

BOARD OF ZONING APPEALS

Case No. 10-54

Filed Dec. 1 19 54

APPEAL UNDER THE ZONING ORDINANCE

To: The Board of Zoning Appeals  
Room 304, City Building  
Wichita, Kansas

The undersigned, Martin-Gentry Supply Co., Inc., hereby appeals from the decision of the Building Inspector wherein a Building Permit is Refused for the completion of a lumber yard.

OR

Order or Decision Rendered Because \_\_\_\_\_

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.

MARTIN-GENTRY SUPPLY CO., INC.

By M. K. Gentry Pres.  
Appellant

NAMES AND ADDRESSES

Appellant Martin-Gentry Supply Co., Inc. / Address 513 West 31st St. South, Wichita, Ks.  
Owner A. G. Jones Address Augusta, Kansas  
Lessee Martin-Gentry Supply Co., Inc. / Address 513 West 31st St. South, Wichita, Ks.

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.

APPEAL STATEMENT

OK  
A. The particular area involved here has just recently been taken into the city. Prior to the time that the area was taken into the city, the applicant maintained its lumber yard immediately West of the Midland Valley Railroad and immediately South of 31st Street South. At the time the area was taken into the city, the lumber shed, which is marked No. 8 on the drawing submitted herewith, as well as the pictures submitted herewith, was a completed lumber shed. Also, at the time that the area was taken into the city, lumber piles were in existence on those areas marked "A", "B", "C", "D" and "E" on the drawings submitted herewith. These lumber piles had been placed on bases constructed by the appellant for that purpose. The proposed work that is being contemplated is covering these lumber piles with flat metal roofs. The lumber rack which adjoins building No. 11, that is, lumber rack "E", would be exactly the same as the lumber shed which is marked No. 8 both on the drawing and on the pictures submitted herewith. The work on this particular structure actually would consist of the roofing over of the double rack lumber shed. OK

?  
In regard to the work proposed on lumber piles "A", "B", "C" and "D", as shown on the drawing submitted herewith, it would consist of a continuation of the roofs on buildings 6, 9, 10 and 12, respectively, these last numbered buildings having been in existence prior to the time that this area was taken into the city. The proposed roofs over the double rack lumber shed marked as Exhibit "C" would actually adjoin building No. 11, as shown on the drawing, which was in existence prior to the time that this area was taken into the city.

The proposed roof which would adjoin buildings 6, 9, 10 and 12 would be a flat metal roof about eight (8) feet high in front, sloping to seven (7) feet by approximately sixty (60) feet long, and, as heretofore indicated, the proposed rack adjoining building No. 11 would be the same as the structure numbered 8 which is shown in the pictures submitted herewith.

The principal purpose of these roofs would be to protect the lumber which is piled upon the bases heretofore mentioned, as well as to make a better appearance of the lumber yard generally.

B. The Building Inspector refused the permit on the ground that it is a commercial building in a "AA" District, and that such structural alteration is not permitted for a non-conforming use building under Section 16-C of the Zoning Ordinance. It is the contention of the appellant that the permit should be granted under the exceptions stated in Section 16-A and under Section 17-A of the Zoning Ordinances.

C. 1. This lumber yard is the only lumber yard in this area and other users of the A. G. Jones Addition, in which lies the area presently being used by the appellant herein, are not using their property as a lumber yard, and the particular request herein contained is peculiar to this particular user, the appellant herein.

2. The granting of a permit for a variance would not adversely affect the rights of adjacent property owners or residents since the particular area here involved has been used by the appellant as a lumber yard for some long while, it having been in existence as a lumber yard long before this area was taken into the city. In fact, it would appear that the proposed work would help to make a better appearing lumber yard which would be to the interest of the adjacent property owners and residents.

3. That the strict application of the terms of the ordinance above mentioned would constitute an unnecessary hardship upon the appellant by reason of the fact that much of the appellant's lumber would have to be stored outside and subject to all of the elements, as well as to a great degree preventing appellant from keeping its lumber yard in as presentable condition as possible. In fact, if the work which is proposed is not permitted, it will force the appellant to so cut down its stock on hand as to practically put appellant out of business.

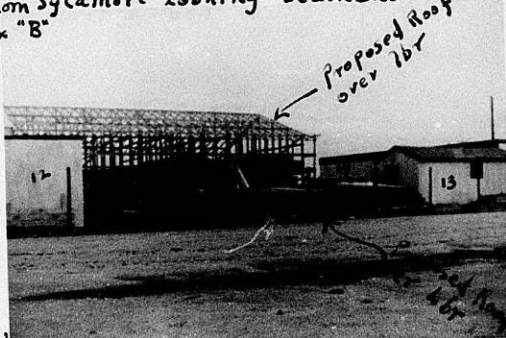
4. The exception or variance desired is not against the public interest, all as above indicated, in that it will aid greatly in making a cleaner appearing lumber yard. It will further aid in the orderly storing of appellant's lumber and in general would improve the general appearance of the whole area involved, not only the immediate premises of the appellant but the area generally in and about its premises.

from 31st St. Looking South West. Ex "A"

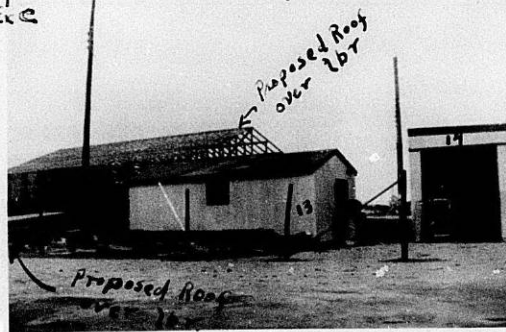


To these numbers  
S of Bldg #10  
now.

from Sycamore Looking South East  
Ex "B"



from Sycamore Looking North East  
Ex C



4x D Front View from 31st St.

To these  
numbers  
at #6 where  
he wants shed

## STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 SEDGWICK COUNTY ) SS:

The undersigned, duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the Office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

Property within a 200 Foot Radius of Lots 1-2-3-4-5-6 A.G. Jones Addition to the City of Wichita, Kansas.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz:

LOTS	BLOCK	ADDITION	OWNER
1-2-3-4-5-6 7-8-9-10	E	A.G. Jones	A.G. Jones
2-3-4-5-6 & 7	B	" "	" "
2-3-4-5-6 & 7	A	" "	" "
Beg. 2499.9' E. of SW cor. of $S\frac{1}{2}$ SW $\frac{1}{4}$ of 5-28-1E, th. N. 277.5'; th. E 63.42' M/L to W. ROW line of the Midland Valley Railroad; thence S to the S line of SW $\frac{1}{4}$ ; th W 65.17' more or less to Beg.			Amos F. Reynard
Beg 2433.9' E of SW cor of SW $\frac{1}{4}$ 5-28-1E; th. N 277.5' th. E 66'; th. S 277.5', th W 66 ft to Beg.			Glenn D. Kendall & Jean C. Kendall
Beg. 2327.9' E of SW cor of $S\frac{1}{2}$ of SW $\frac{1}{4}$ 5-28-1E; N 277.5'; E 66'; S 277.5'; to S line of SW $\frac{1}{4}$ ; the W to Beg.			Clarence J. Just Bonnie J., Just.
Beg 2261.9' E of SW cor $S\frac{1}{2}$ SW $\frac{1}{4}$ 5-28-1E; N 277.5'; E 66'; S 277.5' to S line of SW $\frac{1}{4}$ the W to Beg.			Lester L. Martin Maxine C. Martin
Beg. 2195.9' E of SW cor $S\frac{1}{2}$ SW $\frac{1}{4}$ 5-28-1E; N 330'; E 66'; S 330'; W to Beg.			Austin B. Sanders Ethel Sanders.
Beg 2129.9' E of SW cor $S\frac{1}{2}$ SW $\frac{1}{4}$ 5-28-1E; N 330'; E 66'; S 330' W 66 Ft to Beg.			F.L. Rader Donna Rader
W $\frac{1}{2}$ of a tract desc as beg; 1997.9' E of SW Cor of $S\frac{1}{2}$ of SW $\frac{1}{4}$ 5-28-1E; E 132'; N 330' S 330'; W 132';			William E. Johnson Bonnie L. Johnson
E $\frac{1}{2}$ of a tract desc as beg; 1997.9' E of SW cor of $S\frac{1}{2}$ of SW $\frac{1}{4}$ 5-28-1E; E 132'; N 330' S 330'; W 132' to Beg.			Loren I. Emond Sr. Thelma F. Emond.
$S\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of 5-28-1E			E.C. Carp Maude E. Carp Charles N. Carp Wallace F. Carp

Continued

LOTS	BLOCK	ADDITION	OWNER
1-2-3-4-5-6-7-8	1	Louis 6th Addition	Roy Louis Selma Louis

Dated this 8th day of October  
A.D. 1954 at 7:00 A.M.

THE FIDELITY TITLE COMPANY

By *Colais M. Farree*  
*Sec.*

No. 137787

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Martin-Gentry Supply Co., Inc. Owner Address 513 W. 31st St. South  
To Same Applicant Address \_\_\_\_\_

Dear Sir:

Your application Dated October 4, 1954  
For a Permit for the completion of a lumber shed  
\_\_\_\_\_ at the premises designated as  
513 West 31st St. South

Is hereby refused on this 4th day of October, 1954,

Under Section 16 - C of the Zoning Ordinance.

For the reason that **this is a commercial building in an "AA" district, and that such structural alteration is not permitted for a non-conforming use building.**

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.

NOTICES SENT TO PROPERTY OWNERS DECEMBER 7, 1954.

BOARD OF ZONING APPEALS  
Room 302, City Hall  
Wichita, Kansas

NOTICE TO PROPERTY OWNERS

December 7, 1954

An appeal has been filed by M. K. Gentry  
(Address) 513 W. 31st Street South on behalf of  
Martin-Gentry Supply Company, Inc. (Address)  
513 W. 31st St. So. as provided by Section 33 of the Zoning  
Ordinance. The appellant desires to  
complete a lumber yard  
on the premises located at 513 W. 31st Street South.

This appeal has been given Case No. 10-54, and a hearing  
will be held by the Board of Zoning Appeals on Friday,  
December 17, 1954 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.

George Fisher  
Secretary, Board of Zoning Appeals

ARN & MULLINS  
ATTORNEYS AT LAW  
BEACON BUILDING  
WICHITA 2, KANSAS

EDWARD F. ARN  
RICHARD F. MULLINS  
MILO M. UNRUH  
WILLIAM F. TIMMERMAN  
H. R. KURK  
BERNICE BURKET

December 1, 1954

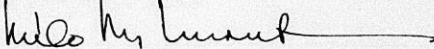
City Planning Commission  
Room 302 City Building  
Wichita, Kansas

Re: Martin-Gentry Supply Co., Inc.  
Your File No. 10-54

Gentlemen:

Enclosed please find the original and a copy of the refusal of the City Building Inspector to grant a building permit requested by the above named Martin-Gentry Supply Co., Inc.

Yours very truly,

  
of Arn & Mullins

MMU:g  
encs.



ADDRESSES OF OWNERS

A. G. Jones,	Augusta, Kansas
Amos F. Reynard,	508 West 31st St., South, Wichita
Glenn D. Kendall & Jean Kendall,	3501 Sunview Avenue, Wichita
Clarence J. Just and Bonnie J. Just,	524 West 31st St., South, Wichita
Lester L. Martin and Maxine C. Martin,	532 West 31st St., South, Wichita
Austin B. Sanders and Ethel Sanders,	538 West 31st St., South, Wichita
F. L. Rader and Donna Rader,	602 West 31st St., South, Wichita
William E. Johnson and Bonnie L. Johnson,	Unknown
Loren L. Emond, Sr. and Thelma F. Emond,	608 West 31st St., South, Wichita
E. C. Carp and Maude E. Carp,	3049 South Lawrence, Wichita
Charles N. Carp,	3720 South Broadway, Wichita
Wallace F. Carp,	Unknown
Roy Louis and Selma Louis,	1403 E. MacArthur, Wichita

The names of the residents who reside within the 200-foot area are, to the best of appellant's knowledge, the following named persons: Clarence J. Just and Bonnie J. Just, Lester L. Martin and Maxine C. Martin, Austin B. Sanders and Ethel Sanders, F. L. Rader and Donna Rader, and Loren L. Emond, Sr., and Thelma F. Emond. The addresses of the above named residents are listed under the names and addresses of owners, above.

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This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm  
Roll # 1