECTION, WHICH IS SO CONSTRUCTED AND FINISHED TO BLEND IN WITH THE MASONRY PORTION, AND GIVES THE APPEARANCE OF BEING OF THE SAME MATERIAL AND CONSTRUCTION; AND

WHEREAS, IT IS APPARENT THAT A 16 FOOT REMOVABLE SECTION WOULD BE ADVANTAGEOUS IN CASE OF FIRE AS COMPARED WITH A 4 FOOT OPEN SPACE; AND

WHEREAS, THE LOCATION OF THE 16 FOOT REMOVABLE SECTION IN FRONT OF THE DOORWAY TO THE MACHINE SHOP BUILDING WOULD BE ADVANTAGEOUS TO MOVING HEAVY EQUIPMENT IN OR OUT OF THE BUILDING; AND

WHEREAS, THERE IS NO REASON TO BELIEVE THAT IT WOULD BE NECESSARY TO HAVE CURB CUTS OPPOSITE THE REMOVABLE SECTION; AND

WHEREAS, IT IS APPARENT TO THE BOARD OF ZONING APPEALS THAT A 16 FOOT REMOVABLE SECTION IN THE MASONRY WALL, OPEN OR REMOVED SEVERAL TIMES A YEAR, OR ON RARE OCCASIONS WHEN IT WOULD BE NECESSARY, IS MORE DESIRABLE THAN A FOUR FOOT OPEN SPACE SO FAR AS PROTECTION TO THE CHILDREN OF THE NEIGHBORHOOD IS CONCERNED; AND

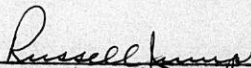
WHEREAS, THE APPLICANT HAS INDICATED WILLINGNESS TO CONSTRUCT THE CHAIN LINK FENCE AS REQUIRED IN THE RESOLUTION OF OCTOBER 28, 1958, OR, IF THE ALLEYS BE VACATED AS NOW IN PROCESS, THEN A CHAIN LINK FENCE COMPLETELY ENCLOSING THEIR ACTIVITIES;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS THAT

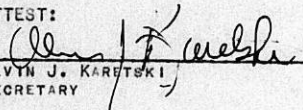
1. THE BOARD OF ZONING APPEALS RECOGNIZES THE BUILDING INSPECTION SUPERINTENDENT'S ACTION WAS PROPER ACCORDING TO THE CONDITIONS SET FORTH BY THE BZA 3-54 RESOLUTION ADOPTED OCTOBER 28, 1958;
2. THE BOARD OF ZONING APPEALS CONDITION OF OCTOBER 28, 1958 REQUIRING THE INSTALLATION OF A MASONRY WALL WITH A FOUR FOOT OPENING, BE MODIFIED TO ALLOW AND RATIFY THE MASONRY WALL AS CONSTRUCTED, AND APPROVE THE SUBSTITUTION OF THE 16 FOOT, SEMI-PERMANENT, REMOVABLE SECTION IN LIEU OF THE FOUR FOOT OPENING; PROVIDED THAT PARTIES OR CORPORATIONS REMOVING THE 16 FOOT SECTION SHALL BE REQUIRED TO REINSTALL THE SECTION AFTER THE USE REQUIRING ITS REMOVAL IS TERMINATED, AND PROVIDED, FURTHER, THAT IF SUCH USER FAILS TO REINSTALL SAID SECTION, THE OWNER, BLANCHAT MACHINE SHOP, SHALL BE REQUIRED TO REINSTALL IT IMMEDIATELY ON NOTICE FROM THE CITY BUILDING INSPECTOR, AND IN THE EVENT HE FAILS TO SO PERFORM, THE CITY IS ALLOWED TO ORDER ITS REINSTALLATION AND CHARGE THE EXPENSES TO THE BLANCHAT MACHINE COMPANY. THE PROVISIONS OF THIS RESOLUTION SHALL APPLY TO BLANCHAT MACHINE SHOP AND ITS SUCCESSORS OR ASSIGNS;

3. THE BOARD OF ZONING APPEALS CONDITION OF OCTOBER 28, 1958, PERTAINING TO THE CONSTRUCTION OF A CHAIN LINK FENCE FROM THE SOUTHEAST CORNER OF THE PRESENT GEAR SHOP TO THE WEST LINE OF THE NORTH-SOUTH ALLEY BETWEEN LEONINE ROAD AND ALL HALLOWS ROAD, BE REQUIRED AND THAT FURTHER, SHOULD ANY VACATION PROCEEDINGS OR OTHER ACTION RESULT IN A CHANGE IN THE NORTH-SOUTH PROPERTY LINE, SAID FENCE SHALL BE CONSTRUCTED TO THE NEW PROPERTY LINE. THIS REQUIREMENT, HOWEVER, SHALL BE HELD IN ABEYANCE FOR 180 DAYS TO ENABLE THE PROPERTY OWNER TO COMPLETE ALLEY VACATION PROCEEDINGS.

ADOPTED AT WICHITA, KANSAS, THIS 28TH DAY OF FEBRUARY, 1961.

  
\_\_\_\_\_  
RUSSELL JUMP, CHAIRMAN  
BOARD OF ZONING APPEALS

ATTEST:

  
\_\_\_\_\_  
ALVIN J. KARZTSKI  
SECRETARY

MARCH 13, 1961

BLANCHAT MACHINE SHOP  
3323 MAPLE  
WICHITA, KANSAS

GENTLEMEN:

RE: BZA 3-61

ON MARCH 2, 1961, WE ADVISED YOU THAT THE BOARD OF ZONING APPEALS HAD APPROVED THE CONSTRUCTION OF THE MASONRY WALL ON YOUR PREMISES AT 3323 MAPLE, AND ITS REMOVABLE SECTION, UNDER CERTAIN CONDITIONS. WE ALSO ADVISED THAT THE BOARD'S DECISION MIGHT BE APPEALED TO THE CITY COMMISSION, PROVIDED THAT SUCH APPEAL WAS FILED ON OR BEFORE MARCH 10, 1961.

THE CITY CLERK HAS ADVISED THAT NO APPEAL WAS FILED ON OR BEFORE THE DATE INDICATED, AND THE DECISION OF THE BOARD OF ZONING APPEALS IS, THEREFORE, FINAL.

A COPY OF THE RESOLUTION SETTING FORTH THE ACTION OF THE BOARD IS ATTACHED FOR YOUR INFORMATION AND FILES.

VERY TRULY YOURS,

ALVIN J. KARETSKI  
SECRETARY

AJK:BER  
ATTACHMENT

CC: S. B. MAPLE  
BUILDING INSPECTION SUPERINTENDENT

BOARD OF ZONING APPEALS

MARCH 13, 1961

S. B. MAPLE, BUILDING INSPECTION SUPERINTENDENT  
ALVIN J. KARETSKI, SECRETARY  
BZA 3-61

ATTACHED IS THE ORIGINAL OF RESOLUTION No. 3-61  
APPROVED BY THE BOARD OF ZONING APPEALS ON  
FEBRUARY 28, 1961. THE APPEAL PERIOD FOR  
THIS PARTICULAR CASE ENDED ON MARCH 10, AND NO  
APPEAL WAS TAKEN ON OR BEFORE THAT DATE. THE  
BOARD'S DECISION IS, THEREFORE, FINAL.

ALVIN J. KARETSKI  
SECRETARY

AJK:SER

ATTACHMENT

BOARD OF ZONING APPEALS

MARCH 3, 1961

C. H. FUNK, CITY CLERK  
ALVIN J. KARETSKI, SECRETARY

BZA 3-61

ATTACHED IS ONE COPY OF THE RESOLUTION RELATED  
TO THE ABOVE CASE.

THE BOARD OF ZONING APPEALS ACTED ON THIS CASE  
AT ITS REGULAR MEETING ON FEBRUARY 28, 1961. THE  
DECISION OF THE BOARD CAN BE APPEALED TO THE CITY  
COMMISSION ON OR BEFORE MARCH 10, 1961.

ALVIN J. KARETSKI  
SECRETARY

AJK:BER  
ATTACHMENT

MARCH 2, 1961

BLANCHAT MACHINE SHOP  
3323 MAPLE  
WICHITA, KANSAS

GENTLEMEN:

RE: BZA 3-61

THIS IS TO ADVISE YOU THAT AT ITS REGULAR MEETING OF FEBRUARY 28, 1961, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA CONSIDERED YOUR APPEAL FROM THE DETERMINATION OF THE SUPERINTENDENT OF BUILDING INSPECTION RELATED TO CONSTRUCTION OF A MASONRY WALL ON PROPERTY AT 3323 MAPLE. THE BOARD HAS APPROVED THE CONSTRUCTION OF THE MASONRY WALL AND ITS REMOVABLE SECTION UNDER CERTAIN CONDITIONS.

SECTION 2.12.610 OF THE CODE OF THE CITY OF WICHITA PROVIDES THAT THE DECISION OF THE BOARD OF ZONING APPEALS SHALL BE FINAL UNLESS IT IS APPEALED TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN DAYS OF THE DATE OF THE BOARD'S ACTION. ACCORDINGLY, AN APPEAL COULD BE FILED IN THIS CASE ON OR BEFORE MARCH 10, 1961.

SUBSEQUENT TO THE EXPIRATION OF THE APPEAL PERIOD, YOU WILL BE ADVISED WHETHER OR NOT AN APPEAL HAS BEEN FILED. IF NO APPEAL HAS BEEN FILED ON OR BEFORE MARCH 10, 1961, THE DECISION OF THE BOARD WILL BE FINAL AND THE SUPERINTENDENT OF BUILDING INSPECTION WILL BE IN A POSITION TO APPROVE THE CONSTRUCTION OF THE FENCE AS APPROVED BY THE BOARD OF ZONING APPEALS.

VERY TRULY YOURS,

ALVIN J. KARETSKI  
SECRETARY

AJK:BER

CC: C. H. FUNK, CITY CLERK

BZA CASE 3-61

HISTORY

THE BOARD OF ZONING APPEALS CONSIDERED ON OCTOBER 25, 1960 BZA CASE No. 3-54, RELATING TO THE GRANTING OF PERMISSION TO CONSTRUCT A NEW STRUCTURE BY THE BLANCHAT MACHINE COMPANY ON PROPERTY GENERALLY LOCATED AT MAPLE AND LEONINE ROAD. THIS CASE FIRST WAS HEARD BY THE BOARD OF ZONING APPEALS IN 1954. IN SUBSEQUENT PROCEEDINGS, PERMISSION WAS GRANTED TO THE APPLICANT TO CONSTRUCT THE BUILDING AS REQUESTED, SUBJECT TO CERTAIN CONDITIONS. THE APPLICANT HAS FAILED TO SATISFY THE CONDITIONS OF THE BOARD OF ZONING APPEALS. LISTED BELOW IS A SUMMARY OF ACTIONS BY THE BOARD OF ZONING APPEALS RELATING TO THIS CASE:

1. APRIL 15, 1954 - APPEAL WAS DENIED BY UNANIMOUS ACTION OF THE BOARD OF ZONING APPEALS.
2. AUGUST 15, 1954 - THE RE-HEARING, ON MOTION FILED BY THE ATTORNEY, RESULTED IN A 30 DAYS DEFERRAL FOR THE BOARD TO ARRIVE AT A FINAL DECISION.
3. OCTOBER 15, 1954 - THE APPEAL WAS GRANTED BY UNANIMOUS ACTION OF THE BOARD OF ZONING APPEALS SUBJECT TO CONDITIONS PARAPHRASED AS FOLLOWS:
  - A. CONSTRUCTION OF A SOLID NATURAL STONE FENCE FROM THE SOUTH LINE OF THE ALLEY ON THE EAST SIDE OF LEONINE ROAD, THENCE TO THE SOUTH PROPERTY LINE, THENCE ALONG THE SOUTH PROPERTY LINES (TO THE EAST) TO A POINT DIRECTLY SOUTH OF THE SOUTHWEST CORNER OF THE PRESENT GEAR SHOP BUILDING.
  - B. FROM THE TERMINAL POINT OF THE NATURAL STONE FENCE TO THE WEST LINE OF THE NORTH-SOUTH ALLEY BETWEEN LEONINE ROAD AND ALL HALLOWS ROAD, A CHAIN LINK FENCE TO BE CONSTRUCTED WITH A MINIMUM HEIGHT OF 6 FEET.
  - C. THE CHAIN LINK FENCE NOTED IN B. ABOVE TO BE COVERED WITH CLIMBERS.
  - D. THE NATURAL STONE WALL ALONG LEONINE ROAD IS TO HAVE ONLY ONE OPENING FOR PEDESTRIAN ENTRANCE AND IS NOT TO EXCEED FOUR FEET IN WIDTH.
  - E. NO OPENINGS ARE TO BE PERMITTED ON THE SOUTH LINE.

- F. THE WINDOW OPENINGS ON THE SOUTH SIDE OF THE PRESENT GEAR SHOP BUILDING ARE TO BE CLOSED WITH MASONRY SIMILAR TO THAT OF THE REMAINDER OF THE BUILDING.
- G. THE SOUTH AND WEST WALLS OF THE PRESENT GEAR SHOP BUILDING SHOULD BE REPAINTED WITH A HARMONIZING COLOR, EG. GREEN, GRAY, ETC.
4. OCTOBER 19, 1955 - THE BOARD OF ZONING APPEALS INSTRUCTED THE SECRETARY TO SEND NOTICE TO THE APPELLANT TO APPEAR AND SHOW CAUSE WHY THIS PERMIT SHOULD NOT BE CANCELLED. THIS ACTION WAS BASED UPON THE FACT THAT THE PERMIT HAD BEEN GRANTED FOR ONE YEAR AND HAD NOT BEEN EXERCISED.
5. DECEMBER 16, 1955 - NO REPRESENTATIVE OF THE BLANCHAT MACHINE COMPANY ATTENDED THIS HEARING, BUT THE SECRETARY REPORTED THAT MR. BLANCHAT HAD INDICATED HIS DESIRE TO CONSTRUCT THE BUILDING AND HAD ORALLY REQUESTED AN EXTENSION FROM THE BOARD. THIS EXTENSION WAS GRANTED UNANIMOUSLY FOR A PERIOD OF THREE MONTHS.
6. APRIL 20, 1956 - THE BOARD OF ZONING APPEALS GRANTED AN EXTENSION OF SIX MONTHS FROM APRIL 20, 1956.
7. JANUARY 18, 1957 - THE BOARD OF ZONING APPEALS UNANIMOUSLY GRANTED AN EXTENSION OF ONE YEAR FROM JANUARY 18, 1957.
8. JANUARY 18, 1957 - THE BOARD OF ZONING APPEALS UNOFFICIALLY AGREED TO THE REQUEST OF THE BUILDING INSPECTION SUPERINTENDENT TO REQUIRE THAT ANY BUILDING TO BE ERECTED SHOULD CONFORM TO THE ORIGINAL PLAN SET FORTH WHEN THE APPEAL WAS GRANTED.
9. JUNE 24, 1958 - THE CONTRACTOR REQUESTED A BUILDING PERMIT WHICH WAS DENIED INASMUCH AS MORE THAN 18 MONTHS HAD ELAPSED SINCE THE LAST EXTENSION OF THE PERMIT WAS GRANTED BY THE BOARD OF ZONING APPEALS.
10. JULY 22, 1958 - A RE-HEARING OF CASE 3-54 RESULTED IN UNANIMOUS APPROVAL OF THE PERMIT. THE BOARD ACTION, IN EFFECT, RE-ADOPTED THE RESOLUTION WHICH HAD BEEN PASSED IN OCTOBER, 1954.
11. SUBSEQUENT TO THE JULY 22, 1958 ACTION, THE DEPARTMENT OF LAW HELD THAT THE RESOLUTION WAS NOT PROPERLY CONSTRUCTED AND THAT A RE-HEARING SHOULD BE HELD SO THAT A PROPERLY CONSTRUCTED RESOLUTION MIGHT BE ADOPTED.
12. SEPTEMBER 23, 1958 - A RE-HEARING WAS HELD AND ACTION WAS DEFERRED UNTIL THE MEETING OF OCTOBER 28, 1958, TO PERMIT TOM WOOD OF THE CITY'S LEGAL DEPARTMENT TO BE PRESENT.

13. OCTOBER 23, 1958 - THE BOARD REAPPROVED THE APPEAL AND DIRECTED THAT THE BUILDING INSPECTOR OF THE CITY ISSUE A PERMIT FOR THE CONSTRUCTION OF AN ADDITION TO THE MACHINE SHOP AT THE REAR OF 3323 MAPLE, PROVIDED THE FOLLOWING CONDITIONS WERE COMPLIED WITH:
  - A. CONSTRUCTION OF A SIX (6) FOOT ATTRACTIVE MASONRY FENCE FROM THE SOUTH LINE OF THE ALLEY ON THE EAST SIDE OF LEONINE ROAD, THENCE TO THE FIRST PROPERTY LINE SOUTH, THENCE ALONG THE SOUTH PROPERTY LINE TO THE EAST TO A POINT DIRECTLY SOUTH OF THE SOUTHWEST CORNER OF THE PRESENT GEAR SHOP BUILDING. THE FENCE IS TO JOIN THE GEAR SHOP BUILDING.
  - B. FROM THE SOUTHEAST CORNER OF THE PRESENT GEAR SHOP TO THE WEST LINE OF THE NORTH-SOUTH ALLEY BETWEEN LEONINE ROAD AND ALL HALLOWS ROAD, A CHAIN LINK FENCE TO BE CONSTRUCTED WITH A MINIMUM HEIGHT OF SIX (5) FEET. THE FENCE IS TO JOIN THE GEAR SHOP BUILDING.
  - C. THE MASONRY WALL ALONG LEONINE ROAD TO HAVE ONLY ONE OPENING FOR PEDESTRIAN ENTRANCE NOT TO EXCEED FOUR (4) FEET IN WIDTH.
  - D. THE WINDOW OPENINGS ON THE SOUTH SIDE OF THE PRESENT GEAR SHOP BUILDING ARE TO BE CLOSED WITH MASONRY SIMILAR TO THAT OF THE REMAINDER OF THE BUILDING.
14. ON SEPTEMBER 27, 1960, THE BUILDING INSPECTION SUPERINTENDENT SUBMITTED A LETTER TO THE BOARD OF ZONING APPEALS CALLING THEIR ATTENTION TO THE FACT THAT THE APPLICANT IN THIS CASE HAD NOT COMPLIED WITH THE CONDITIONS OF APPROVAL. THE BUILDING INSPECTION SUPERINTENDENT STATED THAT HE HAD CONTACTED THE APPLICANT ON JUNE 21, 1960 RELATIVE TO THIS MATTER BUT HAD RECEIVED NO RESPONSE.
15. ON SEPTEMBER 27, 1960, THE BOARD OF ZONING APPEALS REQUESTED THAT THE DEPARTMENT OF LAW UNDERTAKE A COMPREHENSIVE REVIEW OF THE CASE CONCERNING THE BOARD OF ZONING APPEALS' LEGAL POSITION; INSTRUCTED THE SECRETARY TO NOTIFY THE OWNER OF THE PREMISES INVOLVED, IN WRITING, CALLING TO HIS ATTENTION THE CONDITIONS SET FORTH IN THE PERMIT, THAT HE HAD NOT COMPLIED WITH SUCH CONDITIONS, AND THAT THE BOARD EXPECTED HIM TO DO SO IMMEDIATELY.
16. ON OCTOBER 21, 1960, THE SECRETARY OF THE BOARD RECEIVED A LETTER FROM THE BLANCHAT MACHINE COMPANY STATING THAT IT WAS FINANCIALLY IMPOSSIBLE FOR THEM TO COMPLY WITH THE PROVISIONS OF BUILDING THE FENCE. THE LETTER WAS PRESENTED TO THE BOARD OF ZONING APPEALS AT ITS REGULAR MEETING OF OCTOBER 25, 1960.

17. THE LEGAL DEPARTMENT SUBMITTED A REPORT AS TO THE LEGAL POSITION OF THE BOARD WHICH READS AS FOLLOWS:

"BZA 3-54 - BLANCHAT MACHINE COMPANY: REVIEW OF THE BOARD OF ZONING APPEALS FILE, INCLUDING MR. EDMONDS' LETTER TO BLANCHAT DATED SEPTEMBER 29, 1960, AND THE BUILDING INSPECTOR'S LETTER OF JUNE 21, 1960, TOGETHER WITH INDEPENDENT INVESTIGATION, INDICATES THAT THE CONDITIONAL PERMIT FOR CONSTRUCTION ISSUED AUGUST 26, 1959, TO O. L. ROBSON, CONTRACTOR FOR BLANCHAT MACHINE COMPANY, HAS NOT BEEN PERFORMED. DRIVEWAY APPROACHES TO THE BLANCHAT PROPERTY WERE INSTALLED JULY 23 AND JULY 24, 1958, NINETY DAYS BEFORE THE BOARD OF ZONING APPEALS RESOLUTION AND A YEAR BEFORE THE BUILDING PERMIT WAS ISSUED."

"INASMUCH AS THE BOARD OF ZONING APPEALS HAS PERFORMED ITS FUNCTION IN DIRECTING THE ISSUANCE OF A CONDITIONAL BUILDING PERMIT, IT WILL BE THE FUNCTION OF THE BUILDING INSPECTOR AND THE DEPARTMENT OF LAW TO OBTAIN PERFORMANCE OF THESE CONDITIONS. IN THE ABSENCE OF VOLUNTARY COOPERATION BY THE BLANCHAT MACHINE COMPANY, IT WILL BE NECESSARY TO OBTAIN PERMISSION TO BRING SUIT IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR AN ORDER DIRECTING PERFORMANCE OF THE BOARD OF ZONING APPEALS RESOLUTION."

18. ON OCTOBER 25, 1960. MRS. JAYSON, OWNER OF PROPERTY AT 321 AND 325 LEONINE ROAD; MRS. KNIGHT, PROPERTY OWNER AT 340 LEONINE ROAD; AND MRS. LEWELLEN, 337 LEONINE ROAD, APPEARED BEFORE THE BOARD OF ZONING APPEALS REQUESTING THAT THE BLANCHAT MACHINE COMPANY BE MADE TO COMPLY WITH THE CONDITIONS OF BOARD OF ZONING APPEALS CASE No. 3-54.

AFTER REVIEWING THE HISTORY OF THE CASE AND CONSIDERING THE REPORT AND ADVICE OF LEGAL COUNSEL, THE BOARD OF ZONING APPEALS TOOK THE FOLLOWING ACTION ON OCTOBER 25, 1960:

IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE BOARD OF ZONING APPEALS RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT IT GRANT THE DEPARTMENT OF LAW PERMISSION TO INSTITUTE SUCH LEGAL PROCEEDINGS AS THE DEPARTMENT OF LAW DEEMS NECESSARY TO BRING THE BLANCHAT MACHINE COMPANY INTO COMPLIANCE WITH THE CONDITIONS REQUIRED WITH THE ISSUANCE OF THE BUILDING PERMIT UNDER THE TERMS OF RESOLUTION BZA 3-54, ADOPTED OCTOBER 29, 1958.

EXISTING LAND USE AND ZONING -- SEE AERIAL PHOTO AND ZONING MAP FOR SITE LOCATION.

BOARD'S CHOICE OF ACTION

THE BOARD HAS JURISDICTION UNDER SECTION 1, PART D.1 OF THE WICHITA CITY CODE, AS AMENDED BY ORDINANCE NO. 24-606, TO HEAR AND DECIDE APPEALS FROM ANY ORDER, REQUIREMENT, DECISION OR DETERMINATION MADE BY THE BUILDING INSPECTION SUPERINTENDENT IN THE ENFORCEMENT OF THE ZONING ORDINANCE.

IN THIS CASE THE BOARD'S FUNCTION IS TO EXAMINE THE BUILDING INSPECTION SUPERINTENDENT'S ACTION AND DETERMINE IF THIS ACTION WAS OR WAS NOT PROPER ACCORDING TO THE CONDITIONS SET FORTH BY THE BOARD UNDER BZA 3-54, AS ADOPTED OCTOBER 28, 1958.

AFTER MAKING THIS DETERMINATION THE BOARD, BY RESOLUTION, MAY:

1. REVERSE OR AFFIRM WHOLLY OR PARTLY;
2. MODIFY THE ORDER, REQUIREMENTS, DECISION OR DETERMINATION APPEALED FROM.

(ARTICLE 7, BOARD OF ZONING APPEALS RULES AND REGULATIONS)

NOTE: UNDER ARTICLE 2, BOARD OF ZONING APPEALS RULES AND REGULATIONS, A CONCURRING VOTE OF THREE (3) MEMBERS OF THE BOARD SHALL BE NECESSARY TO REVERSE ANY ORDER, REQUIREMENT, DECISION OR DETERMINATION OF THE BUILDING INSPECTION SUPERINTENDENT.

UNDER ARTICLE 7, BOARD OF ZONING APPEALS RULES AND REGULATIONS, THE CONCURRING VOTE OF A MAJORITY OF ALL BOARD MEMBERS SHALL BE NECESSARY FOR ANY ACTION FINALLY DISPOSING OF ANY APPEAL. IN CASE OF FAILURE TO REACH A DECISION IN THE CASE OF ANY APPEAL, THE MATTER SHALL BE PRESENTED AT THE NEXT MEETING.

LEGAL OPINION

"THIS APPLICATION OR APPEAL IS A DEPARTURE FROM THE ORIGINAL CONDITIONS DETERMINED BY THE BOARD OF ZONING APPEALS AT THE TIME THE EXTENSION OF THE NON-CONFORMING USE WAS ALLOWED SUBJECT TO THE CONDITIONS INCLUDING THE CONSTRUCTION OF A MASONRY WALL ON THE WEST BOUNDARY OF THE PROPERTY.

THE PROBLEM FOR THE BOARD OF ZONING APPEALS WOULD APPEAR TO INVOLVE DELIBERATION UPON THE FOLLOWING FACTS:

- (1) STRICT COMPLIANCE WITH THE PREVIOUS CONDITIONS ESTABLISHED BY THE BOARD OF ZONING APPEALS REGARDING THE CONSTRUCTION OF A MASONRY WALL WILL WORK A HARDSHIP ON THE NON-CONFORMING LAND USER AND WILL MAKE HIS PROPERTY INACCESSIBLE TO THE USE FOR WHICH IT WAS CONSTRUCTED.
- (2) WILL THE RELINQUISHMENT FROM STRICT COMPLIANCE WITH THE PREVIOUS CONDITIONS OF THE BOARD OF ZONING APPEALS IMPAIR MATERIALLY THE INTEREST OF RESIDENTIAL LANDOWNERS IN THE AREA?

IT WILL BE FOR THE BOARD TO DETERMINE WHETHER OR NOT THE LANDOWNER HAS REASONABLY COMPLIED WITH THE BOARD OF ZONING APPEALS CONDITIONS OF CONSTRUCTION AND WHETHER OR NOT THE INTERESTS OF RESIDENTIAL LAND OWNERS IN THE AREA WILL BE MATERIALLY IMPAIRED BY GRANTING RELIEF FROM STRICT COMPLIANCE WITH THE CONDITIONS IN ORDER TO ALLOW MORE READY ACCESS TO THE NON-CONFORMING USE HERETOFORE PERMITTED BY THE BOARD OF ZONING APPEALS."

EXCERPT FROM LETTER OF EUGENE L. PIRTLE, CHIEF ASSISTANT CITY ATTORNEY, DATED FEBRUARY 8, 1961.

PLEASE DELIVER TO

<input type="checkbox"/> City Manager	<input type="checkbox"/> Library
<input type="checkbox"/> Asst. to City Manager	<input type="checkbox"/> Park Dept.
<input type="checkbox"/> Dir. of Adm.	<input checked="" type="checkbox"/> Planning
<input type="checkbox"/> Finance Director	<input type="checkbox"/> Police Dept.
<input type="checkbox"/> Budget	<input type="checkbox"/> Police Bookkeeper
<input type="checkbox"/> City Auditor	<input type="checkbox"/> Police Court
<input type="checkbox"/> City Clerk	<input type="checkbox"/> Public Works
<input type="checkbox"/> City Treasurer	<input type="checkbox"/> Administration
<input type="checkbox"/> License	<input type="checkbox"/> Building Inspection
<input type="checkbox"/> Personnel	<input type="checkbox"/> Engineering
<input type="checkbox"/> Purchasing	<input type="checkbox"/> Maintenance
<input type="checkbox"/> Duplicating	<input type="checkbox"/> Sanitation
<input type="checkbox"/> City Attorney	<input type="checkbox"/> Traffic Engr.
<input type="checkbox"/> Chief Asst. City Atty.	<input type="checkbox"/> Water Dept.
<input type="checkbox"/> Civil Defense	<input type="checkbox"/> Operations
<input type="checkbox"/> Fire Dept.	<input type="checkbox"/> Sewage Treatment
<input type="checkbox"/> Forum Bldg.	<input type="checkbox"/>
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Remarks

*Al Zureki*

Date: *3/1*

From: *Low*

THE CITY OF WICHITA

OFFICE OF Assistant City Attorney

DATE March 1, 1961



TO Frank H. Backstrom, City Manager

FROM Eugene L. Pirtle, Assistant City Attorney

SUBJECT Board of Zoning Appeals  
Action - Blanchat Machine  
Shop.

The enclosed photographs illustrate the extent and nature of the six foot masonry wall installed by Blanchat Machine Shop on the west boundary of the premises on Leoline Road south of Maple Street.

You will recall this matter as having been assigned to the legal department for enforcement of Board of Zoning Appeals conditions established on October 28, 1958. We were able to obtain the cooperation of the Blanchat Machine Shop without the actual filing of a law suit.

While Mr. Blanchat's determination and dilatory tactics have been a source of concern to the Department of Law, the Building Inspector and the Board of Zoning Appeals; and more particularly to the neighbors residing near the Blanchat property, we feel inclined to call to your attention the aesthetic improvements finally brought about by Blanchat's compliance with the Board of Zoning Appeals conditions.

The Board, on February 28, 1961, allowed an amendment to the original conditions by substituting in place of a "four foot opening in the masonry wall", the allowance of a sixteen foot masonry construction which is semi-permanently installed and may be removed only by the use of overhead hoisting equipment.

While at least three neighbors appeared before the Board and insisted upon strict enforcement of the original conditions, the Board of Zoning Appeals was of the opinion that the safety factors to residents of the area would best be served by permanently enclosing the area and at the same time allowing reasonable access to the use of the property by the use of the removable section described above.

I have detailed this report, having in mind the fact that while Blanchat probably deserved the adverse publicity he received in the newspapers and before the City Commission for his failure to reasonably comply with the Board of Zoning Appeals conditions, he has indicated an attitude of compliance

Frank H. Ekstrom

-2-

March 1, 1961

and has even gone beyond the minimum requirements by adding some aesthetic beauty to the fence, all of which should probably be publicly recognized as indicative of the type of improvement which landowners can provide.

Decision upon this type of publicity possibly should be delayed for a ten day period to determine whether or not the neighbors in the area will appeal to the Board of City Commissioners.

I borrowed these color photographs from Mr. O. L. Robson and should like to return them to him at your earliest convenience.

*Eugene L. Pirtle*

Eugene L. Pirtle,  
Assistant City Attorney

ELP:ka

cc: Fred W. Aley, City Attorney

Al Karetzki, Secretary  
Board of Zoning Appeals

FEBRUARY 20, 1961

MR. EDWIN LAW  
LAW POLLITT CONSTRUCTION COMPANY  
623 BEACON BUILDING  
WICHITA, KANSAS

DEAR MR. LAW:

ENCLOSED IS A COPY OF THE AGENDA FOR BOARD OF ZONING APPEALS CASE No. 3-61. A BRIEF SUMMARY OF THE PAST HISTORY OF THIS CASE IS ALSO INCLUDED FOR YOUR REVIEW.

AFTER READING THIS REVIEW YOU MAY FEEL AN INSPECTION OF THE COMPLETE CASE FILE IS NECESSARY. IF THIS OCCURS, OR IF YOU HAVE QUESTIONS REGARDING THE CASE, PLEASE CONTACT ME.

SINCERELY YOURS,

ALVIN J. KARETSKI  
SECRETARY

AJK:BER

ENCLOSURE

No. 648228

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO <i>Blanchat Machine Co</i>	POSTMARK OR DATE
STREET AND NO. <i>3323 Maple</i>	
CITY AND STATE <i>Wichita, Kansas</i>	
<input checked="" type="checkbox"/> If you want a return receipt, check which 10¢ shows to whom and when delivered	<input type="checkbox"/> 35¢ shows to whom, when, and address where delivered
<input type="checkbox"/> If you want restricted delivery, check here 50¢ fee	

FEE'S ADDITIONAL TO 20¢ FEE  
POD Form 3800  
Jul 1957  
SEE OTHER SIDE

#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)

*Blanchat*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

*Kay E. Francis*

DATE DELIVERED

ADDRESS WHERE DELIVERED (only if required)



CS-16-11-58 500

No. 648228

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO <i>Blanchard Machine Co</i>	POSTMARK OR DATE
STREET AND NO. <i>3323 Maple</i>	
CITY AND STATE <i>Wichita, Kansas</i>	
<input checked="" type="checkbox"/> 10¢ shows to whom and when delivered <input type="checkbox"/> 25¢ shows to whom, when, and address where delivered <input type="checkbox"/> 50¢ fee	If you want a return receipt, check which If you want restricted delivery, check here
FEES ADDITIONAL TO 20¢ FEE	
POD Form 3800 Jul 1957	

SEE OTHER SIDE

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE, \$300



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.

POD Form 3801  
Rev. 1-23-58

REGISTERED NO.	NAME OF SENDER <i>Boards of Hearing Appeals</i>
CERTIFIED NO. <i>648228</i>	STREET AND NO. (if applicable) <i>City, Board of Hearing Appeals, 104 S. Main</i>
INSURED NO.	CITY, STATE AND ZIP <i>Wichita, Kansas</i>

CS-18-71543-4

FEBRUARY 13, 1961

CERTIFIED MAIL

PAUL J. BLANCHAT AND  
VINCENT W. BLANCHAT, Co-PARTNERS  
DOING BUSINESS AS BLANCHAT MACHINE  
COMPANY  
3323 MAPLE  
WICHITA, KANSAS

GENTLEMEN:

Re: BZA 3-61

YOUR APPEAL FROM A DECISION OF THE BUILDING INSPECTION SUPER-  
INTENDENT, RELATING TO PREMISES AT 3323 MAPLE, WICHITA, KANSAS,  
AND CONCERNING THE CONSTRUCTION OF A PERMANENT GATE IN A  
MASONRY WALL ON SAID PREMISES, LEGALLY DESCRIBED AS

LOTS 22, 24, AND 26, BLOCK 3, COLLEGE GREEN ADDI-  
TION, CITY OF WICHITA, SEDGWICK COUNTY, KANSAS,

HAS BEEN GIVEN BOARD OF ZONING APPEALS CASE No. 3-61.

ALL INQUIRIES AND REFERENCES SHOULD BE MADE TO THAT CASE NUMBER  
WHEN YOU SEEK INFORMATION FROM THE SECRETARY.

FURTHER, YOU ARE NOTIFIED THAT YOU MAY APPEAR BEFORE THE BOARD  
OF ZONING APPEALS EITHER IN PERSON OR BY AGENT OR ATTORNEY, FOR  
A HEARING OF THIS CASE ON TUESDAY, FEBRUARY 28, 1961, AT 1:30  
P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA,  
KANSAS.

VERY TRULY YOURS,

ALVIN J. KARETSKI  
SECRETARY

AJK:BER

CITY OF WICHITA  
BOARD OF ZONING APPEALS  
ROOM 402 CITY BUILDING ANNEX  
104 SOUTH MAIN STREET  
WICHITA, KANSAS

FEBRUARY 10, 1961

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPEAL FROM A DECISION, DETERMINATION OR ORDER OF THE BUILDING INSPECTION SUPERINTENDENT REGARDING CONSTRUCTION OF A MASONRY WALL ON PROPERTY AT 3323 MAPLE, WICHITA, KANSAS, AS REQUIRED BY BZA RESOLUTION 3-54, AS ADOPTED OCTOBER 28, 1958, HAS BEEN FILED BY PAUL J. BLANCHAT AND VINCENT W. BLANCHAT, CO-PARTNERS, DOING BUSINESS AS BLANCHAT MACHINE COMPANY, FOR PROPERTY LEGALLY DESCRIBED AS:

LOTS 22, 24, AND 26, BLOCK 3, COLLEGE GREEN ADDITION, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS,

WHICH PROPERTY IS ZONED "AAP".

THIS APPEAL HAS BEEN ASSIGNED CASE No. 3-61. A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, FEBRUARY 28, 1961 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.

ALVIN J. KARETSKI, SECRETARY  
BOARD OF ZONING APPEALS

NOTICES MAILED FEBRUARY 13, 1961

GILBERT BURGERHOFF  
953 FAULKNER

PAUL J. BLANCHAT  
316 ALL HALLOWS

CHARLES ROBERT JASON  
RHODA JASON  
2415 SOUTH FERN

REX KISSINGER  
ESTHER KISSINGER  
741 EAST WAYNE

J. E. SHELDON  
ALTA J. SJELDON  
329 LEONINE

SAM B. LEWALLAN  
337 LEONINE

MINNIE E. MORRIS  
341 LOENINE

A. P. BLANCHAT  
307 ALL HALLOWS

VINCENT W. BLANCHAT  
GRAND JUNCTION, COLORADO

LOLA B. BLANCHAT  
307 ALL HALLOWS

C. O. OREBAUGH  
ALTA P. OREBAUGH  
327 ALL HALLOWS

JAMES F. WHORTON  
ATHENA E. WHORTON  
339 ALL HALLOWS

FRANK SCHULZE, SR.  
2358 JACKSON

HARLIN V. KNIGHT  
FERNE E. KNIGHT  
340 LEONINE

BOARD OF EDUCATION  
428 SOUTH BROADWAY

O. L. ROBSON  
2021 SOUTH HILLSIDE

FRED W. ALEY  
City Attorney  
THOMAS A. WOOD  
Chief Assistant  
LAWRENCE E. CURFMAN  
DOUGLAS E. SHAY  
PAUL J. DONALDSON  
ROBERT C. HEISEL  
EUGENE L. PIRLE  
ARTHUR G. JOHNSON  
CHARLES A. SPARKS  
Assistant City Attorneys



## The City of Wichita, Kansas

DEPARTMENT OF LAW

OFFICE OF CITY ATTORNEY

February 8, 1961

Mr. Al Karetski, Secretary  
Board of Zoning Appeals  
City Building Annex  
Wichita, Kansas

Re: Paul J. Blanchat  
BZA Matter



Dear Mr. Karetski:

Pursuant to our conference this date, this is to confirm our opinion that the matter of the Blanchat application for variance and the appeal from an order of the Building Inspection Superintendent should be to request that the Board of Zoning Appeals review its prior conditions regarding the erection of a masonry wall on the Blanchat property and that the applicant be allowed to install a permanent gate in the masonry wall.

This application or appeal is a departure from the original conditions determined by the Board of Zoning Appeals at the time the extension of the non-conforming use was allowed subject to the conditions including the construction of the masonry wall on the west boundary of the property.

The problem for the Board of Zoning Appeals would appear to involve deliberation upon the following facts:

- (1) Strict compliance with the previous conditions established by the Board of Zoning Appeals regarding the construction of a masonry wall will work a hardship on the non-conforming land user and will make his property inaccessible to the use for which it was constructed.

Mr. Al Karetski  
Page 2  
February 8, 1961

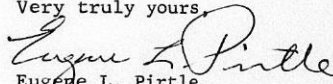
- (2) Will the relinquishment from strict compliance with the previous conditions of the Board of Zoning Appeals impair materially the interest of residential landowners in the area?

CONCLUSION

It will be for the Board to determine whether or not the landowner has reasonably complied with the Board of Zoning Appeals conditions of construction and whether or not the interests of residential landowners in the area will be materially impaired by granting relief from strict compliance with the conditions in order to allow more ready access to the non-conforming use heretofore permitted by the Board of Zoning Appeals.

I am returning herewith your copies of the Blanchat appeal and the applications.

Very truly yours,

  
Eugène L. Pirtle,  
Assistant City Attorney

ELP:ka

Enc:

BOARD OF ZONING APPEALS

CITY OF WICHITA, KANSAS

APPEAL FROM ORDER OF THE BUILDING INSPECTION SUPERINTENDENT

I. Name of Appellant PAUL J. BLANCHAT and VINCENT W. BLANCHAT, Co-Partners  
doing business as BLANCHAT MACHINE COMPANY.  
Mailing Address 3323 Maple, Wichita, Kansas Phone WH-3-4257

Name of Agent O. L. ROBSON

Mailing Address 2021 South Hillside, Wichita, Kan. Phone MU-3-8421

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 Building Inspection Superintendent, as follows: Application for building permit to install permanent gate in masonry wall on described property denies because against B Z A Resolution 3-54 as adopted October 28, 1958.

The decision was rendered on Jan. 23, 1961 (date) and refers to Section NONE of the Code of the City of Wichita (Zoning Ordinance).

III. The appellant hereby declares that he believes the order, decision or determination of the Building Inspection Superintendent in enforcing Section NONE of the Code of the City of Wichita (Zoning Ordinance) is incorrect for the following reasons:

Statement Attached

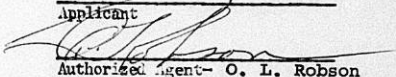
IV. The appellant herein, or his authorized agent, hereby acknowledges:

a. That he has received an instruction sheet pertaining to the filing of this appeal.

b. That he has been advised of his rights of appeal of the decision of the Board of Zoning Appeals to the Board of City Commissioners within ten (10) days of the date of that decision.

PAUL J. BLANCHAT & VINCENT W. BLANCHAT  
d/b/a BLANCHAT MACHINE COMPANY

Applicant

  
Authorized Agent- O. L. Robson  
Contractor.

OFFICE USE ONLY

This appeal was received in the office of the Secretary, Board of Zoning Appeals, at \_\_\_\_\_ a.m., p.m. \_\_\_\_\_ (date).

BZA - 4A

Signed \_\_\_\_\_

S T A T E M E N T

Originally in 1954, Blanchat Machine Company requested permission to build a building on Lots 22, 24 and 26, Block 3, College Green Addition to the City of Wichita, Sedgwick County, Kansas, (3323 Maple, New Rear Building). This was turned down in April, 1954 but subsequently approved in October, 1954 under certain conditions. The application was re-approved in October, 1958, and the building permit was taken out August 26, 1959. The new building is now completed and in use.

We have also completed the masonry wall except that we need to put in a gate in that wall right in front of the new building. The gate is needed to bring in or take out machinery or equipment. We don't want to use the gate for employees or customers and will keep it locked except when used occasionally by heavy trucks.

We also want to vacate the alleys on all our property, one is located running East and West just North of Lot 14, and the other runs North and South midway between All Hollows Road and Leonine Road.

We would like to put in a chain link fence around our whole property if we can get permission to vacate the alleys.

The owners understand that this request for a gate is not what was required in the resolution, however, it is what is needed to operate efficiently.

This will be better for everybody involved because it will close in our whole operation and still give us a chance to use our new building efficiently.

APPLICATION FOR VARIANCE

I. NAME OF APPLICANT PAUL J. BLANCHAT & VINCENT W. BLANCHAT, Co-Partners  
going business as BLANCHAT MACHINE COMPANY

MAILING ADDRESS 3323 Maple, Wichita, Kansas PHONE WH-3-4257

NAME OF AUTHORIZED AGENT O. L. ROBSON

MAILING ADDRESS 2021 South Hillside, Wichita, Kan. PHONE WH-3-8421

RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF Owner  
(OWNER, TENANT, LESSEE, OTHER).

II. THE VARIANCE REQUESTED IS Building permit to install permanent gate  
in masonry wall on Leonine Road directly in front of opening to new  
building.

FOR PROPERTY LOCATED AT 3323 Maple, Wichita, Kansas

AND LEGALLY DESCRIBED AS LOT(S) 22, 24 and 26, Block 3, College Green  
Addition to the City of Wichita,  
BLOCK(S) 3, COLLEGE GREEN

ADDITION TO THE CITY OF WICHITA; AND WHICH IS PRESENTLY ZONED AA.

(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE):

III. THE APPLICANT HEREIN, OR HIS AUTHORIZED AGENT, HEREBY 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 24-606); AND THAT THE APPROPRIATE FEE IS HERewith TENDERED;
- C. THAT HE HAS BEEN ADVISED OF HIS RIGHT OF APPEAL OF THE DECISION OF THE BOARD OF CITY COMMISSIONERS WITHIN TEN (10) DAYS OF THAT DECISION;
- D. THAT A STATEMENT IS ATTACHED HERETO JUSTIFYING THIS REQUEST AS NOTED IN PARAGRAPH 3 OF THE INSTRUCTIONS AND IN SECTION 2.12.599.2 OF THE CODE OF THE CITY OF WICHITA.

PAUL J. BLANCHAT & VINCENT W. BLANCHAT,  
d/b/a BLANCHAT MACHINE COMPANY

APPLICANT

O. L. Robson  
AUTHORIZED AGENT O. L. Robson  
Contractor

OFFICE USE ONLY

RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, \_\_\_\_\_  
(A.M.-P.M.) \_\_\_\_\_, 19\_\_\_\_, TOGETHER WITH APPROPRIATE  
FEE OF \$30.00

\_\_\_\_\_  
SIGNED

STATEMENT - (under 111 d)

This statement incorporates the statement made in connection with Appeal from Order of Building Inspector Superintendent filed herewith.

Applicant also believes that the variance should be permitted for the following reasons:

- A) That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district;
- B) That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- C) That the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal;
- D) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

## OWNERSHIP LIST

Lot	Block	Addition	Owner	Address
1	1	Dugan's	Gilbert Burgerhoff Sr.	953 Faulkner
3	"	"	"	"
5	"	"	"	"
7	"	"	"	"
9	"	"	"	"
11	"	"	Paul J. Blanchat	316 All Hallows
13	"	"	"	"
15	"	"	"	"
17	"	"	"	"
19	"	"	Charles Robert Jason Rhoda Jason	2415 S. Fern
21	"	"	"	"
23	"	"	Rex Kissinger Esther Kissinger	741 E. Wayne
25	"	"	"	"
27	"	"	J. E. Sheldon Alta J. Sheldon	329 Leonine
29	"	"	"	"
31	"	"	Sam B. Lewallan	337 Leonine
33	"	"	"	"
35	"	"	Minnie E. Morris	341 Leonine
37	"	"	"	"
1	3	College Green	A. P. Blanchat	307 All Hallows
2	"	"	"	"
3	"	"	Vincent W. Blanchat Paul J. Blanchat	Grand Junction, Colo. 316 All Hallows
4	"	"	"	"
5	"	"	"	"
6	"	"	"	"
7	"	"	"	"
8	"	"	"	"

PAGE-2

Lot	Block	Additon	Owner	Address
9	3	College Green	Gilbert Burgerhoff Pearl Burgerhoff	953 Faulkner
10	"	"	"	"
11	"	"	"	"
12	"	"	"	"
13	"	"	Lola B. Blanchat	307 All Hallows
15	"	"	"	"
17	"	"	"	"
19	"	"	"	"
21	"	"	Lola B. Blanchat A. P. Blanchat	"
23	"	"	"	"
25	"	"	C. O. Orebaugh Alta P. Orebaugh	327 All Hallows
27	"	"	"	"
29	"	"	"	"
31	"	"	James F. Whorton Athena E. Whorton	339 All Hallows
33	"	"	"	"
35	"	"	Irene S. Caffarel	none
37	"	"	"	"
39	"	"	Frank Schulze Sr.	2358 Jackson
14	"	"	Vincent W. Blanchat Paul J. Blanchat	Grand Junction, Colo. 316 All Hallows
16	"	"	"	"
18	"	"	"	"
20	"	"	"	"
22	"	"	"	"
24	"	"	"	"
26	"	"	"	"
28	"	"	"	"
30	"	"	Paul Blanchat	316 All Hallows
32	"	"	"	"
34	"	"	Charles R. Jason Jeanette R. Jason	2415 S. Fern
36	"	"	"	"

PAGE-3

LOT	BLOCK	ADDITION	OWNER	ADDRESS
38	3	College Green	Harlin V. Knight Ferne E. Knight	340 Leonine
40	"	"	"	"

LEGAL	OWNER	ADDRESS
South 879 Ft. of SE $\frac{1}{4}$ SW $\frac{1}{4}$ exc West 330.4 Ft. Section 24-27-1W exc street.	Board of Education City	

We hereby certify the foregoing to be a true and correct List of Property Owners within a 200 foot radius of Lots 14, 16, 18, 20, 22, 24, in Block 3, College Green Addition to Sedgwick County, Kansas, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, on this the 7th day of February, A. D. 1961 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE CO INC  
By *J. R. Mann*  
Vice President

Order NO 80681  
NF

**PAYMENT NOTICE**

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bld'g & Elev. \_\_\_\_\_ Elec. \_\_\_\_\_ Elev. Insp. \_\_\_\_\_  
Exam Fees \_\_\_\_\_ Hse. Mvr. \_\_\_\_\_ Hse. Moving \_\_\_\_\_  
Licse. \_\_\_\_\_ Mech. \_\_\_\_\_ Oil Well \_\_\_\_\_ Pav. Cuts \_\_\_\_\_  
Plan.  Pib'g. \_\_\_\_\_ Pib'g Cert. \_\_\_\_\_  
Sanitation \_\_\_\_\_ Sewer. \_\_\_\_\_ Signs \_\_\_\_\_ Sidewalk \_\_\_\_\_  
Street \_\_\_\_\_ Trailers \_\_\_\_\_

DESCRIPTION	AMOUNT
<i>Byg Application</i>	<i>30.00</i>

Name *Blanchet Machine Co.*

Address \_\_\_\_\_

Type \_\_\_\_\_ Due Date *2-7-61*

Comments: \_\_\_\_\_

Date *2-7-61* By *M. Martin*