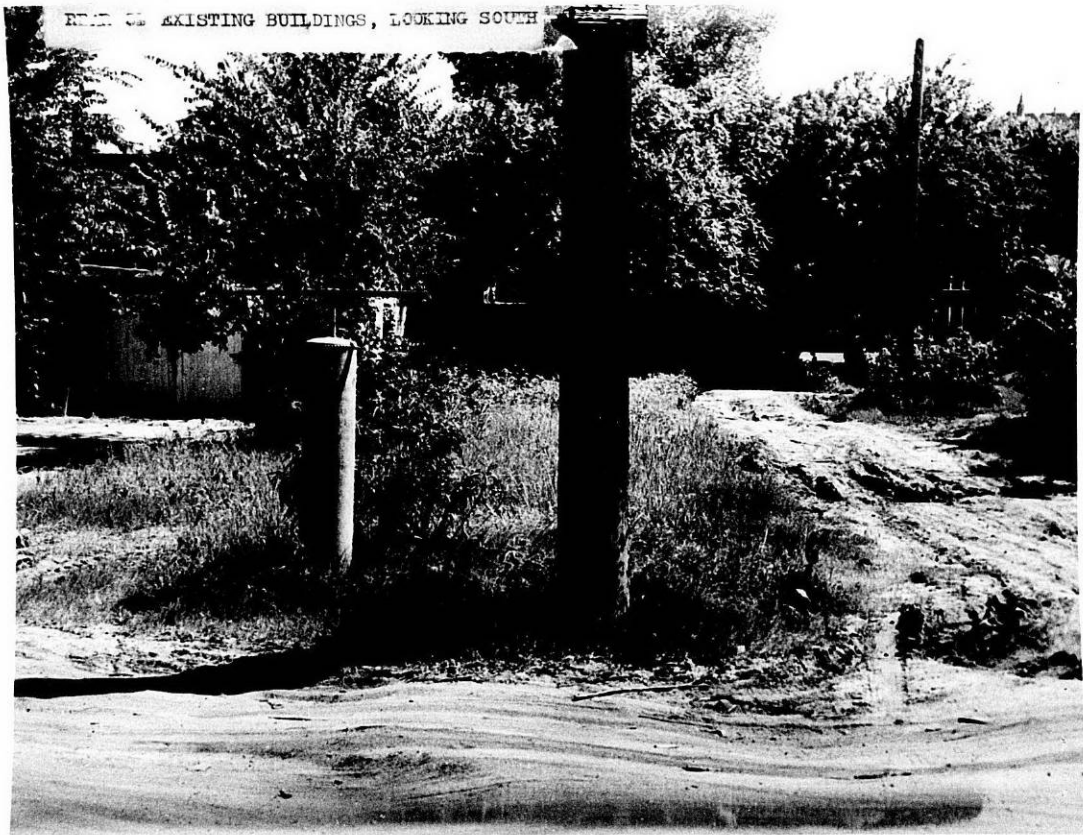


CASE No. 16-51

REAR OF EXISTING BUILDINGS, LOOKING SOUTH



REAR OF BARN STORE, LOOKING SOUTHEAST

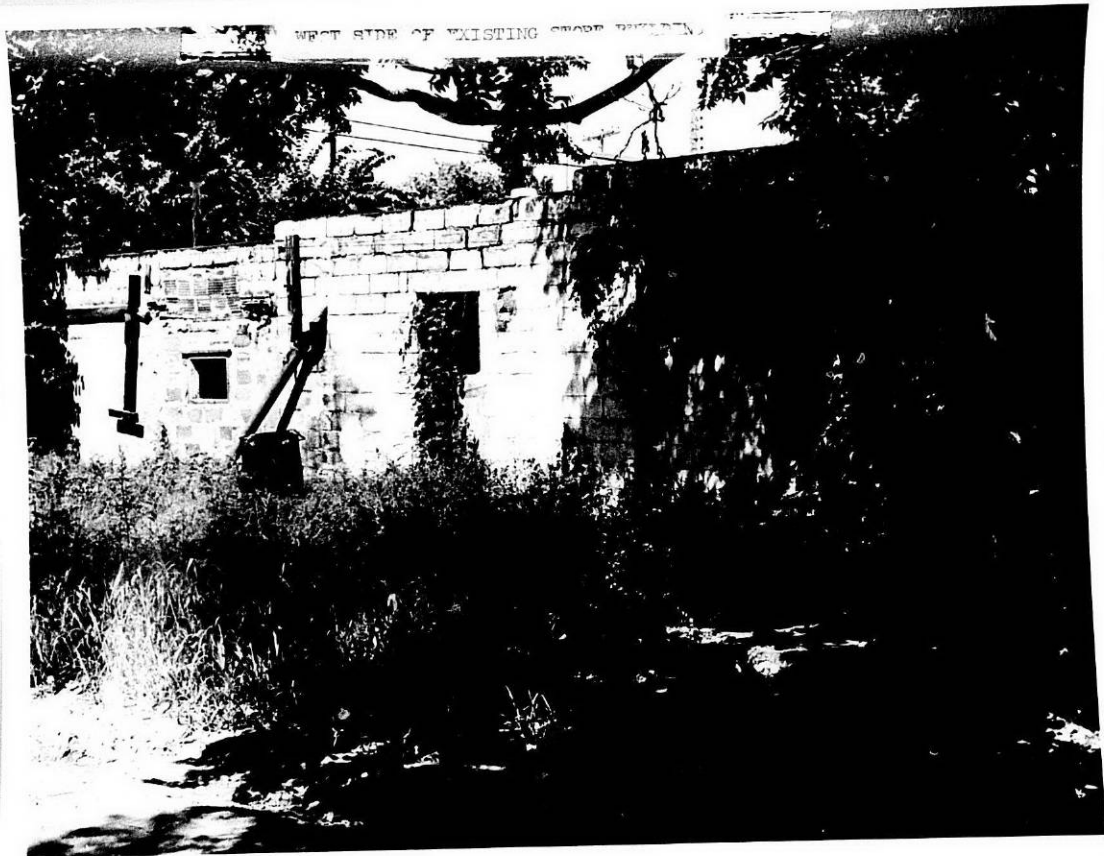


BACK AND REAR OF EXISTING STORE BUILDINGS, LOOKING SOUTH



LOOKING SOUTHWEST





Addresses of owners within a 200 feet radius of Lots 10-12-14-18,  
Douglas Avenue Park Place Addition.

---

- Thomas J. House, 2328 East Douglas.
- T.J. House, 2328 East Douglas.
- Floyd L. DeVore, 33 Mission Road, Eastborough.
- Sports Craft Supply, Inc., 2228 East Douglas.
- Wichita Cycle and Supply Co. Inc., 111 North Spruce.
- Ambrose A. and Rose Mary Simpson, 1714 North Glendale.
- Eva Lange and Helen Lange Vachal, 117 North Spruce.
- Viola Beebe, 128 North Spruce.
- Clark and Luella E. Frazier, 124 North Spruce.
- O.W. and Myrtle I. Perkins, 122 North Spruce.
- J.G. and Marie C. Meir, 118 North Spruce.
- Addie Dickman, 210 North Grove.
- Albert L. Ribelin, 130 North Grove.
- Arthur Doll, 119 North Grove.
- Standard Oil Co., 2402 East Douglas.
- Marguerite Smith Petrie, 6 Linden Drive, Forest Hills.
- Harry A. and Blanch A. Hurt, 519 North Belmont.
- Stella M. and Ora O. Arnold, 114 South Grove.
- Henry and Nathan Leben, 735 South Broadway.
- Dunn Investment Co., 125 1/2 North Topeka.
- W. H. and Vica Irwin, 125 North Spruce.
- Board of Education, 428 South Broadway.

BOARD OF ZONING APPEALS  
Room 304, City Hall  
Wichita, Kansas

NOTICE TO PROPERTY OWNERS

July 27, 1951

An appeal has been filed by Clarence E. Vollmer Const. Co.  
(Address) 840 N. Main on behalf of Advance  
Furnace Co. (Address) 2300 E. Douglas

as provided by Section 33 of the Zoning Ordinance. The appellant  
desires to erect a retail sales and warehouse building

\_\_\_\_\_ on the premises  
located at 2310-12-14-16-18 E. Douglas

This appeal has been given Case No. 16-51  
and a hearing will be held by the Board of Zoning Appeals on \_\_\_\_\_  
Friday, August 3, 1951 at 1:30p.m.

at which time you may appear, if you so desire, either in person or  
by agent or attorney.  
**Room 201, City Building.**

By order of the Board of Zoning Appeals.

Eugene N. Smith  
Secretary.

Wichita, Kansas, July 31, 1951.

Board of Zoning Appeals

Room <sup>201</sup> 304, City Hall

Wichita, Kansas.

Gentlemen:

We, the undersigned, protest the granting of the appeal filed by the Advance Furnace Company, 2300 East Douglas, to change zoning to permit this company to erect a sales and warehouse building at 2310-12-14-16-18 East Douglas. We feel that said change would cause the value of our property to depreciate and become much less desirable for residences. We feel that this company already infringes upon the rights of citizens in blocking the sidewalk and street for long periods of time along its frontage on Spruce Street and in not providing parking space for its employees.

*G. A. Getrekin - 136 N. Spruce.*  
*C. P. Frazier - 124 N. Spruce*  
*Clark Frazier - 124 N. Spruce*  
*Nels Lange Tackal - 117 No. Spruce*  
*Carl F. Ingersoll 135 N. Spruce*  
*Violet E. Ingersoll 135 No. Spruce*  
*L. E. Allen 115 N. Spruce*  
*Hazel Allen 115 N. Spruce*  
*Edna May Brann 133 N. Spruce*  
*Edward Charles Brann 133 N. SPRUCE*  
*Verla M. Long 137 N. Spruce*  
*Nellie J. Howard 132 N. Spruce.*

Wichita, Kansas, July 31, 1951.

Board of Zoning Appeals  
Room 304, City Hall  
Wichita, Kansas.

Gentlemen:

We, the undersigned, protest the granting of the appeal filed by the Advance Furnace Company, 2300 East Douglas, to change zoning to permit this company to erect a sales and warehouse building at 2310-12-14-16-18 East Douglas. We feel that said change would cause the value of our property to depreciate and become much less desirable for residences. We feel that this company already infringes upon the rights of citizens in blocking the sidewalk and street for long periods of time along its frontage on Spruce Street and in not providing parking space for its employees.

Orville W. Perkins 122 N. Spruce  
Myrtle J. Perkins 122 N. Spruce  
Lawrence E. Lybarger 140 N. Spruce  
Helen L. Lybarger 140 N. Spruce  
Viola Dube 128 N. Spruce  
Mrs. Mary Rogers 141 N. Spruce  
Mrs. T.H. Madden 144 N. Spruce  
William W. Berry 147 N. Spruce  
Sarah A. Berry 147 N. Spruce  
~~W. J. P. - 2.~~ 142 N. Spruce  
Mrs. Earl Rowe 142 N. Spruce

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Floyd DeVore Owner Address 2300 East Douglas  
To Clarence E. Vollmer Const. Co. Applicant Address 840 North Main

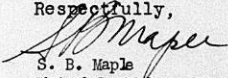
Dear Sir:

Your Application Dated July 18, 1951  
For a Permit for the erection of a retail sales and warehouse building  
at the premises designated as  
2310-12-14-16-18 East Douglas

Is hereby refused on this 18th day of July, 1951,  
Under Section 19, (2) of the Zoning Ordinance.

For the reason that <sup>a portion of</sup> ~~this~~ this building would be used for warehouse storage  
used in connection with the Advance Furnace Company, a non-conforming use.  
There would be retail shops along the street frontage with the storage portion  
occupying the major part of the rear.

Respectfully,

  
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.

TO: THE BOARD OF ZONING APPEALS  
304 City Building  
Wichita, Kansas

CASE No. 16-51

APPELLANTS: Floyd DeVore  
and  
Clarence E. Vollmer  
Construction Co.

PROPERTY INVOLVED: 2310 to 2318 Douglas Avenue  
Wichita, Kansas

STATEMENT OF APPEAL.

APPELLANTS hereby appeal from the Order of S. E. Maple, Chief Building Inspector, under date of July 18, 1951, refusing a Permit for the erection of a building at the above address, and in support of their appeal state:

1. DESCRIPTION OF PROPOSED BUILDING.

A one (1) story store building of masonry construction, facing 100 feet on East Douglas Avenue, and being 160 feet deep, designed for five (5) rental stores on Douglas Avenue, and a large open room in the rear to be divided later for use in connection with the store-rooms as needed.

The proposed building is to be located on the following described real estate located in Sedgwick County, Kansas, to-wit:

Lots 10, 12, 14 and 16, on Douglas Avenue, in  
Park Place Addition to Wichita, Kansas.

2. REFUSAL OF BUILDING PERMIT.

The Building Inspector, under of July 18, 1951, refused the application for a Building Permit for the reason "that a portion of this building would be used for warehouse storage used in connection with the Advance Furnace Company, a non-conforming use".

The Advance Furnace Company occupies the brick one (1) story building at 2300 East Douglas Avenue, which adjoins the proposed building on the West and which was formerly occupied and owned by the Smith Baking Company. The Furnace Company has occupied and used the building for the manufacture of Cozy Gas Furnaces since the early part of 1938 and also prior to the use regulations of the City referred to in the Inspector's Refusal.

The building used by the Furnace Company, and the four Lots adjoining on the East, and on which the new building is proposed to be constructed, were purchased by the undersigned, FLOYD DEVORE, in 1938 and 1939 and are still owned by him. He also owns the majority interest in the Furnace Company. However, no expansion of the Furnace Company business at this location will be made. The business of the Furnace Company will remain the same, whether the proposed building is built or not.

It is the purpose of Mr. DeVore, and the Furnace Company, to use the present location at 2300 East Douglas Avenue, only until a new building for the Furnace Company is built, having trackage facilities on the Frisco and Santa Fe, near Gilbert Street. In furtherance of this objective, the Furnace Company has purchased a Block of ground which is bounded on the South by Gilbert

Street, on the North by Indianapolis Street, on the East by Mosley, and on the West by Meade. The old improvements have been removed from this Block, and the sewer and utility lines have been re-routed and an alley originally platted North and South through the center of the Block has been Vacated, and full title has been vested in the Furnace Company. Trackage contracts with the Frisco and Santa Fe, and plans for the building to be constructed, are now in preliminary form, and the building will be commenced and completed as soon as conditions permit. When constructed, the new building will completely house the Furnace Company and everything will be removed from the Douglas Avenue location.

In the meantime, however, it is the desire of Mr. DeVore to allow the Furnace Company to store in the rear end of the new building, finished and crated furnaces and parts. These finished and crated furnaces and parts are now trucked from the Furnace Company building at 2300 East Douglas Avenue, to storage locations in other parts of the City. The use of the new building for this limited purpose will not in any manner result in an expansion of the Furnace Company business, but will relieve the congestion incident to the removal of finished products to other locations, pending the sale thereof, and will further release storage space in other parts of the City, which is badly needed by all concerns dealing in either military or civilian goods.

3. JURISDICTION.

IT IS THE BELIEF OF APPELLANTS,

(a) That the non-conforming use of the Furnace Company is permissible under the circumstances because it in no way enlarges or extends the Furnace Company business, and will be of a short duration and will relieve a traffic hazard;

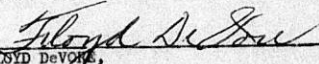
(b) That the granting of the permit to build the store building in question will not adversely affect the rights of adjacent owners or residents, but will in fact benefit the whole area by permitting the improvement of Lots which are for the most part vacant ground, except for three (3) existing buildings on Douglas Avenue which are usable, but of such age that rehabilitation is not practical. The new building will contribute to the general appearance of the Block and will furnish needed space for retail businesses for which the area is zoned;

(c) That strict enforcement of the Ordinance will prevent the owner of Lots in question from developing them for the purposes for which the area is specifically zoned and the purpose for which the area should be used;

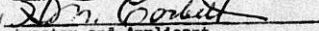
(d) That the public interest will best be served by permitting the construction of the building, which will eliminate the existing vacant ground and eliminate the existing old and unsightly structures now located thereon.

A certified copy of adjacent property owners, plans for the proposed building, and photographs of the premises in question, are handed you herewith.

Respectfully submitted

  
FLOYD DEVORE,  
Owner.

CLARENCE E. VOLLMER CONSTRUCTION CO.

By   
Contractor and Applicant.

SUBMITTED, on this 26 day of July, 1951.

Board of Zoning Appeals  
August 3, 1951  
Page Three

CASE NUMBER 16-51

Applicant: Floyd Devore

Premises Affected: 2310-12-14-16-18 East Douglas

Zoning: "LC" Light Commercial District

Secretary Smith reviewed the case. He stated that Mr. Devore wishes to build a building 100 feet by 160 feet to house retail stores; that the rear of the building will be used as warehouse space temporarily in connection with the Advance Furnace Co., a non-conforming use adjacent to this location.

The appeal stated that Mr. Devore bought the property in question and the Advance Furnace Company building in 1938; that the building had previously been used by the Smith Baking Company; that Mr. Devore is a majority stock holder in the Furnace Company; that the furnace company has bought a block at Gilbert and Mosley to build a new building with trackage and adequate storage, but due to present conditions, do not know when this can be built; that the present location does not have storage space available and they must move the new and used furnaces in trucks to various storage points over the city; that they would only use the building for warehouse space until the new factory could be built; that the neighborhood would be benefitted by a definite improvement to these vacant lots.

Lloyd Cooper, representing the appellant, stated that this is not an expansion of the factory; that they will build the kind of building provided for in an "LC" district.

H. M. Corbett, Vollmer Construction Co., stated that the new building will be 9 feet and 10 inches longer than the factory building; that the use of this building for storage would cut the trucking in half; that there are no connections between the two buildings.

Mrs. Viola Beebe stated that she represented adjacent property owners who opposed any additions to the furnace company and presented a petition signed by these owners; that they feel the value of their property will be depreciated; that there is no parking provided for the furnace company employees and the sidewalk and Spruce Street are always block with trucks, causing a hazardous condition.

Mrs. J. H. Volker, stated that the factory could have used the vacant lots for parking space for many years; that they have no assurance that the new building will not be used for manufacturing purposes also; that the factory causes noise, odors and fire hazards.

Clark Frazier stated that the furnace company has not tried to get along with the neighbors; that the property owners have complained about the downspouts pouring water onto the sidewalks during the winter, but nothing has been done; that it is difficult to sell their property because of the factory.

Wilbur Jones, representing Mrs. House, owner of the building <sup>east</sup> ~~west~~ of the area in question, stated that she does not feel that this is the type of improvement that will add to the neighborhood; that she does not oppose retail stores, but does oppose a warehousing or industrial use; that the tenants in these buildings have objected to

the noise and confusion caused by the furnace company.

In executive session, Smith pointed out that this area was zoned as "C" until 1932 and was conforming; that it was changed to "LC" zoning to prevent small manufacturing plants and objectionable uses from existing east of the Canal.

Keeler said that the furnace business is essential, although it may cause disturbance; that truck loading and unloading should be in the alley.

After further discussion, Smith moved and Keeler seconded that the Board take jurisdiction and grant the variance subject to the following conditions;

1. That the appellant will pave the alley and the space between the alley and the existing and proposed buildings from Spruce to the east line of the proposed building, subject to the specifications of the City Engineer for that portion of the work on City property;
2. That the length of the proposed building will be shortened by 9 feet and 10 inches to be the same length as the Advance Furnace Company building to provide more space for off-street loading;
3. That as much loading as possible be done at the rear of the building to eliminate the blocking of Spruce and the sidewalk;
4. That the utilization of a portion of the proposed building as warehouse space be used only by the manufacturing firm, known as the Advance Furnace Company and used only until the Advance Furnace Company moved its plant to a new location, or in any case, not longer than three years, whichever time is shorter.

The motion carried unanimously.

As there was no further business to come before the Board at this time, the meeting was adjourned.

Eugene N. Smith  
Secretary

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

July 27, 19 51

Mr. Floyd De Vere  
c/o Lloyd F. Cooper

Dear Sir:

Your appeal, under the Zoning Ordinance, relative to premises at  
**2310-12-14-16-18 East Douglas**

has been given Board of Zoning Appeals Case No. **16-51**.

All inquiries and references should always be made to that Case Number when you seek information from the Secretary.

Further, you are notified to appear before the Board of Zoning Appeals either in person, or by agent or attorney, for a hearing of your case on **Friday, August 3, 1951**, 19\_\_\_\_, at **1:30 p.m.**  
**Room 201, City Building**

Respectfully,

**Eugene H. Smith**  
Secretary, Board of Zoning Appeals

**RECEIPT FOR REGISTERED ARTICLE No. 3315**

Fee paid 2.00 (initial) 2.00 (total)

Class postage paid 0.00 Return receipt fee 0.25  
 Special delivery fee 0.00

Declared value, \$ 0.00

Surcharge paid, \$ \_\_\_\_\_

Restricted delivery (Accepting employee will place initials in proper space) \_\_\_\_\_ in person \_\_\_\_\_  
 or order \_\_\_\_\_ Fee paid \_\_\_\_\_

From City of Wichita  
City Planning Commission  
(Street and number) (City and State)

Addressed to City Planning Commission  
304 City Bldg  
(Street and number) (City and State) Postmaster, per RB

WICHITA, KANSAS  
 JUL 29 1951  
 POSTMARK  
 NO. 3

Post Office Department  
 OFFICIAL BUSINESS

WICHITA, KANSAS  
 JUL 1 1 31 PM '51

Return to City Planning Commission  
(Street and Number, or Post Office Box)  
304 City Bldg

REGISTERED ARTICLE  
 No. 3315

INSURED PARCEL

WICHITA, KANSAS

PERMIT FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

POSTOFFICE OF DELIVERY OFFICE

3315

**RECEIPT FOR REGISTERED ARTICLE No.** 3315

Fee paid 25 (Use)

Class postage paid 0.00 Return receipt fee 05  
 Special delivery fee 05

Declared value, \$ 0.00 Restricted delivery in person  
 (Accepting employee will place initials in proper space) Fee paid 05

Surcharge paid, \$ 0.00

From Party of Wichita, Kan.

Addressed to Party of Planning Com. Postmaster, per R

POSTMARK  
 JUL 29 1937  
 NO. 3

U. S. GOVERNMENT PRINTING OFFICE 16-12065-5

FORM 8811  
 Rev. 1-4-40

**RETURN RECEIPT**

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 Edward F. Cooper  
 (Signature or name of addressee)

2 Ada Miller  
 (Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 7 30 1937

U. S. GOVERNMENT PRINTING OFFICE 16-12421-1

STATUS SHEET

Board of Appeals Case No. 16-51

2310-12-14-16-18 East Douglas Premises in Question  
Clarence Volmer Const. Co. Appellant's Name  
840 N/ Main Appellant's Address  
Floyd DeVore Owner's Name  
2300 East Douglas Owner's Address

~~7-18-51~~ Building or Zoning Application Received by Building Inspector

7-18-51 Decision of Building Inspector refused addition to a non-conforming use.

7-18-51 Appeal filed with Bond of Zoning Appeals

Hearing notice and receipt

The variance or exception desired arises from some condition which is not uniform in similiar districts

The granting of the permit for the variance will not prejudice the rights of adjacent property owners or residents

Adjoining Property Owners Notified

Protests Received

Consents Received

Prior Cases on These Premises

Case Hearings

Case Decided Action of Board

Notice of Decision Sent

Court Cases