

**RESOLUTION 8-55**

WHEREAS, Clarence Bailey has applied for a permit to erect a repair garage on the premises at 1822 Cleveland, and

WHEREAS, the Superintendent of Building Inspection has issued a formal refusal because this property is in a "B" residential district and such usage is not permitted in "B" districts, and

WHEREAS, the variance desired arises from a condition which is not ordinarily found in this district in that the requested usage could be continued at the present site as a non-conforming usage, but it is desired to erect a new repair garage building on another part of the property, which would be in violation of the provisions for non-conforming usage, and

WHEREAS, the granting of the permit for this variance will not adversely affect the rights of adjoining property owners in that the new building will be an improvement to the property and the entire site will be cleaned up and fenced, and

WHEREAS, the strict application of the terms of this Ordinance will constitute unnecessary hardship upon the property owner for the reason that unless the variance is granted, it will not be possible to construct a better building and otherwise improve the appearance of the premises and surrounding area, and

WHEREAS, the exception or variance desired is not against the public interest in that the proposed building, clean-up work and fencing will be a decided improvement to the appearance of the neighborhood;

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the Superintendent of Building Inspection of the City of Wichita is authorized and hereby directed to issue a permit for the construction of a repair garage on the premises at 1822 Cleveland, provided that Appellant Clarence Bailey shall, within ninety (90) days from the date of this Resolution, fulfill the following five (5) requirements:

1. Enclose not more than the area from the south line of Lot 12 to the north line of the property which is two hundred thirty-nine (239) feet north of the north line of Lot 2, with an eight (8) foot high solid fence made of metal or masonry.
2. Move all old partially wrecked cars, car bodies and other junk parts to the inside of this fenced area.
3. Clean up and grade the area outside the above-mentioned fenced area.
4. Remove from the premises the two old house trailers now located at the rear and side of the present shop.
5. Discontinue any commercial use of the present shop known as 1810 Cleveland.

ADOPTED at Wichita, Kansas, this fifth day of August, 1955.

ATTEST:

  
Geo. J. Fisher, Secretary

  
J. Little Morris, Chairman  
BOARD OF ZONING APPEALS

October 31, 1955 - Mr. Vern Roberts, attorney for Mr. Bailey called and asked for an extension of time on appeal that was granted 8-5-55. Mr. Bailey has not had time to erect fence which was required by Board of Zoning appeals in granting the appeal.

Since both Mr. Fisher and Mr. Maple were out of the city, Mr. McCaig called Mr. Roberts and advised him that Mr. Bailey had made no attempt to remove old car bodies and junk from public property and that this office did not have jurisdiction to grant an extension of time and advised him to have Mr. Bailey clean up the property and start putting up fence posts as per the ordinance granted 8-5-55.

8-55

*Memo:*

Send a copy of the agenda  
to Mr. Bailey's attorney.

VERN ROBERTS  
6TH FLOOR  
SCHWEITER BUILDING  
WICHITA 2, KANSAS

7-25-55

*Boss +  
Please  
note  
7-22-55*

From the desk of  
GEO. J. FISHER

*7-20  
Ad of Appeals  
concerning  
"Zoning"*

Mr. Maple:

We expect to have another Board of Zoning Appeals meeting the first week in August ..... (we have a hurry-up case)

Mr. Fisher suggested that you might ask the Building Inspector whose district it is to stop in and see Mr. BAILEY of the 1806 Cleveland problem

to ask him if he will be able to get his appeal in to me by about Tuesday of next week, at the very latest, and tell him about the proposed meeting.

*Will have reports* Would you?

*in ~~to~~  
Monday Morning*

*Ben - OK - Put in agenda for 7-20-55  
thanks...*

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Clarence F. Bailey Owner Address 1806 Cleveland

To Same Applicant Address \_\_\_\_\_

Dear Sir:

Your application Dated June 14, 1955

For a Permit for the erection of a repair garage

\_\_\_\_\_ at the premises designated as  
1822 Cleveland

Is hereby refused on this 14th day of June, 1955,  
Under Section 7 and 16 of the Zoning Ordinance.

For the reason that since this property is in the "B" residential district  
it is not permissible to have commercial buildings. A non-conforming use may be  
continued at the present site, but since it is desired to move to another part of  
the property, such move would be in violation of the provisions for non-conforming  
uses.

OK

Respectfully,

*S. B. Maple*  
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.

CASE NO. 8-55

Date 7-25-55

ZONING APPEALS PETITION

ACCEPTED AS TO FORM by the WICHITA BOARD OF ZONING APPEALS

Receipt No. 31878  
(Purchasing Department)

by Geo P George

8-55

Case No. 0 - 7883

Filed 7-25-55 19   

APPEAL FOR VARIANCE OR EXCEPTION

TO: The Board of Zoning Appeals  
Room 205, City Building  
Wichita, Kansas

The undersigned CLARENCE BAILEY hereby appeals  
from the decision of the Building Inspection Superintendent where-  
in a Building Permit is refused under Section 7 & 16  
to \_\_\_\_\_

at the premises located at 1822 CLEVELAND

*SINCE THIS PROPERTY IS IN  
DISTRICT IT IS NOT PERMISSIBLE TO HAVE COMMERCIAL BUILDINGS. A  
NON-CONFORMING USE MAY BE CONTINUED AT THE PRESENT SITE, BUT SINCE  
IT IS DESIRED TO MOVE TO ANOTHER PART OF THE PROPERTY, SUCH MOVE  
The plans, application, and all data heretofore filed with (OVER)*

said Building Inspection Superintendent 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.

Appellant

*Clarence Bailey*

Appellant CLARENCE BAILEY Address 1806 CLEVELAND

Owner CLARENCE BAILEY Address 1806 CLEVELAND

Lessee \_\_\_\_\_ Address \_\_\_\_\_

(This appeal shall be filed with a \$15.00 fee within ninety days  
after the date of the decision of the Building Inspector.)

WOULD BE IN VIOLATION OF THE PROVISIONS FOR NON-CONFORMING  
USES.

2. A. A DESCRIPTION OF THE PROPOSED WORK OR USE IS AS FOLLOWS:

I PROPOSE TO BUILD A BUILDING APPROXIMATELY FIFTY BY FIFTY FEET TO SET BACK FROM CLEVELAND IN CONFORMANCE WITH EXISTING STRUCTURES ON THE 1800 BLOCK CLEVELAND AND IN CONFORMANCE WITH THE CITY ORDINANCES.

IT WILL BE BUILT OF CEMENT BLOCKS. IT WILL BE USED FOR THE REPAIR OF AUTOMOBILES AND STORAGE OF USED PARTS FOR SALE.

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.

THE PREMISES LOCATED IN 1800 CLEVELAND HAS BEEN USED FOR COMMERCIAL BUSINESS. UNTIL LATELY WAS IN A HEAVY COMMERCIAL ZONE. IT HAS BEEN RECENTLY CHANGED TO BE RESIDENTIAL FOR REASONS UNKNOWN TO SAID OWNER OF PREMISES. UNDER SECTION 7-16 OF ZONING ORDINANCE THIS DOES NOT PERMIT CONSTRUCTION OF COMMERCIAL BUILDINGS. THIS IS THE REASON FOR REFUSAL OF A BUILDING PERMIT.

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.

SINCE THE BUSINESS OPERATING ON THIS PREMISES IN THE CORRECT ZONING DISTRICT, AND IS A CERTIFIED BUSINESS HAVING LICENSED TO OPERATE UNDER THE STATE AS WELL AS CITY LICENSES. IT IS NECESSARY THAT WE HAVE A BUILDING NOT ONLY TO BETTER SERVE THE PUBLIC, BUT TO IMPROVE THE APPEARANCE OF THE PREMISES AND SURROUNDING AREA.

2. THAT THE GRANTING OF THE PERMIT FOR THE VARIANCE WILL NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS.

ATTACHED YOU WILL FIND PETITION SIGNED BY 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.

UNDER THE STRICT APPLICATIONS OF THIS ORDINANCE WE ARE NOT ABLE TO DO ANY IMPROVING OF OUR BUSINESS.

4. THAT THE EXCEPTION OR VARIANCE DESIRED IS NOT AGAINST THE PUBLIC INTEREST.

THE EXCEPTION OR VARIANCE DESIRED IS IN NO WAY AGAINST PUBLIC INTEREST. BUT WILL IN ABLE US TO BETTER SERVE THE PUBLIC IN EVERY WAY.

TO WHOM IT MAY CONCERN:

WE THE UNDERSIGNED, HAVING OWNERSHIP OF PROPERTY WITHIN THE TWO HUNDRED FOOT AREA OF LOTS TEN AND TWELVE OF CLEVELAND AVENUE, IN D.W. JONES ADDITION TO WICHITA SEDGWICK COUNTY KANSAS. HAVE NO OBJECTION WHATSOEVER OF A COMMERCIAL BUILDING BEING CONSTRUCTED ON LOTS TEN AND TWELVE ON CLEVELAND AVENUE.

Viola Robinson	1815 N. Mathewson ✓
H. S. McKay	1882 Cleveland ✓
Samuel Jenkins	1825 N. Mathewson ✓
Jerueland Mina	1821 N. Mathewson
	Mrs Viola Peere ✓
	1551 N. Masley

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

July 27, 1955

Mr. Clarence Bailey  
1806 Cleveland  
Wichita, Kansas

Dear Mr. Bailey:

Your appeal, under the Zoning Ordinance, relative to premises at  
1822 Cleveland

has been given Board of Zoning Appeals Case No. 8-55.

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 Friday, August 5, 1955, at 1:30 p.m.  
In Room 201 of the City Building.

Respectfully,

cc: Mr. Vern Roberts, Attorney  
6th Floor  
Schweiter Building  
Wichita 2, Kansas

Geo. J. Fisher  
Secretary, Board of Zoning Appeals

DELIVERING EMPLOYEE	<input type="checkbox"/> Deliver ONLY to addressee.
	<input type="checkbox"/> Show address where delivered.

Received from the postmaster the registered, certified, or insured article, the number of which appears on the face of this return receipt.

1. Clarence Bailey  
(Signature or name of addressee)

2. \_\_\_\_\_  
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of Delivery July 29, 1935

\* U. S. GOVERNMENT PRINTING OFFICE : 1935 16-71548-1



**RECEIPT FOR CERTIFIED MAIL—15¢**

No 588788

SENT TO	Mr. Clarence Bailey	POSTMARK OR DATE
STREET AND NO.	1806 Cleveland	
CITY AND STATE	Wichita 14, Kansas	
If you want a return receipt, check which	<input checked="" type="checkbox"/> It shows to whom and when delivered	<input type="checkbox"/> It shows to whom, when, and address where delivered

POD Form 3800  
Apr. 1935

BOARD OF ZONING APPEALS

Room 205, City Building  
Wichita 2 Kansas

NOTICE TO PROPERTY OWNERS

July 27, 1955

An appeal has been filed by Clarence Bailey  
(address) 1806 Cleveland on behalf of

(address) \_\_\_\_\_  
Vol. I of the Wichita City Code.  
as provided by Section 21-27 of ~~the City Code~~. The appellant  
desires to erect a repair garage

on the premises located at 1822 Cleveland

This appeal has been given Case No. 8-55 and a hearing will be held by the Board of Zoning Appeals on Friday, August 5, 1955, at 1:30 p.m. in Room 201 of the City Building, at which time you may appear, if you so desire, either in person or by agent or attorney.

By order of the Board of Zoning Appeals.

Geo. J. Fisher  
Secretary, Board of Zoning Appeals

OWNERSHIP LIST

Lot	Street	Addition		Property Owner	
2	Cleveland Ave.	D. W. Jones Addition		Clarence F. Bailey Clementine B. Bailey	
4	"	"	"	"	"
6	"	"	"	"	"
8	"	"	"	"	"
10	"	"	"	"	"
12	"	"	"	"	"
14	"	"	"	"	"
16	"	"	"	"	"
18	"	"	"	"	"
20	"	"	"	"	"
22	"	"	"	"	"
24	"	"	"	"	"
26	"	"	"	G. L. McKay Louise McKay	<i>4002 Cleveland</i>
28	"	"	"	"	"
1	"	"	"	City of Wichita	
3	"	"	"	"	"
5	"	"	"	"	"
7	"	"	"	"	"
9	"	"	"	"	"
11	"	"	"	"	"
13	"	"	"	"	"
15	"	"	"	"	"
17	"	"	"	"	"
19	"	"	"	"	"
21	"	"	"	"	"
23	"	"	"	"	"
25	"	"	"	"	"
27	"	"	"	"	"

Continued page 2

Lot	Street	Addition	Property Owner
1	Mathewson Ave.	D. W. Jones. Addition	Nan S. Humphrey <i>Address Robinson</i>
3	"	"	<i>NOTICES TO BOTH</i> Ike Keeler <i>Sold To!</i> Mary Keeler <i>Grace May Smith</i> <i>1748 " Kansas" ← 2609 S. Vassar</i> <i>Plainville</i>
5	"	"	"
7	"	"	Samuel Jenkins / Roberta Jenkins <i>1825 Mathewson</i>
9	"	"	"
11	"	"	<i>NOTICE</i> William Henry Taylor <i>Sold To</i> <i>Freeland McNew</i> <i>1821 N. Mathewson</i>
13	"	"	"
15	"	"	Viola Robinson ✓ <i>1815 N. Mathewson</i>
17	"	"	"
19	"	"	Aladdin Construction Co.
21	"	"	"
23	"	"	" <i>2604 E Keller</i>
25	"	"	"
27	"	"	"
6	"	"	Viola Pierce ✓
8	"	"	"
10	"	"	" <i>1551 N. Mathewson</i>
12	"	"	"
14	"	"	"
16	"	"	"
18	"	"	"
Res. B	"	"	Josephine Guyer <i>Robinson</i>

Beginning 391 ft. N. & 1362.4 ft. E. of Southwest Corner of NE $\frac{1}{4}$  of Sec. 9-27-1E, th. N 239 ft., th. E. to center of creek, th SEly along Creek to a point E. of beginning, th W. to beginning

Clarence F. Bailey  
Clementine B. Bailey  
*1806 Cleveland*

Continued page 3

*Charnee Bailey*  
Property Owner

Description

Beginning at the NW corner of Lot 2, Cleveland Ave., D. W. Jones Addition, th. N.along E. line of Cleveland Ave. extended to a point 369.1 ft. S. of N. line of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec 9-27-1E, th. W. to E. line of Gem City Addition, th S, to SE corner of Gem City Addition, th. W. to a pt. on E. Right of Way line of Wichita Drainage Canal, thence Southerly along said drainage canal to a point W. of beginning, thence E. to beginning

City of Wichita

We hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 10 and 12, Cleveland Ave., in D. W. Jones Addition to Wichita, Sedgwick County, Kansas, as shown by the records in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 17th day of June, 1955 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*[Signature]*  
Vice President.

Order No. 17571

PREVIOUS CORRESPONDENCE

ON THIS CASE 8-55

can be found in 1955 correspondence file "ZONING"

10-27-54: Maple sez that auto wrecking licenses have to be approved by City Commission and this has not been on agenda yet.

11-10-54: Still hasn't been on agenda. *FV 1/2/55*  
*BKS says license returned to Maple*  
*Maple to talk to owner to clean up & meet*  
*offhand.*  
*Maple to see owner 9/1/55.*

12-10-54: Maple talked with this man a couple of days ago but still isn't satisfied with the deal -- the man says he'll fence but he wants more than Maple thinks he needs. So Maple is going to mull it over and discuss it ~~xxx~~ some more. *FV 1/2/55*

1-11-55: No change in above status; nothing further done either by us or us.

*File*

5-20-55 - Maple & I to go & talk to owner in a couple of weeks.

6-10-55 - Maple & I went to see owner. We'll apply for lobby permit for corner of lobby about 7' x 150' zone line. Maple will deny & he will appeal to Bd of Z.A. Agreed to fence area as required & we will require license as part of appeal. *FV 1/2/55*

7-14-55: Mr. Bayley (sp?) came in the latter part of June and took out Appeal papers, following denial of permit by SMM -- Appeal has not been submitted, however. *FV 1/2/55*

REFER to ↓

Case 8-55  
meeting of  
8-5-55

*See 1  
bid of zoning  
8/1/55*

*Geo Fisher*

*REC'D  
City Comm  
10/12 or 10/19  
Zoning  
Morton*

BUILDING INSPECTION DIVISION

October 11, 1954

Eugene N. Smith, City Manager

S. B. Maple, Chief Building Inspector

AUTO WRECKING YARD - 1806 CLEVELAND

On February 19, June 9 and July 27 of this year, I gave you reports relative to this auto wrecking establishment. On February 19, I reviewed the zoning situation, stating that this property was originally in the Heavy Industrial zone and was so zoned at the time the wrecking yard was established, but that after the establishment of the yard, the district was changed to "B" residential.

In my letter of July 27, I stated that Mr. Morton, of the Legal Department, was of the opinion that this wrecking operation was a "legally non-conforming use" as far as the zoning ordinance was concerned, and that a license could be issued for the same, under the provisions of the licensing ordinance. Mr. Morton suggested that an application be made for such a license, and the same referred to the Board of City Commissioners for its consideration, which is in line with the provisions of Sec. 55 of Ord. 15-606, known as the Occupation License Tax ordinance.

It was my understanding that this business operated under that section of the ordinance, but the License Collector showed me where this auto wrecking business is covered by Sec. 15 of the same ordinance, which also refers to Ords. 9119 and 10-238. Ord. 9119, which was enacted in 1926, required that all wrecking be done within a building. However, in 1928 this section was revised by Ord. 10-238, to give the Board of City Commissioners authority to permit auto wrecking in the open in a yard of over 15,000 sq. ft., provided it was enclosed by a tight fireproof fence at least 8 feet high.

As the matter now stands, this yard in question, which is over 15,000 sq. ft. in area, could be licensed, provided it is enclosed by such a fence. I doubt very much if the owner would be in position to comply with this fence requirement, since it would entail considerable expense. However, if the place is properly licensed in accordance with the zoning ordinance, I see no other way that it could be done.

I am enclosing herewith the application for this license.

*S. B. Maple*  
S. B. Maple  
Chief Building Inspector

SBM MG  
Cc  
George Fisher  
Fred Denny  
Ralph Wuls  
Robert Morton

*Rein- attach to PC & file*

*2nd  
attach  
to P.C.  
HLM  
mp*

July 29, 1954

S.B. Maple, Chief Building Inspector

Junk Yard - 18th Blk. Cleveland

I am glad to have your recent report on the circumstances surrounding the junk yard at the above location. It is unfortunate that such eye-sores get started, either legally or illegally, for as the areas surrounding these develop, they are conspicuously out of place.

At the time I called your attention to the fact that this place was unlicensed, I was hopeful that Section 55 of Ordinance No. 15-606, the Occupation License Tax Ordinance, would apply. Section 55 provides, in addition to the license fee of \$50, that the granting of the license is subject to review by the building inspection department and the approval of the City Commission.

The Zoning Ordinance in the section relative to heavy industrial districts also provides under "Use Regulations", that premises may be used for any purpose not in conflict with any ordinance of the City of Wichita regulating nuisances.

Now, whether the Occupation License Tax Ordinance would apply is still a legal matter.

I am hopeful that your department will be alert to prevent the establishment of any future nuisances such as this junk yard, without having carefully determined that the operation is within the provisions of all of our ordinances.

- 9/17/54 - Requested License Div to contact Bailey for junk yard application & to submit said appl to Bldg Insp & City to have preliminary FD & WR
- 9-24-54 - Bldg Insp hasn't rec'd an application yet. Fred Dehmy has written a letter today asking Bailey to come in and get an auto-wrecking license. *FD & WR*

E.N. Smith  
City Manager  
ens:oh

*9-10-54 - License Div has sent the application to Bldg Insp. Maple said told M<sup>o</sup>ing to hold up on it until he returns to City. *File with**

cc:  
Director of Service  
License Collector  
Robt. B. Morton

BUILDING INSPECTION DIVISION

July 27, 1954

*Will  
attach to PC  
OK  
7/28  
Fu 2060*

Eugene N. Smith, City Manager

S. B. Maple, Chief Building Inspector

JUNK YARD - 18th Blk. Cleveland

I have recently been in consultation with Robert Morton, Assistant City Attorney, relative to the legal status of this junk yard that is located in the 1800 block on Cleveland.

I refer you to my letter of February 19, relative to the zoning of this property, wherein I pointed out that at the time the junk yard was started the district was zoned Heavy Industrial—they therefore had a right to put in this business without special permission from the City Commission; neither does the ordinance require that the property be fenced. It was pointed out further in that letter that after they had been well established and using practically all of their ground, the zoning was changed to "B" Residential.

I refer you also to my letter of June 9, wherein I stated that they had never been issued a license to operate a salvage yard, the reason for which being that it was understood that the License Collector thought he could not issue the license because of the area not being enclosed by a fence.

After talking with Mr. Morton, the decision was reached that this is a legitimate non-conforming use, in that it was in operation prior to the changing of the zoning, the fact that Mr. Bailey, the operator of the salvage yard, did not obtain a license did not change the status of the non-conforming use, since it was evidently no fault of his that the license was not obtained, nor did he refuse to obtain such a license. Since it was the conclusion of Mr. Morton that this is a legally non-conforming use, he believes that there is nothing that the City can do relative to requiring discontinuance of the business, and further that a license should be issued for the operation of the salvage yard.

I might remind you, however, that this does not cover the property that is within 150' of 17th Street, since this portion of the block was previously zoned as "C" Commercial. We will continue to see that he does not occupy this portion of his property as a junk yard.



S. B. Maple  
Chief Building Inspector

SBM MG  
Cc  
Director of Service  
License Collector  
Robt. B. Morton

*Geo Fisher*

*FU/mo*

*I will be attached to P.C.*

BUILDING INSPECTION DIVISION

June 9, 1954

E. N. Smith, City Manager

S. B. Maple, Chief Building Inspector

JUNK YARD IN  
1800 BLOCK CLEVELAND

I made an up-to-date investigation relative to this unsightly condition and it seems that the status of the situation is about the same as it was.

The public property has been pretty well cleaned up of old cars and junk and the Street Division has run a ditch along the side of the roadway for drainage purposes. I am informed also that the south portion of the property lying within 150 feet of 17th Street is not being used for any purpose that is contrary to their legally non-conforming usage.

I refer you to my letter to the Director of Service, dated February 19, wherein I set forth the zoning situation of this property, pointing out that it is non-conforming but at the time he started using it as a junk yard it was zoned Heavy Industrial.

You have suggested that it might be possible to refuse to reissue the license of this party to operate a junk yard. We have investigated at the License Division and have found out that this party is operating without a license, for some unknown reason. We were informed that the License Collector was of the opinion that he could not issue a license there, due to the fact that there was no enclosing fence—which was not true, since the property was in a Heavy Industrial district where no fence is required, according to the Zoning Ordinance.

I suppose there is a possibility of closing out this place due to the fact that he did not have a license, and also because it is in a residential zone at the present time, where a license cannot be issued.

I have in mind talking to the City Attorney about this matter, and I will endeavor to have more information for you in the near future.

*S.B.M.*

S. B. Maple  
Chief Building Inspector

SBM MG  
Cc Geo. Fisher

7-12-54 - Maple has not yet seen Alley but he will. *FU, work*  
7-21-54 - Hasn't yet seen Alley. *Give back. E.N.S., wk. - I talked to Maple today for*  
7-23-54 - Maple talked to Morton - junk yard OK & should be closed because *Maple will advise E.N.S. FU work.*

**CITY MANAGER'S OFFICE**

File No. \_\_\_\_\_ *624*

To Geo. Fisher, Director of Service

Date June 3, 1954

**S.B. Maple:** You will recall that I have been fussing about the junkyard at Cleveland and 17th St., and that you were to make such investigation as you could to either bring the place into compliance or wipe it out.

I notice that Section 55 of the License Tax Ordinance No. 15-606, provides that such places must be licensed and pay a semi-annual fee of \$50, and that such places are subject to review by the Building Inspection Department and approval of the City Commission.

It seems to me that you might seriously consider this ordinance provision.

E.N. Smith  
City Manager

ens:oh

*FV 2 wks 6/3*

DIRECTOR OF SERVICE

7A  
File  
2-20-54  
dictated  
2-20-54  
W. J. Fisher

Dr. Leon Bauman, Director of Health

Geo. J. Fisher, Director of Service

Area North of 17th Street  
and East of Cleveland Avenue

On Thursday, February 18, 1954, the City Manager, the City Engineer and I were out checking on pavement petitions which had been submitted. Our journey took us past the Intersection of 17th and Cleveland and the City Manager was very concerned with the extremely unsightly situation that has grown up north of 17th and east of Cleveland.

That area has become a junk-yard and a place for the disposal of old automobile bodies. Besides this, there have been many dilapidated and unsightly shacks constructed in the area. The situation is a very undesirable one to have within the City limits and the City Manager has asked me to request the Building Inspection Division and your Department to do everything in your power to clean up the mess. I've already asked Mr. Maple to check into the shacks and buildings in the area and I'm sure that the Manager will appreciate any action you can take to further his wishes for a thorough clean-up of the area.

Geo. J. Fisher  
Director of Service

GJF:gg

cc: Eugene N. Smith, City Manager  
S. B. Maple, Chief Building Inspector

*Mr. Fisher - please place this with your petitions to be checked -*  
*also a new garage bldg -*  
*open now*  
*also a new garage bldg -*  
*Construction block house with framed 2nd floor just west of 1420 E 17th slightly north of 1420 - on west side of platted alley - about 150 N of 17th*  
*1420 also looks to be a new house*  
*old cars on street*  
*W. J. Fisher*

From the desk of  
GEO. J. FISHER

4/8/04

Memo to Health Dept  
on condition of east side  
of 17th N. of Cleveland  
Junk yard & shacks  
cc Maple

**THE CITY OF WICHITA**

**OFFICE OF BUILDING INSPECTION DIVISION**

**DATE** February 19, 1954

**TO** George Fisher, Director of Service  
**FROM** S. E. Maple, Chief Building Inspector

*Pass - this was  
on one of your F.U.  
notes -*

**SUBJECT** JUNK YARD - 18th BLK. CLEVELAND

I have your memo relative to the condition that exists on this property. I have noticed it myself recently, and this office has already taken steps to alleviate the condition as much as possible.

Until recently the majority of this property was in the "F" Heavy Industrial district, in which district auto wrecking and junk yards may be operated without special permission from the City Commission. However, at that same time, the lower 150' of the block next to 17th Street was in a "C" Commercial district, and at one time we had this pretty well cleaned up. A few months ago the Planning Commission changed the zoning in all this district to "B" Multiple Family, but due to the fact that the junk yard existed when it was in the "F" district, they have prior rights because of the Non-Conforming clause of the Zoning Ordinance.

I have asked the inspector in that territory to watch that the junk yard that was in the "F" district does not take in any more territory or build any buildings, as that would be in violation of the Non-Conforming provisions of the ordinance. I have also instructed him to see that the portion of the property that was formerly in the "C" district is cleaned up, due to the fact that that was a violation of the "C" district provisions.



S. E. Maple  
Chief Building Inspector

SBM MG

Cc E. N. Smith  
D. E. Livingston

*2/23 - Part went petition to check when out with E.N.S. & B.S.  
See - Mark completed ~~see me~~ JD.*