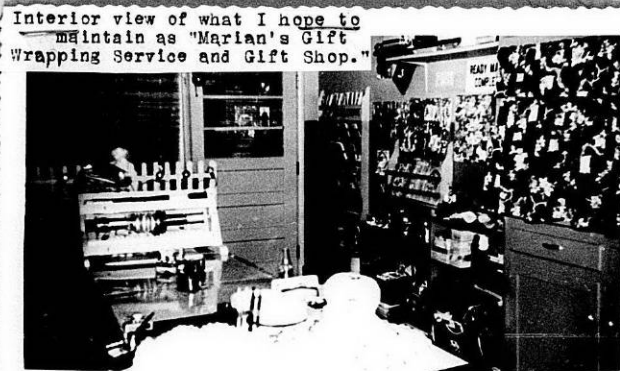


11-58 - Marlan Heaton
1927 Swan Street



Exterior view of remodeled garage
at 1927 Swan Street



Interior view of what I hope to
maintain as "Marian's Gift
Wrapping Service and Gift Shop."

MY APPEAL STATEMENT

I propose to conduct in what was formerly the attached garage of our home at 1927 Swan, a business to be known as "Marian's Gift Wrapping Service and Gift Shop." Although it is my intentions to make gift wrapping my specialty, furnishing all wrapping materials necessary to gift wrap packages, I would still like to be allowed to offer for resale, items such as greeting cards, gift wrappings, stationery, hand made items and small gifts. I would handle and keep on the premises a small amount of such merchandise, mostly to be used as samples, as a good share of my business would be through taking orders and delivering. I would also like to be allowed to maintain my show window for public inspection as well as to re-install my sign, size 24 x 36, which the Building Inspector ordered me to remove. The following information is included on it:

	GIFT WRAPPING	
CARDS		STATIONERY
GIFTS		WRAPPINGS

I would place it in our own part of the front yard approximately 15 to 18 feet in from the curb.

The Building Inspector issued a refusal with reference to that section of the City Zoning Ordinance which states clearly that no commercial usage can be conducted in an "A" Zone Residential District.

The exception or variance desired arises from the fact that during the past three years I have been in the process of trying to get established in a "Gift Wrapping Service." In order to supplement my income and help with the cost of gift wrapping supplies, about a year ago this time I added a small line of gift wrappings, stationery and gifts, which I order through mail order greeting card companies. At no time, during this entire time, have I operated undercover, so to speak. I have maintained a very noticeable and appropriate sign in the yard at all times. Shortly after I put up my first sign I got a notice in the mail to remove it at once. To the best of my knowledge the notice didn't state why I should do so. A neighbor informed me that it was against the law to have a sign in the parking and chances are that if I moved it up into my own part of the yard I would never be bothered again. This I did, and have never been asked to remove it again. If the Inspector had noticed it before I went down to obtain a permit he apparently thought my business didn't amount to enough to bother about since there never appears to be anybody around.

During this past summer, my husband and I closed in the front of our attached garage and made it into a small shop for my business. We were under the impression that it wasn't necessary to have a building permit unless the proposed work would amount to more than fifty dollars. Since we were doing all our own work and using some of the materials we already had on hand, we thought we could bet by on that amount. Since Gift Wrapping is my main objective, and having been told it was possible to operate a business service in a residential zone, I felt sure

that I was within the law because I definitely considered Gift Wrapping a business service. After opening my business with a showy show window and my sign still intact I was never informed by anyone that I wasn't within the law. After about a months time when I had everything straightened out and figured up my expense, I realized it had gone well over the fifty dollars we had originally planned on. In order that there wouldn't be any trouble over it, I went to the Building Inspectors Office to apply for a permit. Since I felt I had nothing to hide, I stated plainly what I was using the building for, and of course, I was denied a permit at once. I was ordered to remove my sign and cease business operations at once. I did as I was ordered and have since received a permit to use this enclosed structure as a spare room. I have not removed the fixtures and merchandise as yet because I feel that I have a perfect right to present my case before your board for your deepest consideration due to the amount of time and money I have spent trying to establish myself in a home occupation and wasn't given notice to close up until I made my business known.

The granting of the permit for a variance will not adversely affect the rights of adjacent property owners or residents. My business would be neat, clean and very respectable. So far as parking problems would be concerned, there would be none. Very, very seldom would it be possible to find more than one car here at a time, other than our own, due to the fact that other than seasonal gift wrapping, most of my business would be through taking orders and delivering.

The strict application of the terms of this ordinance will naturally constitute unnecessary hardships upon us, the property owners, due to the fact that we have put a considerable amount of time and money in to the remodeling of the garage, building and assembling of fixtures and equipment and using what reserve funds we have had on hand to purchase a limited amount of stock, a great deal of which would be hard to get rid of and get the money back on the spur of the moment without ways or means of doing so.

The variance desired would not be against the public interest to the best of my knowledge. Several in this block have been trading with me in the past and hope to be able to continue to trade with me in the future. They are families of moderate means and I try to sell things they can afford to buy. They consider it a real convenience and have offered to do what they could to help me stay in business. The neighbors around that haven't traded with me, never give me any trouble and no doubt there are some that don't know I have been in business.

So far as the relationship to the adjacent buildings and property is concerned, it remains the same as it has always been since we merely enclosed the front of the garage with a door and a picture window.

Case NO. 11-58
Filed 11-10-58

APPEAL FOR VARIANCE OR EXCEPTION

TO: The Board of Zoning Appeals
Fourth Floor, City Building Annex
Wichita, Kansas

The undersigned Mrs. Marian Heaton hereby appeals from the decision of the Building Inspection Superintendent wherein a Building Permit is refused under Section of zoning to operate a Gift Wrapping Service and Gift Shop at the premises located at 1927 Swan Street

This permit was denied for the reason that the property concerned, being located in a "A" zone residential district, can not be maintained for commercial usage.

The plans, application, and all data heretofore filed with 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 Mrs. Marian Heaton

Appellant Mrs. Marian Heaton Address 1927 Swan Street
Owners Marian J. Heaton and Address 1927 Swan Street
Wille J. Heaton
Lessee _____ Address _____

(This appeal shall be filed in duplicate, with a \$30.00 filing fee within ninety days after the date of the decision of the Building Inspector.)

BOARD OF ZONING APPEALS
FOURTH FLOOR, CITY BUILDING ANNEX
104 South Main
Wichita, Kansas

November 17, 1958

NOTICE TO ADJOINING PROPERTY OWNERS

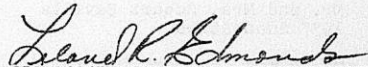
An appeal has been filed by Mrs. Marian Heaton

1927 Swan Street, Wichita, Kansas

as provided by Section 21-27 of the Zoning Ordinance. The appellant desires to use the attached garage as a gift and gift wrapping shop. This property is located in the "A" district and such commercial usage is not permitted in a residential zone.

This appeal has been given Case No. 11-58, and a hearing will be held by the Board of Zoning Appeals on Tuesday, November 25, 1958, 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.

By order of the Board of Zoning Appeals.


Leland R. Edmonds, Secretary
Board of Zoning Appeals

NOTICES MAILED NOVEMBER 17, 1958, to the following:

Albert E. and Abbie M. Sherrell
1403 Ellis

Chester J. and Mary A. Flye
1911 Swan

Robert E. and Virginia M. Harreld
1921 Swan

Nancy Beck
1931 Swan

Donald J. and Evelyn E. Lewis
1941 Swan

Velma I. Maple
1947 Swan

Mr. & Mrs. John Nelson
309 West 8th Street
Hutchinson, Kansas

Mr. and Mrs. Raymond Roberts
1907 Swan Street

Mr. & Mrs. William Bergen
1917 Swan Street

F. A. and Eva McKown
1908 South Minnesota

CERTIFIED MAIL

G. A. and Georgia R. Hind
1912 South Minnesota

Mrs. Marian Heaton
1927 Swan

Harold J. Hall
1918 South Minnesota

Beulah V. Maguire
1922 South Minnesota

Harry H. Orhman & Millie K. Orhman
1932 South Minnesota

Mary Merchant
109 South Estelle

Tom H. and Emma M. Elliott
1942 South Minnesota

William L. and Vida I. Francis
1948 South Minnesota

Mr. and Mrs. Robert Saville
1937 Swan Street

Mr. & Mrs. Kenneth D. Burditt
1928 South Minnesota

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

CERTIFIED MAIL

November 17, 1958

Mrs. Marian Heaton
1927 Swan Street
Wichita, Kansas

Dear Mrs. Heaton:

Your appeal, under the Zoning Ordinance, relative to premises at
1926 Swan Street, Wichita, Kansas

has been given Board of Zoning Appeals Case No. 11-58.

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 Tuesday, November 25, 1958, at 1:30 p.m.
in Room 401, City Building Annex, 104 South Main, Wichita, Kansas

Respectfully,

Secretary, Board of Zoning Appeals

RECEIPT FOR CERTIFIED MAIL—15¢

No. 6386309	SENT TO <i>Mrs. Marian Heaton</i>	POSTMARK OR DATE
	STREET AND NO. <i>1927 Swan</i>	
	CITY AND STATE <i>Wichita, Ka</i>	
<input type="checkbox"/> 7c shows to whom and when delivered	<input type="checkbox"/> 31c shows to whom, when, and address where delivered	<input type="checkbox"/> If you want re- stricted deliv- ery, check here <input type="checkbox"/> 20c fee

POD Form 3900
July 1955

Replace previous editions of
this form which MAY be used.

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Mrs. Orville Heaton Owner Address 1927 Swan

To Same Applicant Address _____

Dear Sir:


Your application Dated November 10, 1958

For ~~a Permit for this~~ permission to use the building for commercial purposes
_____ at the premises designated as
1927 Swan

Is hereby refused on this 12th day of November, 1958,
Under Section 21-11 of the Zoning Ordinance.

For the reason that it is desired to use the attached garage as a gift and
gift wrapping shop. This property is located in the "A" district, and as explained
to the applicant, such commercial usage is not permitted in a residential zone.

Respectfully,


S. B. Male
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.

CERTIFICATE OF OWNERSHIP

* * * *

THE GUARANTEE ABSTRACT COMPANY, INC., hereby certifies the following to be the owners as shown by the last deed of record in the office of the Register of Deeds, Sedgwick County, Kansas, of the LOTS surrounding and within a radius of 200 feet of Lot 18, in Linwood Grove, an Addition to Wichita, Sedgwick County, Kansas.

LINWOOD GROVE, an
Addition to Wichita

Swan Avenue

Owner of Property

- | | |
|--------|---|
| Lot 14 | Albert E. Sherrell and Abbie M. Sherrell
<i>1403 Ellis</i> |
| Lot 15 | Chester J. Flye and Mary A. Flye
<i>1911 Swan</i> |
| Lot 16 | I. D. Kaiser |
| Lot 17 | Robert E. Harreld and Virginia M. Harreld
<i>1921 Swan</i> |
| Lot 18 | Orville K. Heaton and Marian S. Heaton
<i>1927 Swan</i> |
| Lot 19 | Nancy Beck
<i>1931 Swan</i> |
| Lot 20 | Ethel Bush (w) |
| Lot 21 | Donald J. Lewis and Evelyn E. Lewis
<i>1941 Swan</i> |
| Lot 22 | Velma I. Maple (s)
<i>1947 Swan</i> |

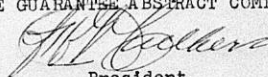
Minnesota Ave.

- | | |
|--------|--|
| Lot 2 | F. A. McKown and Eva McKown
<i>1908 S. Minnesota</i> |
| Lot 3 | G. A. Hind and Georgia R. Hind
<i>1912 S. Minnesota</i> |
| Lot 4 | Harold J. Hall (s)
<i>1918 S. Minnesota</i> |
| Lot 5 | Beulah V. Maguire
<i>1922 S. Minnesota</i> |
| Lot 6 | R. E. Didlake and Veda G. Didlake |
| Lot 7 | Harry H. Ohrman and Millie K. Ohrman
<i>1932 S. Minnesota</i> |
| Lot 8 | Mary Merchant (s)
<i>109 S. Estelle</i> |
| Lot 9 | Tom H. Elliott and Emma M. Elliott
<i>1942 S. Minnesota</i> |
| Lot 10 | William L. Francis and Vida I. Francis
<i>1948 S. Minnesota</i> |

WITNESS our Hand and Seal this the 5th day of November, 1958,
at 7:00 o'clock A. M.

THE GUARANTEE ABSTRACT COMPANY, INC.

By



President

Order No. 46765/a



78.

New property owners living in this area:-

- Lot 20 Mr. and Mrs. Robert Saville
1937 Swan Street
- Lot 6 Mr. and Mrs. Kenneth D. Burditt
1928 S. Minnesota

New property owners living elsewhere:-

- Lot 16 Mr. and Mrs. John Nelson
309 W. 8th Street
Hutchinson, Kansas

New residents of rental property living in this area:-

- Lot 14 Mr. and Mrs. Raymond Roberts
1907 Swan Street
- Lot 16 Mr. and Mrs. William Bergen
1917 Swan Street

#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)
X Mrs. Marian Heaton

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED: *11-28-56* ADDRESS WHERE DELIVERED (only if requested in item #1)

CSM
81
M.D.
81
A.M.
L.H.O.N.

CS-16-7184-4 GPO

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.

RETURN
TO

POD Form 3811
1928

REGISTERED NO.	NAME OF SENDER
CERTIFIED NO.	STREET AND NO. OR P. O. BOX
INSURED NO.	CITY, ZONE AND STATE

6386309 *Mitch Planning Com.*
104 So. Main
Okichla, Ka.

CS-116-71541-4