

16-60 - WESLEY MOTOR HOTEL, INC. RE-  
QUESTS A VARIANCE FOR OMISSION OF THE  
SETBACK REQUIREMENTS AT THE SIDE AND  
REAR YARDS ON THE NW CORNER OF CENTRAL

11-22-60

B 2A 12-27-60 *Approved in part*  
*Days balance.*

JANUARY 9, 1961

WESLEY MOTOR HOTEL, INC.  
319 BEACON BUILDING  
WICHITA, KANSAS

GENTLEMEN:

RE: BZA 16-60

ON DECEMBER 28, 1960, WE ADVISED YOU THAT THE BOARD OF ZONING APPEALS HAD APPROVED SUBJECT APPLICATION AS IT APPLIED TO THE SIDE YARD SETBACK ALONG THE WEST SIDE OF SUBJECT PROPERTY, AND DENIED YOUR REQUEST AS IT RELATED TO THE SIDE YARD SETBACK (TO THE EAST) AND REAR YARD (TO THE NORTH).

WE ALSO ADVISED YOU THAT THE BOARD'S DECISION MIGHT BE APPEALED TO THE CITY COMMISSION PROVIDED THAT SUCH APPEAL WAS FILED ON OR BEFORE JANUARY 6, 1961.

THE CITY CLERK HAS ADVISED THAT NO APPEAL WAS FILED ON OR BEFORE THE DATE INDICATED, AND THE DECISION OF THE BOARD OF ZONING APPEALS IS, THEREFORE, FINAL.

A COPY OF THE RESOLUTION SETTING FORTH THE ACTION OF THE BOARD IS ATTACHED FOR YOUR INFORMATION AND FILES.

VERY TRULY YOURS,

ALVIN J. KARETSKI  
SECRETARY

AJK:BER

ATTACHMENT

CC: S. B. MAPLE  
BUILDING INSPECTION SUPERINTENDENT

BOARD OF ZONING APPEALS

JANUARY 9, 1961

S. B. MAPLE, BUILDING INSPECTION SUPERINTENDENT  
ALVIN J. KARETSKI, SECRETARY

BZA 16-60

ATTACHED IS THE ORIGINAL OF RESOLUTION No.  
16-60, APPROVED BY THE BOARD OF ZONING APPEALS  
ON DECEMBER 27, 1960. THE APPEAL PERIOD FOR  
THIS PARTICULAR CASE ENDED ON JANUARY 6,  
1961 AND NO APPEAL WAS TAKEN ON OR BEFORE  
THAT DATE. THE BOARD'S DECISION IS, THERE-  
FORE, FINAL.

ALVIN J. KARETSKI  
SECRETARY

AJK:BER

ATTACHMENT

BOARD OF ZONING APPEALS

DECEMBER 30, 1960

C. H. FUNK, CITY CLERK

ROBERT A. LAKIN, ACTING SECRETARY

BZA 16-60

ON DECEMBER 28, 1960, WE FORWARDED TO YOU A COPY OF OUR LETTER TO WESLEY MOTOR HOTEL, INC. ADVISING THE ACTION OF THE BOARD OF ZONING APPEALS CONCERNING THE ABOVE CASE.

ATTACHED IS ONE COPY OF THE RESOLUTION ADOPTED BY THE BOARD OF ZONING APPEALS IN THIS CASE. THE DECISION OF THE BOARD CAN BE APPEALED TO THE CITY COMMISSION ON OR BEFORE JANUARY 6, 1961.

ROBERT A. LAKIN  
ACTING SECRETARY

RAL:BER

ATTACHMENT

DECEMBER 28, 1960

WESLEY MOTOR HOTEL, Inc.  
319 BEACON BUILDING  
WICHITA, KANSAS

GENTLEMEN:

Re: BZA 16-60

THIS IS TO ADVISE YOU THAT AT ITS REGULAR MEETING OF DECEMBER 27, 1960, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA CONSIDERED YOUR REQUEST FOR VARIANCE OF THE SETBACK LINES IN SIDE AND REAR YARD SETBACKS FOR PROPERTY AT THE NORTHWEST CORNER OF RUTAN AND CENTRAL. THE BOARD HAS APPROVED YOUR REQUEST AS IT APPLIED TO THE SIDE YARD SETBACK ALONG THE WEST SIDE OF SUBJECT PROPERTY, AND DENIED YOUR REQUEST AS IT RELATES TO THE SIDE YARD SETBACK (TO THE EAST) AND REAR YARD (TO THE NORTH) SETBACKS.

SECTION 2.12.610 OF THE CODE OF THE CITY OF WICHITA PROVIDES THAT THE DECISION OF THE BOARD OF ZONING APPEALS SHALL BE FINAL UNLESS IT IS APPEALED TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN DAYS OF THE DATE OF THE BOARD'S ACTION. ACCORDINGLY, AN APPEAL COULD BE FILED IN THIS CASE ON OR BEFORE JANUARY 6, 1961.

SUBSEQUENT TO THE EXPIRATION OF THE APPEAL PERIOD, YOU WILL BE ADVISED WHETHER OR NOT AN APPEAL HAS BEEN FILED. IF NO APPEAL HAS BEEN FILED ON OR BEFORE JANUARY 6, 1961, THE DECISION OF THE BOARD WILL BE FINAL AND THE SUPERINTENDENT OF BUILDING INSPECTION WILL BE IN A POSITION TO ISSUE THE APPROPRIATE PERMIT.

VERY TRULY YOURS,

ROBERT A. LAMIN  
ACTING SECRETARY

RAL:BER

cc: C. H. FUNK  
CITY CLERK

*Red.*

CASE BZA 16-60

HISTORY

JULY 17, 1960 - A ZONE CHANGE FOR THE PROPERTY WAS BROUGHT BEFORE THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION.

ACTION - DEFERRED TO JULY 21. PROPERTY WAS ZONED "A" AND "B"; CHANGE REQUESTED WAS FOR "LC".

*was covenant  
Recorded*

JULY 21, 1960 - PLANNING COMMISSION UNANIMOUSLY APPROVED THE REQUEST FOR "LC" ZONING BUT RECOMMENDED THAT THE BOARD OF CITY COMMISSIONERS (IF THEY AFFIRMED THE PLANNING COMMISSION ACTION) MAKE THEIR RESOLUTION ONLY AFTER THE APPLICANT FILED A RESTRICTIVE COVENANT WITH THE REGISTER OF DEEDS. (THE COVENANT WAS FOR 20 YEARS AND LIMITED USE OF THE PROPERTY TO "LC" FOR MOTOR COURT OR HOTEL ONLY, OR TO "A" OR "B" ZONING. THERE WAS NO OPPOSITION TO THE REQUEST.

AUGUST 2, 1960 - BOARD OF CITY COMMISSIONERS DEFERRED THE CASE 3 WEEKS FOR LEGAL DEPARTMENT STUDY OF THE RESTRICTIVE COVENANT.

AUGUST 23, 1960 - CASE APPROVED BY BOARD OF CITY COMMISSIONERS.

CASE DESCRIPTION

APPLICANT DESIRES OMISSION OF SIDE AND REAR SETBACK REQUIREMENTS FOR A PROPOSED MOTEL AT NORTHWEST CORNER OF RUTAN AND CENTRAL. PRESENT SETBACK REQUIREMENTS ARE:

SIDE YARD - 5 FEET  
REAR YARD - 15 FEET.

(ZONING ORDINANCE SECTION 28.04.090, PART C.2 AND 3; SECTION 28.04.070 PART C.2 - "B" MULTI-FAMILY DISTRICT)

EXISTING LAND USE - SEE AERIAL PHOTO AND SKETCH OF PROPOSED BUILDING.

FACTS TO CONSIDER:

DRAINAGE DITCH RUNS PARALLEL TO THE WEST PROPERTY LINE

NO WINDOW OPENINGS ARE PROPOSED FOR WEST AND NORTH SIDES OF THE BUILDING

THE APPLICANT STATES WESLEY HOSPITAL EXPANSION WILL EVENTUALLY ABUT THE NORTH PROPERTY LINES. AS EXISTS NOW, HOWEVER, TWO RESIDENCES ARE LOCATED TO THE NORTH AND OMISSION OF THE EAST SIDE AND REAR SETBACKS FOR THE MOTEL WOULD HAVE AN EFFECT UPON THE RESIDENCES.

BOARD'S CHOICE OF ACTION

BOARD HAS JURISDICTION (~~SECTION 2-12.500 WICKIWA CITY CODE~~  
~~PART 300~~) TO GRANT VARIANCES FROM SETBACK REQUIREMENTS PROVIDED THE BOARD HAS DETERMINED THAT ALL THE FOLLOWING CONDITIONS ARE PRESENT:

- A. VARIANCE ARISES FROM A UNIQUE CONDITION, NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT.
- B. GRANTING OF THE VARIANCE WILL NOT ADVERSELY AFFECT RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS.
- C. STRICT APPLICATION OF ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL CONSTITUTE UNNECESSARY HARDSHIP UPON THE PROPERTY OWNER.
- D. VARIANCE WILL NOT AFFECT ADVERSELY PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE.

THE APPLICANT INDICATES DENIAL OF THE VARIANCE WOULD MEAN LOSS OF THREE MOTEL UNITS. IN REFERENCE TO THIS, THE BOARD SHOULD BE COGNIZANT OF:

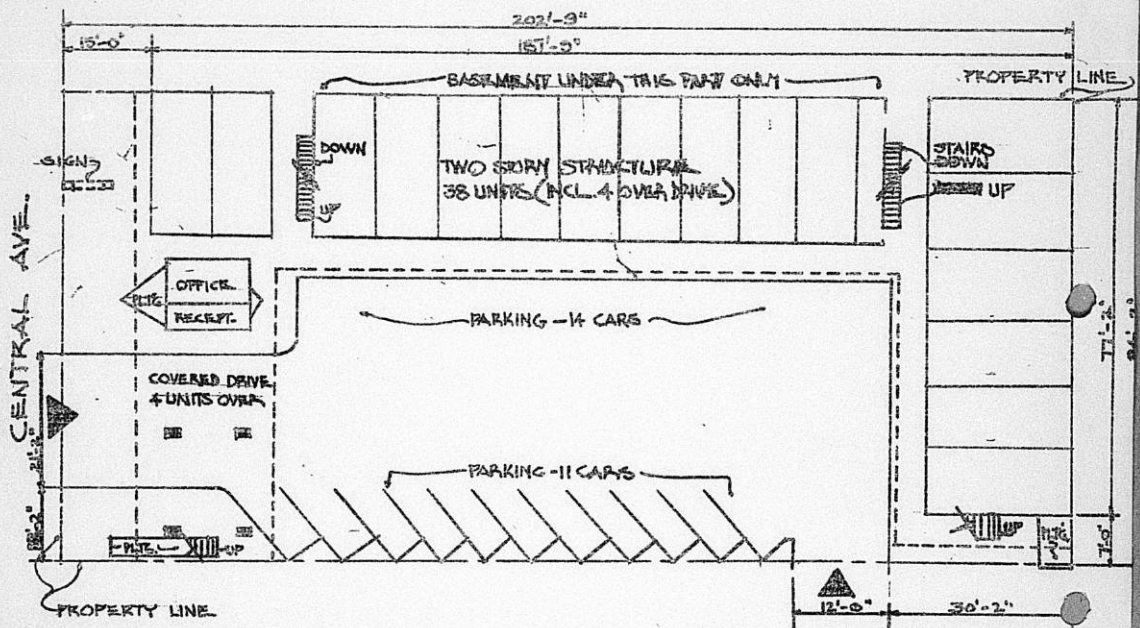
1. THE PROPERTY OWNER MUST CONFORM TO THE CONDITIONS OF THE ZONING ORDINANCE UNLESS THE IMPOSITION OF THE ORDINANCE CREATES HARDSHIP
  - IN VARIANCE CASES, INABILITY TO USE PROPERTY MORE INTENSIVELY IS NOT CONSIDERED A HARDSHIP BY THE COURTS.
  - HINDRANCE CREATED BY A PHYSICAL OR TOPOGRAPHICAL CONDITION IS A HARDSHIP.
2. HARDSHIP MUST BE SUFFERED BY THE PROPERTY OWNER IN QUESTION AND NOT BE A RESULT OF HIS OWN ACTIONS. REQUEST FOR ZONE CHANGE TO "LC" MUST HAVE BEEN MADE WITH KNOWLEDGE OF THE SITE LIMITATIONS.

"EVERY VARIANCE....GRANTED OR DENIED BY THE BOARD SHALL BE ACCOMPANIED BY WRITTEN FINDINGS OF FACT AND REASONS FOR GRANTING OR DENYING THE VARIANCE..., AND VARIOUS CONDITIONS MAY BE STIPULATED BY THE BOARD TO BE FULFILLED BEFORE GRANTING OF A VARIANCE...." (BOARD OF ZONING APPEALS RULES AND REGULATIONS, ARTICLE VII, PART 3).

SECRETARY'S OPINION

IT IS THE SECRETARY'S OPINION AND SUGGESTION THAT THE BOARD:

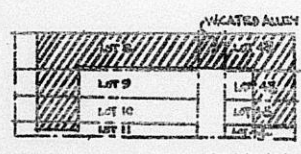
- PERMIT OMISSION OF THE WEST SIDE YARD SETBACK SINCE THE FOUR REQUIRED POINTS CAN BE SATISFIED.
- DENY THE VARIANCE FOR THE REAR AND EAST SIDE YARD SETBACK SINCE THE FOUR REQUIRED POINTS CANNOT BE SATISFIED.



CENTRAL AVE.

RUTAN AVE.

BZA 16-60



NORTH

DRAWING NOT TO SCALE

BZA  
1760

BZA "VARIANCES"  
"Hardship"

The following citations are submitted as a guide for the Board of Zoning Appeals in its deliberations upon applications for variances from the building and zoning regulations.

"An Indiana court has emphasized that a zoning board does not have power to grant variances which constitute substantial changes in the master zoning plan. Says the Court:

'...any variance is required to be in harmony with with the general spirit and intent of the ordinance. Any variation which so changes the character of an area so that it is not in harmony with the general purpose and intent of the zoning ordinance must be effected by an amendment of the zoning ordinance of which the master plan is a part. . .the legislative intent is clear that where any considerable change is to be made, it must be made by ordinance. . . The zoning board does not have the power to grant variances which constitute a substantial change in the master zoning plan. . .To permit Boards of Zoning Appeals to change substantially the master zoning plans in use districts would constitute an improper delegation of powers of the legislative body of the municipality. . .'

Other courts have demanded proof that the variance will be in harmony with a general plan and with the spirit of the zoning ordinance.

The judicial attitude opposed to the reckless or even liberal grant of variances is well illustrated by a quotation from the Maryland court which uses the term 'exception' for what we are here discussing as a 'variance'. The Court indicates:

'The need sufficient to justify an exception must be substantial and urgent and not merely for the convenience of the applicant, inasmuch as the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance. The expression (practical) difficulties or unnecessary hardships) means difficulties or hardships which are peculiar to the situation of the applicant for the permit and are of such a degree of severity that their existence is not necessary to carry out the spirit of the ordinance, and amounts to a substantial and unnecessary injustice to the applicant. Exceptions on the ground of (practical difficulties and unnecessary hardships) should not be made except where the burden of the general rule upon the individual property would not, because of its unique situation and the singular circumstances, serve the essential legislative policy, and so would constitute an entirely unnecessary and unwarranted invasion of the basic right of private property.'

---Aniteau on Municipal Corporation Law, Vol.1, Sec. 7.09

"In Fleming v. Prospect Park Board of Adjustment, 318 Pa. 582, 178 A. 813, it was held that it is not an abuse of the Board's discretion to refuse a variance to permit a non-conforming use of the premises when the sole ground for such a variance is the added advantage to be gained by or through an increase in the rents of the premises."

"In Lee v. Board of Adjustment, 226 N.C. 107, 37 S.E. 2d 128, 168 A.L.R. 1, the court at P. 5, said:

'The financial situation or pecuniary hardship of a single owner affords no adequate grounds for putting forth this extraordinary power affecting other property owners as well as the public. Appeal of Parker, supra; Prusik v. Board of Appeal, 262 Mass. 451, 160 N.E. 312.'

"\* \* \* The power of the board of adjustment to authorize a variance in the zoning regulations is limited to those cases in which the restrictions place hardship upon the owner of a particular piece of property (italics in opinion) because of a situation or condition peculiar to his property alone (italics in opinion). The board of adjustment does not possess any legislative powers; its powers are only administrative. Therefore, when the situation, or conditions, is general, and when it affects other properties within the same zone, in the same manner and to the same extent that it affects the lot, or plot of land in question, the board of adjustment does not possess the power to grant a variance. The proper remedy for relief in a matter of that nature lies with the governing body of the municipality to amend the zoning ordinance (R.S. 40:55-35 (N.J.S.A.)); Brandon v. (Board of Comm'rs of Town of) Montclair, 124 N.J.L. 135, 11 A.2d 304."

---Rathkopf, The Law of Zoning and Planning, Vol. 2, Pp. 166-111.

"If the hardship or difficulty is due to conditions common to the other property in the same zoned district or neighborhood, the remedy is by legislative action for a rezoning and not by a grant of variance, a special privilege to a single owner. The board can grant relief only when the hardship or difficulty is special to and affects specific property so that the applicant suffers a singular disadvantage concerning said property. See Aniteau, Municipal Corporation Law, Vol. 1, Sec. 7.09; 8 McQuillin, Municipal Corporations (3d Ed.), Sec. 25.167."

"If there be a hardship, which \* \* \* is common to the whole neighborhood, the remedy is to seek a change in the zoning ordinance itself, Arverne Bay Construction Co. v. Thatcher, 270 N.Y. 222, 223, 15 N.E. 2d 537, 592 117 A.L.R. 1116."

---Rathkopf, The Law of Zoning and Planning, Vol. 1, Pp. 737, 738.

N<sup>o</sup> 6386321

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO <i>Wesley Motor Hotel, Inc</i>		POSTMARK OR DATE
STREET AND NO. <i>319 Beacon Bldg</i>		
CITY AND STATE <i>Wichita Kansas</i>		
If you want a return receipt, check which		
<input type="checkbox"/> It shows to whom and when delivered	<input type="checkbox"/> It shows to whom, when, and address where delivered	<input type="checkbox"/> If you want restricted delivery, check here
		<input type="checkbox"/> 20¢ fee

POD Form 3800 Replaces previous editions of July 1955 this form which MAY be used.

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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)

*Wesley Motor Hotel, Inc*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

*Sam Leonard*

DATE DELIVERED

DEC 12 1960

ADDRESS WHERE DELIVERED (only if requested)

CS-

No 6386321

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SENT TO <i>Uschky Motor Hotel, Inc</i>		POSTMARK OR DATE
STREET AND NO. <i>314 Beacon Bldg</i>		
CITY AND STATE <i>Wichita Kansas</i>		
<input type="checkbox"/> If you want a return receipt, check which of whom and when delivered		<input type="checkbox"/> If you want restricted delivery, check here <input type="checkbox"/> 20¢ fee
<input type="checkbox"/> It shows to whom, when, and address where delivered		

POD Form 3800 July 1955. Replaces previous editions of this form which MAY be used.

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

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

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REGISTERED NO.	NAME OF SENDER <i>Boards Zoning Appeals</i>
CERTIFIED NO. <i>6388637</i>	STREET AND NO. OR P.O. BOX <i>402 City Bldg Annex</i>
INSURED NO.	CITY, ZONE AND STATE <i>Wichita, Kansas</i>

CBS-16-71548-4

DECEMBER 9, 1960

CERTIFIED MAIL

WESLEY MOTOR HOTEL, INC.  
319 BEACON BUILDING  
WICHITA, KANSAS

GENTLEMEN:

RE: BZA 16-60

YOUR APPLICATION FOR A VARIANCE AS DESCRIBED IN THE ABOVE NUMBERED CASE, AND WHICH WAS DEFERRED AT THE MEETING OF THE BOARD OF ZONING APPEALS ON NOVEMBER 23, 1960, HAS BEEN RESCHEDULED FOR HEARING ON TUESDAY, DECEMBER 27, 1960.

THE MEETING WILL BE HELD IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, AND WILL BEGIN AT 1:30 P.M.

VERY TRULY YOURS,

ALVIN J. KARETSKI  
SECRETARY

AJK:BER

CITY OF WICHITA  
BOARD OF ZONING APPEALS

ROOM 402 CITY BUILDING ANNEX  
104 SOUTH MAIN  
WICHITA, KANSAS

NOTICE TO ADJOINING PROPERTY OWNERS

DECEMBER 9 1960

AN APPLICATION FOR A VARIANCE HAS BEEN FILED BY \_\_\_\_\_  
WESLEY MOTOR HOTEL, INC., 319 SEACON BUILDING, WICHITA, KANSAS.  
AS PROVIDED BY SECTION 2.12.590 OF THE CODE OF THE CITY OF WICHITA.  
THE APPLICANT DESIRES TO OMIT THE SETBACK REQUIREMENTS AT  
THE SIDE AND REAR YARD  
ON PROPERTY LOCATED

AT THE NORTHWEST CORNER OF RUTAN AND CENTRAL,  
AND LEGALLY DESCRIBED AS

THE SOUTH 90 FEET OF LOTS 8, 9, 10, 11, NORTH 50  
FEET OF LOTS 8, 9, 10, 11; AND THE VACATED ALLEY  
ADJACENT THERETO. SOUTH 45 FEET OF WEST 10 FEET OF  
LOT 44, SOUTH 45 FEET OF LOTS 45, 46, 47; AND THE  
VACATED ALLEY ADJACENT THERETO, IN BLAZER'S ADDI-  
TION, TO THE CITY OF WICHITA, KANSAS.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 16-60. A  
RE-HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY,  
DECEMBER 27 1960, 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.

Alvin J. Karetzki  
ALVIN J. KARETSKI, SECRETARY  
BOARD OF ZONING APPEALS

BZA 16-60  
NOTICES MAILED DECEMBER 9, 1960

WESLEY MOTOR HOTEL, INC.  
319 BEACON BUILDING

L. G. AND MARIE MASON  
3310 E. CENTRAL

M. ELINOR WINTERS  
17 PEACH TREE LANE

BELLE RICKARD MAJOR  
430 NORTH VASSAR

HOWARD H. BOYE  
3415 EAST SKINNER

J. H. AND MARY BELLE BUCKERIDGE  
518 NORTH RUTAN

ANNA TURNER STONE  
514 NORTH RUTAN

ANNA LEE V. DRAKE  
4422 EAST THIRD

WESLEY HOSPITAL <sup>7</sup> NURSE TRAINING SCHOOL  
550 NORTH HILLSIDE

CORA C. WALLACE  
450 NORTH RUTAN

COLLEGE HILL DEVELOPMENT CORP., INC.  
SCHWEITER BUSILDING

EVELYN I. BARRETT  
3302 EAST CENTRAL *notice returned 12-13-60 - no such street number*

FOURTH NATIONAL BANK  
WICHITA, KANSAS

H. A. LOSHBROUGH  
139 NORTH LORRAINE

HENRY BURNS AMSDEN  
321 NORTH ROOSEVELT

WILLIAM T. AND LUCILLE B. CROSS  
454 HOWE

A. E. HIEBERT  
H. W. BROOKS  
3306 EAST CENTRAL

CITY OF WICHITA  
BOARD OF ZONING APPEALS

Room 402 CITY BUILDING ANNEX  
104 SOUTH MAIN  
WICHITA, KANSAS

NOTICE TO ADJOINING PROPERTY OWNERS

DECEMBER 9 1960

AN APPLICATION FOR A VARIANCE HAS BEEN FILED BY \_\_\_\_\_  
WESLEY MOTOR HOTEL, INC., 319 BEACON BUILDING, WICHITA, KANSAS.  
AS PROVIDED BY SECTION 2.12.590 OF THE CODE OF THE CITY OF WICHITA.  
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LOT 44, SOUTH 45 FEET OF LOTS 45, 46, 47; AND THE  
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THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 16-60. A  
RE-HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY,  
DECEMBER 27 1960, 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.

Alvin J. Karetski  
ALVIN J. KARETSKI, SECRETARY  
BOARD OF ZONING APPEALS

NOVEMBER 28, 1960

WESLEY MOTOR HOTEL, INC.  
319 BEACON BUILDING  
WICHITA, KANSAS

GENTLEMEN:

Re: BZA 16-60

THIS IS TO ADVISE YOU THAT AT ITS ADJOURNED MEETING OF NOVEMBER 23, 1960, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA CONSIDERED YOUR REQUEST FOR DEFERRAL OF THE ABOVE CASE UNTIL ITS NEXT MEETING.

AFTER CONSIDERATION, IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT CASE BZA 16-60 BE DEFERRED UNTIL THE NEXT MEETING OF THE BOARD OF ZONING APPEALS.

THE ABOVE NUMBERED CASE WILL, THEREFORE, BE RESCHEDULED AND NEW NOTICES WILL BE SENT TO ALL INTERESTED PARTIES, FOR A HEARING BEFORE THE BOARD ON DECEMBER 27, 1960, AT 1:30 P.M.

VERY TRULY YOURS,

A. J. KARETSKI  
SECRETARY

AJK:BER

CITY OF WICHITA  
BOARD OF ZONING APPEALS

ROOM 402 CITY BUILDING ANNEX  
104 SOUTH MAIN  
WICHITA, KANSAS

NOTICE TO ADJOINING PROPERTY OWNERS

NOVEMBER 4, 1960

AN APPLICATION FOR A VARIANCE HAS BEEN FILED BY \_\_\_\_\_  
WESLEY MOTOR HOTEL, Inc., 319 BEACON BUILDING, WICHITA, KANSAS.  
AS PROVIDED BY SECTION 2.12.590 OF THE CODE OF THE CITY OF WICHITA.  
THE APPLICANT DESIRES TO OMIT THE SETBACK REQUIREMENTS AT  
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ON PROPERTY LOCATED

AT THE NORTHWEST CORNER OF RUYAN AND CENTRAL,  
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LOT 44, SOUTH 45 FEET OF LOTS 45, 46, 47; AND THE  
VACATED ALLEY ADJACENT THERETO, IN BLAZER'S ADDI-  
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THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 16-60.  
A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY,  
NOVEMBER 22, 1960, 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.

Alvin J. Kabetski  
ALVIN J. KABETSKI, SECRETARY  
BOARD OF ZONING APPEALS

WESLEY MOTOR HOTEL, INC.  
319 BEACON BUILDING

L. G. & MARIA MASON  
3310 EAST CENTRAL

M. ELINOR WINTERS  
17 PEACH TREE LANE

BELLE RICKARD MAJOR  
430 NORTH VASSAR

JEAN C. BOYS    *Ret 11-8-60-unclaimed*  
1233 NORTH PERSHING

HOWARD H. BOYE  
3415 EAST SKINNER

J. H. & MARY BELLE BUCKERIDGE  
518 NORTH RUTAN

ANNA TURNER STONE  
514 NORTH RUTAN

ANNA LEE V. DRAKE  
4422 EAST THIRD

WESLEY HOSPITAL & NURSE TRAINING SCHOOL  
550 NORTH HILLSIDE

CORA C. WALLACE  
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EVELYN I. BARRETT  
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H. A. LOSHBOUGH  
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321 NORTH ROOSEVELT

WILLIAM T. & LUCILLE B. CROSS  
454 HOWE

A. E. HIEBERT  
H. W. BROOKS  
3306 EAST CENTRAL

No. 648175

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO <i>Wesley Motor Hotel Inc.</i>	POSTMARK OR DATE
STREET AND NO. <i>319 Beacon Bldg.</i>	
CITY AND STATE <i>Wichita, Kansas</i>	
<input checked="" type="checkbox"/> 10¢ shows to whom and when delivered	<input type="checkbox"/> 35¢ shows to whom, when, and address where delivered
If you want restricted delivery, check here <input type="checkbox"/> 50¢ fee	
FEES ADDITIONAL TO 20¢ FEE	
POD Form 3800 Jul 1957 SEE OTHER SIDE	

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to address  
 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)

*Wesley Motor Hotel*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

*James Leonard*

DATE DELIVERED

*NOV 4 1960*

ADDRESS WHERE DELIVERED (only if requested in item 1)

*319 Beacon Bldg.*

CB-16-71586 GPO

RECEIVED  
NOV 7  
METRO PLANK  
VIL 1960

No. 648175

RECEIPT FOR CERTIFIED MAIL—20¢

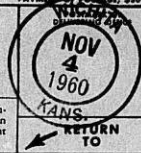
SENT TO		POSTMARK OR DATE
Wesley Motor Tools, Inc.		
STREET AND NO.	319 Beacon Bldg.	
CITY AND STATE		
Wichita, Kansas		
If you want a return receipt, check which		
<input checked="" type="checkbox"/> 10¢ shows to whom and when delivered	<input type="checkbox"/> 35¢ shows to whom, when, and address where delivered	<input type="checkbox"/> 50¢ fee
FEES ADDITIONAL TO 20¢ FEE		

POD Form 3800  
Jul 1957

SEE OTHER SIDE

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.

POD Form 3811 Jan. 1958

REGISTERED NO.	NAME OF SENDER
CERTIFIED NO.	STREET AND NO. OR P.O. BOX
INSURED NO.	CITY, ZONE AND STATE
648175	Board of Zoning Appeals 104 So. Main Wichita, Kansas

CSS-16-71948-4

NOVEMBER 3, 1960

CERTIFIED MAIL

WESLEY MOTOR HOTEL, INC.  
319 BEACON BUILDING  
WICHITA, KANSAS

GENTLEMEN:

YOUR APPLICATION FOR A VARIANCE UNDER PROVISIONS OF PARAGRAPH 2, SECTION 2.12.590, CODE OF THE CITY OF WICHITA, AND RELATING TO PREMISES LOCATED AT THE NORTHWEST CORNER OF RUTAN AND CENTRAL, HAS BEEN GIVEN BOARD OF ZONING APPEALS CASE No. BZA 16-60.

ALL INQUIRIES AND REFERENCES SHOULD ALWAYS BE MADE TO THAT CASE NUMBER WHEN YOU SEEK INFORMATION FROM THE SECRETARY.

FURTHER, YOU ARE NOTIFIED THAT YOU MAY APPEAR BEFORE THE BOARD OF ZONING APPEALS EITHER IN PERSON, OR BY AGENT OR ATTORNEY, FOR A HEARING OF YOUR CASE ON NOVEMBER 22, 1960, AT 1:30 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS.

VERY TRULY YOURS,

ALVIN J. KARETSKI  
SECRETARY

AJK:BER

November 1, 1960

The Board Of Zoning Appeals  
City Of Wichita, Kansas

Re: Variance Request  
Proposed Wesley Motor Hotel  
Rutan and Central Streets  
Wichita, Kansas

Gentlemen:

As indicated on the accompanying Application For Variance, the variance requested is the omission of the set backs on the west, east, and north property lines as required by the Zoning Ordinance for "Dwellings" constructed in the "L C" or Light Commercial District, Section 28-04,090 Part C-2 and C-3 Area Regulation Code, City of Wichita.

This variance would seem justified to the undersigned for the following reasons:

- A. Drainage Ditch runs parallel to the west property line.  
Wesley Hospital expansion to parallel north property line.  
Side yard set back to be used for stairs and roof overhang only.
- B. Development of drainage canal would not be effected by building to the property line.  
Proposed Wesley development along north property line would be protected by solid masonry exposure to the south.
- C. Setbacks as required by strict enforcement of the Code will cause unnecessary hardship upon the property owners in that
  - (1) Three revenue producing units will be lost
  - (2) 5 feet valuable parking space is lost.
  - (3) Require payment of taxes on a strip of property that cannot be used to advantage.
  - (4) Leave a 5 Foot strip of property between the north and west wall and the property lines which would be difficult and expensive to maintain.
- D. Both north and west wall of the proposed motor hotel will be solid masonry without openings, regardless of outcome of this request. It would seem that to leave a five foot strip of property on the north could be a public liability and a liability to Wesley Improvement.

The rear ten foot set back would be unnecessary in this case because it would not be required for service to the Building.

Note: The general concept of motel planning has evolved from

Re: Variance Request  
Proposed Wesley Motor Hotel  
Rutan and Central Streets  
Wichita, Kansas

(cont.)

a house like structure surrounded by parking or utilizing street parking to a plan which utilizes a court type plan with controlled parking. The existing code provisions generally work a hardship on Motor Hotels classifying them as "Dwellings".

Yours truly

*Harry Rose - 1110 Chalette*  
Corporate  
Wesley Motor Hotel Inc.

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

Case No. \_\_\_\_\_  
Filed \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant Wesley Motor Hotel, Inc.  
Mailing Address 319 Beacon Building Phone AM 5-6561  
Name of Authorized Agent \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_  
Relationship of Applicant to Property is that of \_\_\_\_\_  
(Owner, tenant, lessee, other.)

II. The variance requested is the omission of the setback require-  
ments at the side and rear yards.

\_\_\_\_\_ for property located at Central and Rufon  
and legally described as Lot(s) see below Block(s) \_\_\_\_\_  
\_\_\_\_\_ Addition to the City of Wichita; and which is  
presently zoned L.C.

(Give metes and bounds description below if appropriate):

S 90' Lot 8,9,10,11, N 50' Lot 8,9,10,11, and the vac alley  
adj thereto. S 45' of W 10' Lot 44, S 45' Lot 45,46,47, in  
Blazer's Addition.

III. The applicant herein, or his authorized agent, hereby 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 21-27 of the Code of the City of Wichita (Ordinance 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right of appeal of the decision of the Board of City Commissioners within ten (10) days of that decision;
- d. That a statement is attached hereto justifying this request as noted in paragraph 2.C of the instructions and in Section 21-27-D.2 of the Code of the City of Wichita.

Wesley Motor Hotel, Inc.

by:

Harry Rosen  
Applicant 1110 Chulotta

\_\_\_\_\_  
Authorized Agent

OFFICE USE ONLY

Received in office of Secretary, Board of Zoning Appeals, \_\_\_\_\_  
(a.m., p.m.) \_\_\_\_\_, 19\_\_\_\_, together with appropriate fee  
of \$30.00.

BZA-3A



\_\_\_\_\_  
Signed

Lot	Street	Addition	Owner
16	Central	Blazer's	L. G. & Maria Mason, ux 3310 E. Central Wichita, Ks.
17	"	"	" " " " " "
18	"	"	M. Elinor Winters 17 Peach Tree Lane Wichita, Kan.
<del>19</del>	"	"	" " " " " "
36	Edgemont Place	"	Belle Rickard Major 430 N. Vassar Wichita, Kan.
37	"	"	" " " " " "
38(N 50')	"	"	Jean C. Boys 1233 N. Pershing Edward, H. Boys
39	"	"	" " " " 3415 E. Skinner Wichita, Ks.
40	"	"	" " " " " "
41	"	"	" " " " " "
42	"	"	" " " " " "
38(s 50' N 100')	"	"	J. H. & Mary Belle Buckeridge, ux 518 N. Rutan, Wichita, Ks.
39	"	"	" " " " " "
40	"	"	" " " " " "
41	"	"	" " " " " "
42	"	"	" " " " " "
38(s 40')	"	"	Anna Turner Stone 314 N. Rutan, Wichita,
39	"	"	" " " " " "
40	"	"	" " " " " "
41	"	"	" " " " " "
42	"	"	" " " " " "
44(N 50')	"	"	Anna Lee V. Drake 4422 E. Third, Wichita, Ks.
45	"	"	" " " " " "
46	"	"	" " " " " "
47	"	"	" " " " " "
48	"	"	" " " " " "
44(N 45' S 90')	"	"	" " " " " "
45	"	"	" " " " " "
46	"	"	" " " " " "
47	"	"	" " " " " "
48	"	"	Wesley Hospital & Nurse Training School, A
49	"	"	" " " " " " 550 N. Hillside Wichita, Ks.

Lot	Street	Addition	Owner
50	Edgemont Place	Blazer's	Wesley Hospital & Nurse Training School, A Corp.
51	" "	" "	" "
52	" "	" "	" "
53	" "	" "	" "
54	" "	" "	" "
1	Central	Rutan Place	Cora C. Wallace, wdo. 450 N. Rutan
5	"	Howard's	College Hill Development Corp., Inc. Schweiter Bldg., Wichita, Ks.
6 (E 56.75')	Central	"	" " " " " "
6 (W 45' of E 101.75')	"	"	" " " " (99 yr Lease)
6 (W 50')	"	"	" " " " (99 yr Lease)

Dated at Wichita, Kansas this  
20th day of May, 1960 at 7:00  
o'clock A. M.

FIDELITY TITLE CO., INC.

By \_\_\_\_\_ Sec. \_\_\_\_\_ OEM




STATEMENT OF OWNERSHIP

STATE OF KANSAS }  
Sedgwick County, }

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

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

Property located within a radius of 200 ft of: Lots 8, 9, 10, 11 & Vacated alley ad: on the North & the South 45 ft of the West 10 ft Lot 44 & South 45 ft of Lots 45, 46 47, Blazer's Addition to Wichita, Kansas.

  
Fidelity  
Title  
Company,  
inc.

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

Lot	Street	Addition	Owner
1	Central	Blazer's	Evelyn I. Barrett
2(W 7.16')	"	"	" " "
2(E 17.84')	"	"	Fourth Natl. Bank, Wichita, Kan.
3	"	"	" " " "
4	"	"	" " " "
5	"	"	( H. A. Loanbough & int. Henry Burns Amsder & int. William T. & Lucille M. Gross
6	"	"	" " " "
7	"	"	" " " "
13(E 5.34')	"	"	(A. E. Hiebert & int. H. W. Brooks & int.
14	"	"	" " "
15	"	"	" " "



**PAYMENT NOTICE**  
City of Wichita

**PAY AT TREASURER'S OFFICE — FIRST FLOOR**

Bld'g & Elev. \_\_\_\_\_ Elec. \_\_\_\_\_ Elev. Insp. \_\_\_\_\_  
 Exam Fees \_\_\_\_\_ Hse. Mvr. \_\_\_\_\_ Hse. Moving \_\_\_\_\_  
 Licse. \_\_\_\_\_ Mech. \_\_\_\_\_ Oil Well \_\_\_\_\_ Pav. Cuts \_\_\_\_\_  
 Plan. X Pib'g. \_\_\_\_\_ Pib'g. Cert. \_\_\_\_\_  
 Sanitation \_\_\_\_\_ Sewer \_\_\_\_\_ Signs \_\_\_\_\_ Sidewalk \_\_\_\_\_  
 Street \_\_\_\_\_ Trailers \_\_\_\_\_

DESCRIPTION	AMOUNT
<i>Leakage in pipes</i>	
<i>Appliances</i>	<i>30.00</i>

Name *Wichita Water Dept.*

Address *319 Kansas Ave.*

Type \_\_\_\_\_ Due Date *11-2-60*

Comments: \_\_\_\_\_

\_\_\_\_\_

Date *11-2-60* By *L. P. [Signature]*