

PLEASE DELIVER TO - "

- ___ City Manager
- ___ Research
- ___ Planning *Shirley*
- ___ Personnel *from SF.*
- ___ Purchasing
- ___ City Auditor
- ___ License
- ___ Service Department
- ___ Water Supt.
- ___ Traffic Engineer &
- ___ Supt. of Sts. & Sewers
- ___ Sewage Disposal
- ___ City Engineer
- ___ Building Inspection
- ___ City Clerk
- ___ Health Department
- ___ Refuse Collection
- ___ Police Court
- ___ Police Department
- ___ Police Bookkeeper
- ___ Park Department

PROMPT - COURTEOUS - DEPENDABLE SERVICE

Tony King REAL ESTATE

PHONES:
62-1161 OR 62-6176

1613 SOUTH HILLSIDE
WICHITA, KANSAS
12-27-54

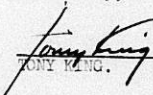
Mr. George Fisher, Secretary
Board of Zoning Appeals
Room 303
City Building

Dear Sir:

To facilitate the closing of both loans on the properties at 2214 and 2220 South Belmont, I would appreciate your writing the variance permit allowing the five feet sideyard set-back for each property. The Monarch Investment Company, in regard to 2214 Belmont, will make the loan on the five feet sideyard basis only.

Please call me if you need further information at MU 26176.

Yours truly,


TONY KING.

TK/gb

Sherley:-

*OK to prepare resolution for
5 ft side yard on 2214 & 2220 S.
Belmont. The appeal says "2228"
not 2220. Better check with King &
change minutes etc accordingly*

D 12/28/54



December 2, 1954

Mr. Tony King
1613 South Hillside
Wichita, Kansas

Dear Mr. King:

Evidently you did not understand the Building Inspector's letter relative to the problem which you have on the required side yard for a house. The Building Inspector suggested that you complete an appeal application to the Board of Zoning Appeals asking for an exception to the required side yard setback regulations.

In order to do this, you may obtain an application form from Mrs. Shirley Foss in the Planning office. This application explains the necessary procedure to be followed. If you expect to remedy your particular problem, I would suggest these steps.

Sincerely,

J. Thomas Via
Planning Director

JTV:sf

PROMPT - COURTEOUS - DEPENDABLE SERVICE

Tony King REAL ESTATE

PHONES:
62-1161 OR 62-6176

1613 SOUTH HILLSIDE
WICHITA, KANSAS
11-26-54

*to Share
in Planning*

Mr. George Fisher, Secretary
Board of Zoning Appeals
City Building
Wichita, Kansas

Dear Sir:

This is our formal request for a zoning change from residence A to residence B on lots 18 and 17 in block One of Elm Heights Addition. The respective addresses are 2214 and 2220 South Belmont where due to an error in sub-dividing the lots there occurred clearance of only ten feet between the houses now completed instead of the required twelve feet in residence A zone.

Both purchasers of the completed houses on these lots wish to obtain guaranteed loans and this violation of the zoning ordinance is the only obstacle.

As witnessed by the petition accompanying this letter of appeal the adjoining property owners are not adversely affected by this change, and since the City Building Inspection Department will not issue a statement as required by the mortgage companies showing their intention of not prosecuting the existing violation of the present zoning and where as it would be unreasonable to move these completed houses, I feel the requested change would best serve the interests of all concerned.

Sincerely yours,

Tony King
TONY KING.

TK/gc

*Shirley in
Planning Office*



November 24, 1954

Tony King
1613 So. Hillside
Wichita, Kansas

Dear Sir:

I have your letter of November 22 relative to the building at 2214 So. Belmont together with the surveyor's certified copy of a plat of Lot 18, Block 1, Elm Heights Addition to Wichita, Kansas. I notice on the plat that it substantiates your statement that the house is setting only 4' from the south property line. You may consider this letter as being an official notice to you that this house is in violation of the zoning ordinance, as a 6' side yard is required in the "A" residential district.

X (In my opinion the only action for recourse that you have is thru the Board of Zoning Appeals. This is an appeal which may be filed with the Secretary of the Board, George Fisher, in the City Hall.

You state in your letter that you wish to initiate action for a zoning change to "B" residential where a 5' side yard would be legal. If such change were made you could then purchase 1' of ground from your neighbor to the south and both your houses would then be 5' from the property line. Of course you have this privilege of requesting a change but as stated to you, I do not believe the planning commission would see fit to make this change.

Should this matter still not be clear to you I would be glad to talk to you further.

Yours very truly,

S. B. Maple
Chief Building Inspector

SBM:ac
cc: Geo. Fisher, Tom Via

PROMPT - COURTEOUS - DEPENDABLE SERVICE

Tony King REAL ESTATE

PHONES:
62-1161 OR 62-6176

1613 SOUTH HILLSIDE
WICHITA, KANSAS
12-10-54

To the Secretary
Board of Zoning Appeals
Room 303
City Building

Dear Sir:

This letter constitutes an appeal statement regarding the properties known as 2214 and 2226 South Belmont whose legal description is lots 18 and 17, Block I, Elm Heights Addition.

Attached please find two copies of the appeal form, photographs of the properties and certified list from the Midland Abstract Company of the names and addresses of all property owners within a two-hundred foot radius of the property concerned. *Not included*

We request a variance permit from section 50, paragraph 2.2 of the Zoning Ordinance requiring six feet side yard set back. We request exception from the ordinance due to an error in the sales contract in which two feet off the north of lot 18 was sold after the dwelling had been completed. One foot was repurchased for lot 18 thus making each dwelling five feet from the common side yard property line.

This request is made in the belief that a variance permit would not adversely affect the rights of adjacent property owners or residents, that the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owners represented in the appeal, and that the exception or variance desired is not against the public interests.

R.J. King
R.J. King

R.A. King
R.A. King

Benhart Zimmerman
Benhart Zimmerman

Myrtle Zimmerman
Myrtle Zimmerman

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

NOTICE TO PROPERTY OWNERS

December 10, 1954

An appeal has been filed by R.J. King, 1613 S. Hillside;
R.A. King, 1613 S. Hillside; and
(Address) Benhart Zimmerman, 755 S. Belmont on behalf of
same (Address)

as provided by Section 33 of the Zoning
Ordinance. The appellant desires to ask for variance of the
Zoning Ordinance requiring six foot side yard set back
on the premises located at 2214 and 2226 S. Belmont.

This appeal has been given Case No. 13-54, and a hearing
will be held by the Board of Zoning Appeals on Friday
December 17, 1954 at 1:30 pm 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

NOTICES SENT DECEMBER 10, 1954, to:

Don Lynch
2201 South Belmont

Keith Cooper
2207 S. Belmont

Robert McCubbin
221 S. Belmont

Jason Robinson
2217 S. Belmont

Walter Gordon
2223 S. Belmont

Lucian Kirks
2229 S. Belmont

John Richardson
2235 S. Belmont

Melvin Vobach
2241 S. Belmont

Earl Overfield
2247 S. Belmont

Frank Munson
2202 S. Broadview

Ralph Snyder
2208 S. Broadview

Roger Harter
2216 S. Broadview

Betty Jo Bauer
2240 S. Broadview

Hadley Wait
2178 S. Crestway

Henry Kaiser
2234 S. Broadview

W.W. Finley
2301 S. Broadview

Clyde Atha
2207 S. Crestway

George Crissman
2211 S. Crestway

Horton Wilks
2217 S. Crestway

A.Z. Barkus
2223 S. Crestway

Henry Cheynet
2229 S. Crestway

R. M. Bullington
2235 S. Crestway

Alvin Smith
2247 South Crestway

Earl Parsons, Jr.
2200 S. Crestway

Leroy Eger
2220 S. Crestway

Sam Raines
2228 S. Crestway

Freeda Dobbs
930 Prairie Park

Ralph Haas
2236 South Crestway

Eugene H. Clark
2248 S. Crestway

Wayne Walter
4460 Kinkaid

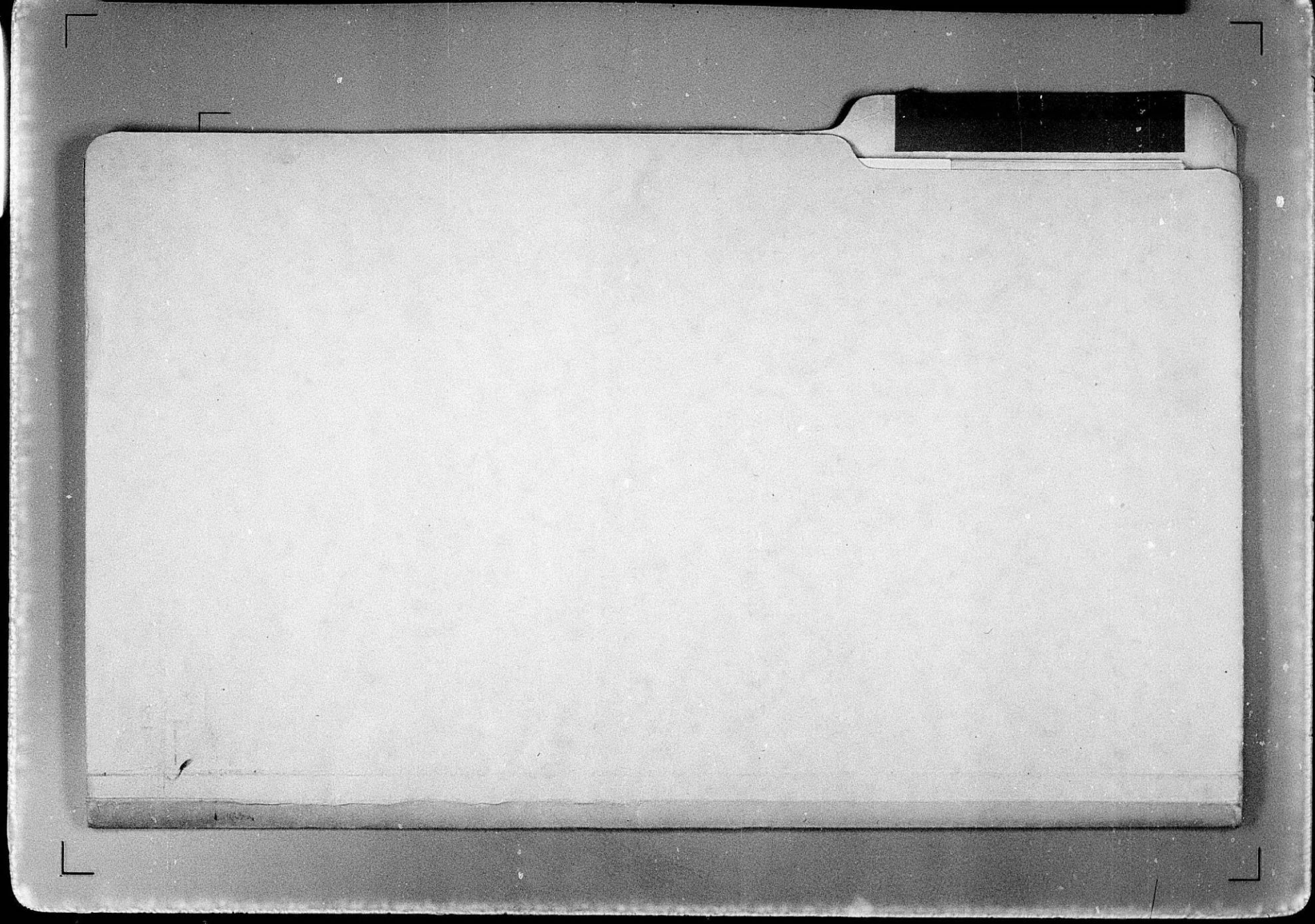
Leonard Morey
4440 E. Kinkaid

Wm. Jones
4420 E. Kinkaid

Elgin Gupton
4360 E. Kinkaid

Joe Drum
4340 E. Kinkaid
Marvin L. Wright
4320 E. Kinkaid

Irvin Johnson
4400 E. Kinkaid



(1954)

DOCKET
BOARD OF ZONING APPEALS CASES

CASE NO.	FILED	APPELLANT	ACTION
1-54	2-25-54	J. Branson for Western Outdoor Advertising	granted 3-16-54
2-54	4-6-54	Henry Levitt	granted 4-15-54
3-54	4-9-54	Blanchat Machine Company (Laing, attorney)	4-15-54 8-13-54 10-15-54 gr.
4-54	5-18-54	O. A. Sutton Corporation	granted 5-25-54
5-54	8-3-54	Harold J. Halpin	granted 8-13-54
6-54	9-1-54	Elpyco Ave. Church of Christ	granted 10-15-54
7-54	W-27-54	W.L. Morris	10-15-54 11-19-54 gr
8-54	11-8-54	Mrs. Max Kirk	granted 11-19-54
9-54	11-24-54	Florence Gearhart (L. Wilkinson, att)	granted 12-17-54
10-54	12-1-54	Martin-Gentry Supply Co., Inc.	granted 12-17-54
11-54	12-6-54	R. F. Parker	granted 12-17-54
12-54	12-10-54	Grace Presbyterian Church	defer 12-17-54
13-54	12-10-54	R.A. King, R.J. King, B. Zimmerman	granted 12-17-54

RESOLUTION 1-54

WHEREAS, Jerry Branson, on behalf of the Western Outdoor Advertising Company, 440 North Water, has applied for a permit to re-arrange the poster panels at the northeast corner of Harry and Hydraulic on the premises located at 1560 South Hydraulic, in order that a Texaco Service Station may be built on this corner; and

WHEREAS, the City Building Inspector has issued a formal refusal under Sections 19 and 24 of the Zoning Ordinance, for the reason that this property is located in a Light Commercial Zoning District, in which district billboards are not permitted. The existing boards are allowed to remain here due to the fact that this use is legally non-conforming, but the Zoning Ordinance does not permit the reconstruction of the billboards; and

WHEREAS, the variance desired arises from a condition which is not uniform over this zoning district in that the Western Outdoor Advertising Company owns, and has owned this property for the last 29 years, and the signs are there as a legal non-conforming use; and

WHEREAS, the granting of the permit for this variance will not adversely affect the rights of the adjoining property owners in that no opposition was voiced in this case; and

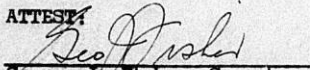
WHEREAS, the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owners for the reason that if they are not allowed to re-arrange their signs, they cannot lease this property for the erection of the filling station; and

WHEREAS, the exception or variance desired is not against the public interest in that to re-arrange the signs and erect a filling station will improve the appearance of the corner, and also, the re-arrangement of the billboards as shown will lessen the possibility of vandals and bandits hiding behind them;

NOW THEREFORE BE IT RESOLVED by the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit for the re-arrangement of the three poster panels, two of which are to be over the top of the station, and one back along the alley, at the premises known as 1560 South Hydraulic, Wichita, Kansas.

ADOPTED at Wichita, Kansas, this Sixteenth day of March, 1954.


George W. Herrman, Chairman

ATTEST

George J. Fisher, Secretary

RESOLUTION 2-54

WHEREAS, Henry Levitt, has applied for a permit to make an addition to the commercial building at 4807 East Douglas; and

WHEREAS, the City Building Inspector has issued a formal refusal under Section 13 "A" of the Zoning Ordinance, 19-725, for the reason that an insufficient amount of parking spaces would be provided for the proposed addition; and

WHEREAS, the variance desired arises from a condition which is not uniform over this zoning district in that appellant has entered into an agreement with the operator of the Crest Theater to use the theater's parking lot; also, appellant will provide an attendant to park customers' cars; and

WHEREAS, the granting of the permit for this variance will not adversely affect the rights of the adjoining property owners in that the appellant is providing parking space on his own property and also on the theater parking lot; also, this type of business will not generate as much traffic as the super-market now in business at this location; and

WHEREAS, the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner in that there would not be sufficient area to accommodate the proposed business if the addition is not permitted to be made; and

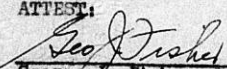
WHEREAS, the exception or variance desired is not against the public interest in that this will be an attractive building, and may improve parking conditions generally in the business district in which this property is located.

NOW THEREFORE BE IT RESOLVED By the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit for the addition of a second story to the front or north portion of the existing building at 4807 East Douglas, Wichita, Kansas, which second story will extend over the present parking area to the property line on Oliver, leaving the parking area underneath the second story available for use, along with parking in the Crest Theater parking lot.

ADOPTED at Wichita, Kansas, this Fifteenth day of April, 1954.


George W. Herrman, Chairman

ATTEST:


George J. Fisher, Secretary

(Seal)

RESOLUTION 3-54

WHEREAS, Blanchat Machine Company, 3323 Maple has applied for a permit to construct an addition to a machine shop at the rear of that location; and

WHEREAS, the City Building Inspector has issued a formal refusal because this building is non-conforming in this "AA" Residential district, therefore it is not permissible to add to a non-conforming use building as set forth in Section 24, paragraph 3, of the Zoning Ordinance; and

WHEREAS, the variance desired arises from a condition which is not ordinarily found in this district in that the machine shops maintained by the appellant were located in this area prior to the time it was annexed to the City. Further, the proposed site is the only reasonable location available so that all of the production equipment may be located together and is not non-conforming to this area as it is actually used; and

WHEREAS, the granting of the permit for this variance will not adversely affect the rights of adjoining property owners in that there are many other non-conforming buildings and uses of property within this immediate area, and the proposed building will, in effect, be only an enlargement of a non-conforming building and will lie in between and almost in the midst of non-conforming buildings and uses; and

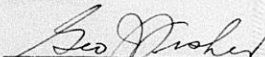
WHEREAS, the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner for the reason that otherwise its production equipment would be scattered over a wide area at a great loss of efficiency, and moving its whole plant elsewhere at oppressive cost will be the alternative of the appellant if such denial is given; and

WHEREAS, the exception or variance desired is not against the public interest in that the proposed building will utilize space within an area which has been and is non-conforming;

NOW THEREFORE BE IT RESOLVED by the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit for the construction of an addition to machine shop at the rear of 3323 Maple on the conditions that: (1) the appellant construct a solid natural stone fence starting at the south line of the alley on the east side of Leonine Road, thence to the south property line, thence east along the south property line to a point directly south of the southwest corner of the present gear shop building. From that point to the west line of the north-south alley between Leonine Rd. and All Hallows Rd. to be a chain-link fence at least six (6) feet in height; said fence to be covered with climbers. (2) The natural stone wall along Leonine Rd. is to have no more than one opening; said opening to be a pedestrian gate of not more than four (4) feet width. No openings are to be on the south line whatsoever. (3) The window openings on the south side of the present gear shop building to be closed with masonry similar to that of the remainder of the building, and the south and west walls of said gear shop building to be re-painted a harmonizing color e.g. green, gray, etc.

ADOPTED AT Wichita, Kansas, this fifteenth day of October, 1954.

ATTEST:


George J. Fisher, Secretary


George A. Herrman, Chairman

RESOLUTION NO. 3-54

WHEREAS, Blanchat Machine Company, 3323 Maple, has applied for a permit to construct an addition to a machine shop at the rear of that location; and

WHEREAS, the Building Inspection Superintendent has issued a formal refusal because this building is non-conforming in an "AA" Residential district; therefore it is not permissible to add to a non-conforming use as set forth in Section 21-27, paragraph C.2, of the Zoning Ordinance; and

WHEREAS, the variance desired arises from a condition which is not ordinarily found in this district; the machine shops maintained by the appellant were located in this area prior to the time it was annexed to the City. Further, the proposed site is the only reasonable location available so that all of appellant's production equipment may be located together; and

WHEREAS, the granting of the permit for this variance will not adversely affect the rights of adjoining property owners because of its proposed location among non-conforming buildings and uses on appellant's property and in the immediate vicinity of this property; and

WHEREAS, the strict application of the terms of this ordinance will constitute unnecessary hardship upon the appellant for the reason that his production equipment would otherwise be scattered over a wide area at a great loss of efficiency; moving the entire plant elsewhere at considerable cost is the other alternative open to the appellant if the variance is denied; and

WHEREAS, the variance desired is not against the public interest in this particular case, even though it is an extension of a non-conforming use; no increased danger to the movement of school children along Leonine Road; nor increased traffic and parking problems are foreseen as a result of granting this variance; further, specific requirements are set forth below to protect nearby residential property and to generally improve the overall situation;

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit for 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.

ADOPTED at Wichita, Kansas, this 28th day of October, 1958.

Luis Casado
Luis Casado, Chairman

ATTEST:

Leland R. Edmonds
Leland R. Edmonds, Secretary

RESOLUTION 4-54

WHEREAS, O. A. Sutton Corporation has applied for a permit to make an addition to the commercial building located at 3412 West Eighth Street; and

WHEREAS, the City Building Inspector has issued a formal refusal under Section 16, Par. C of the Zoning Ordinance, for the reason that the building in question is a legally non-conforming use building in an "AA" Single Family Dwelling District, and the proposed addition would violate the provisions of said section; and

WHEREAS, the variance desired arises from a condition which is not uniform over this zoning district in that this building backs up to the railroad trackage, and is not suitable for residential purposes; and

WHEREAS, the granting of the permit for this variance will not adversely affect the rights of the adjoining property owners in that this addition would lie adjacent to the Missouri Pacific right-of-way, and would not distract to the community nor interfere with rights of adjacent property owners; also, no opposition was voiced to this appeal; and


WHEREAS, the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner in that they have immediate need for the proposed building in order to give air conditioner service repair to their customers; and

WHEREAS, the exception or variance desired is not detrimental to the public interest per se; however, the procedure followed by the appellant in constructing the addition could hardly be called beneficial to the public interest;

NOW THEREFORE BE IT RESOLVED by the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit for an 8' X 33' addition and an 8' X 93' L-shaped addition to the commercial building located at 3412 West Eighth Street, Wichita, Kansas.

ADOPTED at Wichita, Kansas, this Twenty-fifth day of May, 1954.

ATTEST:


George J. Fisher, Secretary


George W. Herrman, Chairman

RESOLUTION 5-54

WHEREAS, Jack Green, on behalf of Mr. Harold J. Halpin, 3301 South Seneca, has applied for a permit to remodel the general interior of a commercial building located at 3259 South Seneca for use as an electrical retail store and shop; and

WHEREAS, the City Building Inspector has issued a formal refusal under Section 4, Par. A of the Zoning Ordinance for the reason that when the property, which is in an "AA" district, in which Churches are permitted under the Zoning Ordinance, was annexed to the City, the building in question was being used as a Church; that the proposed usage for retail sales and shop is not permitted in "AA" district; and

WHEREAS, the variance desired arises from a condition which is not uniform over this zoning district in that the building was obviously intended for an industrial use, and in that this is a situation not frequently encountered because the use had not been abandoned for two years, even though the building was outside the city when the use was abandoned and brought in at a later date; and

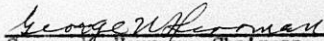
WHEREAS, the granting of this exception and variance will not adversely affect the rights of the adjacent property owners in that nonconforming commercial uses already exist as to at least four properties in the neighborhood, and the neighborhood would be better off if these premises were occupied than if it is necessary to leave the building vacant and permit it to decay and fall into disrepair, and

WHEREAS, a strict application of the terms of the ordinance will constitute an unnecessary hardship upon appellant, because his building is not suitable for anything other than commercial use, being a substantial masonry construction, and

WHEREAS, the exception and variance here requested is not against the public interest but, on the contrary, is in the public interest, as it will permit a reasonable use of the property and thereby prevent it from degenerating into an eyesore and general hazard;

NOW THEREFORE BE IT RESOLVED by the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit for the remodeling of the general interior of a commercial building for use as an electrical retail store and shop located at the premises known as 3259 South Seneca, Wichita, Kansas.

ADOPTED at Wichita, Kansas, this thirteenth day of August, 1954.


George W. Herrman, Chairman

ATTEST:


George J. Fisher, Secretary



RESOLUTION 6-54

WHEREAS, Gene Hancock, Sr., on behalf of the Elpyco Avenue Church of Christ at 1739 Elpyco, has applied for a permit to install and maintain a car parking lot at 1801 Elpyco; and

WHEREAS, The City Building Inspector has issued a formal refusal because parking lots are not permitted in the "A" district, and since this property is separated by a public street from the property upon which the Church is located, it is not contiguous thereto; and

WHEREAS, the variance desired arises from a condition which is not ordinarily found in this zoning district inasmuch as the average attendance to worship services held is far in excess of the seating capacity of the Church. There is no vacant "B" zoned land within 660 feet of the Church, and the only land with this zoning near the Church contains brick 8-plexes; and

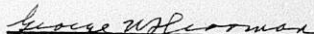
WHEREAS, the granting of the permit for this variance will not adversely affect the rights of adjoining property owners in that these property owners have expressed their desire for this parking lot to reduce the congestion on the streets around the Church before, during, and after Church services; and

WHEREAS, the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner for the reason that if they are not allowed to install this lot, the present congestion will prevail; and

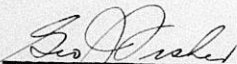
WHEREAS, the exception or variance desired is not against the public interest in that the owners of property within 200 feet have been notified and have indicated they have no objection to the proposed parking lot;

NOW THEREFORE BE IT RESOLVED by the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit for the installation of a car parking lot at the premises designated as 1801 Elpyco.

ADOPTED at Wichita, Kansas, this fifteenth day of October, 1954.


George W. Herrman, Chairman

ATTEST:


George J. Fisher, Secretary



RESOLUTION 7-54

WHEREAS, W. L. Morris, 208 North Broadway, has applied for a permit to erect a one family dwelling at the premises designated as 2533 Burns; and

WHEREAS, the City Building Inspector has issued a formal refusal for the reason that it will not be possible to provide the 6,000 square feet of lot area as required in Section 4-2.4 of the Zoning Ordinance, since the property is only 50' x 70'; and

WHEREAS, the variance desired arises from a condition which is not ordinarily found in this district in that there is no way to get more ground. This small lot was created when the property was platted and Burns Street was cut through the appellant's 50' x 400' lot; and

WHEREAS; the granting of the permit for this variance will not adversely affect the rights of adjoining property owners in that a small house will be built and required setbacks maintained; and

WHEREAS, the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner for the reason that otherwise there is no other use for this lot; and

WHEREAS, the exception or variance desired is not against the public interest because the home to be built will be in keeping with the neighborhood;

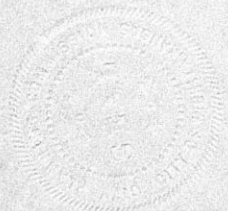
NOW THEREFORE BE IT RESOLVED by the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit for the construction of a one family dwelling at 2533 Burns provided that side, front, and back yards will be maintained as required by the Zoning Ordinance.

ADOPTED at Wichita, Kansas, this nineteenth day of November, 1954.

George W. Herrman
George W. Herrman, Chairman

ATTEST:

George V. Fisher
George V. Fisher, Secretary



RESOLUTION 8-54

WHEREAS, Max Kirk, 345 South Fountain, has applied for a permit to remodel and make an addition to a one family residence at that address; and

WHEREAS, the City Building Inspector has issued a formal refusal because a six foot side yard will not be provided as set forth in Section 5, Par. C, 2.2 of the Zoning Ordinance; and

WHEREAS, the variance desired arises from a condition which is not ordinarily found in this district in that the appellant is replacing a portiere or covered drive with a new structure at the rear of same; and

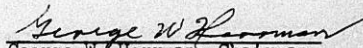
WHEREAS, the granting of the permit for this variance will not adversely affect the rights of adjoining property owners in that the new portiere will be at least the same distance from the adjoining property as the existing one, and the new portiere will beautify rather than detract from the appearance of the neighborhood; and

WHEREAS, the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner for without it they have no way to enter the house in inclement weather. It is also a hardship to be compelled to live with this unsightly structure they now have; and

WHEREAS, the exception or variance desired is not against the public interest in that it will beautify the house and the neighborhood;

NOW THEREFORE BE IT RESOLVED by the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit for the remodeling and addition to a one family residence at 345 South Fountain.

ADOPTED at Wichita, Kansas, this nineteenth day of November, 1954.


George W. Herrman, Chairman

ATTEST:


George J. Fisher, Secretary



RESOLUTION 9-54

WHEREAS, Mrs. Florence Gearhart, 1643 South Emporia, desires to be given an extension to the variance granted November 10, 1952, to use her frame dwelling as a child day care center accommodating more than ten children; and

WHEREAS, this variance was to be extendable under the condition that the premises be reconstructed to fully meet the City Building Code and State Board of Health requirements and the appellant has met said requirements; and

WHEREAS, the variance desired arises from conditions which are not ordinarily found in the same zoning district, in that this child day care center has been established for several years and is operated on a very high standard; and

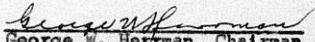
WHEREAS, the granting of the variance will not adversely affect the rights of adjacent property owners, inasmuch as it is a very high type child day care center which causes no inconvenience to adjoining property owners; and

WHEREAS, the strict application of the terms of the Zoning Ordinance will constitute unnecessary hardship inasmuch as the appellant has established this center on a business basis and invested considerable money in necessary playground equipment, dishes, bedding, etc., and also has herself taken extensive training in order to be better qualified to care for children; and


WHEREAS, the variance desired is not against the public interest in that the zoning will not be changed, and also her service is for the good of the community;

NOW THEREFORE BE IT RESOLVED by the Board of Zoning Appeals that an extension be granted to a variance given on November 10, 1952, for the use of the premises at 1643 South Emporia as a child day care center for a period of two years under the conditions that the maximum number of children not exceed twenty (20); that the appellant must fully comply with the requirements of the City Building Code and the State Board of Health; and that this variance can be extended at the end of two years and each year thereafter by the Secretary of the Board of Zoning Appeals upon written request from the appellant as long as said appellant owns and operates this child day care center.

ADOPTED at Wichita, Kansas, this seventeenth day of December, 1954.


George W. Herzman, Chairman

ATTEST:


George J. Fisher, Secretary



RESOLUTION 10-54

WHEREAS, the Martin-Gentry Supply Co., 513 West 31st Street South, has applied for a building permit to complete four lumber sheds at the premises designated as 513 West 31st Street South; and

WHEREAS, the City Building Inspector has issued a formal refusal for the reason that this is a commercial building in an AA district, and structural alteration is not permitted for such a non-conforming use as set forth in Section 16-C of the Zoning Ordinance; and

WHEREAS, the variance desired arises from a condition which is not ordinarily found in this district in that this is the only lumber yard in the area, it is isolated from the residential district by streets, fences, and a railroad, and it existed prior to the annexation of this land into the city; and

WHEREAS, the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner for the reason that the lumber would have to be stored outside and subject to the elements. Also, if the proposed is not permitted, it will force the appellant to so cut down its stock as to practically put appellant out of business; and

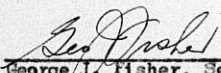
WHEREAS, the exception desired is not against the public interest in that it will aid greatly in making a cleaner appearing lumber yard and improve the general appearance of the whole area involved;

NOW THEREFORE BE IT RESOLVED by the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit for the completion of the four lumber sheds at the premises designated as 513 West 31st Street South with the condition that there be no further construction until the Building Inspection Department has approved plans for said construction.

ADOPTED at Wichita, Kansas, this seventeenth day of December, 1954.


George W. Hertzman, Chairman

ATTEST:


George J. Fisher, Secretary



RESOLUTION 11-54

WHEREAS, R. F. Parker, 2814 El Rancho, appeals to the Board of Zoning Appeals to construct and maintain a parking lot in an area south of Pawnee on the west side of El Rancho for spaces desired in addition to those required in the Zoning Ordinance as is provided in Section 13-B of the Zoning Ordinance; and

WHEREAS, the proposed parking area lies within 200 feet of the boundary line of an "LC" district and is located contiguous to the property it is to serve; and

WHEREAS, the parking area shall be used for passenger vehicles only and in no case will a fee be charged for parking facilities provided hereunder;

NOW THEREFORE BE IT RESOLVED by the Board of Zoning Appeals that this appeal be granted and a parking lot installed in the "RB" district in an area south of Pawnee on the west side of El Rancho, SUBJECT TO 1) surfacing the lot with concrete or with 4" of tightly packed crushed rock and a minimum of 2" asphalt, 2) planting adequate screening of shrubs between the lot and the property to the west, and 3) meeting the requirements of Section 13-B of the Zoning Ordinance. Also, the variance will not become effective until the appellant has a building permit from the City Building Inspection Superintendent for a building on the piece of land 50' x 150' lying in the southwest corner of Pawnee and El Rancho Road.

ADOPTED at Wichita, Kansas, this seventeenth day of December, 1954.


George J. Herrman, Chairman

ATTEST:


George J. Fisher, Secretary



RESOLUTION 13-54

WHEREAS, Tony King, 1613 South Hillside, has erected a dwelling at the premises designated 2214 South Belmont; and

WHEREAS, the Chief Building Inspector recommended that the Board of Zoning Appeals was the appellant's only action for recourse to grant a variance and permit a five foot side yard for the premises designated 2214 and 2220 South Belmont rather than the six foot side yard required in Section 5-C, par. 2.2 of the Zoning Ordinance; and

WHEREAS, the variance desired arises from a condition which is not ordinarily found in this district in that the five foot side yards resulted from an honest mistake in a real estate transaction; and

WHEREAS, the granting of the permit for this variance will not adversely affect the rights of adjoining property owners in that the houses are already substantially constructed and cannot be changed; and

WHEREAS, the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner, in that it will cloud the title and make necessary financing impossible; and

WHEREAS, the exception desired is not against the public interest because the houses are already built and the zoning of the area will not be changed;

NOW THEREFORE BE IT RESOLVED by the Board of Zoning Appeals that the variance be granted, and a five foot side yard will be permitted at the premises designated as 2214 and 2220 South Belmont.

ADOPTED at Wichita, Kansas, this seventeenth day of December, 1954.

George W. Herrman
George W. Herrman, Chairman

ATTEST:

Geo. Fisher
George J. Fisher, Secretary

THE CITY OF WICHITA

OFFICE OF DIRECTOR OF SERVICE

DATE 19 March 1954
dictated
3-18-54

TO Eugene N. Smith, City Manager

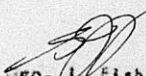
FROM Geo. J. Fisher, Director of Service

SUBJECT Board of Zoning Appeals
- Term of Office and
Necessary Reappointment

When the Board of Zoning Appeals met last Tuesday (March 16) it was discovered that the term of Mr. Conlee Smith expired on December 31, 1953. In discussing this situation, Mayor Keeler wanted to know the status of all members of the Board of Zoning Appeals, so I am attaching hereto a list of the members which shows when each term expires.

The City Planning Commission, at its meeting of March 16, 1954, unanimously recommended that Conlee Smith be reappointed as the Planning Commission representative on the Board of Zoning Appeals. The letter from the Planning Commission to that effect has been sent to your office.

It will be appreciated if you will submit this to Mayor Keeler for his consideration as the Zoning law specifies that the Mayor is to appoint the members, such appointments to be approved by the City Commission.


Geo. J. Fisher
Director of Service

GJF:gg
Encl: Listing of Bd. of Zoning Appeals members

cc: Mayor Walt Keeler
Mr. Conlee Smith, Stock Yards Co.
Mildred Meyer, Planning office

Millie: Also attached is a listing.
Bernice gave Mr. Fisher ...
please return to her?

BOARD OF ZONING APPEALS

George W. Herrmen

Term expires December 31, 1952
Reappointed December, 1952
Term expires December, 1955

J. Lisle Morris

Term expires December 31, 1952
Reappointed December, 1952
Term expires December, 1955

Conlee Smith

Term expires December 31, 1953

Chas. S. Ritchie

Term expires December 31, 1954

Walt Keeler

Term expires December 31, 1954