

BZA 14-72 - Kathryn E. Morse req.
Exception to permit instll. of a
mobile home on E side of Broadway
in area bet. 46th & 47th Sts. S.

POSTED
5/9/72
MAR C
C.I.-V
8/15/72
[Signature]

BZA 5-23-72 Approve

Map No. 5542
 Sec. 16
 Twp. 28
 Range 1E

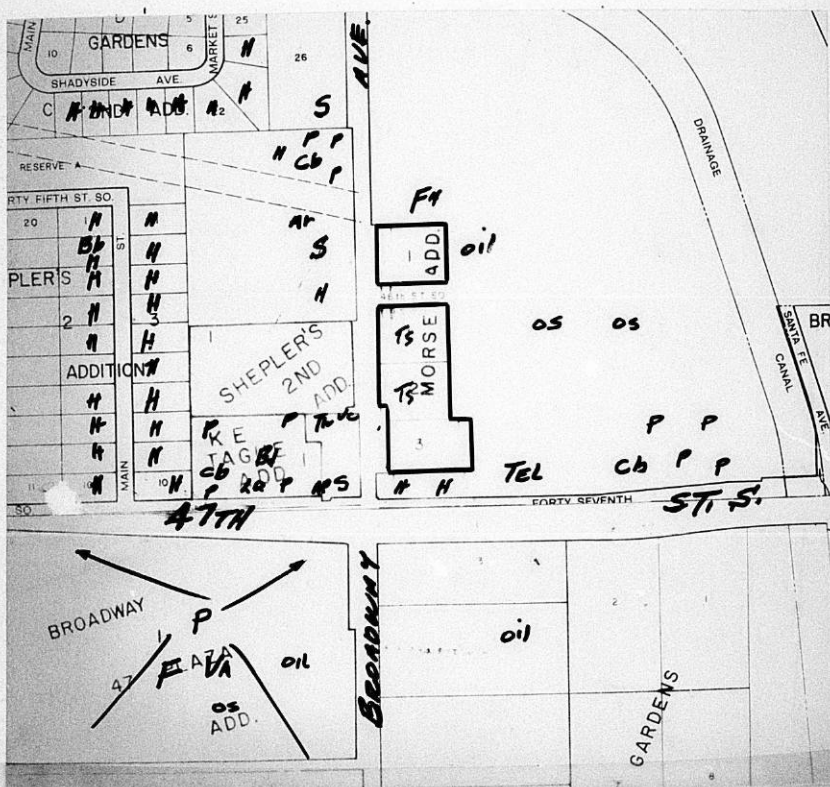
BZA- 14-72
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 4.85 (360 13 REGULAR ft. by 860 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East _____ South _____
 West _____ North _____
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: _____
 6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



RESOLUTION NO. BZA 14-72

WHEREAS, Kathryn E. Morse, 2440 South Broadway, Wichita, Kansas, by Frank C. McMaster, 420 R. H. Garvey Building, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the occupancy of a mobile home by a night watchman associated with a mobile home sales operation, on property zoned "C" Commercial and legally described as follows:

Lot 1, Block 1; and Lots 1, 2 and 3, Block 2, in Morse Addition to Wichita, Kansas. Generally located on the east side of Broadway in an area north of 47th Street South.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of May 23, 1972, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals, after public hearing of this application, determined that a hardship does exist inasmuch as the applicant states that, "The subject mobile home retail sales lot has sustained much vandalism and larceny of the various mobile home coaches for sale." She further stated that "She has temporarily had a night watchman living on the premises, and during the time that such night watchman has lived on such premises, all incidents of larceny and vandalism have terminated;" and

WHEREAS, the Board of Zoning Appeals has authority to permit a mobile home, on property zoned "C" Commercial, subject to the conditions outlined in Title 26, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the occupancy of a mobile home by a night watchman associated with a mobile home sales operation, on property zoned "C" Commercial, and legally described as follows:

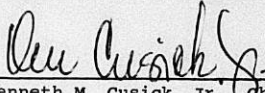
Lot 1, Block 1; and Lots 1, 2 and 3, Block 2, in Morse Addition to Wichita, Kansas. Generally located on the east side of Broadway in an area north of 47th Street South;

subject to the following conditions:

- (1) The mobile home may be used for a residence as long as it is occupied by a night watchman and the mobile home sales lot remains in operation and under the ownership of applicant, applicant's spouse or a corporation controlled by them;
- (2) The applicant shall report annually (January) to the Central Inspection Division as to whether or not a night watchman still occupies the mobile home and if she still operates the mobile home sales lot.

(3) The location of the mobile home shall conform to all requirements of Title 26 - Mobile Home Code.

ADOPTED AT WICHITA, KANSAS, this 23rd day of May, 1972.


Kenneth M. Cusick, Jr., Chairman

ATTEST:


Jack H. Galbraith, Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant KATHRYN E. MORSE

Mailing Address 2440 South Broadway Phone 267-9021

Name of Authorized Agent FRANK C. McMASTER

Mailing Address 420 R. H. Garvey Building Phone 263-4281

Relationship of applicant to property is that of Attorney
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section
28.04.183.3, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction

of a mobile home

_____ on property zoned

"C", located 2440 South Broadway

_____ and legally described as: _____

Lot 1, Block 1 and Lots 1, 2, and 3, Block 2

in Morse Addition to Wichita, Kansas.

_____, in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant Kathryn E. Morse

Authorized Agent Frank C. McMaster

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, _____ (a.m. - p.m.), _____, 19_____, together with appropriate fee of \$50.00.

T9-403

Signed _____

EXHIBIT "A"

It is the applicant's desire to install a mobile home in conformance with the City Code so that a night watchman can reside on the property for the purpose of protecting the wares and merchandise displayed upon the lot.

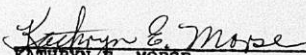
Applicant is purchasing the property from E. R. Brookings under an escrow contract and is engaged in the retail sale of mobile homes.

The subject mobile home retail sales lot has sustained much vandalism and larceny of the various mobile home coaches for sale. Applicant has temporarily had a night watchman living on the premises, and during the time that such night watchman has lived on such premises, all incidents of larceny and vandalism have terminated.

It is applicant's desire to maintain a night watchman living on the premises at all times during the continuance of the business of the sale of mobile homes.

Attached as Exhibits are a detailed plot plan drawn to scale, a certified list of all persons or concerns owning property within a distance of 200 feet, and a copy of an application made to Central Building Inspection for the installation and inspection of the mobile home in question.

Respectfully submitted,


KATHRYN E. MORSE

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO. Inc., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds of Sedgwick County, Kansas, of:

Lot 1, Block 1 and Lots 1-2-3, Block 2,
in Morse Addition, Wichita, Kansas.

Together with all lots and tracts within a 200 foot radius thereof.

DESCRIPTION	OWNER/OWNERS/ADDRESS	
<u>Morse Addition</u>		
<u>Block 1</u>		
Lot 1	E. R. & Hazel O. Brookings 1732 S. Topeka	67211
<u>Block 2</u>		
Lots 1-2-3	E. R. & Hazel O. Brookings 1732 S. Topeka	67211
<u>Broadway 47 Plaza Addition</u>		
Block 1	Lawrence V. Van Horn 7601 Dorset Drive Oklahoma City, Okla.	73116
<u>Shepler's 2nd Addition</u>		
Lot 1	Norma F. & D. F. Shepler RR #2, Latham, Kansas.	67072
Beg. SE cor SE $\frac{1}{4}$ of Sec. 17-28-1E, W 180', N 330', E 155', N 20', E 75' S to Beg.	Norma F. & D. F. Shepler RR #2, Latham, Kansas.	67072
E 217.8' of W 577.8' of S 300' of SW $\frac{1}{4}$ of 16-28-1E.	Southwestern Bell Telephone Co. 823 Quincy, Topeka, Kansas.	66608
S 121' of W 360' of SW $\frac{1}{4}$ of Sec. 16 28-1E.	J. W. Kammerer 4756 S. Broadway	67219
SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16-28-1E, lying West of Drainage Canal, Except Morse Add. & Exc S 121' of W 360', & Exc E 217.8' of W 577.8' of S 300'	E. R. & Hazel O. Brookings 1732 S. Topeka	67211
Beg. 1218.65' N & 30' W of SE cor of Sec. 17-28-1E, W 200', S 100', E 200' N to Beg.	Daniel C. Den Hartog 4555 S. Broadway	67219
E 630' of S $\frac{1}{2}$ SE $\frac{1}{4}$ except S 649.5' & Exc N 200' & Exc S 25' N225' of E342' for Road & E 30' for Road	John A. George 2759 S. Broadway	67219

Witness our Hand and Seal this 18th day of April, 1972 at 7:00 A.M.

GUARANTEE TITLE CO., Inc.

By *Nellie M. Pestinger*
Vice-President

No. 37339.

June 2, 1972

Mr. Frank C. McMaster
Attorney At Law
420 R. H. Garvey Building
Wichita, Kansas 67202

Re: Case No. BZA 14-72
Request for Exception on the
east side of Broadway in an
area north of 47th Street South

Dear Mr. McMaster:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 23, 1972, in connection with your request for an exception to permit the occupancy of a mobile home by a night watchman associated with a mobile home sales operation on property zoned "C" Commercial and generally located on the east side of Broadway in an area north of 47th Street South.

This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:gw
Enclosure

cc: Kathryn E. Morse, 2440 South Broadway
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

May 24, 1972

Mr. Frank C. McMaster
Attorney At Law
420 R. H. Garvey Building
Wichita, Kansas 67202

Re: Case No. BZA 14-72
Request for Exception
on the east side of Broadway
in an area north of 47th Street
South

Dear Mr. McMaster:

At the regular meeting of the Board of Zoning Appeals on May 23, 1972, your request for an exception to permit the occupancy of a mobile home by a night watchman associated with a mobile home sales operation was considered.

It was the action of the Board to approve this request subject to the following conditions:

- (1) The mobile home may be used for a residence as long as it is occupied by a night watchman and the mobile home sales lot remains in operation and under the ownership of applicant, applicant's spouse or a corporation controlled by them;
- (2) The applicant shall report annually (January) to the Central Inspection Division as to whether or not a night watchman still occupies the mobile home and if she still operates the mobile home sales lot.
- (3) The location of the mobile home shall conform to all requirements of Title 26 - Mobile Home Code.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:gw

cc: Mrs. Kathryn E. Morse, 2440 South Broadway, 67219
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT
CASE NO. BZA 14-72

APPLICANT: Kathryn E. Morse, 2440 South Broadway, Wichita,
Kansas 67219

AGENT: Frank C. McMaster, 420 R. H. Garvey Building, Wichita,
Kansas 67202

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the
City of Wichita, to permit the occupancy of a mobile home
by a night watchman associated with a mobile home sales
operation

GENERAL LOCATION: On the east side of Broadway in an area north
of 47th Street South

LAND USE: Subject property is occupied, in part, by a mobile home
sales lot; north is a house; south is single family; east
is an oil well and storage tanks; west is a service
station, auto repair, mobile home, single family and
undeveloped.

ZONING: Subject property is zoned "C" Commercial; north is "AA"
Single Family; east, south and west is "LC" Light Commercial

JURISDICTION:

The Board has jurisdiction to consider this request under the
provisions outlined under Section 28.04.182.3, Code of the City
of Wichita. The Board may grant the exception provided that the
Board finds that a hardship exists which cannot be alleviated
without the approval of the request.

COMMENTS BY THE SECRETARY:

The applicant in her statement of justification has indicated
that she desires to obtain the exception so that the mobile home
now located on subject property may be allowed to continue to be
used as the residence for a night watchman for her mobile home
sales lot. The applicant states that, "The subject mobile home
retail sales lot has sustained much vandalism and larceny of the
various mobile home coaches for sale." She further stated that
"She has temporarily had a night watchman living on the premises,
and during the time that such night watchman has lived on such
premises, all incidents of larceny and vandalism have terminated."

It is the opinion of the Secretary that a hardship can be
found in this instance and it is, therefore, recommended that the
exception be granted subject to the following:

Page 2 - Secretary's Report
Case No. BZA 14-72

1. The mobile home may be used for a residence as long as it is occupied by a night watchman and the mobile home sales lot remains in operation and under the applicant's ownership.
2. The applicant shall report annually (January) to the Central Inspection Division as to whether or not a night watchman still occupies the mobile home and if she still operates the mobile home sales lot.
3. The location of the mobile home shall conform to all requirements of Title 26 - Mobile Home Code.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

May 3, 1972

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 14-72

An application has been filed by Kathryn E. Morse, 2440 South Broadway, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the occupancy of a mobile home by a night watchman on Lot 1, Block 2, Morse Addition, associated with a mobile home sales operation, on property zoned "C" Commercial, and legally described as follows:

Lot 1, Block 1; and Lots 1, 2 and 3, Block 2, in Morse Addition to Wichita, Kansas. Generally located on the east side of Broadway in an area north of 47th Street South.

This application has been assigned Case No. BZA 14-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 23, 1972, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

9 notices mailed 5-3-72 for 5-23-72

BOARD OF ZONING APPEALS

CASE NO. 14-72

CITY OF WICHITA, KANSAS

FILED 4-25-72

APPLICATION FOR EXCEPTION

I. Name of Applicant KATHRYN E. MORSE
Mailing Address 2440 South Broadway Phone 267-9021
Name of Authorized Agent FRANK C. McMASTER
Mailing Address 420 R. H. Garvey Building Phone 263-4281
Relationship of applicant to property is that of Attorney
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section
28.04.183.3, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of a mobile home
_____ on property zoned
"C", located 2440 South Broadway
_____ and legally described as:
Lot 1, Block 1 and Lots 1, 2, and 3, Block 2
in Morse Addition to Wichita, Kansas.
_____, in the City of Wichita.

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
 - That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
 - That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant Kathryn E. Morse
Authorized Agent Frank C. McMaster

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:05 (a.m. - p.m.), April 25, 19 72, together with appropriate fee of \$50.00.

T9-403

Signed B. Rathkes

Map # 5542

EXHIBIT "A"

It is the applicant's desire to install a mobile home in conformance with the City Code so that a night watchman can reside on the property for the purpose of protecting the wares and merchandise displayed upon the lot.

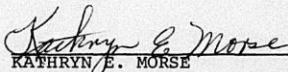
Applicant is purchasing the property from E. R. Brookings under an escrow contract and is engaged in the retail sale of mobile homes.

The subject mobile home retail sales lot has sustained much vandalism and larceny of the various mobile home coaches for sale. Applicant has temporarily had a night watchman living on the premises, and during the time that such night watchman has lived on such premises, all incidents of larceny and vandalism have terminated.

It is applicant's desire to maintain a night watchman living on the premises at all times during the continuance of the business of the sale of mobile homes.

Attached as Exhibits are a detailed plot plan drawn to scale, a certified list of all persons or concerns owning property within a distance of 200 feet, and a copy of an application made to Central Building Inspection for the installation and inspection of the mobile home in question.

Respectfully submitted,


KATHRYN E. MORSE

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO. Inc., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds of Sedgwick County, Kansas, of:

Lot 1, Block 1 and Lots 1-2-3, Block 2,
in Morse Addition, Wichita, Kansas.

Together with all lots and tracts within a 200 foot radius thereof.

DESCRIPTION	OWNER/OWNERS/ADDRESS	
<u>Morse Addition</u>		
<u>Block 1</u>		
Lot 1	✓ E. R. & Hazel O. Brookings 1732 S. Topeka	67211
<u>Block 2</u>		
Lots 1-2-3	✓ E. R. & Hazel O. Brookings 1732 S. Topeka	67211
<u>Broadway 47 Plaza Addition</u>		
Block 1	✓ Lawrence V. Van Horn 7601 Dorset Drive Oklahoma City, Okla.	73116
<u>Shepler's 2nd Addition</u>		
Lot 1	✓ Norma F. & D. F. Shepler RR #2, Latham, Kansas.	67072
Beg. SE cor SE $\frac{1}{4}$ of Sec. 17-28-1E, W 180', N 330', E 155', N 20', E 75' S to Beg.	✓ Norma F. & D. F. Shepler RR #2, Latham, Kansas.	67072
E 217.8' of W 577.8' of S 300' of SW $\frac{1}{4}$ of 16-28-1E.	✓ Southwestern Bell Telephone Co. 823 Quincy, Topeka, Kansas.	66608
S 121' of W 360' of SW $\frac{1}{4}$ of Sec. 16 28-1E.	✓ J. W. Kammerer 4756 S. Broadway	67219
SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16-28-1E, lying West of Drainage Canal, Except Morse Add. & Exc S 121' of W 360', & Exc E 217.8' of W 577.8' of S 300'	✓ E. R. & Hazel O. Brookings 1732 S. Topeka	67211
Beg. 1218.65' N & 30' W of SE cor of Sec. 17-28-1E, W 200', S 100', E 200' N to Beg.	✓ Daniel C. Den Hartog 4555 S. Broadway	67219
E 630' of S $\frac{1}{2}$ SE $\frac{1}{4}$ except S 649.5' & Exc N 200' & Exc S 25' N225' of E342' for Reed & E 30' for Road	✓ John A. George 2759 S. Broadway	67219

Witness our Hand and Seal this 18th day of April, 1972 at 7:00 A.M.

GUARANTEE TITLE CO., Inc.

By *Nellie M. Restinger*
Vice-President

No. 37339.

THE CITY OF WICHITA, KANSAS
CENTRAL INSPECTION DIVISION
DEPARTMENT OF PUBLIC WORKS

File No. _____
Date 4-25

LICENSE APPLICATION FOR OPERATION OF A MOBILE HOME PARK
(Submit in triplicate) New X
Existing _____

APPLICATION IS HEREBY MADE for license to operate a Mobile Home Park (one or more mobile homes or house trailers) in conformance with the ordinances of the City of Wichita, Kansas. I hereby certify that the statements made on this application and the attached exhibits are true and correct to the best of my knowledge.

Kathryn E. Morse
Signature of Applicant

Kathryn E. Morse
Signature of Owner

Legal Description of Proposed Park:

Lot 1 Block 2 MORSE Sub.
Wichita, Sedg. Co., Kansas

Owner: KATHRYN E. MORSE
Address: 1941 S. DODGE Tel: 264 4928

If Applicable:
Name of Park: Town & Country Sales
Address: 4722 S. Broadway Tel: 524-3583

Name of Operator: Kathryn E. Morse
Address: 1941 S. DODGE Tel: 264-4928

Number of Spaces: Mobile Home 1 House Trailer _____

Water: City _____ Sewage: City _____ Fuel: Public X
Private X Private X Private _____

Electricity: X KGE

Applicable to parks accommodating one or more HOUSE TRAILERS only:

Sanitary Facilities:
No. of toilets(M) _____ No. of lavatories(M) _____ No. of showers or tubs(M) _____
No. of toilets(F) _____ No. of lavatories(F) _____ No. of showers or tubs(F) _____

Required Exhibits: Plat of proposed park (in triplicate). Min. Scale 1" equals 30'.

Include: Park dimensions.
Number, location and size of spaces.
Location and size of buildings, sewers, water lines, gas lines,
sewage disposal system and water supply wells.

Applicable to new parks only: Layout shall include topographical contours,
drainage and grading plans.

OFFICE USE ONLY:

In compliance with park layout requirements: _____ Electricity: _____

WICHITA-SEDGWICK COUNTY HEALTH DEPT. APPROVAL

By Raymond Williams
Date 4-25-72

CENTRAL INSPECTION DIVISION

By Joseph L. Louche
Date 4-25-72

FORM 223-021

PAYMENT NOTICE *May 23*
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>Approp. Exception</i>	<i>50.00</i>

Name *W. H. Jones*

Address *2746 So. Broadway*

Type _____ Due Date *4-25-72*

Comments: *44--407103*

Date _____ By *BR*