

BZA 41-67 - Marcellus O. Thomas re-
quests an Exception to permit a mobile
home in "F" on the east side of St.
Francis between 36th & 37th St. North

Poster
10/19/67

ACTION

DATE *11-28-67*
By COMMITTEE *Approved*

M.A.P.C. _____

B.C.C./B. CO. C. _____

E.I. ✓
M.P.P. ✓
12-15-69

5851

Map No. 5551
 Sec. 33
 Twp. 36
 Range 1E

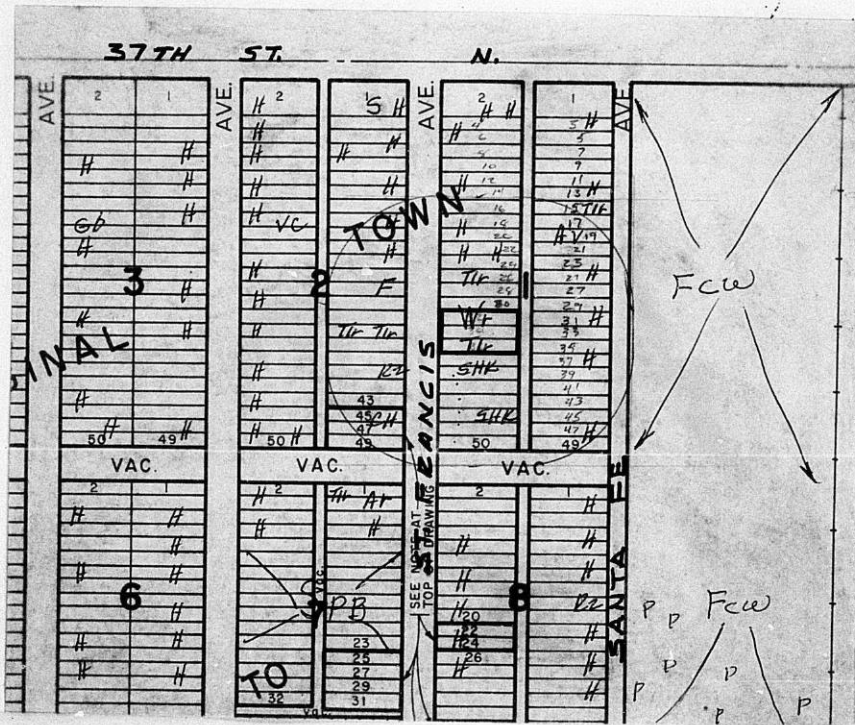
B2A 41-67
 SC2-
 CU-
 Filed

AREA DATA:

1. Acres: 0.24 (75 ft. by 140 ft.)
2. Adjoining Zoning: E E S E W E N E
3. Land Use: East VAC South VAC
 West TRAILER HOUSE North TRAILER HOUSE
4. Sketch Plan Land Use is for: INDUSTRIAL
5. Present Land Use is for: TRAILER HOUSE
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



December 12, 1967

Mr. Marcellus O. Thomas
3722 N. St. Francis
Wichita, Kansas 67219

Dear Mr. Thomas;

Re: Case No. BZA 41-67 - Request
for Exception.

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 23, 1967, in connection with your request for an exception to permit the installation of a mobile home on property zoned "F" Heavy Industrial, and generally located on the East side of St. Francis between 36th and 37th North,

This Resolution reflects the official action of the Board and indicates the reasons for approval. It is forwarded to you for your information and files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:skb

cc: John H. Gerety, Bitting Building, 107 N. Market 67202
Glen Lytle, Superintendent, Central Inspection
Ralph Eberly, City Clerk
Eddy Azim, Central Inspection

RESOLUTION NO. BZA 41-67

WHEREAS, Marcellus O. Thomas, 3722 North St. Francis, Wichita, Kansas 67219, requests an exception as provided in Section 2.12.590.3, Code of the City of Wichita, to permit the installation of a mobile home on property zoned "F" Heavy Industrial and legally described as follows:

Lots 32, 34, and 36, Block 1, North Wichita Addition Sedgwick County, Kansas. Generally located on the East side of St. Francis between 36th and 37th North.

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 consider said application on November 28, 1967; and

WHEREAS, the Board of Zoning Appeals determined that it has jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the property is zoned "F" Heavy Industrial; and

WHEREAS, the Board of Zoning Appeals, after public hearing of this application, determined that a hardship does exist inasmuch as the applicant has an invalid wife and further, the applicant had to locate his business in the form of a welding shop on his property so he could be close by to attend to his invalid wife; and

WHEREAS, the Board of Zoning Appeals has authority to permit a mobile home to be located in "F" Heavy Industrial districts subject to 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 for installation of a mobile home on property zoned "F" Heavy Industrial and described as follows:

Lots 32, 34, and 36, Block 1, North Wichita Addition, Sedgwick County, Kansas. Generally located on the East side of St. Francis between 36th and 37th North.

subject to the following:

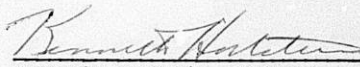
1. The mobile home may remain on the property as long as Mr. Thomas's wife, who is a semi-invalid, occupies the mobile home. When Mrs. Thomas no longer occupies the mobile home it shall be removed from the lot.
2. The applicant shall report annually (January 1) to the Central Inspection Division of the Department of Public

Page 2
Resolution No. BZA 41-67

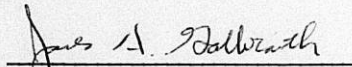
Works as to whether Mrs. Thomas still occupies the mobile home.

3. The location of the mobile home on the property shall conform to all requirements of Title 28 - Mobile Home Code.

ADOPTED AT WICHITA, KANSAS, this 28th day of November, 1967.


Kenneth Hartstein, Chairman

ATTEST:


Jack H. Galbraith, Secretary

November 30, 1967

Mr. Marcellus O. Thomas
3722 N. St. Francis
Wichita, Kansas 67219

Dear Mr. Thomas;

Re: BZA 41-67 - Request
for Exception.

At the regular meeting of the Board of Zoning Appeals on November 23, 1967, your request for an exception to permit the installation of a mobile home on property zoned "F" Heavy Industrial, and generally located on the East side of St. Francis between 36th and 37th North, was considered.

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

1. The mobile home may remain on the property as long as Mr. Thomas's wife, who is a semi-invalid, occupies the mobile home. When Mrs. Thomas no longer occupies the mobile home it shall be removed from the lot.
2. The applicant shall report annually (January 1) to the Central Inspection Division of the Department of Public Works as to whether Mrs. Thomas still occupies the mobile home.
3. The location of the mobile home on the property shall conform to all requirements of Title (28) Mobile Home Code. 26

Page 2
Mr. Marcellus O. Thomas
November 30, 1967

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

If you have any questions, please call.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:skb

cc: John H. Gexety
Bitting Building
107 N. Market 67202

Glen Lytle, Superintendent
Central Inspection

Ralph Eberly
City Clerk

Eddy Azim
Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 41-67

APPLICANT: Marcellus O. Thomas, 3722 N. St. Francis, Wichita, Kansas

REQUEST: Exception pursuant to Section 28.04.183, Code of the City of Wichita to permit a mobile home to be located on property zoned "F" Heavy Industrial

GENERAL LOCATION: East side of St. Francis between 36th and 37th Streets North

LAND USE: Subject property is occupied by a mobile home and welding shop. To the north is single-family; to the west are two mobile homes; to the south is single-family.

JURISDICTION:

The Board has jurisdiction to consider the exception request under the provisions outlined in Section 28.04.183, Code of the City of Wichita. The Board may grant the exception request for a temporary period of time if the applicant can show due cause that a hardship exists which cannot be alleviated without the granting of the permit.

COMMENTS:

It is the opinion of the Secretary that the applicant is burdened with an unnecessary hardship because of the reasons stated by the applicant in his letter of justification, copy of which is attached. Therefore, it is recommended that the exception be granted subject to the following conditions:

1. The mobile home may remain on the property as long as Mr. Thomas's wife, who is a semi-invalid, occupies the mobile home. When Mrs. Thomas no longer occupies the mobile home it shall be removed from the lot.
2. The applicant shall report annually (January 1) to the Central Inspection Division of the Department of Public Works as to whether Mrs. Thomas still occupies the mobile home.
3. The location of the mobile home on the property shall conform to all requirements of Title 28 - Mobile Home Code.

*Miss Dow York
Lamp*

*OM 78371
Abstract Co 1/6
M. Thomas
TE 8-6/95 No
anyone
OM 4-887
perched back*

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

November 8, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 41-67

An application has been filed by Marcellus Thomas, 3722 N. St. Francis, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception to permit the installation or construction of a Mobile Home on property zoned "F" Heavy Industrial and legally described as follows:

Lots 32, 34, and 36, Block 1, North Wichita Addition, Sedgwick County, Kansas. Generally located on the E side of St. Francis between 36th and 37th Streets North.

This application has been assigned Case No. BZA 41-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 28, 1967, 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.

Jack H. Galbraith
Secretary

(D)

Statement
Justifying "Exception" applied for
Under Provisions of
Zoning Ordinance 28.04.1823
City of Wichita

For over twenty years, we occupied as our home, a steel building located on Lot 32 of described property in fore-going letter.

Several years ago my wife was stricken with a malady, which was localized in her back, and in July 1960, it was necessary to have surgery performed: Fusion of the Spine - by Dr. C. Adli.

At that time, due to my financial circumstances, and also the emergency, I had no alternative except to appeal to the Welfare Board, for assistance, and the surgery was performed in the County Hospital. I am inclosing a statement from the Sedgwick County Social Welfare Board, in substantiation.

The results were: semi-invaldism, and she is required to have someone near at all times, as she can not motivate without assistance. As I was financially unable to hire someone to stay with her, I started a small welding business in the shop building located at the rear of Lot 32. In this way, having the shop near our home, I was able to run in often and look after her, and she could call to me when she needed assistance.

The building which we occupied as our home became so deteriorated, it was untenable, and also inadequate. We decided to purchase a new Mobile Home, which my daughter, who is a nurse at Wesley Hospital, is paying for, to replace our old home. We have sold the old building, and it is being moved off our property.

Being informed that the code requires a mobile home be placed in an area of 4500 sq. ft., I purchased the adjoining lot #36, which gave me the required amount of ground to comply. (copies of my recorded deeds are attached hereto).

It would cause a hardship which could not be alleviated, if permit would not be granted, due to my limited income and the need to be near our home where I can look after my wife. Our daughter comes out often at night, and spends the week-end to assist with the housework and care for her mother. I do welding and work on farm machinery which local farmers bring to me, and I depend on this for much of my income. I would not be able to perform this service, in a different location, due to my financial inability to establish a business elsewhere, which also would prevent my having my home near.

I can only term this as definitely a "hardship" case, and the granting of permit for my home to be located as outlined, is imperative to my providing an income, and caring for my semi-invalid wife, at the same time.

Your consideration in granting permit for me to maintain the above family existence will be very, very deeply appreciated.

Yours sincerely,

Marcellus O. Thomas

Marcellus O. Thomas
3722 N. St. Francis,
Wichita, Kansas. 67219

(A)

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

Case NO. 41-67
FILED 10-16-67

APPLICATION FOR EXCEPTION

I. Name of Applicant Marcellus Thomas
 Mailing Address 3722 N. St. Francis - Wichita, Kans. Phone TE 8-6195
 Name of Authorized Agent NA
 Mailing Address NA Phone NA
 Relationship of applicant to property is that of Owner
 (owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
 26-804- Code 28.04.130, Code of the City of Wichita, Kansas
 (Zoning Ordinance); to permit the installation or construction
 of MOBILE HOME

on property zoned
 "F" Heavy Industrial, located on the E. side of St. Francis bet. 3722 N. St. Francis & 37th No.
 Zone Wichita, Kansas. and legally described as:

Lots 32 and 34- Block 1- North Wichita Addition- Sedgwick County-Kans.
and Lot 36
in the City of Wichita.

(Give metes and bounds description below if appropriate).

NA

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant Marcellus O Thomas
 (Marcellus Thomas)
 Authorized Agent _____

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 9:55 (a.m.) - p.m.), October 16, 1967, together with appropriate fee of \$50.00.

Signed John H. Plattner II
 Exp

Wichita, Kansas
October 16, 1967

Board of Zoning Appeals,
Wichita, Kansas.

I am submitting the following documents pursuant to my

APPLICATION FOR EXCEPTION

- (a) Application for Exception - properly executed
- (b) Copies of Recorded Deeds, showing ownership to:
Lots 32 - 34 - 36 - Block 1 - Original Town of
North Wichita - Sedgwick County - Kansas
- (c) Certified listing from Security Abstract Company,
showing names and current mailing addresses of
owners of all property within a distance of 200 feet
of the property included in the Application
- (d) Statement in writing justifying the Exception applied for
- ** (e) Hand-sketched plat showing location of Mobile Home -
(for which permit is being requested) - and other building
on property (above described) - which is used as my Shop.
- (f) Check payable to City of Wichita, covering fee, in the
amount of \$50.00, as prescribed by Sec. 2.12.580.2.
Code of the City of Wichita.

Respectfully submitted,

Marcellus O. Thomas

Marcellus O. Thomas
3722 N. St. Francis
Wichita, Kansas - 67219

**
The Steel building 30 x 8 shown on the plat and located
33 feet from my shop building, was formerly our home.
This has been sold and is being moved off the property.
The other building 20 x 27, shown on the back of the lot #32,
is my work shop.

THIS INDENTURE Made this 21st day of June in the year of our Lord one thousand nine hundred and fifty-one between The Wichita Home Improvement Company (a corporation duly organized under the laws of the State of Kansas acting by its President, being thereunto duly authorized)

in the County of Sedgwick and State of Kansas, party of the first part, and Marcellus O. Thomas and Beta P. Thomas, husband and wife, as joint tenants with right of survivorship and not as tenants in common,

parties of the second part WITNESSETH, That the said party of the first part, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration DOLLARS to it duly paid, the receipt of which is hereby acknowledged, has sold, and by these presents does grant and convey to the said parties of the second part, their heirs and assigns, all that tract or parcel of land situated in the County of Sedgwick and State of Kansas described as follows, to-wit: Lots 22 and 24, in Block 1, Original Town of North Wichita, Sedgwick County, Kansas.



with the appurtenances, and all the estate, title and interest of the said party of the first part therein. And the said The Wichita Home Improvement Company, a corp., hereby covenants and agrees that at the delivery hereof it is the lawful owner of the premises above granted, and seized of a good and indefeasible estate of inheritance therein, free and clear of all incumbrances except subject to easements and restrictions of record;

and that it will warrant and defend the same in the quiet and peaceable possession of the said party of the second part, their heirs and assigns, forever, against all persons lawfully claiming the same

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and company seal (by its President) the day and year last above written.

THE WICHITA HOME IMPROVEMENT COMPANY, a Corporation

Attest: [Signature] Secretary.

By [Signature] President.

WITNESSETH, That on this 1st day of June, A. D. 1951,

before me, a Notary Public, in and for said County and State came Dr. G. W. Kirby, President of The Wichita Home Improvement Company, a Corporation,

to me personally known to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

[Signature] Notary Public.

My commission expires Sept. 26, 1957.

122 No 5th Francis

This Indenture, Made this 9th day of October A.D. 19 67 between Kenneth W. Thomas - a single man

of Sedgwick County, in the State of Kansas of the first part, and

Marcellus O. Thomas and Reta P. Thomas Husband and Wife

of Sedgwick County, in the State of Kansas, as joint tenants with the right of survivorship and not as tenants in common, of the second part:

WITNESSETH, That the said part Y of the first part, in consideration of the sum of One Dollar and Other Valuable Considerations the receipt whereof is hereby acknowledged, do es by these presents grant, bargain, sell, and convey unto the said parties of the second part and the survivor of them all the following described REAL ES-TATE, situated in the County of Sedgwick and State of Kansas. to wit:

Lot Thirty-Six (36) - in Block One (1), in Original Town of North Wichita - Sedgwick County, Kansas.

ENTERED ON TRANSFER RECORD OCT 9 - 1967 IRS \$1.10 MARIE WARDEN COUNTY CLERK



TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever, as joint tenants, the survivor to take the whole estate.

And said Grantor- Kenneth W. Thomas - single man - for, himself his heirs, executors and administrators, do es hereby covenant, promise and agree, to and with said parties of the second part that at the delivery of these presents he is lawfully seized in his own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgements, taxes, assessments or encumbrances, of every nature or kind whatsoever: Except easements and restrictions of record, and special assessments, if any

Original Compared With Record

and that he will WARRANT AND FOREVER DEFEND the same unto the said parties of the second part and the survivor of them against said part Y of the first part, his heirs, and all and every person or persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said part Y of the first part ha s hereunto set his hand, the day and year first above written.

Kenneth W. Thomas (Kenneth W. Thomas)

STATE OF KANSAS, Sedgwick COUNTY, ss.

BE IT REMEMBERED, That on this 9th day of October A. D. 19 67 before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Kenneth W. Thomas - a Single man

who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Term expires July 3, 19 71 Frances Sue York (Frances Sue York) Notary Public

See Also York 300/10

300pm

41
~~KIRKPATRICK, Roy C. and Pearl~~
~~city 3505 Countryside Plaza~~
~~sub 6824 W. Ocico~~

41
~~CANEY, John E. and Helen L.~~

~~city~~
~~sub No~~

~~tele John A.~~
~~3723N Santa Fe~~
~~19~~

41
~~DE MAX, M~~ Day

~~city No~~

~~sub No~~

~~tele No~~

JONES, Ernestine Craig
city 2109 Bluff Ct. 18

sub No

tele No

41

KRAUS, Francis S. and Bertha
city 3734 N. St. Francis 19

41

THAMMANN, Elmer J. and Mary I.

city
No

sub No

tele No

41

WIRTHS, KENNETH R.

41

city No

sub ✓ 633 S. Riverview
Derby 67037

HENRY, E.H. and Martha Jane

41

city 1608 N. Clarence 03

EQUITABLE LIFE INSURANCE Co.

41

city 300 ^{Douglas} W. R. H. Garvey Building
Room 742

02

OWNERSHIP LIST

21 PON
mailed 11-8-67

Lot	Block	Addition	Property Owner
15, 17, 19 & 21	1	North Wichita Add.	Harold Sidebottom and Bernice Sidebottom 3767 N Santa Fe 19
21, 23 & 25	"	"	John E. Canedy and Helen L. Canedy, Address unknown 3723 Santa Fe 19
29, 31 & 33	"	"	John A. Canedy and Charlene L. Canedy, 3723 N. Santa Fe. 19
35, 37 & 39	"	"	Acme Oil Corporation 120 S Market 02
41, 43 & 45	"	"	DeMoy M Day Address unknown
47 & 49	"	"	Roy C. Kirkpatrick and Pearl Kirkpatrick, address unknown 3505 Crickmore 2824 W. Oliver 05
16 & 18	"	"	Robert L Carter and Lilith M. Carter, 325 N. Ash 14
20 & 22	"	"	Earnestine Craig Jones Address unknown 2109 Bluff Ct. 18
24 & 26	"	"	Francis S. Kraus and Bertha Kraus, Address unknown 3734 N. St. Francis 19
28 & 30	"	"	Elmer J. Thalmann and Mary I. Thalmann, Address unknown
32 & 34	"	"	Marcellus O. Thomas and Reta P. Thomas, 3722 N. St. Francis 19
36, 38, 40 & 42	"	"	Kenneth W. Thomas 3712 N. St. Francis 19
44, 46, 48 & 50	"	"	Raymond W. Wirths 2808 04 Woodland, Keith R. Wirths 16 829 W. 35th St. North and Kenneth R. Wirths, address unknown 633 S. Riverview Derby 167837
15 & 17	2	"	Merle Dean Fleury and Peggy Marie Fleury, 3749 N. St Francis 19
19, 21 & 23	"	"	P. E. Fleury and Tressie Fleury, 3753 N. St. Francis 19
25, 27 & 29	"	"	E. H. Henry and Martha Jane Henry, Address unknown 1608 N. Clarence 03
31, 33, 35 & 37	"	"	L. H. Day, 3713 N. St Francis 19

Continued page 2

Lot	Block	Addition	Property Owner
39, 41 & 43	2	North Wichita Add	Elmer J. Thalmann and Mary I. Thalmann Address unknown
45	"	Burton Car Addition	"
47 and 49	"	"	Floyd S. Brannan and Jessie Brannan, 3701 N. St Francis 19
Beginning 434.59' S. and 1125' W of the NE Corner of the NW $\frac{1}{4}$ of Sec. 33-26-1E, thence S. 901.31', thence E. 351.5', thence N 901.31' thence W.351.5' to beginning			Equitable Life Insurance Co. Address unknown 300 W. 9th St. 5th Fl. Buldg. Room 742 02
Beginning 30' S. and 1125' W. of the NE corner of the NW $\frac{1}{4}$ of Sec. 33-26-1E, thence S. 404.59', thence E. 323', thence N. 404.59', thence W. 323' to beginning			Love Box Company, Inc. 700 E. 37th Street North 19

We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 32, 34 and 36, Block 1, North Wichita Addition, Sedgwick County, Kansas, as shown by the deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas on this 6th day of October, 1967 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Lucille Schradin*
Vice-President

Order N . 147715

Form 223-021

PAYMENT NOTICE

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>Water</i>	<i>5.00</i>

Name *W. J. ...*

Address *2122 W. 21st St. Francis*

Type *6-71-C* Due Date *10-16-67*

Comments:

Date *10-16-67* By *[Signature]*